

RECEIVED

FEB 14 2011

Page 1

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer No. 77057

Receipt No. 5031792

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information FED AGRIBUSINESS LLC
568 W 1650 S
OAKLEY ID 83348
(208)862-3482

Will this transfer result in an ownership change? _____ Yes ☒ No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-2626	WR/License	1.54	576.0		144.0	GROUND WATER
45-2374	WR/License	1.18	498.5		144.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-2626	NO	YES	YES	NO	NO	NO
45-2374	NO	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

Applicant wants to move well to more productive location.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

5. Total Amounts Transferred

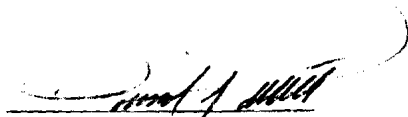
	Rate	Acre Limit	Total Acres	Volume
45-2626	1.54 cfs		144.0	576.0 af
45-2374	1.18 cfs		144.0	498.5 af
TOTAL	2.72 cfs		144.0	576.0 af

Transfer No. 77057

Receipt No.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.


(Signature of Applicant)

MANAGING MEMBER
(Title or Office)

Transfer No. 77057

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 45-2626

Priority Date: August 22, 1960

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.54 CFS	576.0 AFA	
Total Diversion		1.54 CFS	576.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSENE	Sec. 34 Twp 11S Rge 20E	TWIN FALLS County
--------------	--------	-------------------------	----------------------

GROUND WATER	SESENE	Sec. 34 Twp 11S Rge 20E	TWIN FALLS 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	
11S 20E 34	28.0	40.0	39.0	39.0													144.0

Total Acres: 144

Conditions/Remarks:

- Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- 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.
- The right holder shall accomplish the change authorized by this transfer within one (1) year of August 8, 1995.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Page 4

5. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
6. USE OF THIS RIGHT WITH RIGHT NO.45-2374 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 576.0 AF.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
8. USE OF THIS RIGHT WITH RIGHT NO. 45-2374 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 144 ACRES IN A SINGLE IRRIGATION SEASON.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

**Documentation of Ownership of the Current Place of Use
IDWR Records**

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 77057

Receipt No. —

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 45-2374

Priority Date: April 23, 1951

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.18 CFS	498.5 AFA	
Total Diversion		1.18 CFS	498.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSENE	Sec. 34 Twp 11S	Rge 20E	TWIN FALLS County
--------------	--------	-----------------	---------	----------------------

GROUND WATER	SESENE	Sec. 34 Twp 11S	Rge 20E	TWIN FALLS 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	
11S	20E	34	26.0	40.0	39.0	39.0													144.0

Total Acres: 144

Conditions/Remarks:

1. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. USE OF THIS RIGHT WITH RIGHT NO. 45-2626 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 144 ACRES IN A SINGLE IRRIGATION SEASON.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

4. USE OF THIS RIGHT WITH RIGHT NO.45-2626 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 576.0 AF.
5. 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.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of August 8, 1995.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Documentation of Ownership of the Current Place of Use
IDWR Records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 77057

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-2626

Priority Date: August 22, 1960

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.54 CFS	576.0 AFA	
	Total Diversion	1.54 CFS	576.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENE Sec. 34 Twp 11S Rge 20E TWIN FALLS
County

GROUND WATER SESE Sec. 34 Twp 11S Rge 20E TWIN FALLS
County

Describe the proposed diversion systemPLACE 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	
11S	20E	34	32.0	34.0	39.0	39.0													144.0

Total Acres: 144

Transfer No. 77057

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-2374

Priority Date: April 23, 1951

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.18 CFS	498.5 AFA	
	Total Diversion	1.18 CFS	498.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SENE	Sec. 34 Twp 11S Rge 20E TWIN FALLS County
--------------	------	---

GROUND WATER	SESE	Sec. 34 Twp 11S Rge 20E TWIN FALLS County
--------------	------	---

Describe the proposed diversion systemPLACE 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	
11S 20E 34	32.0	34.0	39.0	39.0													144.0

