

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81789**

This is to certify that: **SUNRAIN VARIETIES LLC**
5466 W 49TH S
IDAHO FALLS, ID 83402

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>
22-14141	WR/DECREED	10/10/1979	2.100 cfs	420.6 af	N/A	140.2	GROUND WATER
22-14144	WR/DECREED	8/18/1966	3.450 cfs	864.9 af	288.3	431.0	GROUND WATER
22-14145	WR/DECREED	8/18/1966	1.700 cfs	428.1 af	142.7	450.0	GROUND WATER
22-14146	WR/DECREED	6/1/1889	0.190 cfs	N/A	153.8	470.0	MAHOGANY CREEK
22-14147	WR/DECREED	7/1/1890	2.880 cfs	N/A	153.8	470.0	MAHOGANY CREEK
22-14148	WR/DECREED	6/1/1966	3.070 cfs	N/A	316.2	489.0	MAHOGANY CREEK
22-387A	WR/DECREED	6/1/1899	0.800 cfs	N/A	N/A	30.0	MAHOGANY CREEK
22-7029	WR/DECREED	1/27/1970	2.220 cfs	474.0 af	N/A	158.0	GROUND WATER
22-7479	WR/LICENSE	6/26/1984	0.780 cfs	N/A	N/A	39.0	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>
22-14141	YES	YES	YES	YES	NO	NO
22-14144	NO	NO	YES	YES	NO	NO
22-14145	NO	NO	YES	YES	NO	NO
22-14146	NO	NO	YES	NO	NO	NO
22-14147	NO	NO	YES	NO	NO	NO
22-14148	NO	NO	YES	NO	NO	NO
22-387A	NO	NO	YES	NO	NO	NO
22-7029	NO	NO	YES	YES	NO	NO
22-7479	NO	NO	YES	YES	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>
22-14141	22-14292	0.370 cfs	73.5 af	24.5	750.0	22-14141	1.730 cfs	347.1 af	N/A	115.7
22-14144	22-14144	3.450 cfs	864.9 af	288.3	750.0	N/A	N/A	N/A	N/A	N/A
22-14145	22-14145	1.700 cfs	428.1 af	142.7	750.0	N/A	N/A	N/A	N/A	N/A
22-14146	22-14146	0.190 cfs	N/A	153.8	750.0	N/A	N/A	N/A	N/A	N/A
22-14147	22-14147	2.880 cfs	N/A	153.8	750.0	N/A	N/A	N/A	N/A	N/A
22-14148	22-14148	3.070 cfs	N/A	316.2	750.0	N/A	N/A	N/A	N/A	N/A
22-387A	22-387A	0.800 cfs	N/A	30.0	750.0	N/A	N/A	N/A	N/A	N/A

Transfer No. 81789

SUPPORT N/A
IN FILE # 22-387A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81789

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>
22-7029	22-7029	2.220 cfs	474.0 af	158.0	750.0	N/A	N/A	N/A	N/A	N/A
22-7479	22-7479	0.780 cfs	136.5 af	39.0	750.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		9.910 cfs	N/A	682.5	750.0		N/A	N/A	N/A	N/A

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 23rd day of February, 2018.


Water Resources Program Manager

WATER RIGHT NO. 22-7479**As Modified by Transfer No. 81789**

In accordance with the approval of Transfer No. 81789, Water Right No. 22-7479 is now described as follows:

Right Holder: SUNRAIN VARIETIES LLC
5466 W 49TH S
IDAHO FALLS, ID 83402

Priority Date: 6/26/1984

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.780 cfs

0.780 cfs

Diversion Volume

136.5 af

136.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

SESENE
SWNWNE

Sec 12 Twp 04N Rge 44E TETON County
Sec 18 Twp 04N Rge 45E TETON 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	
04N	44E	12				37.1									30.3	29.4		37.3	134.1
04N	45E	7		39	40		36.9	9.9	33.8	40	38.7			37.5		40	39.1		354.9
04N	45E	18	34.2	40.0	40.0	40.0	40.0	26.8		40.0									261.0

Right Acre Limit: 39.0

POU Total Acres: 750.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 39.0 acres within the authorized place of use in a single irrigation season.
2. Rights 22-2278, 22-7479, 22-14144, 22-11645, and 22-14145 when combined shall not exceed a total diversion rate of 3.60 cfs.
3. Rights 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, and 22-14148 when combined shall not exceed the irrigation of 470.0 acres.

