

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 79839

This is to certify that: **SUNRISE ORGANIC DAIRY LLC**  
329 S 417 E  
JEROME, ID 83338

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 36-2254A           | WR/DECREED          | 3/16/1954            | 3.960 cfs             | 1307.6 af               | 326.9             | 520.0              | GROUND WATER  |
| 36-2284            | WR/DECREED          | 5/16/1955            | 2.780 cfs             | 1355.8 af               | 472.2             | 520.0              | GROUND WATER  |
| 36-8401            | WR/LICENSE          | 11/28/1988           | 0.620 cfs             | 262.1 af                | 472.2             | 520.0              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

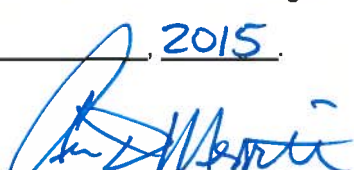
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 36-2254A              | YES          | YES        | YES        | NO             | NO                   | NO                   |
| 36-2284               | YES          | YES        | YES        | NO             | NO                   | NO                   |
| 36-8401               | YES          | YES        | YES        | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 36-2254A               | 36-17043                         | 0.620 cfs            | 204.4 af               | 51.1              | 73.8               | 36-2254A                           | 3.340 cfs             | 1103.2 af               | 275.8                       | 520.0                        |
| 36-2284                | 36-17044                         | 0.430 cfs            | 211.9 af               | 73.8              | 73.8               | 36-2284                            | 2.350 cfs             | 1143.9 af               | 398.4                       | 520.0                        |
| 36-8401                | 36-17045                         | 0.100 cfs            | 41.0 af                | 73.8              | 73.8               | 36-8401                            | 0.520 cfs             | 221.1 af                | 398.4                       | 520.0                        |
| <b>COMBINED TOTALS</b> |                                  | <b>1.150 cfs</b>     | <b>295.2 af</b>        | <b>N/A</b>        | <b>73.8</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 6<sup>th</sup> day of May, 2015.

  
Southern Region Manager

**SUPPORT DATA**

**IN FILE # 36-2254A**

Transfer No. 79839

**WATER RIGHT NO. 36-2254A****As Modified by Transfer No. 79839**

In accordance with the approval of Transfer No. 79839, Water Right No. 36-2254A is now described as follows:

**Right Holder:** SUNRISE ORGANIC DAIRY LLC  
329 S 417 E  
JEROME, ID 83338

**Priority Date:** 3/16/1954

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From** 03/15 **To** 11/15

**Diversion Rate**  
3.340 cfs  
3.340 cfs

**Diversion Volume**  
1103.2 af  
1103.2 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER SENWSE Sec 28 Twp 09S Rge 21E JEROME County  
GROUND WATER SWSW Sec 28 Twp 09S Rge 21E JEROME County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |      |      |      | NW  |     |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|-----|-----|------|------|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE  | NW  | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 09S | 21E | 28  |      |      | 19.7 | 13.5 |     |     | 20.2 | 21.5 | 38.5 | 37.6 | 34.7 | 36.9 | 37.8 | 37.7 | 27.0 | 15.0 | 340.1  |
| 09S | 21E | 29  |      |      |      |      |     |     |      |      |      |      |      |      | 22.2 | 35.7 | 40.0 | 26.6 | 124.5  |
| 09S | 21E | 32  | 12.6 | 33.7 |      |      |     |     |      |      |      |      |      |      |      |      |      |      | 46.3   |
| 09S | 21E | 33  |      |      |      |      | 0.2 | 8.9 |      |      |      |      |      |      |      |      |      |      | 9.1    |

Right Acre Limit: 275.8

POU Total Acres: 520.0

**CONDITIONS OF APPROVAL**

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.130.
2. This right is limited to the irrigation of 275.8 acres within the authorized place of use in a single irrigation season.
3. Rights 36-2254A, 36-2284, and 36-8401 when combined shall not exceed a total diversion rate of 6.21 cfs, a total annual maximum diversion volume of 1593.6 af at the field headgate, and the irrigation of 398.4 acres.

