

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81977

RECEIVED

OCT 20 2017

Department of Water Resources
Eastern RegionMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AMENDED

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Sunrain Varieties, LLCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: Spreadsheet used to show change in acres to calculate filing fee.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Sunrain Varieties, LLC Phone _____

Mailing address 5466 W 49th S, Idaho Falls, ID 83402 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Luke H. Marchant Phone (208) 523-0620

Mailing address PO Box 50130, Idaho Falls, ID 83405 Email lmarchant@holdenlegal.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative

Luke H. Marchant, Attorney

Print Name and Title if applicable

10/20/2017

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

The purpose of this Application for Transfer is to change the place of use of Water Right Nos. 22-256A, 22-2053B, 22-14138, and 22-14139. Water Right Nos. 22-256A and 22-2053 B were previously limited to the irrigation of 49 acres. 22-14138 and 22-14139 were limited to the irrigation of 210 acres within a 216.7 acre place of use. This transfer will combine the four water rights to create a 259 acre place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	22-256A	1 cfs	Irrigation	04/15 to 10/31	Mahogany Creek/Teton River
☒ ☐	22-2053B	0.8 cfs	Irrigation	04/15 to 10/31	Mahogany Creek/Teton River
☒ ☐	22-14138	2 cfs	Irrigation	04/15 to 10/31	Mahogany Creek/Teton River
☒ ☐	22-14139	1.81 cfs	Irrigation	04/15 to 10/31	Mahogany Creek/Teton River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.61 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.6 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	44E	13	19.2	6	23.5	37.3									38.2	35.7	10.5	14.6	185
		24	15.3																15.3
	45E	19						33.3	25.4										58.7
								L1	L2										
Total Acres (for irrigation use)																			259

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Water is diverted out of Mahogany Creek into a gravity flow pipeline.

- b. Who owns the property at the point(s) of diversion? United States Forest Service

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Applicants have an oral agreement with the USFS to access and maintain the point of diversion.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
It will no longer be irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Fourteen other water rights, owned by various parties, are also diverted at the point of diversion.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/18/2017

WATER RIGHT NO. 22-256A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	ARTHUR L FOOTE , ID
Original Owner	GEORGE H FOSTER
Original Owner	RUTH M FOSTER 386 S 500 W DRIGGS, ID 83422 2083542546
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MAHOGANY CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1 CFS	
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

MAHOGANY CREEK|SEWNNE Lt 2|Sec. 14|Township 04N|Range 44E|TETON County

81977

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	44E	13		SWSE	30		SESE	19						

Total Acres: 49

Conditions of Approval:

1. C18 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.
2. E55 Right Nos. 22-256A and 22-2053B are limited to the irrigation of a combined total of 49 acres in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 49

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

81977

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/18/2017

WATER RIGHT NO. 22-2053B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	GEORGE H FOSTER
Original Owner	RUTH M FOSTER 386 S 500 W DRIGGS, ID 83422 2083542546
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 05/31/1910

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MAHOGANY CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.8 CFS	
Total Diversion			0.8 CFS	

Location of Point(s) of Diversion:

MAHOGANY CREEK|SEWN Lt 2|Sec. 14|Township 04N|Range 44E|TETON County

Place(s) of use:

81977

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	44E	13		SWSE	30		SESE	19						

Total Acres: 49

Conditions of Approval:

1. C18 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.
2. E55 Right Nos. 22-256A and 22-2053B are limited to the irrigation of a combined total of 49 acres in a single irrigation season.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 49

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

81977

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/18/2017

WATER RIGHT NO. 22-14138

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	FARRELL BUXTON
Original Owner	JEANNE BUXTON
Original Owner	THOMAS BATES 332 S 500 W DRIGGS, ID 83422 2083542486
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 05/03/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MAHOGANY CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	2 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

MAHOGANY CREEK|NWNE Lt 2|Sec. 14|Township 04N|Range 44E|TETON County

IRRIGATION Use:

81977

Acre Limit: 114.5

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	44E	13		NENE	19		NWNE	6.3		SWNE	25.4		SENE	38
				NESW	30									
				NESE	39		NWSE	40		SESE	19			

Total Acres: 216.7

Conditions of Approval:

1. C18 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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 210.0 acres in a single irrigation season. Combined Right Nos.: 22-14138, 22-14139.
3. K06 This right is limited to the irrigation of 114.5 acres within the place of use described above in a single irrigation season.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 210

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

81977

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/18/2017

WATER RIGHT NO. 22-14139

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	FARRELL BUXTON
Original Owner	JEANNE BUXTON 332 S 500 W DRIGGS, ID 83422 2083542486
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MAHOGANY CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.81 CFS	
Total Diversion			1.81 CFS	

Location of Point(s) of Diversion:

MAHOGANY CREEK|NWNE Lt 2|Sec. 14|Township 04N|Range 44E|TETON County

IRRIGATION Use:

Acre Limit: 95.5

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Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	44E	13		NENE	19		NWNE	6.3		SWNE	25.4		SENE	38
				NESW	30									
				NESE	39		NWSE	40		SESE	19			

Total Acres: 216.7

Conditions of Approval:

1. C18 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.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. K06 This right is limited to the irrigation of 95.5 acres within the place of use described above in a single irrigation season.
4. E56 The rights listed below are limited to the irrigation of a combined total of 210.0 acres in a single irrigation season. Combined Right Nos.: 22-14138, 22-14139.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 210