WATER RIGHT NO. 22-7479
As Modified by Transfer No. 81789

CONDITIONS OF APPROVAL

4. Rights 22-387A, 22-7029, 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, 22-14148, and 21-14292 when combined shall not exceed the irrigation of a specific 682.5 acres in a single irrigation season within the authorized 750.0 acre place of use. The specific 682.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 682.5 acres to be irrigated within the 750.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. 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.
6. Prior to the diversion and use of water under Transfer approval 81789, 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.
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 make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Section 42-222, Idaho Code, or other Department approval.
9. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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. 22-387A**As Modified by Transfer No. 81789**

In accordance with the approval of Transfer No. 81789, Water Right No. 22-387A is now described as follows:

Right Holder: SUNRAIN VARIETIES LLC
5466 W 49TH S
IDAHO FALLS, ID 83402

Priority Date: 6/1/1899

Source: MAHOGANY CREEK

Tributary: TETON RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.800 cfs

0.800 cfs

LOCATION OF POINT(S) OF DIVERSION

MAHOGANY CREEK

L2 (NWNE)

Sec 14 Twp 04N Rge 44E TETON 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	
04N	44E	12				37.1									30.3	29.4		37.3	134.1
04N	45E	7		39	40		36.9	9.9	33.8	40	38.7			37.5		40	39.1		354.9
04N	45E	18	34.2	40.0	40.0	40.0	40.0	26.8		40.0									261.0

Right Acre Limit: 30.0

POU Total Acres: 750.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 30.0 acres within the authorized place of use in a single irrigation season.
2. Rights 22-387A, 22-7029, 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, 22-14148, and 21-14292 when combined shall not exceed the irrigation of a specific 682.5 acres in a single irrigation season within the authorized 750.0 acre place of use. The specific 682.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 682.5 acres to be irrigated within the 750.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

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WATER RIGHT NO. 22-387A
As Modified by Transfer No. 81789

CONDITIONS OF APPROVAL

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 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. 01.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-7029**As Modified by Transfer No. 81789**

In accordance with the approval of Transfer No. 81789, Water Right No. 22-7029 is now described as follows:

Right Holder: SUNRAIN VARIETIES LLC
5466 W 49TH S
IDAHO FALLS, ID 83402

Priority Date: 1/27/1970

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/15

Diversion Rate

2.220 cfs

2.220 cfs

Diversion Volume

474.0 af

474.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESENE

Sec 12 Twp 04N Rge 44E TETON County

GROUND WATER

SWNWNE

Sec 18 Twp 04N Rge 45E TETON 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	
04N	44E	12				37.1									30.3	29.4		37.3	134.1
04N	45E	7		39	40		36.9	9.9	33.8	40	38.7			37.5		40	39.1		354.9
04N	45E	18	34.2	40.0	40.0	40.0	40.0	26.8		40.0									261.0

Right Acre Limit: 158.0

POU Total Acres: 750.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 158.0 acres within the authorized place of use in a single irrigation season.
2. Rights 22-387A, 22-7029, 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, 22-14148, and 21-14292 when combined shall not exceed the irrigation of a specific 682.5 acres in a single irrigation season within the authorized 750.0 acre place of use. The specific 682.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 682.5 acres to be irrigated within the 750.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

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WATER RIGHT NO. 22-7029
As Modified by Transfer No. 81789

CONDITIONS OF APPROVAL

3. 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.
4. Prior to the diversion and use of water under Transfer approval 81789, 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.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-14141
As Modified by Transfer No. 81789

In accordance with the approval of Transfer No. 81789, Water Right No. 22-14141 is now described as follows:

Right Holder: SUNRAIN VARIETIES LLC
5466 W 49TH S
IDAHO FALLS, ID 83402

Priority Date: 10/10/1979

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/15

to

To

10/15

Diversion Rate

1.730 cfs

1.730 cfs

Diversion Volume

347.1 af

347.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NESWSE

Sec 1 Twp 04N Rge 44E TETON 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	
04N	44E	1																	
04N	44E	12	28.7	32.6													23.2	31.2	54.4
POU Total Acres:			115.7																

CONDITIONS OF APPROVAL

1. 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.

