

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83463**

This is to certify that: KIRT SUTTON AND
LORI SUTTON AND
STAN & PAULINE SUTTON LIVING TRUST
864 E 7156 S
REXBURG, ID 83440

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 Changes

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 22-13968 | WR/LICENSE | 6/25/1985 | 0.610 cfs | N/A | N/A | 73.0 | GROUND WATER |
| 22-13969 | WR/LICENSE | 6/25/1985 | 0.190 cfs | N/A | N/A | 22.0 | GROUND WATER |
| 22-2251 | WR/DECREED | 4/20/1988 | 2.360 cfs | 980.0 af | N/A | 280.0 | GROUND WATER |
| 22-7090 | WR/DECREED | 4/12/1974 | 4.380 cfs | 1421.7 af | N/A | 406.0 | GROUND WATER |
| 22-7493 | WR/LICENSE | 5/24/1985 | 2.360 cfs | N/A | N/A | 280.0 | GROUND WATER |
| 22-7495 | WR/LICENSE | 5/24/1985 | 0.170 cfs | N/A | N/A | 20.0 | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 22-13968 | YES | NO | YES | NO | NO | NO |
| 22-13969 | NO | NO | YES | NO | NO | NO |
| 22-2251 | NO | NO | YES | NO | NO | NO |
| 22-7090 | NO | NO | YES | NO | NO | NO |
| 22-7493 | NO | NO | YES | NO | NO | NO |
| 22-7495 | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 22-13968 | 22-14388 | 0.360 cfs | N/A | 43.0 | 365.0 | 22-13968 | 0.250 cfs | N/A | N/A | 30.0 |
| 22-13969 | 22-13969 | 0.190 cfs | N/A | 22.0 | 365.0 | N/A | N/A | N/A | N/A | N/A |
| 22-2251 | 22-2251 | 2.360 cfs | 980.0 af | 280.0 | 365.0 | N/A | N/A | N/A | N/A | N/A |
| 22-7090 | 22-7090 | 4.380 cfs | 1421.7 af | N/A | 406.0 | N/A | N/A | N/A | N/A | N/A |
| 22-7493 | 22-7493 | 2.360 cfs | N/A | N/A | 280.0 | N/A | N/A | N/A | N/A | N/A |
| 22-7495 | 22-7495 | 0.170 cfs | N/A | 20.0 | 365.0 | N/A | N/A | N/A | N/A | N/A |
| COMBINED TOTALS | | 8.860 cfs | N/A | 1051.0 | 1051.0 | | 0.25 cfs | N/A | N/A | 30.0 |

**Support Data
In File # 22-2251**

Transfer No. 83463

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83463

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 1st day of October, 2020.



Regional Manager



Transfer No. 83463

Support Data
In File # 22-2251

WATER RIGHT NO. 22-7493**As Modified by Transfer No. 83463**

In accordance with the approval of Transfer No. 83463, Water Right No. 22-7493 is now described as follows:

Right Holder: KIRT SUTTON
LORI SUTTON
864 E 7156 S
REXBURG, ID 83440

STAN & PAULINE SUTTON LIVING TRUST
864 E 7156 S
REXBURG, ID 83440

Priority Date: 5/24/1985

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 4/15 **To** 10/15

Diversion Rate
2.360 cfs
2.360 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 27 Twp 05N Rge 40E MADISON County
GROUND WATER NWNW Sec 33 Twp 05N Rge 40E MADISON County

PLACE OF USE: IRRIGATION

| Twp | Rng | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|------|------|------|------|-----|----|-----|-----|----|-----|----|-----|------|------|------|------|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 05N | 40E | 27 | | | | | | | | | | | | 3.5 | | | 2.5 | | 6.0 |
| 05N | 40E | 33 | | | | | | | | | | | | | 7.0 | | | | 7.0 |
| 05N | 40E | 34 | 32.0 | 35.0 | 26.0 | 26.0 | 5.0 | | 1.5 | 0.5 | | 9.0 | | | 33.0 | 33.0 | 33.0 | 33.0 | 267.0 |

POU Total Acres: 280.0

CONDITIONS OF APPROVAL

1. Rights 22-2251, 22-7090, 22-7493, 22-7495, 22-13968, 22-13969 and 22-14388 when combined shall not exceed a total diversion rate of 9.11 cfs, a total annual maximum diversion volume of 3,324.8 af at the field headgate, and the irrigation of 1,081 acres.
2. Use of water under this right may 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. 100.