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

81977

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Attachment No. 7a

GIS Maps

81977

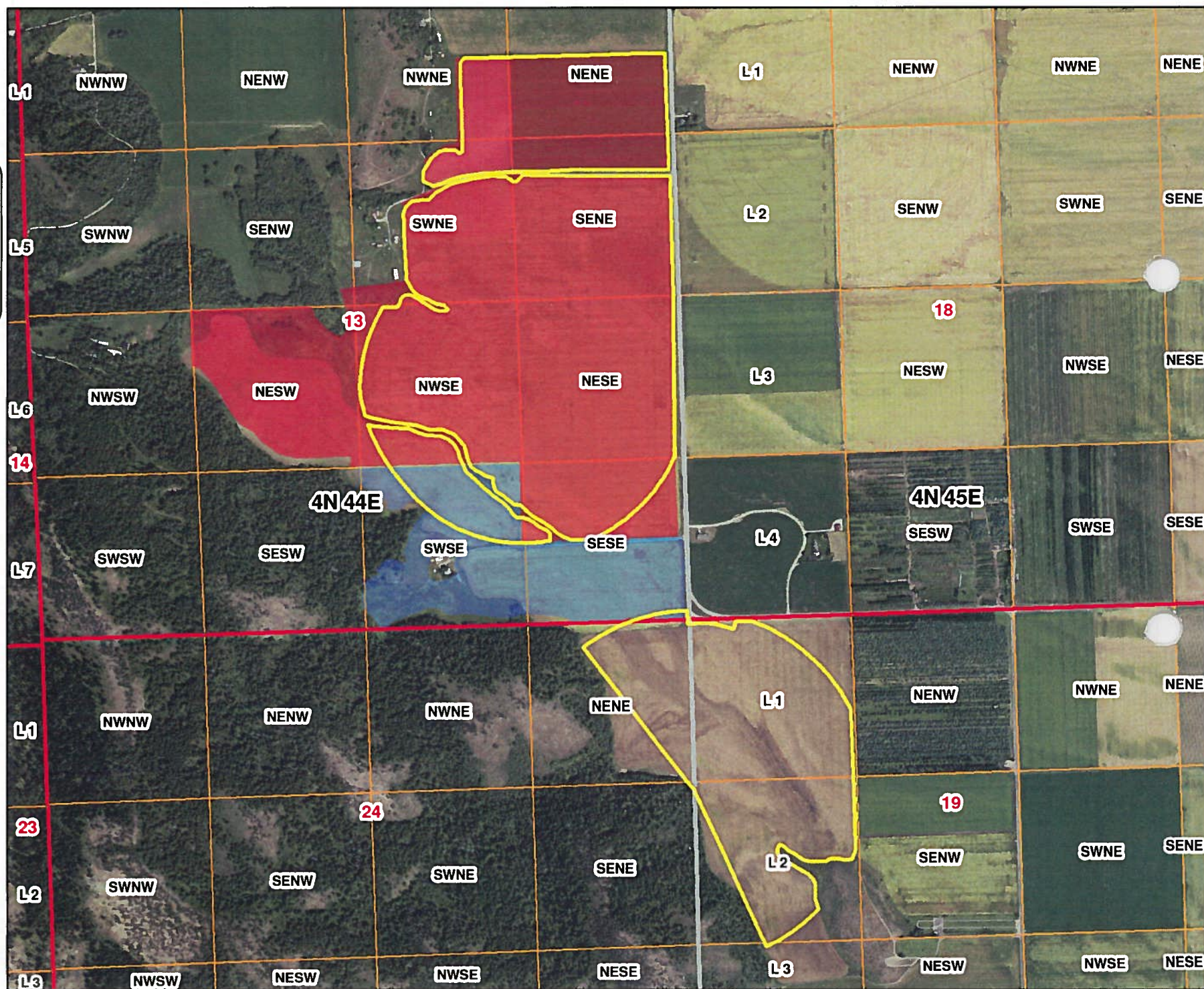
SUNRAIN APPLICATION FOR TRANSFER



Legend