WATER RIGHT NO. 22-14292

As Modified by Transfer No. 81789

In accordance with the approval of Transfer No. 81789, Water Right No. 22-14292 is now described as follows:

Right Holder: SUNRAIN VARIETIES LLC
5466 W 49TH S
IDAHO FALLS, ID 83402

Priority Date: 10/10/1979

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/15

Diversion Rate

0.370 cfs

0.370 cfs

Diversion Volume

73.5 af

73.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESENE

Sec 12 Twp 04N Rge 44E TETON County

GROUND WATER

SWNWNE

Sec 18 Twp 04N Rge 45E TETON 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	
04N	44E	12				37.1									30.3	29.4		37.3	134.1
04N	45E	7		39.0	40.0		36.9	9.9	33.8	40.0	38.7			37.5			40.0	39.1	354.9
04N	45E	18	34.2	40.0	40.0	40.0	40.0	26.8		40.0									261.0

Right Acre Limit: 24.5

POU Total Acres: 750.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 24.5 acres within the authorized place of use in a single irrigation season.
2. Rights 22-387A, 22-7029, 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, 22-14148, and 22-14292 when combined shall not exceed the irrigation of a specific 682.5 acres in a single irrigation season within the authorized 750.0 acre place of use. The specific 682.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 682.5 acres to be irrigated within the 750.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

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WATER RIGHT NO. 22-14292
As Modified by Transfer No. 81789

CONDITIONS OF APPROVAL

3. 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.
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. Prior to the diversion and use of water under Transfer approval 81789, 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-14144
As Modified by Transfer No. 81789

In accordance with the approval of Transfer No. 81789, Water Right No. 22-14144 is now described as follows:

Right Holder: SUNRAIN VARIETIES LLC
 5466 W 49TH S
 IDAHO FALLS, ID 83402

Priority Date: 8/18/1966

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/15

Diversion Rate

3.450 cfs

3.450 cfs

Diversion Volume

864.9 af

864.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
 GROUND WATER

SESENE
 SWNWNE

Sec 12 Twp 04N Rge 44E TETON County
 Sec 18 Twp 04N Rge 45E TETON 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	
04N	44E	12				37.1									30.3	29.4		37.3	134.1
04N	45E	7		39	40		36.9	9.9	33.8	40	38.7			37.5		40	39.1		354.9
04N	45E	18	34.2	40.0	40.0	40.0	40.0	26.8		40.0									261.0

Right Acre Limit: 288.3

POU Total Acres: 750.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 288.3 acres within the authorized place of use in a single irrigation season.
2. Rights 22-14144 and 22-14145 when combined shall not exceed a total diversion rate of 3.45 cfs.
3. Right No. 22-14145 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
4. Rights 22-2278, 22-7479, 22-14144, 22-11645, and 22-14145 when combined shall not exceed a total diversion rate of 3.60 cfs.
5. Rights 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, and 22-14148 when combined shall not exceed the irrigation of 470.0 acres.

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WATER RIGHT NO. 22-14144
As Modified by Transfer No. 81789

CONDITIONS OF APPROVAL

6. Rights 22-387A, 22-7029, 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, 22-14148, and 21-14292 when combined shall not exceed the irrigation of a specific 682.5 acres in a single irrigation season within the authorized 750.0 acre place of use. The specific 682.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 682.5 acres to be irrigated within the 750.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. 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.
9. Prior to the diversion and use of water under Transfer approval 81789, 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-14145**As Modified by Transfer No. 81789**

In accordance with the approval of Transfer No. 81789, Water Right No. 22-14145 is now described as follows:

Right Holder: SUNRAIN VARIETIES LLC
5466 W 49TH S
IDAHO FALLS, ID 83402

Priority Date: 8/18/1966

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/15

Diversion Rate

1.700 cfs

1.700 cfs

Diversion Volume

428.1 af

428.1 af

LOCATION OF POINT(S) OF DIVERSIONGROUND WATER
GROUND WATERSESENE
SWNWNESec 12 Twp 04N Rge 44E TETON County
Sec 18 Twp 04N Rge 45E TETON 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	
04N	44E	12				37.1									30.3	29.4		37.3	134.1
04N	45E	7		39	40		36.9	9.9	33.8	40	38.7			37.5		40	39.1		354.9
04N	45E	18	34.2	40.0	40.0	40.0	40.0	26.8		40.0									261.0

Right Acre Limit: 142.7

POU Total Acres: 750.0

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 142.7 acres within the place of use described for this right.
2. Rights 22-14144 and 22-14145 when combined shall not exceed a total diversion rate of 3.45 cfs.
3. This right is based upon an enlargement of Right No. 22-14144 pursuant to Section 42-1426, Idaho Code.
4. Rights 22-2278, 22-7479, 22-14144, 22-11645, and 22-14145 when combined shall not exceed a total diversion rate of 3.60 cfs.
5. Rights 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, and 22-14148 when combined shall not exceed the irrigation of 470.0 acres.

Transfer No. 81789

WATER RIGHT NO. 22-14145
As Modified by Transfer No. 81789

CONDITIONS OF APPROVAL

6. Rights 22-387A, 22-7029, 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, 22-14148, and 21-14292 when combined shall not exceed a total diversion rate of 9.91 cfs and the irrigation of a specific 682.5 acres in a single irrigation season within the authorized 750.0 acre place of use. The specific 682.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 682.5 acres to be irrigated within the 750.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
8. 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.
9. Prior to the diversion and use of water under Transfer approval 81789, 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.
10. 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.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-14146
As Modified by Transfer No. 81789

In accordance with the approval of Transfer No. 81789, Water Right No. 22-14146 is now described as follows:

Right Holder: SUNRAIN VARIETIES LLC
 5466 W 49TH S
 IDAHO FALLS, ID 83402

Priority Date: 6/1/1889

Source: MAHOGANY CREEK

Tributary: TETON RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

0.190 cfs

0.190 cfs

LOCATION OF POINT(S) OF DIVERSION

MAHOGANY CREEK

L2 (NWNE)

Sec 14 Twp 04N Rge 44E TETON 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	
04N	44E	12				37.1									30.3	29.4		37.3	134.1
04N	45E	7		39	40		36.9	9.9	33.8	40	38.7			37.5		40	39.1		354.9
04N	45E	18	34.2	40.0	40.0	40.0	40.0	26.8		40.0									261.0

Right Acre Limit: 153.8

POU Total Acres: 750.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 153.8 acres within the authorized place of use in a single irrigation season.
2. Rights 22-14146 and 22-14147 when combined are limited to the irrigation of a specific 153.8 acres within the 750.0 acre place of use authorized by this right in a single irrigation season. The specific 153.8 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 153.8 acres to be irrigated within the 750.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. Rights 22-14146, 22-14147, and 22-14148 when combined shall not exceed a total diversion rate of 3.07 cfs and the irrigation of 470.0 acres.

Transfer No. 81789

WATER RIGHT NO. 22-14146
As Modified by Transfer No. 81789

CONDITIONS OF APPROVAL

4. Right No. 22-14148 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. Rights 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, and 22-14148 when combined shall not exceed the irrigation of 470.0 acres.
6. Rights 22-387A, 22-7029, 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, 22-14148, and 21-14292 when combined shall not exceed the irrigation of a specific 682.5 acres in a single irrigation season within the authorized 750.0 acre place of use. The specific 682.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 682.5 acres to be irrigated within the 750.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. 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).
8. 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. 01.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-14147
As Modified by Transfer No. 81789

In accordance with the approval of Transfer No. 81789, Water Right No. 22-14147 is now described as follows:

Right Holder: SUNRAIN VARIETIES LLC
 5466 W 49TH S
 IDAHO FALLS, ID 83402

Priority Date: 7/1/1890

Source: MAHOGANY CREEK

Tributary: TETON RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

2.880 cfs

2.880 cfs

LOCATION OF POINT(S) OF DIVERSION

MAHOGANY CREEK

L2 (NWNE)

Sec 14 Twp 04N Rge 44E TETON 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	
04N	44E	12				37.1									30.3	29.4		37.3	134.1
04N	45E	7		39	40		36.9	9.9	33.8	40	38.7			37.5		40	39.1		354.9
04N	45E	18	34.2	40.0	40.0	40.0	40.0	26.8		40.0									261.0

Right Acre Limit: 153.8

POU Total Acres: 750.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 153.8 acres within the authorized place of use in a single irrigation season.
2. Rights 22-14146 and 22-14147 when combined are limited to the irrigation of a specific 153.8 acres within the 750.0 acre place of use authorized by this right in a single irrigation season. The specific 153.8 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 153.8 acres to be irrigated within the 750.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. Right No. 22-14148 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Transfer No. 81789

WATER RIGHT NO. 22-14147
As Modified by Transfer No. 81789

CONDITIONS OF APPROVAL

4. Rights 22-14146, 22-14147, and 22-14148 when combined shall not exceed a total diversion rate of 3.07 cfs and the irrigation of 470.0 acres.
5. Rights 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, and 22-14148 when combined shall not exceed the irrigation of 470.0 acres.
6. Rights 22-387A, 22-7029, 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, 22-14148, and 21-14292 when combined shall not exceed the irrigation of a specific 682.5 acres in a single irrigation season within the authorized 750.0 acre place of use. The specific 682.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 682.5 acres to be irrigated within the 750.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. 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).
8. 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. 01.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-14148
As Modified by Transfer No. 81789

In accordance with the approval of Transfer No. 81789, Water Right No. 22-14148 is now described as follows:

Right Holder: SUNRAIN VARIETIES LLC
 5466 W 49TH S
 IDAHO FALLS, ID 83402

Priority Date: 6/1/1966

Source: MAHOGANY CREEK

Tributary: TETON RIVER

BENEFICIAL USE
 IRRIGATION

From
 04/15

To
 to 10/15

Diversion Rate
 3.070 cfs
 3.070 cfs

LOCATION OF POINT(S) OF DIVERSION

MAHOGANY CREEK L2 (NWNE) Sec 14 Twp 04N Rge 44E TETON 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	
04N	44E	12				37.1									30.3	29.4		37.3	134.1
04N	45E	7		39	40		36.9	9.9	33.8	40	38.7			37.5		40	39.1		354.9
04N	45E	18	34.2	40.0	40.0	40.0	40.0	26.8		40.0									261.0

Right Acre Limit: 316.2

POU Total Acres: 750.0

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 316.2 acres within the place of use described for this right.
2. Rights 22-14146, 22-14147, and 22-14148 when combined shall not exceed a total diversion rate of 3.07 cfs and the irrigation of 470.0 acres.
3. Rights 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, and 22-14148 when combined shall not exceed the irrigation of 470.0 acres.

Transfer No. 81789

WATER RIGHT NO. 22-14148
As Modified by Transfer No. 81789

CONDITIONS OF APPROVAL

4. Rights 22-387A, 22-7029, 22-7479, 22-14144, 22-14145, 22-14146, 22-14147, 22-14148, and 21-14292 when combined shall not exceed the irrigation of a specific 682.5 acres in a single irrigation season within the authorized 750.0 acre place of use. The specific 682.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 682.5 acres to be irrigated within the 750.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right is based upon an enlargement of Right No. 22-14146 and 22-14147 pursuant to Section 42-1426, Idaho Code.
6. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
7. 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).
8. 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. 01.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer Approval 81789 for Ground Water P.O.D

