

Transfer No. 75239

Receipt No. 6034625

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

1. Applicant Information FELTON FARMS LLC
 PO BOX 989
 KETCHUM ID 83340

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

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
34-2400B	WR/License	2.10	369.2	105.5	116.0	GROUND WATER
34-249B	WR/Decreed	0.70			75.0	BIG LOST RIVER
34-250D	WR/Decreed	0.24			75.0	BIG LOST RIVER

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
34-2400B	NO	NO	YES	NO	NO	NO
34-249B	NO	NO	YES	NO	NO	NO
34-250D	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

A pivot irrigation system has been installed to replace old wheel lines, resulting in a POU change.

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

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

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
34-2400B	2.10 cfs	105.5	116.0	369.2 af
34-249B	0.70 cfs		116.0	
34-250D	0.24 cfs		116.0	
TOTAL	2.60 cfs	116.0	116.0	369.2 af

RECEIVED
NOV 28 2008

Department of Water Resources
 Eastern Region

75 239

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**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)



(Title or Office)

Subscribed and sworn to before me this 26th day of Nov, 2008.



(Notary Public)

My commission expires 3/12/10



Transfer No. 75239
 Receipt No. _____

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

Current Water Right No. 34-2400B

Priority Date: March 02, 1961
 Origin: Water Right
 Basis: Decreed
 Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	2.10 CFS	369.2 AFA	
	Total Diversion	2.10 CFS	369.2 AFA	

Source and 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	2					4.0													4.0
04N	26E	3														38.0	33.0	18.0	23.0	112.0

Total Acres: 116

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NOS. 34-00249B AND 34-00250D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.60 CFS.
2. USE OF THIS RIGHT WITH RIGHT NOS. 34-00249B AND 34-00250D IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 105.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. 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.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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5. RIGHT NO. 34-02400A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Documentation of Ownership of the Current Place of Use
Warranty Deed

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

It will be dry.

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

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

Current Water Right No. 34-249B

Priority Date: June 01, 1896

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG LOST RIVER

Tributary: SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01 10/15	0.70 CFS		
	Total Diversion	0.70 CFS		

Source and 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	2					4.0													4.0
04N	26E	3														38.0	33.0			71.0

Total Acres: 75

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH RIGHT NOS. 34-00250D AND 34-02400B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.60 CFS.
3. USE OF THIS RIGHT WITH RIGHT NOS. 34-00250D AND 34-02400B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION SEASON.
4. 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.

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5. WATER DELIVERED THROUGH THE MOORE DIVERSION, EASTSIDE DITCH.

Documentation of Ownership of the Current Place of Use

Warranty Deed

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

It will be dry.

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

NO

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

Current Water Right No. 34-250D

Priority Date: June 15, 1897

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG LOST RIVER

Tributary: SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01 10/15	0.24 CFS		
	Total Diversion	0.24 CFS		

Source and 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	2					4.0												4.0
							L 4												
04N	26E	3													38.0	33.0			71.0

Total Acres: 75

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH RIGHT NOS. 34-00249B AND 34-02400B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.60 CFS.
3. USE OF THIS RIGHT WITH RIGHT NOS. 34-00249B AND 34-02400B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION SEASON.
4. 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.

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5. WATER DELIVERED THROUGH THE MOORE DIVERSION, EASTSIDE DITCH.

Documentation of Ownership of the Current Place of Use

Warranty Deed

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

It will be dry.

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

NO

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

Proposed Water Right No. 34-2400B

Priority Date: March 02, 1961

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	2.10 CFS	369.2 AFA	
	Total Diversion		2.10 CFS	369.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER L2 (NWNWNE) Sec. 3 Twp 04N Rge 26E BUTTE County

Describe the proposed diversion system

Point of Diversion # 1 PUMPED INTO BIG LOST RIVER DIST. CANAL; SEE REMARKS

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

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

Proposed Water Right No. 34-249B

Priority Date: June 01, 1896

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG LOST RIVER**Tributary:** SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01 10/15	0.70 CFS		
	Total Diversion	0.70 CFS		

Source and Point(s) of Diversion:

BIG LOST RIVER NWSESE Sec. 4 Twp 05N Rge 26E BUTTE County

Describe the proposed diversion system

Point of Diversion # 1 MOORE DIVERSION , EASTSIDE DITCH

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

Transfer No. 75239

Receipt No. _____

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

Proposed Water Right No. 34-250D

Priority Date: June 15, 1897

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG LOST RIVER**Tributary:** SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01 10/15	0.24 CFS		
	Total Diversion	0.24 CFS		