- Proposed POU
- 22-256A & 22-2053B
Current POU
- 22-14138 & 22-14139
Current POU
- TR Lines
- Section Lines
- Quarter Quarters

2261977



2015 NAIP Photo



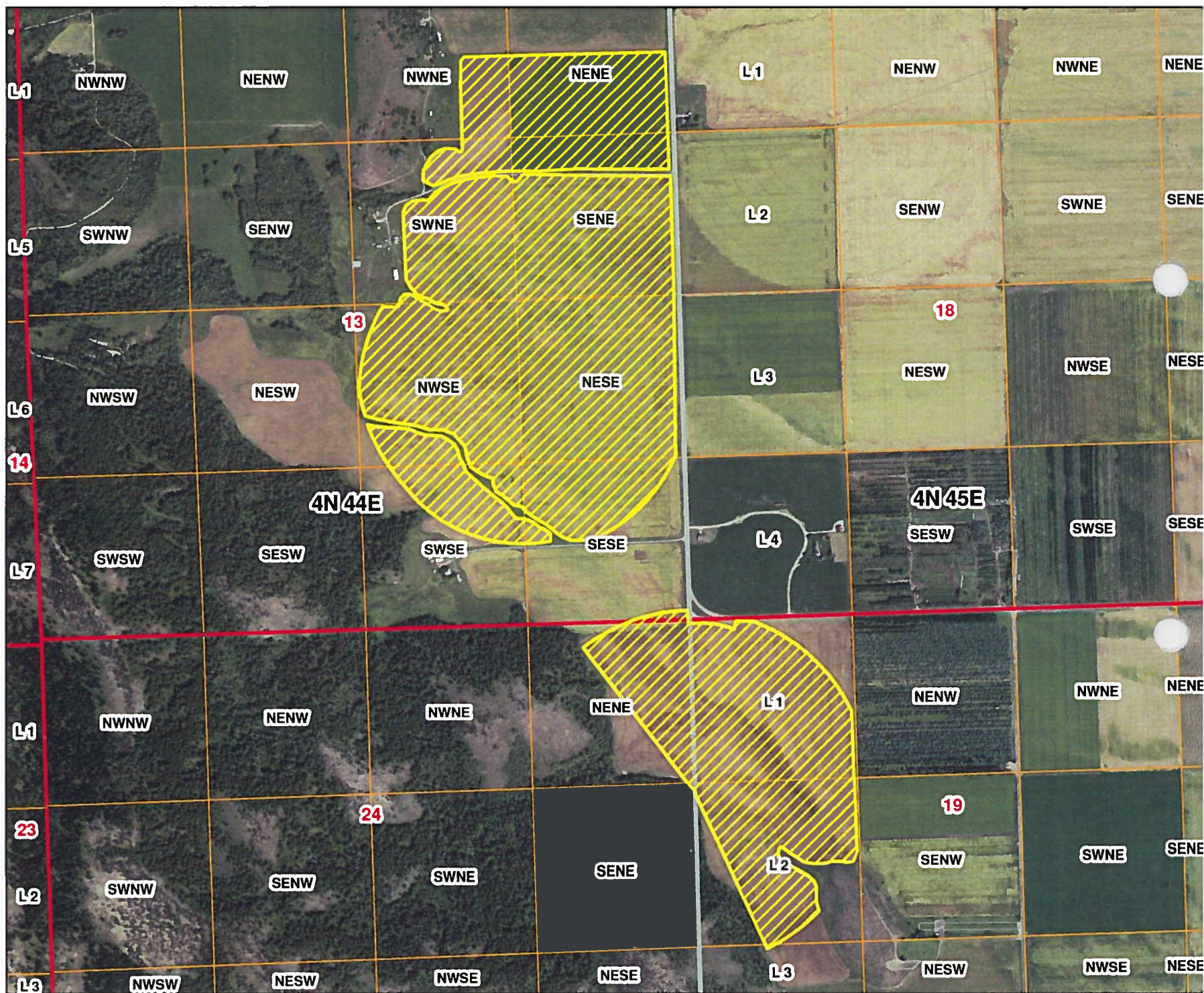
Prepared by:
Luke H. Marchant
10/23/2017

