

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED*****TRANSFER NO. 75239**

This is to certify that: FELTON FARMS LLC
PO BOX 989
KETCHUM ID 83340
(208)726-7500

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>
34-2400B	WR/	03/02/1961	2.1 cfs	369.2 af	105.5	116.0	GROUND WATER
34-249B	WR/	06/01/1896	0.7 cfs	N/A	N/A	75.0	BIG LOST RIVER
34-250D	WR/	06/15/1897	0.24 cfs	N/A	N/A	75.0	BIG LOST RIVER

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>
34-2400B	NO	NO	YES	NO	NO	NO
34-249B	NO	NO	YES	NO	NO	NO
34-250D	NO	NO	YES	NO	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>
34-2400B	34-2400B	2.1 cfs	369.2 af	105.5	116.0		N/A	N/A	N/A	N/A
34-249B	34-249B	0.7 cfs	N/A	75.0	116.0		N/A	N/A	N/A	N/A
34-250D	34-250D	0.24 cfs	N/A	75.0	116.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.6 cfs	N/A	116.0	116.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 11 day of December, 2008

Ernest Carlson
for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 34-249B

WATER RIGHT NO. 34-2400B
As Modified by Transfer No. 75239

In accordance with the approval of Transfer No. 75239, Water Right No. 34-2400B is now described as follows.

Right Holder: FELTON FARMS LLC
 PO BOX 989
 KETCHUM ID 83340

Priority Date: March 02, 1961

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	2.10 CFS	369.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L2 (NWNWNE) Sec. 3 Twp 04N Rge 26E BUTTE 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	
04N	26E	3													34.0	34.0	18.0	30.0	116.0

Total Acres: 116

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 105.5 acres within the place of use described above in a single irrigation season.
2. Rights 34-2400B, 34-249B and 34-250D when combined shall not exceed a total diversion rate of 2.6 cfs and the irrigation of 116 acres.
3. Prior to the diversion and use of water under Transfer approval 75239, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WATER RIGHT NO. 34-2400B
As Modified by Transfer No. 75239

CONDITIONS OF APPROVAL

8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. The following rights are diverted through point(s) of diversion described above: 34-2400B, 34-13843.
12. 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.

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 11 day of December, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-249B
As Modified by Transfer No. 75239

In accordance with the approval of Transfer No. 75239, Water Right No. 34-249B is now described as follows.

Right Holder: FELTON FARMS LLC
PO BOX 989
KETCHUM ID 83340

Priority Date: June 01, 1896

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/15	0.70 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER NWSESE Sec. 4 Twp 05N Rge 26E BUTTE 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	
04N	26E	3													34.0	34.0	18.0	30.0	116.0

Total Acres: 116

CONDITIONS OF APPROVAL

1. Rights 34-249B and 34-250D when combined shall not exceed the irrigation of 75 acres.
2. Rights 34-2400B, 34-249B and 34-250D when combined shall not exceed a total diversion rate of 2.60 cfs and the irrigation of 116 acres.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. Water delivered through the Moore Diversion, Eastside Ditch.

WATER RIGHT NO. 34-249B
As Modified by Transfer No. 75239

CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

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 11 day of December, 2008



Chief, Water Allocation Bureau

WATER RIGHT NO. 34-250D
As Modified by Transfer No. 75239

In accordance with the approval of Transfer No. 75239, Water Right No. 34-250D is now described as follows.

Right Holder: FELTON FARMS LLC
PO BOX 989
KETCHUM ID 83340

Priority Date: June 15, 1897

Source: BIG LOST RIVER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01 to	10/15	0.24 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG LOST RIVER NWSESE Sec. 4 Twp 05N Rge 26E BUTTE 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	
04N	26E	3													34.0	34.0	18.0	30.0	116.0

Total Acres: 116

CONDITIONS OF APPROVAL

1. Rights 34-249B and 34-250D when combined shall not exceed the irrigation of 75 acres.
2. Rights 34-2400B, 34-249B and 34-250D when combined shall not exceed a total diversion rate of 2.60 cfs and the irrigation of 116 acres.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
7. Water delivered through the Moore Diversion, Eastside Ditch.

WATER RIGHT NO. 34-250D
As Modified by Transfer No. 75239

CONDITIONS OF APPROVAL

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

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 11 day of December, 2008



Chief, Water Allocation Bureau