Source and Point(s) of Diversion:

BIG LOST RIVER NWSESE Sec. 4 Twp 05N Rge 26E BUTTE County

Describe the proposed diversion system

Point of Diversion # 1 MOORE DIVERSION, EASTSIDE DITCH

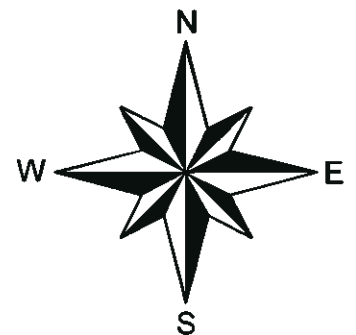
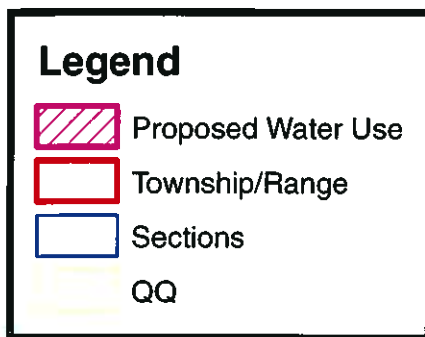
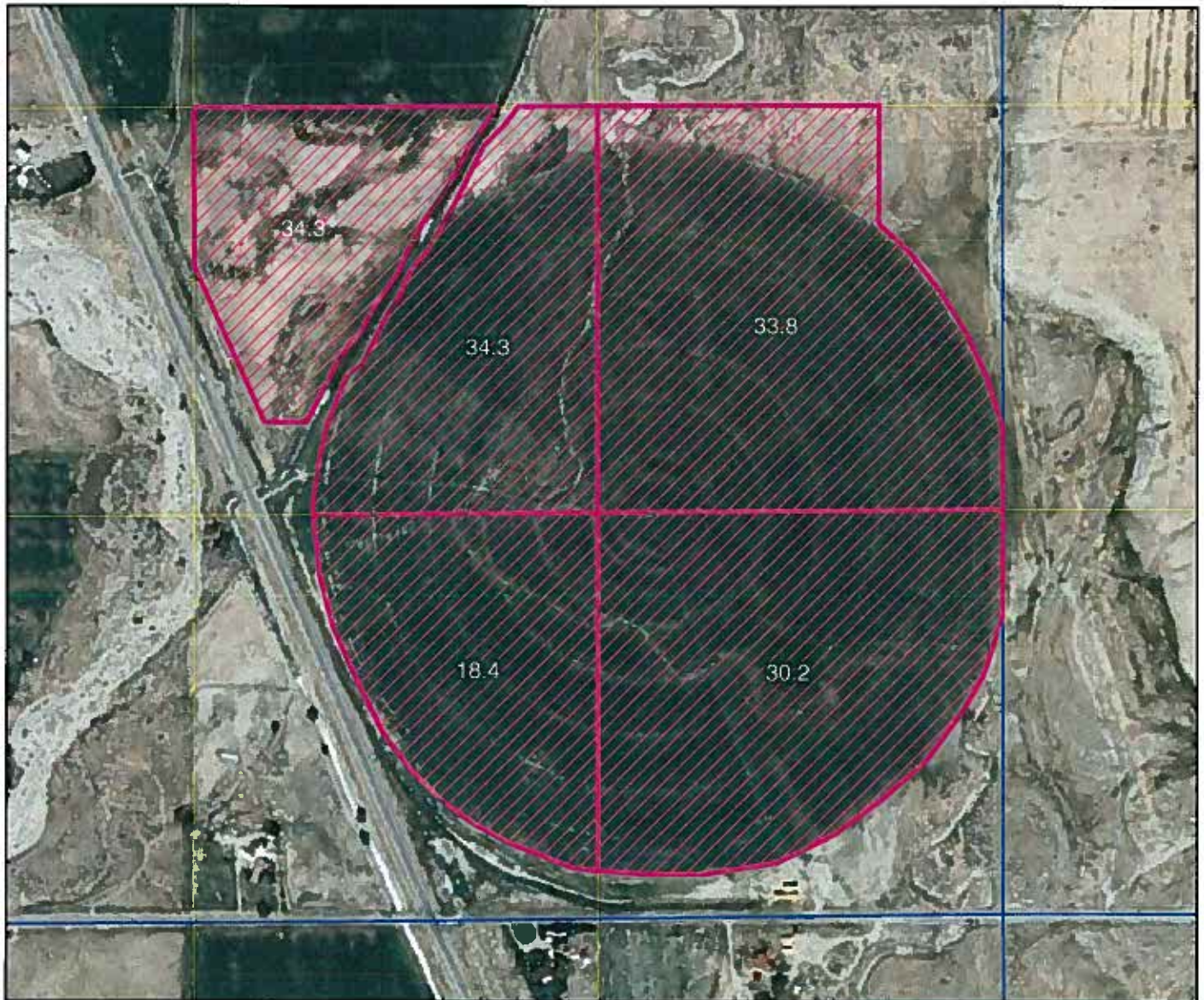
PLACE OF USE: IRRIGATION