SUNRAIN APPLICATION FOR TRANSFER



Legend

-  Proposed POU
-  TR Lines
-  Section Lines
-  Quarter Quarters



2015 NAIP Photo



Prepared by:
Luke H. Marchant
10/20/2017

81977

Attachment No. 7b
GIS Shapefile

**(Will be sent via email upon
request from IDWR)**

**Attachment No. 10
Other – Spreadsheet
To Calculate Change in
Acres for Filing Fee**

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PLACE OF USE DESCRIPTION <u>AFTER</u> PROPOSED CHANGES	
1	1
2	2
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4	4
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100	100

[illegible]

PLACE OF USE DESCRIPTION <u>BEFORE</u> PROPOSED CHANGES	
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54	54
55	55
56	56
57	57
58	58
59	59
60	60
61	61
62	62
63	63
64	64
65	65
66	66
67	67
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71	71
72	72
73	73
74	74
75	75
76	76
77	77
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79	79
80	80
81	81
82	82
83	83
84	84
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87	87
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89	89
90	90
91	91
92	92
93	93
94	94
95	95
96	96
97	97
98	98
99	99
100	100

[illegible]

CHANGE IN ACRES	
1990-1991	1,000
1991-1992	1,000
1992-1993	1,000
1993-1994	1,000
1994-1995	1,000
1995-1996	1,000
1996-1997	1,000
1997-1998	1,000
1998-1999	1,000
1999-2000	1,000
2000-2001	1,000
2001-2002	1,000
2002-2003	1,000
2003-2004	1,000
2004-2005	1,000
2005-2006	1,000
2006-2007	1,000
2007-2008	1,000
2008-2009	1,000
2009-2010	1,000
2010-2011	1,000
2011-2012	1,000
2012-2013	1,000
2013-2014	1,000
2014-2015	1,000
2015-2016	1,000
2016-2017	1,000
2017-2018	1,000
2018-2019	1,000
2019-2020	1,000
2020-2021	1,000
2021-2022	1,000
2022-2023	1,000
2023-2024	1,000
2024-2025	1,000
2025-2026	1,000
2026-2027	1,000
2027-2028	1,000
2028-2029	1,000
2029-2030	1,000
2030-2031	1,000
2031-2032	1,000
2032-2033	1,000
2033-2034	1,000
2034-2035	1,000
2035-2036	1,000
2036-2037	1,000
2037-2038	1,000
2038-2039	1,000
2039-2040	1,000
2040-2041	1,000
2041-2042	1,000
2042-2043	1,000
2043-2044	1,000
2044-2045	1,000
2045-2046	1,000
2046-2047	1,000
2047-2048	1,000
2048-2049	1,000
2049-2050	1,000
2050-2051	1,000
2051-2052	1,000
2052-2053	1,000
2053-2054	1,000
2054-2055	1,000
2055-2056	1,000
2056-2057	1,000
2057-2058	1,000
2058-2059	1,000
2059-2060	1,000
2060-2061	1,000
2061-2062	1,000
2062-2063	1,000
2063-2064	1,000
2064-2065	1,000
2065-2066	1,000
2066-2067	1,000
2067-2068	1,000
2068-2069	1,000
2069-2070	1,000
2070-2071	1,000
2071-2072	1,000
2072-2073	1,000
2073-2074	1,000
2074-2075	1,000
2075-2076	1,000
2076-2077	1,000
2077-2078	1,000
2078-2079	1,000
2079-2080	1,000
2080-2081	1,000
2081-2082	1,000
2082-2083	1,000
2083-2084	1,000
2084-2085	1,000
2085-2086	1,000
2086-2087	1,000
2087-2088	1,000
2088-2089	1,000
2089-2090	1,000
2090-2091	1,000
2091-2092	1,000
2092-2093	1,000
2093-2094	1,000
2094-2095	1,000
2095-2096	1,000
2096-2097	1,000
2097-2098	1,000
2098-2099	1,000
2099-2100	1,000
2100-2101	1,000
2101-2102	1,000
2102-2103	1,000
2103-2104	1,000
2104-2105	1,000
2105-2106	1,000
2106-2107	1,000
2107-2108	1,000
2108-2109	1,000
2109-2110	1,000
2110-2111	1,000
2111-2112	1,000
2112-2113	1,000

[illegible]

Total positive change in acres	74.2	Used for calculating filing fee
Total negative change in acres	-80.9	
Total Allowed Diversion Rate	5.61	
Rate/Acre (259 acres)	0.022	
Diversion Rate for Changed Acres (- 80.9 acres)	1.75	
Diversion Rate for Changed Acres (74.2 acres)	1.61	
Filing Fee	\$580.00	

RECEIVED

OCT 19 2017

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Sunrain Varieties, LLCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED
OCT 19 2017
Department of Water Resources
Eastern Region

Name of Applicant(s) Sunrain Varieties, LLC Phone _____

Mailing address 5466 W 49th S, Idaho Falls, ID 83402 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

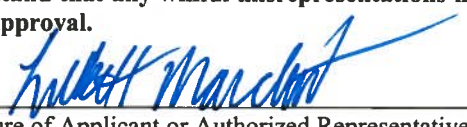
☐ No Representative

Name of Representative Luke H. Marchant Phone (208) 523-0620

Mailing address PO Box 50130, Idaho Falls, ID 83405 Email lmarchant@holdenlegal.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Luke H. Marchant, Attorney
Print Name and Title if applicable

10/18/2017
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
 The purpose of this Application for Transfer is to change the place of use of a portion of Water Right Nos. 22-256A, 22-2053B, 22-14138, and 22-14139 to cover ground where a new pivot was recently installed.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	22-256A	0.78	Irrigation	04/15 to 10/31	Mahogany Creek/Teton River
☐ ☒	22-2053B	0.63	Irrigation	04/15 to 10/31	Mahogany Creek/Teton River
☐ ☒	22-14138	0.37	Irrigation	04/15 to 10/31	Mahogany Creek/Teton River
☐ ☒	22-14139	0.33	Irrigation	04/15 to 10/31	Mahogany Creek/Teton River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.11 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.11 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	44E	13																0.4	0.4
		24	14.4																14.4
	45E	19						33.9	28.1										62
Total Acres (for irrigation use)																			76.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Water is diverted out of Mahogany Creek into a gravity flow pipeline.

