

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77066

This is to certify that: LNB FARMS OF IDAHO LLC
2890 NW 11TH AVE
MERIDIAN ID 83641
208-546-1194

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-15634	WR/Decreed	04/11/1960	6.97 cfs	3037.5 af	N/A	675.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

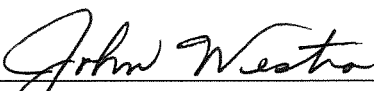
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-15634	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-15634	63-15634	6.97 cfs	3037.5 af	N/A	675.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		6.97 cfs	3037.5 af	N/A	675.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 14th day of April, 20 11



John Westra, Western Regional Manager

WATER RIGHT NO. 63-15634
As Modified by Transfer No. 77066

In accordance with the approval of Transfer No. 77066, Water Right No. 63-15634 is now described as follows.

Right Holder: LNB FARMS OF IDAHO LLC
 2890 NW 11TH AVE
 MERIDIAN ID 83641

Priority Date: April 11, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	6.97 CFS	3,037.5 AF
			6.97 CFS	3,037.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (SWSWNW)	Sec. 7	Twp 01N	Rge 01W	ADA County
GROUND WATER	NENESE	Sec. 12	Twp 01N	Rge 02W	CANYON County
GROUND WATER	NENESE	Sec. 12	Twp 01N	Rge 02W	CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 01W 18					40.0	40.0	40.0	40.0									160.0
01N 02W 12									35.0	30.0	25.0	25.0	40.0	40.0	40.0	40.0	275.0
01N 02W 13	40.0	40.0	35.0	40.0	30.0	25.0	10.0	20.0									240.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

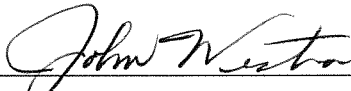
WATER RIGHT NO. 63-15634
As Modified by Transfer No. 77066

CONDITIONS OF APPROVAL

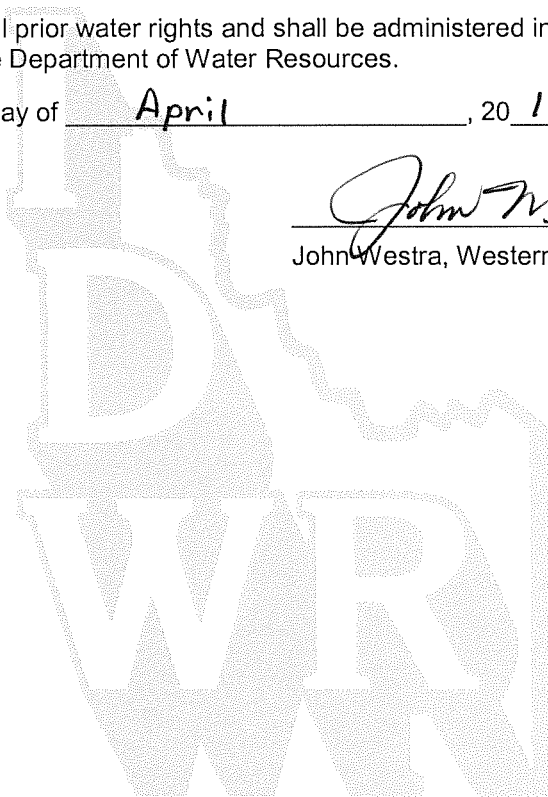
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of April, 20 11



John Westra, Western Regional Manager





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 14, 2011

LNB FARMS OF IDAHO LLC
2890 NW 11TH AVE
MERIDIAN ID 83641

RE: Transfer No.: 77066
 Water Right No(s): 63-15634

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

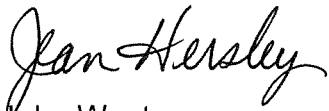
If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

A portion of water right(s) 63-15634 was leased to the Water Supply Bank (bank) on April 26, 2005. To date, part of the right(s) appurtenant to 2.75 cubic feet per second (cfs) and 266 acres (as shown on attached map) remain leased to the bank. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. This portion will remain in the bank for an indefinite period of time unless the right(s) are released earlier by the Idaho Water Resource Board or upon request by the right holder. To reduce the term of the lease, the right holder must submit a written request to the department. The department will verify if the right is rented or available for release, and notify the right holder of the release date.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-334-2190.

Sincerely,


for John Westra

Western Regional Manager

Enclosure(s)

cc: AG PRO CONSULTING
JRN LLC

CERTIFICATE OF SERVICE

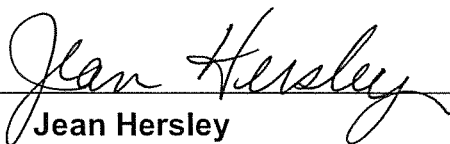
I hereby certify that on April 14, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77066
WATER RIGHTS NOS. 63-15634

