

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

77066

FEB 16 2011

WATER RESOURCES
WESTERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe:

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

77066

RECEIVED

FEB 16 2011

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

GA / 3/4/11

Name of Applicant Garren Farms of Idaho, LLCPhone (208) 546-1194Mailing address 2890 NW 11th Ave. Meridian, ID 83646Email garren@agproconsulting.net

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Garren ApplePhone (208) 546-1194Mailing address 2890 NW 11th Ave, Meridian, ID 83646Email garren@agproconsulting.net☒ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


 Signature of Applicant or Authorized Representative

 Ben Peterson - Owner
 Print Name and Title if applicable

 1/31/11
 Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ ~~Change place of use~~ ^{N/A}
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. We currently do not use our complete irrigation water rights for WR# ~~63-0076~~ and 63-15634 due to the current production from the one irrigation well and areas of rock which makes it unfeasible to irrigate. Therefore, by adding new POD's this would allow us to maximize our water rights.

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-15634	6.97	Irrigation	04/01 to 10/31	Ground Water
☐ ☒	~~63-0875~~	~~2.1~~	~~Irrigation~~	~~5/15 to 11/15~~	~~Ground Water~~
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐		<u>6.97</u>		to	

Total authorized under rights ~~9.07~~ cfs and/or 6.97 ac-ft

2. Total amount of water proposed to be transferred or changed ~~9.37~~ cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No	2	SW	SW	NW	7	1N	1W	Ada	Ground Water	Permit - 28601
Yes		NE	NE	SE	12	1N	2W	Canyon	Ground Water	D-0048126
Yes		NE	NE	SE	12	1N	2W	Canyon	Ground Water	D-0048010

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

* New to these rights but existing well from other rights

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: See original Application

- b. Who owns the property at the point(s) of diversion? HWHL, LLC a.k.a. LNB Farms of Idaho, LLC - Same Owner
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: N/A

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☒ | ☐ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: A portion of the water rights is not being used for irrigation because of the irrigation system deficiency.

Therefore, we are leasing out a portion of the water rights to the water bank to preserve the usage of the water right until we improve the irrigation system.

Total Acres (for irrigation use)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it Attachment #7a.
☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it Attachment #7b. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it Attachment #8a.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it Attachment #8b.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.: _____

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments.
Received by SL Date 2/16/11 Prelim. Check by SL Date 3/4/11
Fee Paid \$610 Date 2/7/11 Received by LH Receipt # 6092418
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

per original \$120 Refund being processed per 3/4/11 Answered info on Appl.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-15634

WATER RIGHT NUMBER: 63-15634

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	CLAYTER F FORSGREN 449 E 350 S REXBURG, ID 83440 (208)356-5938
Security Interest	JRN LLC 4695 S 1900 W STE 3 ROY, UT 84067
Current Owner	LNB FARMS OF IDAHO LLC 2890 NW 11TH AVE MERIDIAN, ID 83641 208-546-1194

Priority Date: 04/11/1960

Basis: Decreed

Status: Water Supply Bank Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	6.970 CFS	
	<u>Total Diversion:</u>	6.970 CFS	3,037.50 AF

Location of Point(s) of Diversion

GROUND WATER	L2 (SW1/4NW1/4)	Sec. 7, Twp 01N, Rge 01W, B.M.
ADA 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

Attachment Part 2A
(2 pages)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-15634

Conditions of Approval:

1. X61 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.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Comments:

1. dtuthill 11/22/2004 Enlargement

Comment: Need to notify claimant about potential for enlargement claim because irrigated acres have been enlarged in some 40s. No layout prepared until claimant has time to respond.

Dates and Other Information:

Decreed Date: 3/24/2009

Water Supply Bank:

Lessor Name: HWHL LLC
Lease Status: Active
Lease Amount: Part
Rental Availability: Part
Date Received: 4/21/2005
Lease Begin Date: 5/1/2005
Expiration Date:

Stage Coach Rd

Southside Blvd

Powers Butte Farm

11N R 2W

71N R 1W

All AOC
Sixty well

S Robinson Rd

Kuna Canyon Rd

Attachment #7A

06 Sep 30, 2006 - Jun 23, 2007

43°25'34.84" N 106°31'10.71" W elev 0m

©2010 Google
Image U.S. Geological Survey
Image ©2010 DigitalGlobe

Wickman Rd

©2009
Go Earth
Eye all

RECEIVED

FEB 07 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77066

RECEIVED

DEPARTMENT OF
WATER RESOURCES

MINIMUM REQUIREMENTS CHECKLIST

FEB 09 2011

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)

