

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81977**

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>
22-14138	WR/DECREED	5/3/1889	2.000 cfs	N/A	114.5	216.7	MAHOGANY CREEK
22-14139	WR/DECREED	6/1/1890	1.810 cfs	N/A	95.5	227.0	MAHOGANY CREEK
22-2053B	WR/DECREED	5/31/1910	0.800 cfs	N/A	N/A	49.0	MAHOGANY CREEK
22-256A	WR/DECREED	6/1/1890	1.000 cfs	N/A	N/A	49.0	MAHOGANY CREEK

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>
22-14138	NO	NO	YES	NO	NO	NO
22-14139	NO	NO	YES	NO	NO	NO
22-2053B	NO	NO	YES	NO	NO	NO
22-256A	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>
22-14138	22-14138	2.000 cfs	N/A	114.5	259.0	N/A	N/A	N/A	N/A	N/A
22-14139	22-14139	1.810 cfs	N/A	95.5	259.0	N/A	N/A	N/A	N/A	N/A
22-2053B	22-2053B	0.800 cfs	N/A	49.0	259.0	N/A	N/A	N/A	N/A	N/A
22-256A	22-256A	1.000 cfs	N/A	49.0	259.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.610 cfs	N/A	259.0	259.0		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 29th day of November, 2017.



SUPPORT DATA Water Resources Program Manager

Transfer No. 81977

IN FILE # 22-256A

WATER RIGHT NO. 22-2053B**As Modified by Transfer No. 81977**

In accordance with the approval of Transfer No. 81977, Water Right No. 22-2053B is now described as follows:

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

Priority Date: 5/31/1910

Source: MAHOGANY CREEK

Tributary: TETON RIVER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
0.800 cfs
0.800 cfs

LOCATION OF POINT(S) OF DIVERSION

MAHOGANY CREEK L2 (SEWNNE) 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	13	19.2	6.0	23.5	37.3									38.2	35.7	10.5	14.6	185.0
04N	44E	24	15.3																15.3
04N	45E	19						33.3	25.4										58.7
								L 1	L 2										

Right Acre Limit: 49.0
POU Total Acres: 259.0

CONDITIONS OF APPROVAL

1. Rights 22-256A and 22-2053B when combined shall not exceed the irrigation of 49.0 acres.
2. Rights 22-256A, 22-2053B, 22-14138, and 22-14139 when combined shall not exceed the irrigation of 259.0 acres.
3. 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.
4. 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).
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81977

WATER RIGHT NO. 22-2053B
As Modified by Transfer No. 81977

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
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.
9. 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. 22-14138**As Modified by Transfer No. 81977**

In accordance with the approval of Transfer No. 81977, Water Right No. 22-14138 is now described as follows:

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

Priority Date: 5/3/1889

Source: MAHOGANY CREEK

Tributary: TETON RIVER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
2.000 cfs
2.000 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	13	19.2	6.0	23.5	37.3									38.2	35.7	10.5	14.6	185.0
04N	44E	24	15.3																15.3
04N	45E	19						33.3	25.4										58.7
								L 1	L 2										

Right Acre Limit: 114.5

POU Total Acres: 259.0

CONDITIONS OF APPROVAL

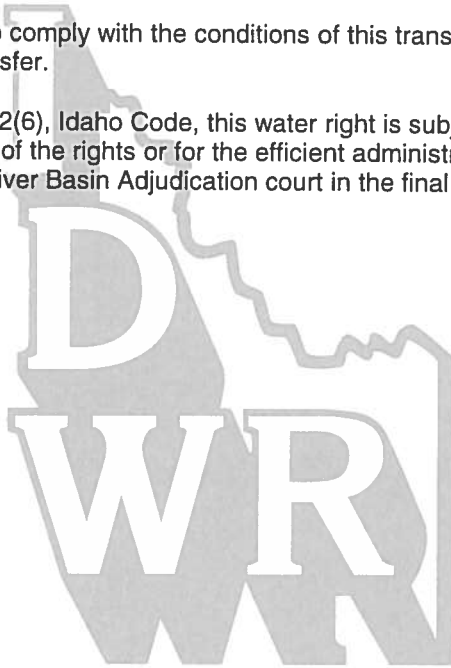
1. This right is limited to the irrigation of 114.5 acres within the authorized place of use in a single irrigation season.
2. Rights 22-14138 and 22-14139 when combined shall not exceed the irrigation of 210.0 acres.
3. Rights 22-256A, 22-2053B, 22-14138 and 22-14139 when combined shall not exceed the irrigation of 259.0 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. 01.
5. 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).

