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JUL 07 2017

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81789**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 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

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Department of Water Resources
Eastern Region

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

July 7, 2017
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☒ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- 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 is to create a permissible place of use for a portion of Water Right No. 22-14141 and all of Water Right Nos. 22-14144, 22-14145, 22-14146, 22-14147, 22-14148, 22-387A, 22-7029 and 22-7479. A point of diversion will also be added to Water Right Nos. 22-14144, 22-14145, 22-7029 and 22-7479.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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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 ☐ ☒	22-14141	0.37/73.5	Irrigation	04/15 to 10/15	Ground water
☒ ☐	22-14144	3.45/864.9		04/15 to 10/15	Ground water
☒ ☐	22-14145	1.7/428.1		04/15 to 10/15	Ground water
☒ ☐	22-14146	0.19		04/15 to 10/15	Mahogany Creek/Teton River
☒ ☐	22-14147	2.88		04/15 to 10/31	Mahogany Creek/Teton River
☒ ☐	22-14148	3.07		04/15 to 10/15	Mahogany Creek/Teton River
☒ ☐	22-387A	0.8		04/15 to 10/31	Mahogany Creek/Teton River
☒ ☐	22-7029	2.22/474		04/15 to 10/15	Ground water
☒ ☐	22-7479	0.78		04/15 to 10/15	Ground water

Total authorized under rights 10.69 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 10.69 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 #
		SE	SE	NE	12	04N	44E	Teton	Ground water	
		SW	NW	NE	18	04N	45E	Teton	Ground water	
	2		NW	NE	14	04N	44E	Teton	Mahogany Creek	

Because the locations of the points of diversion are far outside of the ESPA, and because they are in nearby model grid cells, it is not necessary to perform an ESPA analysis.

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	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	40	40	40	26.8		40									261

This will be a permissible place of use for a portion of Water Right No. 22-14141 and all of Water Right Nos. 22-14144, 22-14145, 22-14146, 22-14147, 22-14148, 22-387A, 22-7029 and 22-7479. These water rights when combined will be limited to the irrigation of 721.5 acres within the 750 acre permissible place of use.

Total Acres (for irrigation use)

750

AMENDED

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.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	22-14141	0.37/73.5	Irrigation	04/15 to 10/15	Ground water
☒ ☐	22-14144	3.45/864.9		04/15 to 10/15	Ground water
☒ ☐	22-14145	1.7/428.1		04/15 to 10/15	Ground water
☒ ☐	22-14146	0.19		04/15 to 10/15	Mahogany Creek/Teton River
☒ ☐	22-14147	2.88		04/15 to 10/31	Mahogany Creek/Teton River
☒ ☐	22-14148	3.07		04/15 to 10/15	Mahogany Creek/Teton River
☒ ☐	22-387A	0.8		04/15 to 10/31	Mahogany Creek/Teton River
☒ ☐	22-7029	2.22/474		04/15 to 10/15	Ground water
☒ ☐	22-7479	0.78		04/15 to 10/15	Ground water

Total authorized under rights 15.46 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 15.46 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 #
		SE	SE	NE	12	04N	44E	Teton	Ground water	
		SW	NW	NE	18	04N	45E	Teton	Ground water	
	2		NW	NE	14	04N	44E	Teton	Mahogany Creek	

Because the locations of the points of diversion are far outside of the ESPA, and because they are in nearby model grid cells, it is not necessary to perform an ESPA analysis.

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	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	40	40	40	26.8		40									261

This will be a permissible place of use for a portion of Water Right No. 22-14141 and all of Water Right Nos. 22-14144, 22-14145, 22-14146, 22-14147, 22-14148, 22-387A, 22-7029 and 22-7479. These water rights when combined will be limited to the irrigation of 721.5 acres within the 750 acre permissible place of use.

Total Acres (for irrigation use)

750

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:

Surface water is diverted out of Mahogany Creek into a pipeline. Groundwater is diverted from existing wells into the same pipeline as the surface water.