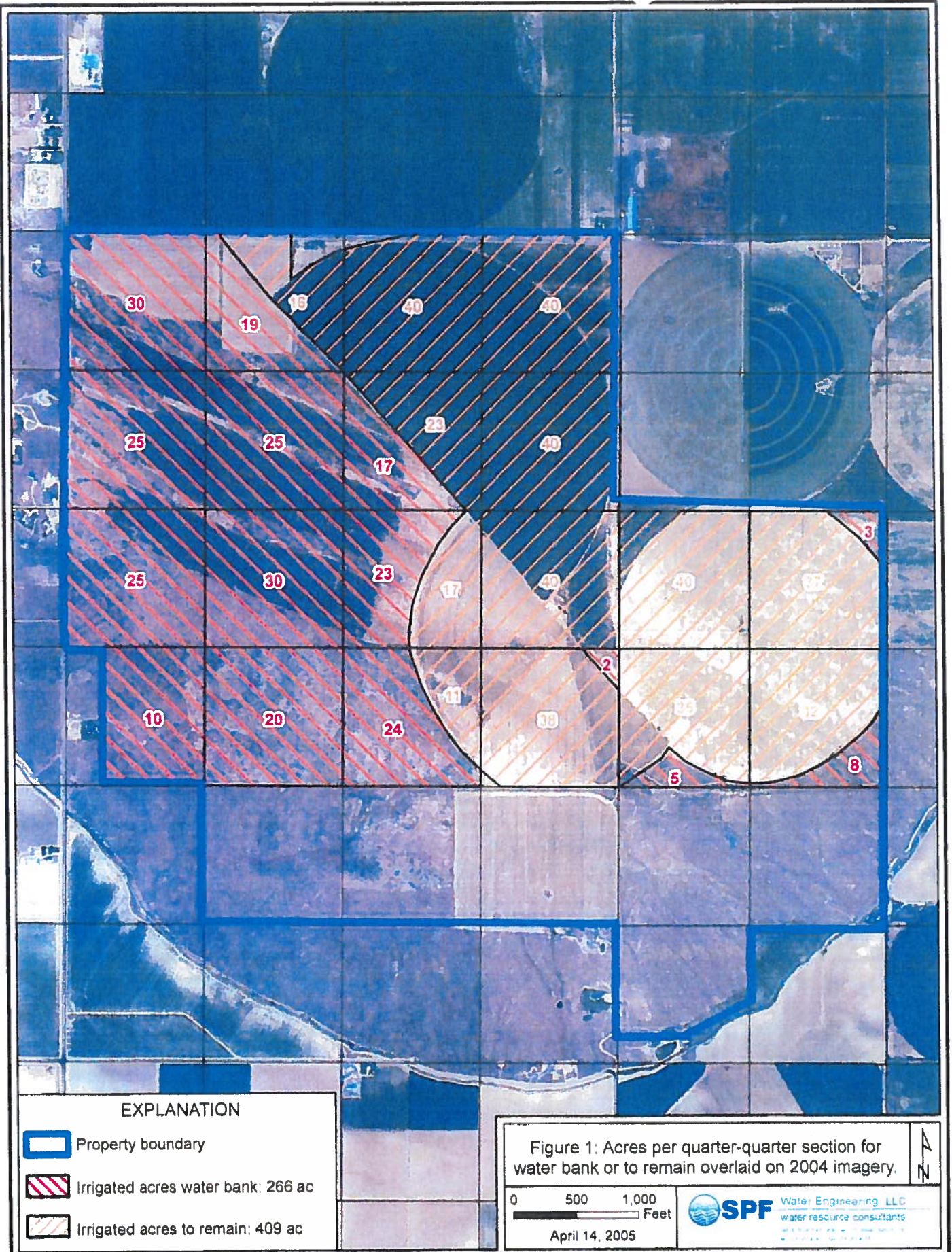
AG PRO CONSULTING
C/O GARREN APPLE
2890 NW 11TH AVE
MERIDIAN ID 83646

LNB FARMS OF IDAHO LLC
2890 NW 11TH AVE
MERIDIAN ID 83641

JRN LLC
4695 S 1900 W STE 3
ROY UT 84067



Jean Hersley
Office Specialist II



EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

MAR 28 2011

29512 411465

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

WATER RESOURCES
WESTERN REGION

County of Canyon)

)SS.

Barbara Spencer
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

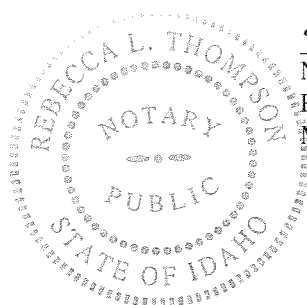
That said notice was published the following:
03/17/2011 03/24/2011

Barbara Spencer
STATE OF IDAHO)

County of Canyon)

On this 24th day of March in the year of
2011 before me a Notary Public, personally appeared.
Barbara Spencer, known or identified
to me to be the person whose name is subscribed
to the within instrument, and being by me first
duly sworn, declared that the statements therein
are true, and acknowledge to me that he/she
executed the same.