Transfer No. 81977

WATER RIGHT NO. 22-14138
As Modified by Transfer No. 81977

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the 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 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. 22-14139**As Modified by Transfer No. 81977**

In accordance with the approval of Transfer No. 81977, Water Right No. 22-14139 is now described as follows:

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

Priority Date: 6/1/1890

Source: MAHOGANY CREEK

Tributary: TETON RIVER

BENEFICIAL USE
IRRIGATION

From
04/15

To
to 10/31

Diversion Rate
1.810 cfs
1.810 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	13	19.2	6.0	23.5	37.3									38.2	35.7	10.5	14.6	185.0
04N	44E	24	15.3																15.3
04N	45E	19						33.3	25.4										58.7
								L 1	L 2										

Right Acre Limit: 95.5
POU Total Acres: 259.0

CONDITIONS OF APPROVAL

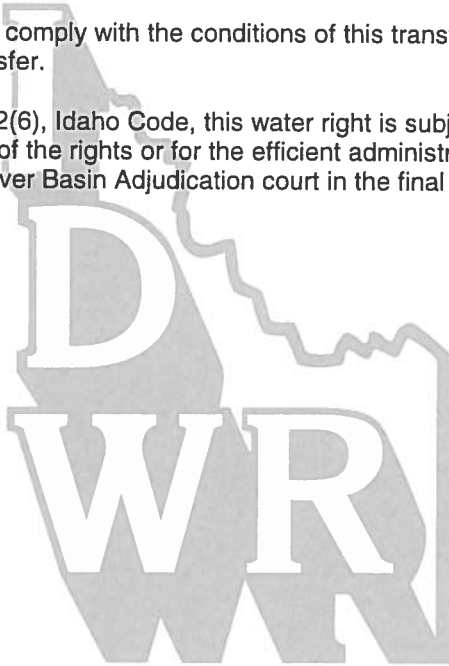
1. This right is limited to the irrigation of 95.5 acres within the authorized place of use in a single irrigation season.
2. Rights 22-14138 and 22-14139 when combined shall not exceed the irrigation of 210.0 acres.
3. Rights 22-256A, 22-2053B, 22-14138 and 22-14139 when combined shall not exceed the irrigation of 259.0 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. 01.
5. 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).

Transfer No. 81977

WATER RIGHT NO. 22-14139
As Modified by Transfer No. 81977

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the 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 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. 22-256A
As Modified by Transfer No. 81977

In accordance with the approval of Transfer No. 81977, Water Right No. 22-256A is now described as follows:

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

Priority Date: 6/1/1890

Source: MAHOGANY CREEK

Tributary: TETON RIVER

BENEFICIAL USE
 IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
 1.000 cfs
 1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

MAHOGANY CREEK L2 (SEWNNE) 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	13	19.2	6.0	23.5	37.3									38.2	35.7	10.5	14.6	185.0
04N	44E	24	15.3																15.3
04N	45E	19						33.3	25.4										58.7
								L 1	L 2										

Right Acre Limit: 49.0
 POU Total Acres: 259.0

CONDITIONS OF APPROVAL

1. Rights 22-256A and 22-2053B when combined shall not exceed the irrigation of 49.0 acres.
2. Rights 22-256A, 22-2053B, 22-14138, and 22-14139 when combined shall not exceed the irrigation of 259.0 acres.
3. 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.
4. 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).
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81977