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



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

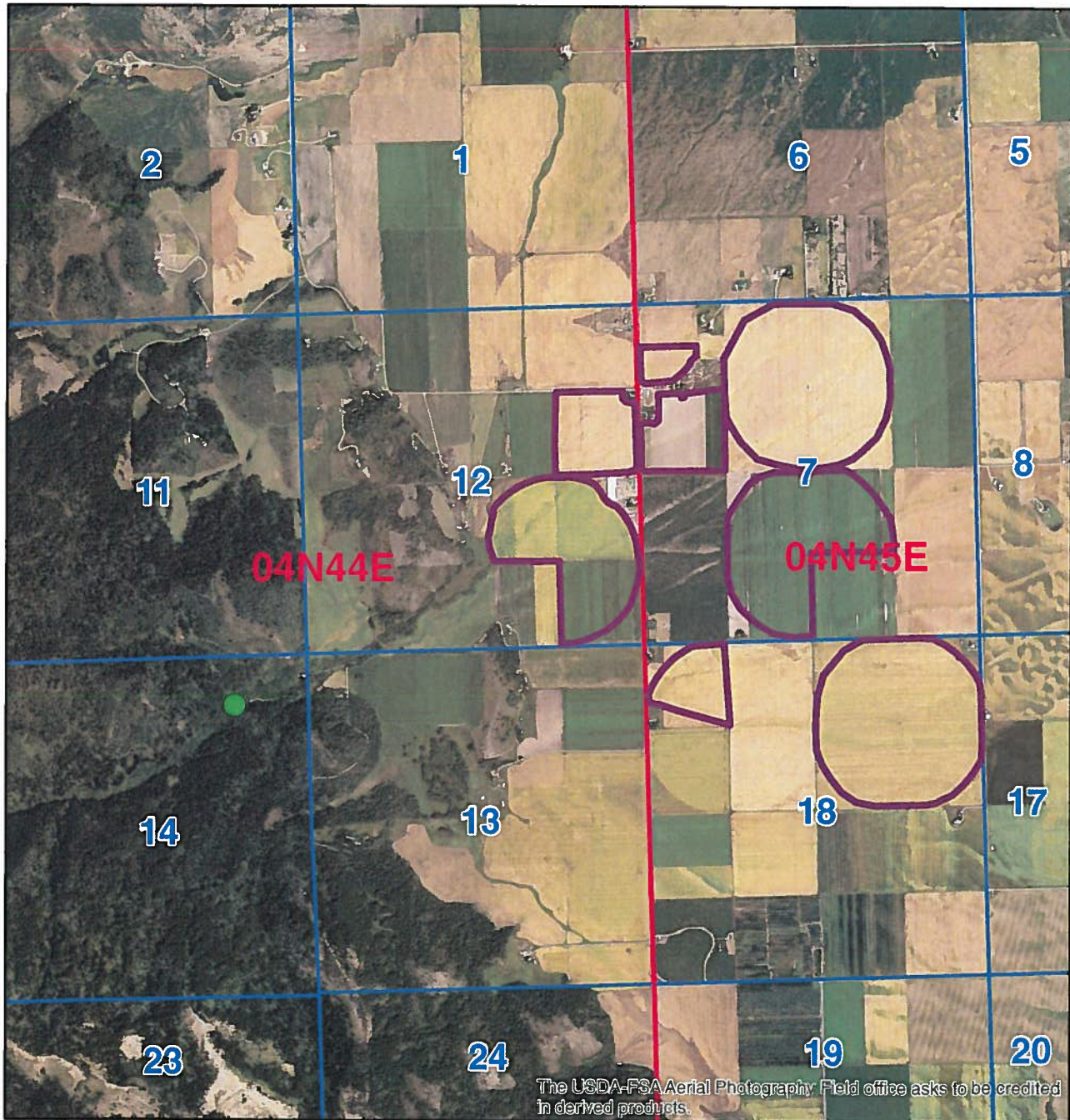
0 550 1,100 2,200 Feet

1 inch = 1,281 feet



Transfer Approval 81789 for Mahogany Creek P.O.D

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



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 1,125 2,250 4,500 Feet

1 inch = 2,502 feet