Transfer No. 83463

WATER RIGHT NO. 22-7493
As Modified by Transfer No. 83463

CONDITIONS OF APPROVAL

3. Prior to the diversion and use of water under Transfer approval 83463, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. This water right enjoys the benefit of unqualified subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02, 02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37, 02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 22-2251**As Modified by Transfer No. 83463**

In accordance with the approval of Transfer No. 83463, Water Right No. 22-2251 is now described as follows:

Right Holder: LORI SUTTON
KIRT SUTTON
864 E 7156 S
REXBURG, ID 83440

STAN & PAULINE SUTTON LIVING TRUST
864 E 7156 S
REXBURG, ID 83440

Priority Date: 4/20/1988

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
04/15

To
to 10/15

Diversion Rate
2.360 cfs
2.360 cfs

Diversion Volume
980.0 af
980.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NESESW
SENWNW

Sec 27 Twp 05N Rge 40E MADISON County
Sec 33 Twp 05N Rge 40E MADISON County

PLACE OF USE: IRRIGATION

| | | | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|-----|-----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 05N | 40E | 27 | | | | | | | | | | | 1.0 | | | | | | 1.0 |
| 05N | 40E | 33 | 21.0 | 19.0 | 25.0 | 40.0 | 9.0 | | | | | | | | 9.0 | 3.0 | | | 126.0 |
| 05N | 40E | 34 | | | | | 30.0 | 35.0 | 35.0 | 32.0 | 29.0 | 19.0 | 24.0 | 34.0 | | | | | 238.0 |

Right Acre Limit: 280.0

POU Total Acres: 365.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 280 acres within the authorized place of use in a single irrigation season.
2. Rights 22-2251, 22-7495, 22-13969 and 22-14388 when combined shall not exceed the irrigation of 365 acres.
3. Rights 22-2251, 22-7090, 22-7493, 22-7495, 22-13968, 22-13969 and 22-14388 when combined shall not exceed a total diversion rate of 9.11 cfs, a total annual maximum diversion volume of 3,324.8 af at the field headgate, and the irrigation of 1,081 acres.

Transfer No. 83463

WATER RIGHT NO. 22-2251
As Modified by Transfer No. 83463

CONDITIONS OF APPROVAL

4. Use of water under this right may 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. 100.
5. Prior to the diversion and use of water under Transfer approval 83463, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 24, 2008.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-7090**As Modified by Transfer No. 83463**

In accordance with the approval of Transfer No. 83463, Water Right No. 22-7090 is now described as follows:

Right Holder: LORI SUTTON
KIRT SUTTON
864 E 7156 S
REXBURG, ID 83440

STAN & PAULINE SUTTON LIVING TRUST
864 E 7156 S
REXBURG, ID 83440

Priority Date: 4/12/1974

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/15

Diversion Rate

4.380 cfs

4.380 cfs

Diversion Volume

1421.7 af

1421.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NESESW

Sec 27 Twp 05N Rge 40E MADISON County

PLACE OF USE: IRRIGATION

| Twp | Rng | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|------|------|-----|-----|----|----|----|----|------|------|------|------|------|------|------|------|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 05N | 40E | 27 | | | | | | | | | 33.0 | 26.0 | 34.0 | 34.0 | 32.0 | 34.0 | 35.0 | 33.0 | 261.0 |
| 05N | 40E | 28 | | | 0.5 | 3.5 | | | | | | | | | 35.0 | 11.0 | 22.0 | 39.0 | 111.0 |
| 05N | 40E | 33 | 19.0 | 15.0 | | | | | | | | | | | | | | | 34.0 |

POU Total Acres: 406.0

CONDITIONS OF APPROVAL

1. Rights 22-2251, 22-7090, 22-7493, 22-7495, 22-13968, 22-13969 and 22-14388 when combined shall not exceed a total diversion rate of 9.11 cfs, a total annual maximum diversion volume of 3,324.8 af at the field headgate, and the irrigation of 1,081 acres.
2. Use of water under this right may 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. 100.