- b. Who owns the property at the point(s) of diversion? Applicant and United State 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 located on Mahogany Creek.

- 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:

The acres that are being transferred from the current place of use of Water Right No. 21-14141 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 on Mahogany Creek.

- 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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 22-14141

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

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:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by SC

Date _____

Preliminary check by

Date _____

Fee paid 10 80 00

Date _____

Received by

Receipt #

Add'l fee paid 120⁰⁰

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. 2a
Water Right Ownership
Documentation**

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

3/31/2017

WATER RIGHT NO. 22-14141

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141

Priority Date: 10/10/1979

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	2.1 CFS	420.6 AFA
Total Diversion			2.1 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NESWSE|Sec. 01|Township 04N|Range 44E|TETON County

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	1		SWSE 28		SESE 40								
		12		NENE 34.2		NWNE 38								

Total Acres: 140.2

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.

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

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

3/31/2017

WATER RIGHT NO. 22-14144

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	JAY DELL BUXTON 256 S 500 W DRIGGS, ID 83422 (208)354-2570
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141 314-317-8000

Priority Date: 08/18/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	3.45 CFS	864.9 AFA
Total Diversion			3.45 CFS	

Location of Point(s) of Diversion:

GROUND WATER | SESENE | Sec. 12 | Township 04N | Range 44E | TETON County

IRRIGATION Use:
 Acre Limit: 288.3

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	12		SENE	37									
				NESE	35		NWSE	39		SESE	37			
	45E	7		NWNE	39		SWNE	39						
				NENW	39		NWNW	11		SWNW	36		SENW	39
				NESW	40									
				NWSE	40									

Total Acres: 431

Conditions of Approval:

1. F05 Rights 22-2278, 22-11645 and 22-14145 are also diverted through point of diversion described above.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.
4. E60 Right Nos. 22-14144 and 22-14154 are limited to a total combined diversion rate of 3.45 cfs and to a total combined annual diversion volume of 1293.0 AF.
5. K01 Right No. 22-14145 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
6. K06 This right is limited to the irrigation of 288.3 acres within the place of use described above in a single irrigation season.
7. E56 The rights listed below are limited to the irrigation of a combined total of 431.0 acres in a single irrigation season. Combined Right Nos.: 22-14144 and 22-14145.
8. The rights listed below are limited to the irrigation of a combined total of 470.0 acres in a single irrigation season. Combined Right Nos.: 22-14144, 22-14145, 22-14146, 22-14147 and 22-14148.

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: 431
Combined Volume Limit: 1293
Combined Rate Limit: 3.45
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

3/31/2017

WATER RIGHT NO. 22-14145

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	JAY DELL BUXTON
Original Owner	JUDY BUXTON 256 S 500 W DRIGGS, ID 83422 (208)354-2570
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141

Priority Date: 08/18/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	1.7 CFS	428.1 AFA
Total Diversion			1.7 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESENE|Sec. 12|Township 04N|Range 44E|TETON County

IRRIGATION Use:
Acre Limit: 142.7

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	12		SENE	37									
				NESE	35		NWSE	39		SESE	37			
	45E	7		NWNE	39		SWNE	39						
				NENW	39		NWNW	11		SWNW	36		SENW	39
				NESW	40									
				NWSE	40									

Total Acres: 431

Conditions of Approval:

1. The rights listed below are limited to the irrigation of a combined total of 470.0 acres in a single irrigation season. Combined Right Nos.: 22-14144, 22-14145, 22-14146, 22-14147 and 22-14148. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are
2. C11 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.
3. K09 This right is for an enlargement of 142.7 acres within the place of use described for this right.
4. 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.
5. E60 Right Nos. 22-14144 and 22-14145 are limited to a total combined diversion rate of 3.45 cfs and to a total combined annual diversion volume of 1293.0 AF.
6. E56 The rights listed below are limited to the irrigation of a combined total of 431.0 acres in a single irrigation season. Combined Right Nos.: 22-14144 and 22-14145.
7. F05 Rights 22-2278, 22-11645 and 22-14144 are also diverted through point of diversion described above.
8. K02 This right is based upon an enlargement of Right No. 22-14144 pursuant to Section 42-1426, Idaho Code.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