☐ ☒ #9 Other. Please describe: _____

ORIGINAL

- Superseded

RECEIVED

FEB 07 2011

Rev. 10/09

Page _____ of _____

RECEIVED

DEPARTMENT OF WATER RESOURCES
DEPARTMENT OF WATER RESOURCESTransfer No. 77066

FEB 09 2011

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

WATER RESOURCES

WESTERN REGION (s) LNB Farms of Idaho, LLC

Phone (208) 546-1194

Mailing address 2890 NW 11th Ave. Meridian, ID 83646

Email garren@agroconsulting.net

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

- ☐ No Representative

Name of Representative Garren Apple

Phone (208) 546-1194

Mailing address 2890 NW 11th Ave, Meridian, ID 83646

Email garren@agroconsulting.net

- ☒ Send all correspondence for this application to the representative and not to the applicant.

OR

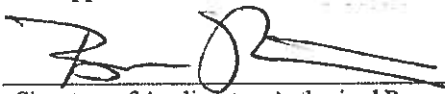
- ☐ Send original correspondence to the applicant and copies to the representative.

- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Ben Peterson - Owner
Print Name and Title if applicable

1/31/11
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. We currently do not use our complete irrigation water rights for WR#'s 63-9875 and 63-15634 due to the current production from the one irrigation well and areas of rock which makes it unfeasible to irrigate. Therefore, by adding new POD's and expanding our POU's, this would allow us to maximize our water rights.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-9875		Irrigation	3/15 to 11/15	Ground Water
☐ ☒	63-15634		Irrigation	4/1 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights _____ cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
x			SE	NE	12	1N	2W	Canyon	Ground Water	D 0048010
x			SE	NE	12	1N	2W	Canyon	Ground Water	D 0048126
x			SE	NE	11	1N	2W	Canyon	Ground Water	n/a

New Proposed 4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	2W	11			10	10									35	40			95
1N	2W	12									40	40	40	40	40	40	40	40	320
1N	2W	13	40	40	40	40	40	40	30	40	40				40	40			430
1N	1W	18					40	40	40	40	40	40	25						265

Total Acres (for irrigation use) 1,110.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: _____

b. Who owns the property at the point(s) of diversion? HWHL, LLC who also owns LNB Farms of Idaho, LLC
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____
The Applicant owns all POD's sites.

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: n/a

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____
The only effect on the land would be putting formally "dry" ground, into irrigation practices to maximize the full water right

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☒ | ☐ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: Due to a lack of water availability from the one irrigation well, the excess amount of water rights are leased out in the water bank. We intend to dissolve the water bank lease and put all 795 acres into production for our long-term goal.

Total Acres (for irrigation use)	795
----------------------------------	-----

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

- 2** If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

Transfer contains _____ pages and _____ attachments.

Received by S.O. Date 2-7-2011 Prelim. Check by _____ Date _____
 Fee Paid \$610⁰⁰ Date 2-7-11 Received by [Signature] Receipt # C092418 (C092418)
 Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/14/2011

WATER RIGHT NO. 63-9875

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LNB FARMS OF IDAHO LLC 2890 NW 11TH AVE MERIDIAN, ID 83641 208-546-1194
Original Owner	POWER BUTTE FARM
Security Interest	JRN LLC 4695 S 1900 W STE 3 ROY, UT 84067

Priority Date: 03/02/1982

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	2.4 CFS	540 AFA
Total Diversion			2.4 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWNW	Sec. 07	Township 01N	Range 01W	ADA County
--------------	------	---------	--------------	-----------	------------

Licensed Diversion Capacity: 6.66

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	02W	13		NESW	40									
				NESE	40		NWSE	40						

Total Acres: 120

Conditions of Approval:

1.	004	The issuance of this right does not grant any right-of-way or easement across the land of another.
2.	R32	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 cfs per acre for irrigation of the lands above.
3.		The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right. The total combined rate of diversion under this right and Rights 63-03187, 63-03188 and 63-03189 shall not exceed 6.66 cfs.