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

T04N R26E Section 3

Owner: Felton Farms LLC



Imagery: NAIP 2006

Idaho Department of Water Resources

Map Prepared by Heather Bohac, October 30, 2008



75 23 9

RECORDING REQUESTED BY,)
WHEN RECORDED MAIL TO:)
Felton Farms, LLC)
PO Box 989)
Ketchum, ID 83340)

NO. JU45643

RECORDED

MAY 12 2008

AM 1:54
BUTTE COUNTY RECORDER
Kim Samett

Assessor's Parcel No.: _____

WARRANTY DEED

TYLER T. FELTON, a married person, as Grantor(s), hereby conveys, grants and deeds to FELTON FARMS, LLC, an Idaho Limited Liability Company, as Grantee, the real property located in the County of Butte, State of Idaho, commonly known as the Chapman Farm, and more specifically described as set forth below:

PARCEL I:

Township 4 North, Range 26 East, Boise Meridian, Butte County, Idaho, Section 3, Southeast 1/4, except that portion lying South and West of Highway 93 and except Railroad Right-of-way. Together with a half interest in a well and well site described as follows:

Beginning at the Northwest corner of Northwest quarter of the Northeast Quarter of said section 3, which is the point of beginning, thence East 100 feet, thence South 100 feet, thence West 100 feet, thence North 100 feet to the point of beginning.

PARCEL II:

All that portion of the "Mackay Branch" right of way, now abandoned, of the Union Pacific Railroad Company, successor in interest to the Salmon River Railroad Company, situated in the Southeast Quarter of Section 3, Township 4 North, Range 26 East, Boise Meridian, Butte County, Idaho described as F011Ows:

A strip of land one hundred feet wide being fifty feet in width on either side of the center line of the main track of Salmon River Railroad, said center line entering said Southeast quarter on the South line at a point seventeen hundred fourty nine and 4/10, (1749.4) feet West of South East corner thereof and running thence in a direct line to a point on West line thereof twenty one hundred and forty four feet North from Southwest corner said quarter section.

PARCEL III:

FR NE4 SW4 Sec 3 T4N R26E Boise Meridian Start SE corner of NW4 Sec 3 go South 291 feet Thence

West 100 feet thence Northwesterly along highway 93 320 feet thence east 223.75 feet, to the point of beginning



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

07 NOV 28 AM 8:48
SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Felton Farms, LLC

2. The street address of the initial registered office is:

106 Cooks Lane, Hailey, ID 83333

and the name of the initial registered agent at the above address is:

Tyler T. Felton

3. The mailing address for future correspondence is:

PO Box 989, Ketchum, ID 83340

4. The limited liability company will be:

Manager-managed ☐ or Member-managed ☒ (please check the appropriate box)

5. If manager-managed, list the name(s) and address(es) of at least one initial manager.
If member-managed, list the name(s) and address(es) of at least one initial member.

Name	Address
<u>Tyler T. Felton</u>	<u>PO Box 989, Ketchum, ID 83340</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

6. Signature of at least one person responsible for forming the limited liability company:

Signature:

Typed Name: Tyler T. Felton

Capacity: Managing Member

Signature:

Typed Name:

Capacity:

Secretary of State use only

g:\corporations\LLC forms\articlesoforganization_and
Revised 05/2007

Web Form

IDAHO SECRETARY OF STATE
11/28/2007 05:00
CK: 1564 CT: 219958 RH: 1007221
1 @ 100.00 = 100.00 ORGAN LLC # 2

W68906