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: 431
Combined Volume Limit: 1293
Combined Rate Limit: 3.45
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

3/31/2017

WATER RIGHT NO. 22-14146

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	JAY DELL BUXTON 256 S 500 W DRIGGS, ID 83422 (208)354-2570
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141

Priority Date: 06/01/1889

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	0.19 CFS	
Total Diversion			0.19 CFS	

Location of Point(s) of Diversion:

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

IRRIGATION Use:

Acre Limit: 153.8

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	12		SENE	37									
				NESE	35		NWSE	39		SESE	37			
	45E	7		NWNE	39		SWNE	39						
				NENW	39		NWNW	11		SWNW	36		SENE	39
				NESW	40		SESW	39						
				NWSE	40									

Total Acres: 470

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 470.0 acres in a single irrigation season. Combined Right Nos.: 22-14146, 22-14147, and 22-14148.
2. E55 Right Nos. 22-14146 and 22-14147 are limited to the irrigation of a combined total of 153.8 acres in a single irrigation season.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. 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.
5. The rights listed below are limited to the irrigation of a combined total of 470.0 acres in a single irrigation season. Combined Right Nos.: 22-14144, 22-14145, 22-14146, 22-14147, and 22-14148.
6. K01 Right No. 22-14148 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
7. F06 The following rights are also diverted through point of diversion described above: 22-139, 22-140, 22-13513, 22-14147 and 22-14148.
8. E51 Right Nos. 22-14146, 22-14147, and 22-14148 are limited to a total combined diversion rate of 3.07 cfs.
9. K06 This right is limited to the irrigation of 153.8 acres within the place of use described above in a single irrigation season.
10. B09 This right is subject to regulation by the watermaster of Water District No 01.

Dates:

Licensed Date:

Decreed Date: 08/19/2009

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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/31/2017

WATER RIGHT NO. 22-14147

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	MARY BUXTON
Original Owner	DARRELL C BUXTON
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141

Priority Date: 07/01/1890
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	2.88 CFS	
Total Diversion			2.88 CFS	

Location of Point(s) of Diversion:

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

IRRIGATION Use:
Acre Limit: 153.8

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	12		SENE	37									
				NESE	35		NWSE	39		SESE	37			
	45E	7		NWNE	39		SWNE	39						
				NENW	39		NWNW	11		SWNW	36		SENE	39
				NESW	40		SESW	39						
				NWSE	40									

Total Acres: 470

Conditions of Approval:

1. E55 Right Nos. 22-14146 and 22-14147 are limited to the irrigation of a combined total of 153.8 acres in a single irrigation season.
2. F06 The following rights are also diverted through point of diversion described above: 22-139, 22-140, 22-13513, 22-14146 and 22-14148.
3. 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.
4. K01 Right No. 22-14148 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. The rights listed below are limited to the irrigation of a combined total of 470.0 acres in a single irrigation season. Combined Right Nos.: 22-14144, 22-14145, 22-14146, 22-14147 and 22-14148.
6. K06 This right is limited to the irrigation of 153.8 acres within the place of use described above in a single irrigation season.
7. B09 This right is subject to regulation by the watermaster of Water District No 01.
8. E51 Right Nos. 22-14146, 22-14147 and 22-14148 are limited to a total combined diversion rate of 3.07 cfs.
9. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
10. E56 The rights listed below are limited to the irrigation of a combined total of 470.0 acres in a single irrigation season. Combined Right Nos.: 22-14146, 22-14147 and 22-14148.