- b. Who owns the property at the point(s) of diversion? United States Forest Service

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Applicants have an oral agreement with the USFS to access and maintain the point of diversion.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

It will no longer be irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Fourteen other water rights, owned by various parties, are also diverted at the point of diversion.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/18/2017

WATER RIGHT NO. 22-256A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	ARTHUR L FOOTE , ID
Original Owner	GEORGE H FOSTER
Original Owner	RUTH M FOSTER 386 S 500 W DRIGGS, ID 83422 2083542546
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MAHOGANY CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1 CFS	
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

MAHOGANY CREEK|SEWNNE Lt 2|Sec. 14|Township 04N|Range 44E|TETON County

81977

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	44E	13		SWSE	30		SESE	19						

Total Acres: 49

Conditions of Approval:

1. C18 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.
2. E55 Right Nos. 22-256A and 22-2053B are limited to the irrigation of a combined total of 49 acres in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 49

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/18/2017

WATER RIGHT NO. 22-2053B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	GEORGE H FOSTER
Original Owner	RUTH M FOSTER 386 S 500 W DRIGGS, ID 83422 2083542546
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 05/31/1910

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MAHOGANY CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.8 CFS	
Total Diversion			0.8 CFS	

Location of Point(s) of Diversion:

MAHOGANY CREEK | SENWNE Lt 2 | Sec. 14 | Township 04N | Range 44E | TETON County

Place(s) of use:

819771

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	44E	13		SWSE	30		SESE	19						

Total Acres: 49

Conditions of Approval:

1. C18 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.
2. E55 Right Nos. 22-256A and 22-2053B are limited to the irrigation of a combined total of 49 acres in a single irrigation season.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 49

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

81977

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/18/2017

WATER RIGHT NO. 22-14138

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	FARRELL BUXTON
Original Owner	JEANNE BUXTON
Original Owner	THOMAS BATES 332 S 500 W DRIGGS, ID 83422 2083542486
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 05/03/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MAHOGANY CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	2 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

MAHOGANY CREEK|NWNE Lt 2|Sec. 14|Township 04N|Range 44E|TETON County

IRRIGATION Use:

81977

Acre Limit: 114.5

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	44E	13		NENE	19		NWNE	6.3		SWNE	25.4		SENE	38
				NESW	30									
				NESE	39		NWSE	40		SESE	19			

Total Acres: 216.7

Conditions of Approval:

1. C18 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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 210.0 acres in a single irrigation season. Combined Right Nos.: 22-14138, 22-14139.
3. K06 This right is limited to the irrigation of 114.5 acres within the place of use described above in a single irrigation season.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 210

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

81977

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/18/2017

WATER RIGHT NO. 22-14139

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	FARRELL BUXTON
Original Owner	JEANNE BUXTON 332 S 500 W DRIGGS, ID 83422 2083542486
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MAHOGANY CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.81 CFS	
Total Diversion			1.81 CFS	

Location of Point(s) of Diversion:

MAHOGANY CREEK|NWNE Lt 2|Sec. 14|Township 04N|Range 44E|TETON County

IRRIGATION Use:

Acre Limit: 95.5

81977

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	44E	13		NENE	19		NWNE	6.3		SWNE	25.4		SENE	38
				NESW	30									
				NESE	39		NWSE	40		SESE	19			

Total Acres: 216.7

Conditions of Approval:

- | | |
|--------|---|
| 1. C18 | 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. |
| 2. C05 | Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code. |
| 3. K06 | This right is limited to the irrigation of 95.5 acres within the place of use described above in a single irrigation season. |
| 4. E56 | The rights listed below are limited to the irrigation of a combined total of 210.0 acres in a single irrigation season. Combined Right Nos.: 22-14138, 22-14139. |

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 210

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

81977

81977

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery.**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$1610.- Date 10/19/2017 Received by JB Receipt # E043488

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Attachment No. 7a

GIS Maps

[illegible]

Prepared by:
Luke H. Marchant
10/17/2017

Attachment No. 7b
GIS Shapefile

**(Will be sent via email upon
request from IDWR)**