Dates:

Licensed Date: 03/12/1993

Decreed Date:

Permit Proof Due Date: 10/1/1993

Permit Proof Made Date: 2/7/1992

Permit Approved Date: 10/31/1983

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/10/1982

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/14/2011

WATER RIGHT NO. 63-15634

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LNB FARMS OF IDAHO LLC 2890 NW 11TH AVE MERIDIAN, ID 83641 208-546-1194
Directors Report Owner	CLAYTER F FORSGREN 449 E 350 S REXBURG, ID 83440 (208)356-5938
Security Interest	JRN LLC 4695 S 1900 W STE 3 ROY, UT 84067

Priority Date: 04/11/1960

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	6.97 CFS	
Total Diversion			6.97 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWNW Lt 2	Sec. 07	Township 01N	Range 01W	ADA County
--------------	-----------	---------	--------------	-----------	------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	01W	18		NENW	40		NWNW	40		SWNW	40		SENW	40
	02W	12		NESW	35		NWSW	30		SWSW	25		SESW	25
				NESE	40		NWSE	40		SWSE	40		SESE	40
		13		NENE	40		NWNE	40		SWNE	35		SENE	40
				NENW	30		NWNW	25		SWNW	10		SENW	20

Total Acres: 675

Conditions of Approval:

1.	X61	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.
2.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates:

Licensed Date:

Decreed Date: 03/24/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

Lessor Name(s): HWHL LLC
LNB FARMS OF IDAHO LLC

Lease Status: Active

Lease Amount: Part

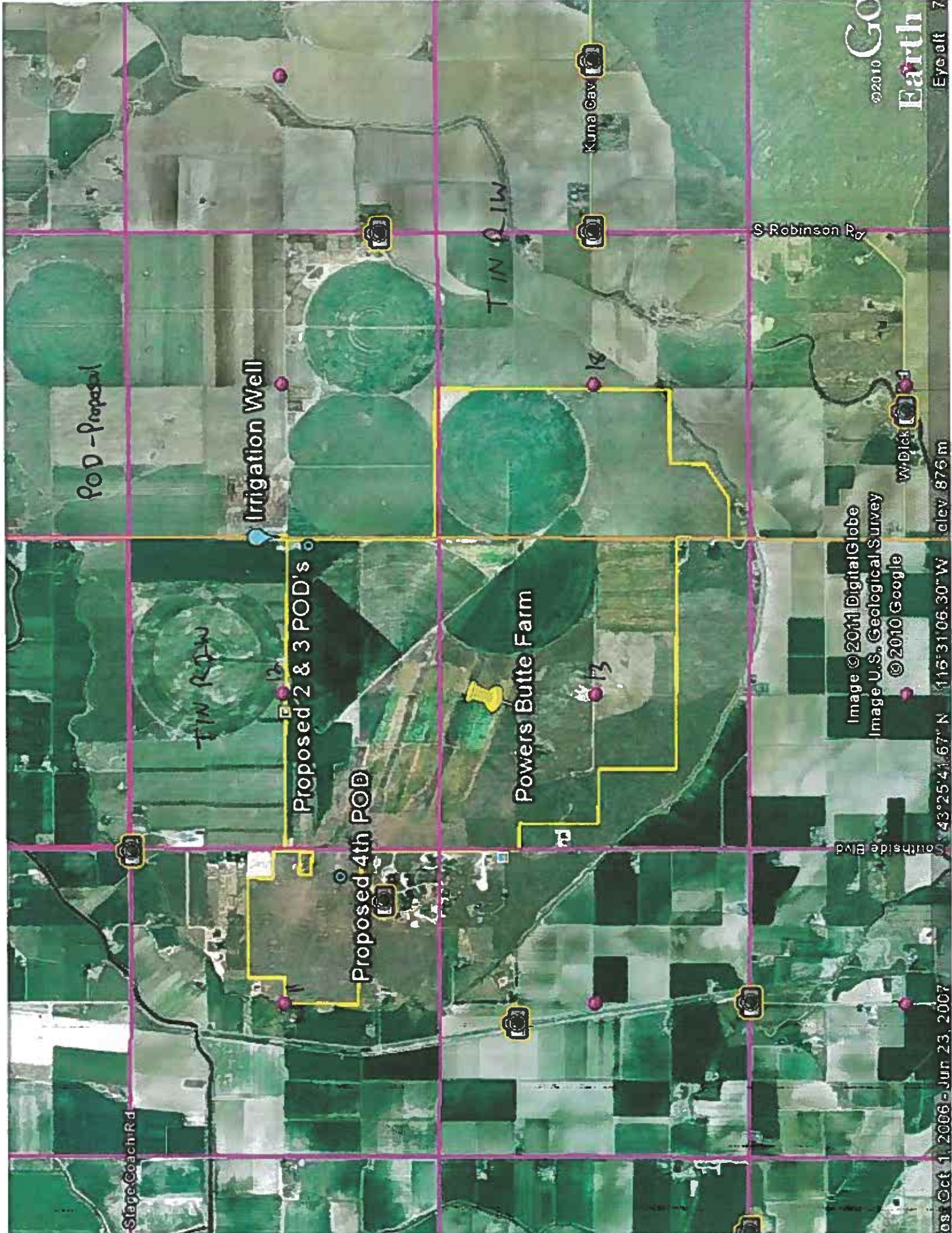
Rental Availability: Part

Date Received: 4/21/2005

Lease Begin Date: 5/1/2005

Expiration Date: 10/31/2012

Close



Existing WR's

WR 63-15634 (675 acres)

WR 63-9875 (120 acres)

Stago Beach Rd

Kuna Cava

S Robinson Rd

Wick Rd

Southside Blvd

Image © 2011 DigitalGlobe
Image U.S. Geological Survey
© 2010 Google

© 2010 Go

os Oct 1, 2006 - Jun 23, 2007

43°25'41.67" N 116°31'06.30" W

elev 877 m

Eye alt

POU - Proposal

Proposed POU's Expansion

Proposed POU's Expansion

S Robinson Rd

Southside Blvd

Image © 2011 DigitalGlobe
Image U.S. Geological Survey
© 2010 Google

Go
© 2010

Oct 1, 2006 - Jun 23, 2007

43°25'35.28"N 115°30'42.43"W elev 858 m

Eye alt

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, March 10, 2011 8:07 AM
To: Idaho Statesman
Subject: LEGAL NOTICES - ADA COUNTY
Attachments: Ada County - Cover Letter.Doc; Ada County Ads - COMBINED.Doc; 63-W-092 & 205-001 Ad - Ada.docx

Attached please find **(2) legal notices** being submitted for publication. Please contact me immediately if you have any questions, or if you are not able to publish the ads on the dates requested.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

March 10, 2011

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

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

RE: Application For Permit No(s): 63-33401, 63-33402, 63-33403, 63-33404 & 63-33405

RE: Injection Well Application No(s): 63-W-092-001 & 63-W-205-001

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/4/2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

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 (ALL)

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

Published on 3/17 & 3/24/2011

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, March 10, 2011 8:09 AM
To: Press Tribune
Subject: LEGAL NOTICE - CANYON COUNTY
Attachments: Canyon County - Cover Letter.Doc; Canyon County Ads - COMBINED.Doc; 63-W-119-001 Ad - Canyon.docx

Attached please find **(2) legal notices** being submitted for publication. Please contact me immediately if you have any questions, or if you are not able to publish the ads on the dates requested.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

March 10, 2011

LEGAL NOTICE DEPARTMENT

PRESS-TRIBUNE
PO BOX 9399
NAMPA, ID 83652

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

RE: Application For Permit No(s).: 63-33376

RE: Injection Well Application No(s).: 63-W-119-001

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/4/2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

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

Published on 3/17 & 3/24/2011



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

March 10, 2011

JRN LLC
4695 S 1900 W, STE 3
ROY UT 84067

Re: Application for Transfer No(s). 77066

Dear Interested Party:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicant(s) if you have concerns about the application(s).

If you desire to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by April 4, 2011.

Please contact this office at 208-334-2190 if you have any questions regarding the application(s), or you may visit our website at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Denise Buffington".

Denise Buffington
Administrative Assistant

Enclosure

2/2/2011

IDWR
322 E. Front Street
Boise, ID 83720

Subject: LNB Farms of Idaho, LLC – Water Right Application

To Whom It May Concern;

Attached is a water application for LNB Farms of Idaho, LLC regarding well POD additions and water right POU expansion request. If you have any questions regarding this application, please contact us immediately.

We thank you for helping us on this matter.

Respectfully submitted,

GA

Garren Apple
CEO-President

RECEIVED

FEB 07 2011

DEPARTMENT OF
WATER RESOURCES

RECEIVED

FEB 09 2011

WATER RESOURCES
WESTERN REGION