Dates:

Licensed Date:

Decreed Date: 08/19/2009

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: And

Water District Number: 01

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/31/2017

WATER RIGHT NO. 22-14148

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	JAY DELL BUXTON
Original Owner	JUDY BUXTON 256 S 500 W DRIGGS, ID 83422 (208)354-2570
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141

Priority Date: 06/01/1966

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	10/15	3.07 CFS	
Total Diversion			3.07 CFS	

Location of Point(s) of Diversion:

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

IRRIGATION Use:
Acre Limit: 316.2

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	12		SENE	37									
				NESE	35		NWSE	39		SESE	37			
	45E	7		NWNE	39		SWNE	39						
				NENW	39		NWNW	11		SWNW	36		SENE	39
				NESW	40		SESW	39						
				NWSE	40									

Total Acres: 470

Conditions of Approval:

1. F06 The following rights are also diverted through point of diversion described above: 22-139, 22-140, 22-13513, 22-14146 and 22-14147.
2. B09 This right is subject to regulation by the watermaster of Water District No 01.
3. K02 This right is based upon an enlargement of Right No. 22-14146 and 22-14147 pursuant to Section 42-1426, Idaho Code.
4. E51 Right Nos. 22-14146, 22-14147, and 22-14148 are limited to a total combined diversion rate of 3.07 cfs.
5. K09 This right is for an enlargement of 316.2 acres within the place of use described for this right.
6. E56 The rights listed below are limited to the irrigation of a combined total of 470.0 acres in a single irrigation season. Combined Right Nos.: 22-14146, 22-14147 and 22-14148.
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. C11 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.
8. C18 The rights listed below are limited to the irrigation of a combined total of 470.0 acres in a single irrigation season. Combined Right Nos.: 22-14144, 22-14145, 22-14146, 22-14147 and 22-14148.
- 9.

Dates:

Licensed Date:

Decreed Date: 08/19/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/30/2017

WATER RIGHT NO. 22-387A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	E DALE JOSEPHSON
Original Owner	EVA F JOSEPHSON 11101 FAIRVIEW AVE #36 BOISE, ID 83704 (208)375-6723
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141

Priority Date: 06/01/1899

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:

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	45E	18	1	NWNW	30									

Total Acres: 30

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.

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:

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

3/31/2017

WATER RIGHT NO. 22-7029

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	NED Q HIBBERT DRIGGS, ID 83422
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141

Priority Date: 01/27/1970

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	2.22 CFS	474 AFA
Total Diversion			2.22 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNWNE|Sec. 18|Township 04N|Range 45E|TETON County

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	45E	18		NENE	38		NWNE	40		SWNE	40		SENE	40

Total Acres: 158

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.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

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:

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

3/31/2017

WATER RIGHT NO. 22-7479

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNRAIN VARIETIES LLC 5466 W 49TH S IDAHO FALLS, ID 83402
Original Owner	JAY DELL BUXTON 256 S 500 W DRIGGS, ID 83422 (208)354-2570

Priority Date: 06/26/1984

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.78 CFS	
Total Diversion			0.78 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESENE|Sec. 12|Township 04N|Range 44E|TETON County

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	45E	7		SESW	39									

Total Acres: 39

Conditions of Approval:

1. X36 Right 22-02278 is also diverted through the point of diversion described above.
2. X35 Rights 22-02278, 22-07479 and 22-14144 when combined shall not exceed a total diversion rate of 3.6 cfs.
3. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 137.0 af at the field headgate for the lands above.
4. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. 104
6. R59 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 lands above.
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.
7. 048

Dates:

Licensed Date: 12/26/2002

Decreed Date:

Permit Proof Due Date: 12/1/1992

Permit Proof Made Date: 11/27/1992

Permit Approved Date: 10/30/1989

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 06/26/1984

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 3.6

Civil Case Number:

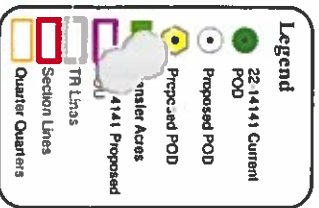
Old Case Number:

Decree Plaintiff:

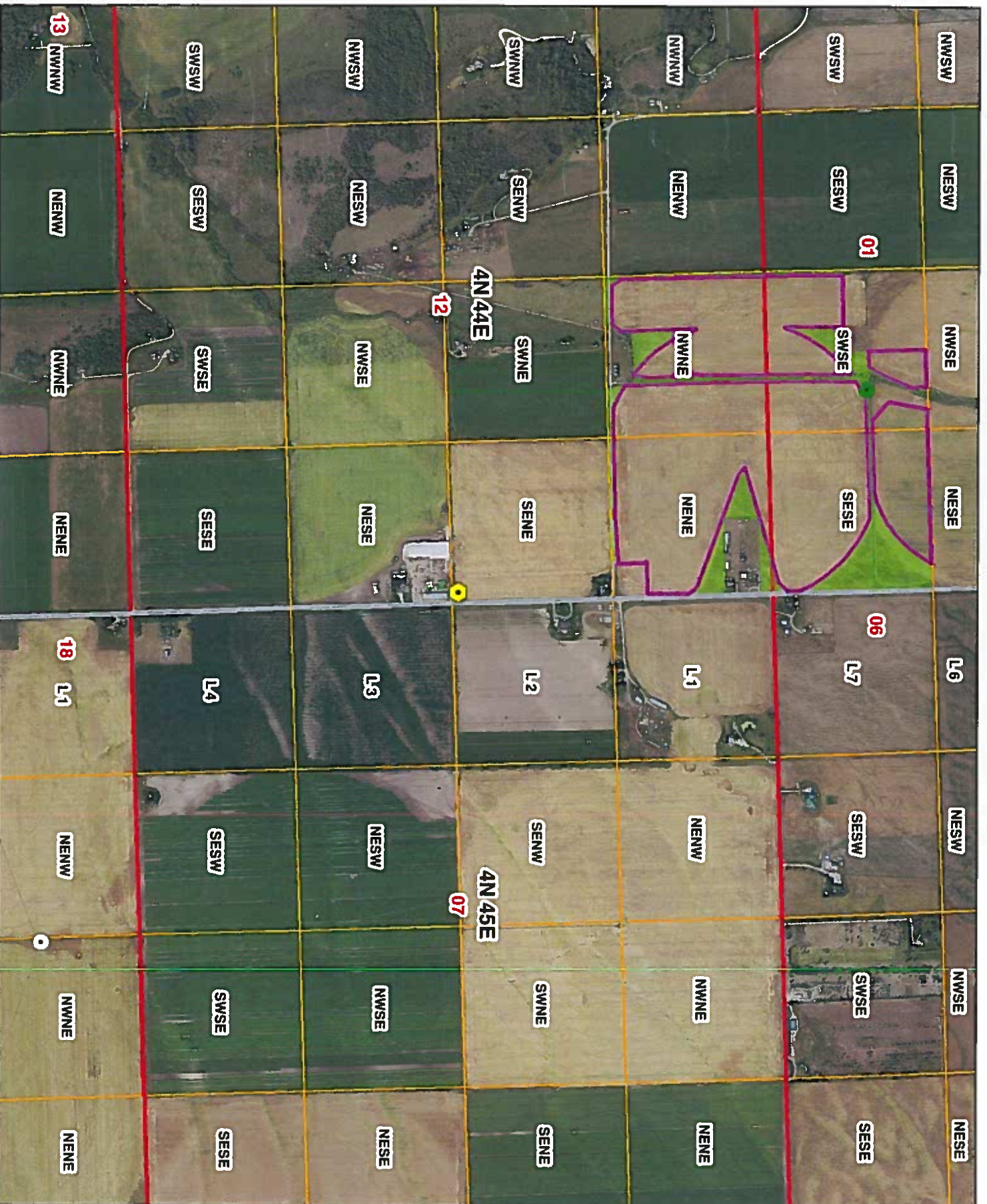
Decree Defendant:

Attachment No. 7a

GIS Maps



Prepared by:
Luke H. Marchant
06/16/2017

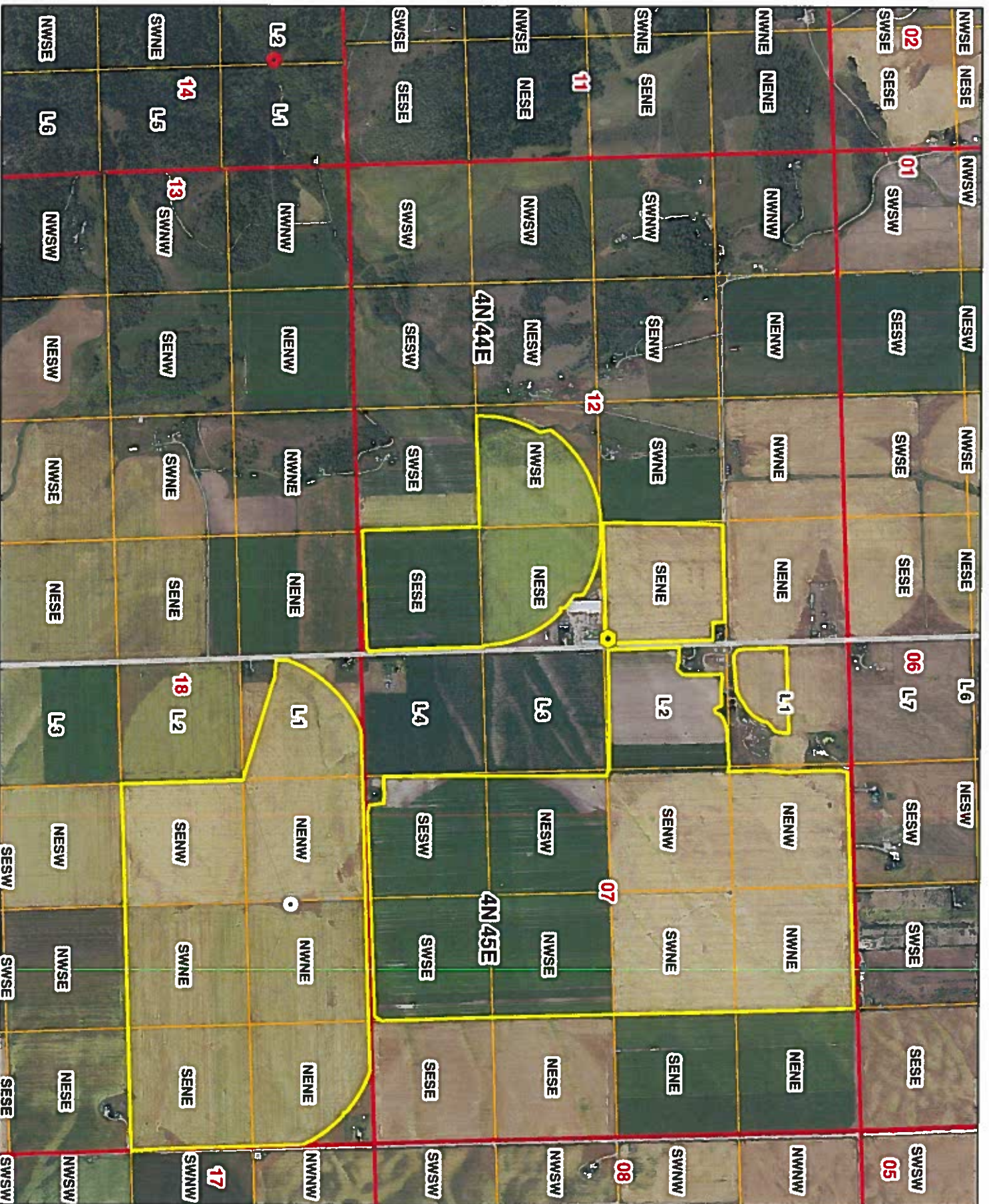


SUNRAIN APPLICATION FOR TRANSFER



Legend

- Proposed POD
- Proposed POD
- Face Water POD
- Acce PPOU
- TR Lines
- Section Lines
- Quarter Quarters



2015 NAIP Photo



Prepared by:
Luke H. Marchant
06/16/2017

Attachment No. 7b
GIS Shapefile

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