Transfer No. 83463

WATER RIGHT NO. 22-7090
As Modified by Transfer No. 83463

CONDITIONS OF APPROVAL

3. Prior to the diversion and use of water under Transfer approval 83463, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 24, 2008.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. This right does not grant any right-of-way or easement across the land of another.
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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-7495

As Modified by Transfer No. 83463

In accordance with the approval of Transfer No. 83463, Water Right No. 22-7495 is now described as follows:

Right Holder: KIRT SUTTON
LORI SUTTON
864 E 7156 S
REXBURG, ID 83440

STAN & PAULINE SUTTON LIVING TRUST
864 E 7156 S
REXBURG, ID 83440

Priority Date: 5/24/1985

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
4/15

To
to 10/15

Diversion Rate
0.170 cfs
0.170 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SESW
NWNW

Sec 27 Twp 05N Rge 40E MADISON County
Sec 33 Twp 05N Rge 40E MADISON County

PLACE OF USE: IRRIGATION

| | | | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|-----|-----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 05N | 40E | 27 | | | | | | | | | | | 1.0 | | | | | | 1.0 |
| 05N | 40E | 33 | 21.0 | 19.0 | 25.0 | 40.0 | 9.0 | | | | | | | | 9.0 | 3.0 | | | 126.0 |
| 05N | 40E | 34 | | | | | 30.0 | 35.0 | 35.0 | 32.0 | 29.0 | 19.0 | 24.0 | 34.0 | | | | | 238.0 |

Right Acre Limit: 20.0

POU Total Acres: 365.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20 acres within the authorized place of use in a single irrigation season.
2. Rights 22-2251, 22-7495, 22-13969 and 22-14388 when combined shall not exceed the irrigation of 365 acres.
3. Rights 22-2251, 22-7090, 22-7493, 22-7495, 22-13968, 22-13969 and 22-14388 when combined shall not exceed a total diversion rate of 9.11 cfs, a total annual maximum diversion volume of 3,324.8 af at the field headgate, and the irrigation of 1,081 acres.

Transfer No. 83463

WATER RIGHT NO. 22-7495
As Modified by Transfer No. 83463

CONDITIONS OF APPROVAL

4. Use of water under this right may 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. 100.
5. Prior to the diversion and use of water under Transfer approval 83463, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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.

WATER RIGHT NO. 22-13968

As Modified by Transfer No. 83463

In accordance with the approval of Transfer No. 83463, Water Right No. 22-13968 is now described as follows:

Right Holder: STANLEY SUTTON
578 E 7000 S
REXBURG, ID 83440

Priority Date: 6/25/1985

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/15

Diversion Rate
0.250 cfs
0.250 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 27 Twp 05N Rge 40E MADISON County
GROUND WATER NWNW Sec 33 Twp 05N Rge 40E MADISON County

PLACE OF USE: IRRIGATION

| | | | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|------|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 05N | 40E | 33 | | | | | | 30.0 | | | | | | | | | | | 30.0 |

POU Total Acres: 30.0

CONDITIONS OF APPROVAL

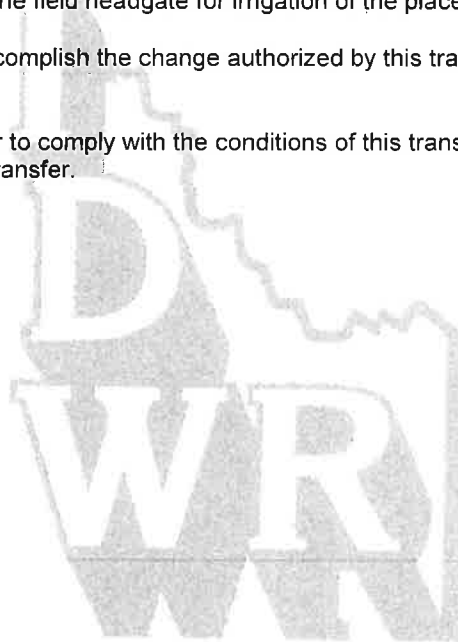
1. Rights 22-2251, 22-7090, 22-7493, 22-7495, 22-13968, 22-13969 and 22-14388 when combined shall not exceed a total diversion rate of 9.11 cfs, a total annual maximum diversion volume of 3,324.8 af at the field headgate, and the irrigation of 1,081 acres.
2. Use of water under this right may be regulated 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. 100.
3. Prior to the diversion and use of water under Transfer approval 83463, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

Transfer No. 83463

WATER RIGHT NO. 22-13968
As Modified by Transfer No. 83463

CONDITIONS OF APPROVAL

5. This water right enjoys the benefit of unqualified subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02, 02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37, 02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



WATER RIGHT NO. 22-14388

As Modified by Transfer No. 83463

In accordance with the approval of Transfer No. 83463, Water Right No. 22-14388 is now described as follows:

Right Holder: STANLEY SUTTON
578 E 7000 S
REXBURG, ID 83440

Priority Date: 6/25/1985

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/15

Diversion Rate
0.360 cfs
0.360 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 27 Twp 05N Rge 40E MADISON County
GROUND WATER NWNW Sec 33 Twp 05N Rge 40E MADISON County

PLACE OF USE: IRRIGATION

| Twp | Rng | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|-----|-----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 05N | 40E | 27 | | | | | | | | | | | 1.0 | | | | | | 1.0 |
| 05N | 40E | 33 | 21.0 | 19.0 | 25.0 | 40.0 | 9.0 | | | | | | | | 9.0 | 3.0 | | | 126.0 |
| 05N | 40E | 34 | | | | | 30.0 | 35.0 | 35.0 | 32.0 | 29.0 | 19.0 | 24.0 | 34.0 | | | | | 238.0 |

Right Acre Limit: 43.0
POU Total Acres: 365.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 43 acres within the authorized place of use in a single irrigation season.
2. Rights 22-2251, 22-7495, 22-13969 and 22-14388 when combined shall not exceed the irrigation of 365 acres.
3. Rights 22-2251, 22-7090, 22-7493, 22-7495, 22-13968, 22-13969 and 22-14388 when combined shall not exceed a total diversion rate of 9.11 cfs, a total annual maximum diversion volume of 3,324.8 af at the field headgate, and the irrigation of 1,081 acres.
4. Use of water under this right may 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. 100.

Transfer No. 83463

WATER RIGHT NO. 22-14388

As Modified by Transfer No. 83463

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 83463, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This water right enjoys the benefit of unqualified subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02, 02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37, 02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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.

WATER RIGHT NO. 22-13969**As Modified by Transfer No. 83463**

In accordance with the approval of Transfer No. 83463, Water Right No. 22-13969 is now described as follows:

Right Holder: KIRT SUTTON
LORI SUTTON
864 E 7156 S
REXBURG, ID 83440

STAN & PAULINE SUTTON LIVING TRUST
864 E 7156 S
REXBURG, ID 83440

Priority Date: 6/25/1985

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
04/15

To
to 10/15

Diversion Rate
0.190 cfs
0.190 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SESW
NWNW

Sec 27 Twp 05N Rge 40E MADISON County
Sec 33 Twp 05N Rge 40E MADISON County

PLACE OF USE: IRRIGATION

| Twp | Rng | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|-----|-----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 05N | 40E | 27 | | | | | | | | | | | 1.0 | | | | | | 1.0 |
| 05N | 40E | 33 | 21.0 | 19.0 | 25.0 | 40.0 | 9.0 | | | | | | | | 9.0 | 3.0 | | | 126.0 |
| 05N | 40E | 34 | | | | | 30.0 | 35.0 | 35.0 | 32.0 | 29.0 | 19.0 | 24.0 | 34.0 | | | | | 238.0 |

Right Acre Limit: 22.0

POU Total Acres: 365.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 22 acres within the authorized place of use in a single irrigation season.
2. Rights 22-2251, 22-7495, 22-13969 and 22-14388 when combined shall not exceed the irrigation of 365 acres.
3. Rights 22-2251, 22-7090, 22-7493, 22-7495, 22-13968, 22-13969 and 22-14388 when combined shall not exceed a total diversion rate of 9.11 cfs, a total annual maximum diversion volume of 3,324.8 af at the field headgate, and the irrigation of 1,081 acres.