WATER RIGHT NO. 22-256A
As Modified by Transfer No. 81977

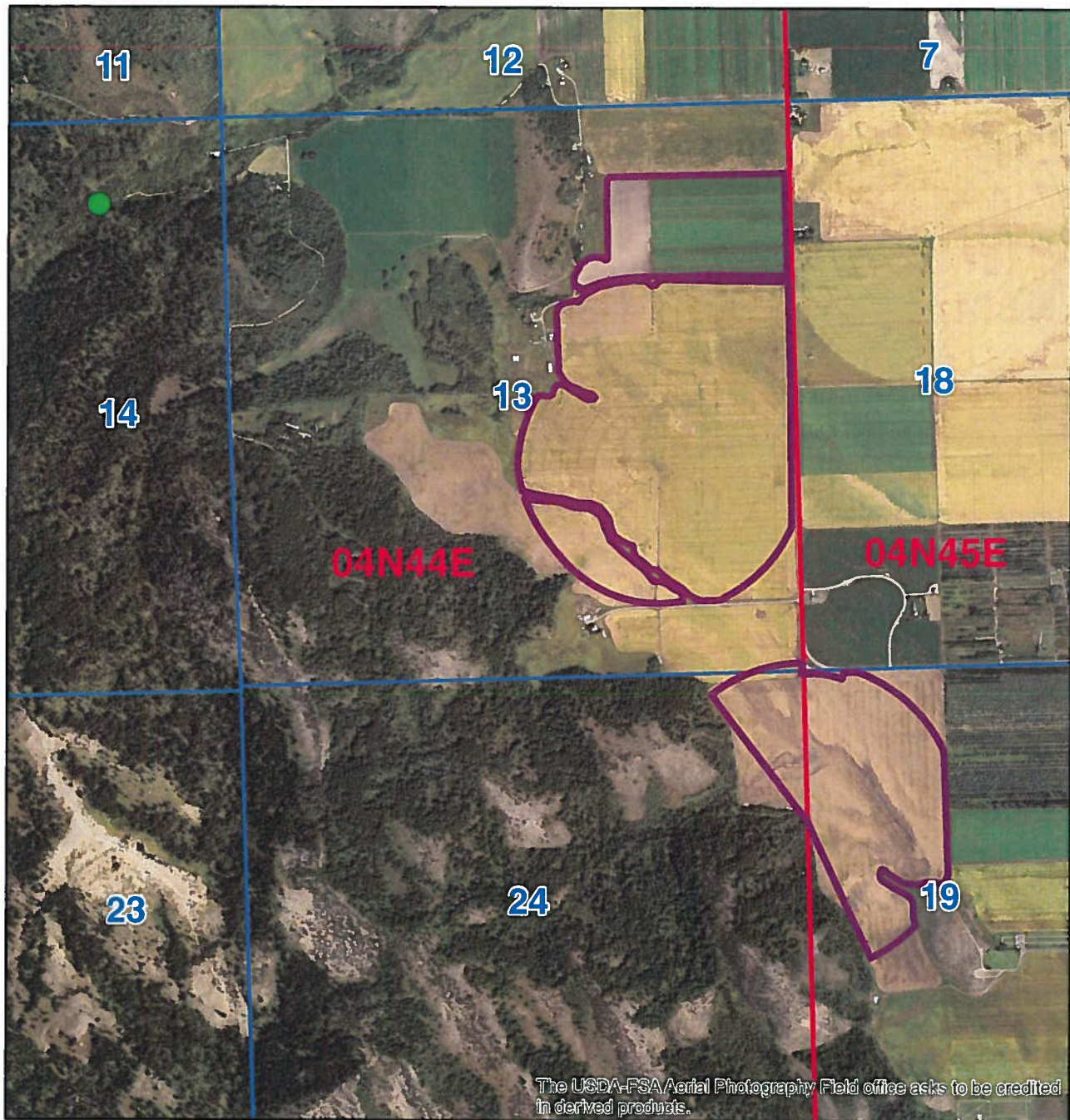
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6. This right does not grant any right-of-way or easement across the land of another.
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9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary 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 81977

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

0 650 1,300 2,600 Feet

1 inch = 1,487 feet