Rebecca L. Thompson
Notary Public for Idaho
Residing at Nampa
My Commission expires 04/19/2014



LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33376

KELLY R HARMON
25614 GOODSON RD
PARMA, ID 83660

Point of Diversion L1(NWNW) S19 T06N R05W CANYON County Source GROUND WATER
Tributary

Use: IRRIGATION 03/01 to 11/15 0.06 CFS

Use: DOMESTIC 01/01 to 12/31 0.02 CFS

Total Diversion: 0.08 CFS

Date Filed: 5/5/2010

Place Of Use: IRRIGATION AND DOMESTIC
T06N R05W S19 L1(NWNW)

Total Acres: 2

Water bearing zone to be appropriated is from 50 to 200 feet.

PROPOSED CHANGE OF WATER RIGHT

LNB Farms of Idaho LLC of 2890 NW 11th Ave, Meridian ID 83646 filed Application No. 77066 to transfer a water right with a 1960 priority date from ground water totaling 6.97 cfs to irrigate 675 acres. The purpose of the transfer is to add the use of 2 existing wells drilled in 2007 to offset well production problems with the single well that has been used for this right. All 3 wells are close together, straddling the Ada & Canyon County line in the Power Butte area between Kuna and Melba.

For a full description of the rights and /or the proposed transfers, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Permits will be subject to all prior water rights. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before April 4, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

March 17, 24, 2011

411465

✓ ok DB 4.8.2011

Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000543436	LEGAL NOTICE	Thornton	\$427.00	2	103

Attention: Denise Buffington

IDAHO DEPT WATER RESOURCE

2735 AIRPORT WAY

BOISE

ID

83705

RECEIVED

MAR 25 2011

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

✓ **63-33401**
LAYNE THORNTON
LORI THORNTON
3224 SWAN FALLS RD
KUNA, ID 83634
Point of Diversion: SWSW S34 T02N R01E ADA County Source GROUND
WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.84 CFS
Total Diversion: 0.84 CFS
Date Filed: 7/12/2010
Place of Use: IRRIGATION
T02N R01E S34 SW 1ALL
Total Acres: 106
Water bearing zone to be appropriated is from 100 to 335 feet.

✓ **63-33402**
PAUL ORLANDO
4922 S BITTERCREEK AVE
MERIDIAN, ID 83642
Point of Diversion: NWSW S11 T02N R01E ADA County Source GROUND
WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.14 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.2 CFS
Date Filed: 7/21/2010
Place of Use: IRRIGATION, DOMESTIC & STOCKWATER
T02N R01E S11 NWSW
Total Acres: 7
Water bearing zone to be appropriated is from 240 to 260 feet.

✓ **63-33403**
PAUL ORLANDO
4922 S BITTERCREEK AVE
MERIDIAN, ID 83642
Point of Diversion: NWSW S11 T02N R01E ADA County Source GROUND
WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.14 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.2 CFS
Date Filed: 7/21/2010
Place of Use: IRRIGATION, DOMESTIC & STOCKWATER
T02N R01E S11 NWSW
Total Acres: 7
Water bearing zone to be appropriated is from 240 to 260 feet.

✓ **63-33404**
PAUL ORLANDO
4922 S BITTERCREEK AVE
MERIDIAN, ID 83642
Point of Diversion: NWSW S11 T02N R01E ADA County Source GROUND
WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.14 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.2 CFS
Date Filed: 7/21/2010
Place of Use: IRRIGATION, DOMESTIC & STOCKWATER
T02N R01E S11 NWSW
Total Acres: 7
Water bearing zone to be appropriated is from 240 to 260 feet.

✓ **63-33405**
PAUL ORLANDO
4922 S BITTERCREEK AVE
MERIDIAN, ID 83642
Point of Diversion: NWSW S11 T02N R01E ADA County Source GROUND
WATER Tributary
Use: IRRIGATION 03/01 to 11/15 0.14 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.2 CFS
Date Filed: 7/21/2010
Place of Use: IRRIGATION, DOMESTIC & STOCKWATER
T02N R01E S11 NWSW
Total Acres: 7
Water bearing zone to be appropriated is from 240 to 260 feet.

PROPOSED CHANGE OF WATER RIGHT

✓ **LNB Farms of Idaho LLC** of 2890 NW 11th Ave, Meridian ID 83646 filed Application No. 77066 to transfer a water right with a 1960 priority date from ground water totaling 6.97 cfs to irrigate 675 acres. The purpose of the transfer is to add the use of 2 existing wells drilled in 2007 to offset well production problems with the single well that has been used for this right. All 3 wells are close together, straddling the Ada & Canyon County line in the Power Butte area between Kuna and Melba.
For a full description of the rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/ExtSearch/WrFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Permits will be subject to all prior water rights. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before April 4, 2011. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Interim Director
Pub. Mar. 17, 2011

0000543436-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 03/17/2011

Ending issue of: 03/24/2011

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

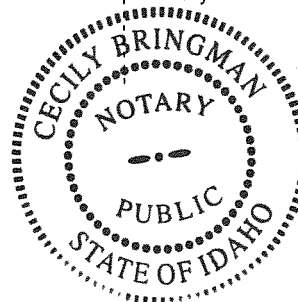
On this 24 day of March in the year of 2011 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Cecily Bringman

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

8-27-11



✓ ok DB 4-8-2011