Transfer No. 83463

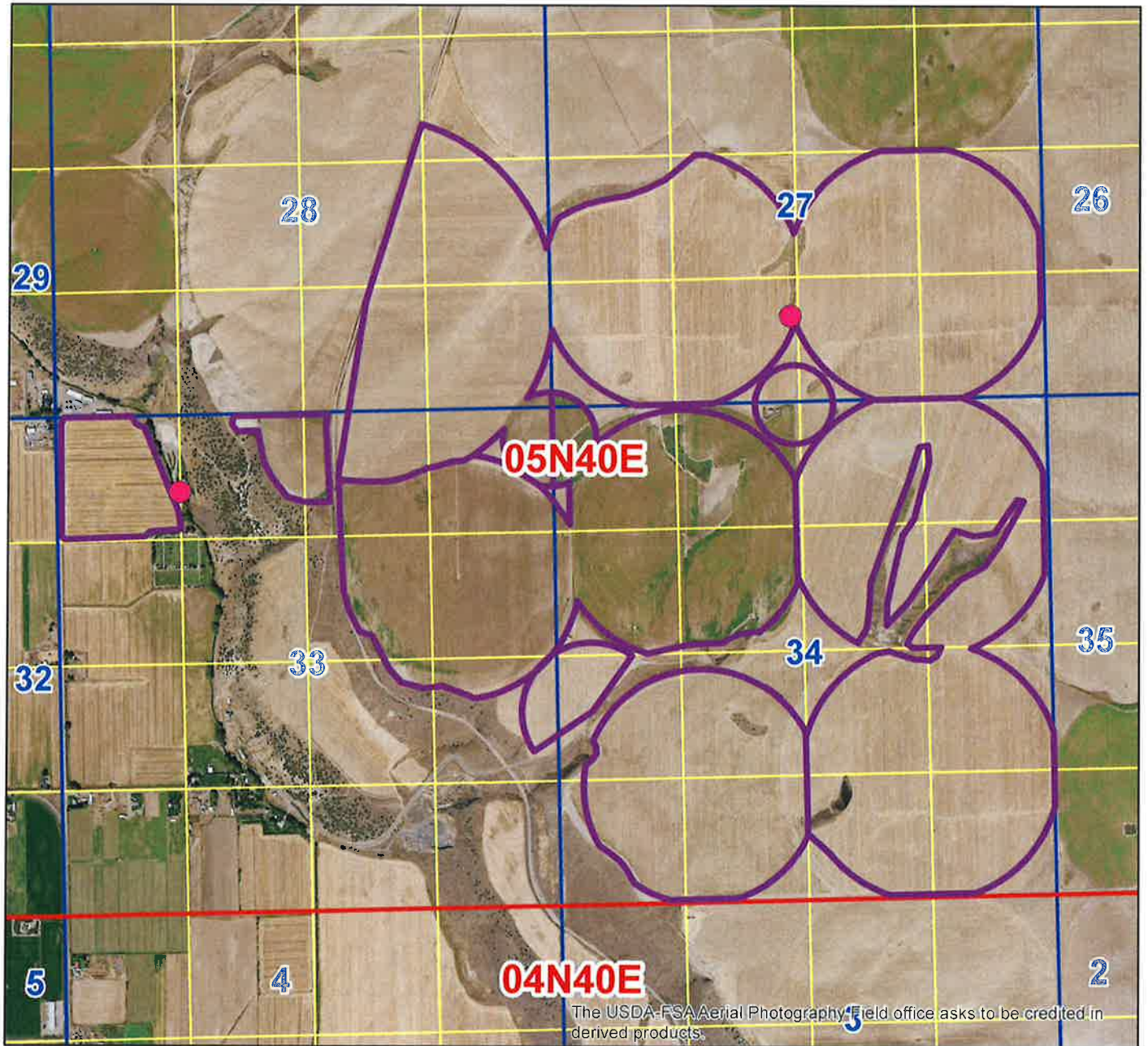
WATER RIGHT NO. 22-13969
As Modified by Transfer No. 83463

CONDITIONS OF APPROVAL

4. Use of water under this right may 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. 100.
5. Prior to the diversion and use of water under Transfer approval 83463, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. This water right enjoys the benefit of unqualified subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02, 02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37, 02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
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.

Attachment to Transfer Approval 83463

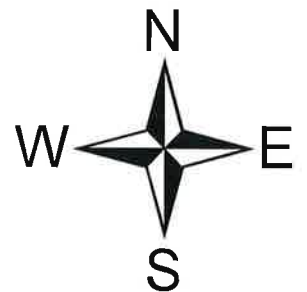
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 1,000 2,000 4,000 Feet



Date: 10/1/2020



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 1, 2020

LORI SUTTON & KIRT SUTTON
STAN & PAULINE SUTTON LIVING TRUST
864 E 7156 S
REXBURG ID 83440

Re: Transfer No: 83463
Water Right No(s): 22-2251, 22-7090, 22-7493, 22-7495, 22-13968, 22-13969

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 home page 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.

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) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure

CC:

STANLEY SUTTON
578 E 7000 S
REXBURG ID 83440

ZIONS FIRST NATIONAL BANK
219 E MAIN
PO BOX 54
RIGBY ID 83442

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83463

Water Right No(s): 22-2251, 22-7090, 22-7493, 22-7495, 22-13968, 22-13969

**LORI SUTTON & KIRT SUTTON
STAN & PAULINE SUTTON LIVING TRUST
864 E 7156 S
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**Christina Henman
Administrative Assistant**

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.