Total Acres: 144

Transfer #77057
FED AGRIBUSINESS

Corrected POU

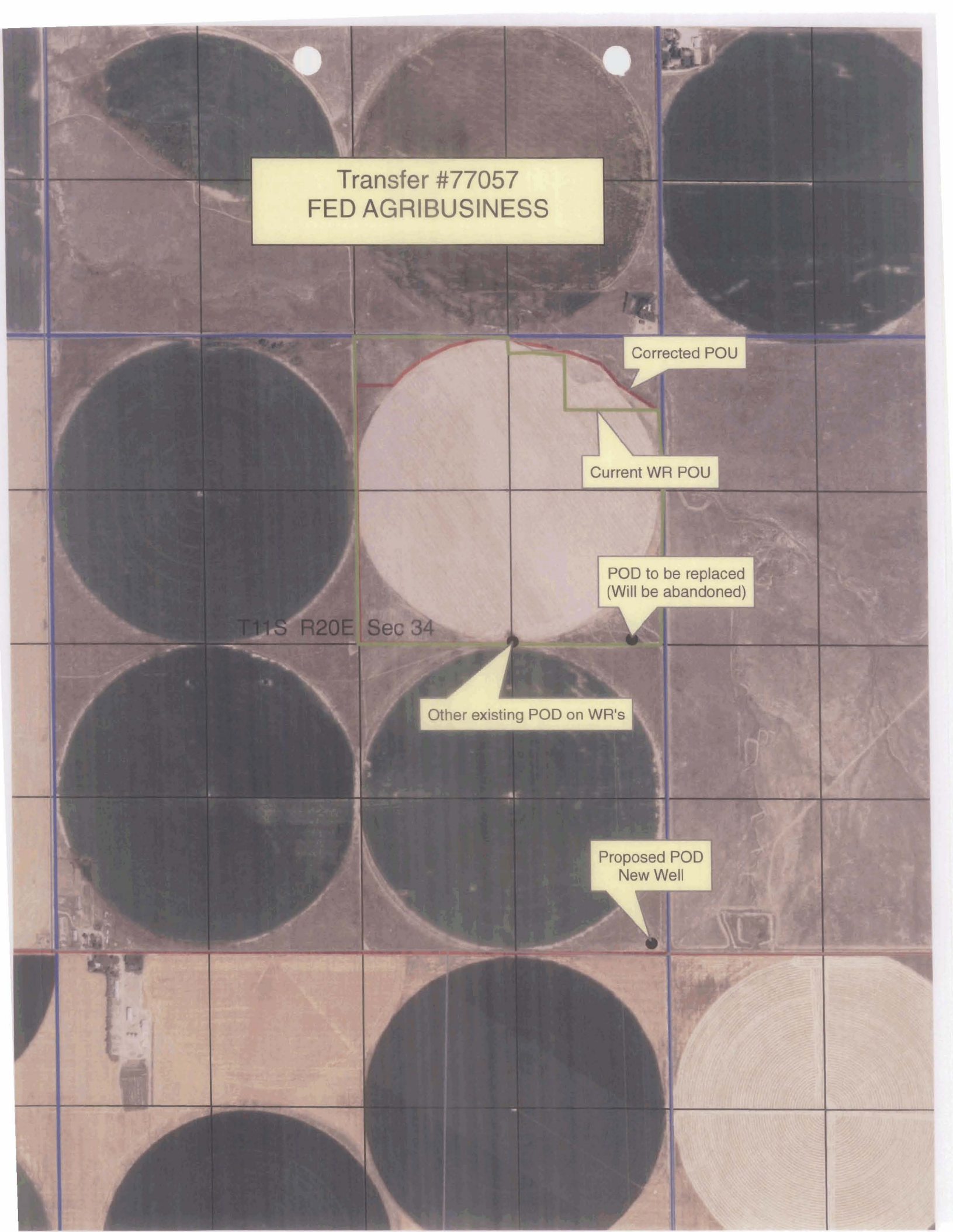
Current WR POU

POD to be replaced
(Will be abandoned)

T11S R20E Sec 34

Other existing POD on WR's

Proposed POD
New Well



No. W 20210	Due no later than Aug 31, 2010 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. FED AGRIBUSINESS, LLC DON F PICKETT 568 W 1650 S OAKLEY ID 83346		DAVID J PICKETT 568 W 1650 S OAKLEY ID 83346			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MEMBER	DON F PICKETT	1650 SOUTH 60 WEST	OAKLEY	ID	USA	83346
MEMBER	DAVID J. PICKETT	568 W. 1650 S.	OAKLEY	ID	USA	83346
MEMBER	DOUGLAS T. PICKETT	568 W. 1650 S.	OAKLEY	ID	USA	83346
5. Organized Under the Laws of: ID W 20210		6. Annual Report must be signed.* Signature: David J. Pickett Name (type or print): David J. Pickett Date: 08/19/2010 Title: Managing Member				
Processed 08/19/2010		* Electronically provided signatures are accepted as original signatures.				