Transfer No. 79839

**WATER RIGHT NO. 36-2254A**  
**As Modified by Transfer No. 79839**

**CONDITIONS OF APPROVAL**

4. Rights 36-2254A, 36-2284 and 36-8401 when combined are limited to the irrigation of a specific 398.4 acres within the 520 acre place of use authorized by these rights in a single irrigation season. The specific 398.4 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 398.4 acres to be irrigated within the 520 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Prior to diversion and use of water under Transfer approval 79839, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 36-17043**  
**As Modified by Transfer No. 79839**

In accordance with the approval of Transfer No. 79839, Water Right No. 36-17043 is now described as follows:

**Right Holder:** SUNRISE ORGANIC DAIRY LLC  
 329 S 417 E  
 JEROME, ID 83338

**Priority Date:** 3/16/1954

**Source:** GROUND WATER

|                              |                    |                  |                              |                                |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
| IRRIGATION                   | 03/15              | to 11/15         | 0.620 cfs                    | 204.4 af                       |
|                              |                    |                  | 0.620 cfs                    | 204.4 af                       |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |                                      |
|--------------|------|--------------------------------------|
| GROUND WATER | SENE | Sec 27 Twp 09S Rge 21E JEROME County |
| GROUND WATER | NESW | Sec 27 Twp 09S Rge 21E JEROME County |

**PLACE OF USE: IRRIGATION**

|     |     |     | NE  |      |    |    | NW |    |    |    | SW |    |    |    | SE |    |      |      | Totals |
|-----|-----|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|------|------|--------|
| Twp | Rng | Sec | NE  | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW   | SE   |        |
| 09S | 21E | 27  |     |      |    |    |    |    |    |    |    |    |    |    |    |    | 14.3 | 33.0 | 47.3   |
| 09S | 21E | 34  | 7.3 | 19.2 |    |    |    |    |    |    |    |    |    |    |    |    |      |      | 26.5   |

Right Acre Limit: 51.1

POU Total Acres: 73.8

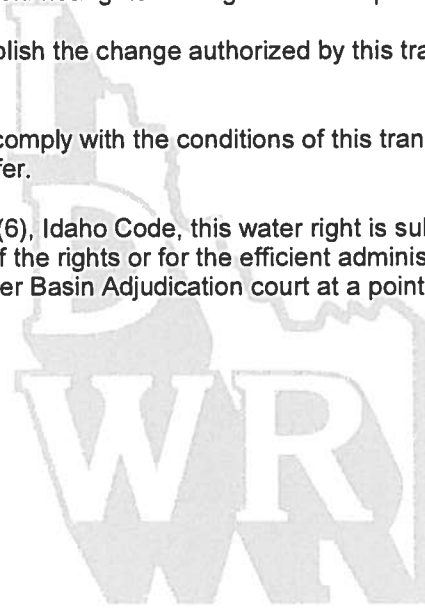
**CONDITIONS OF APPROVAL**

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.130.
2. This right is limited to the irrigation of 51.1 acres within the authorized place of use in a single irrigation season.
3. Prior to diversion and use of water under Transfer approval 79839, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.

Transfer No. 79839

**WATER RIGHT NO. 36-17043**  
**As Modified by Transfer No. 79839**

**CONDITIONS OF APPROVAL**

5. Rights 36-17043, 36-17044 and 36-17045 when combined shall not exceed a total diversion rate of 1.15 cfs, a total annual maximum diversion volume of 295.2 af at the field headgate, and the irrigation of 73.8 acres.
  6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
  7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
  8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
  9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
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**WATER RIGHT NO. 36-2284****As Modified by Transfer No. 79839**

In accordance with the approval of Transfer No. 79839, Water Right No. 36-2284 is now described as follows:

**Right Holder:** SUNRISE ORGANIC DAIRY LLC  
329 S 417 E  
JEROME, ID 83338

**Priority Date:** 5/16/1955

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 2.350 cfs             | 1143.9 af               |
|                       |             |           | 2.350 cfs             | 1143.9 af               |

**LOCATION OF POINT(S) OF DIVERSION**

|              |        |                                      |
|--------------|--------|--------------------------------------|
| GROUND WATER | SENWSE | Sec 28 Twp 09S Rge 21E JEROME County |
| GROUND WATER | SWSW   | Sec 28 Twp 09S Rge 21E JEROME County |

**PLACE OF USE: IRRIGATION**

|     |     |     | NE   |      |      |      | NW  |     |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|-----|-----|------|------|------|------|------|------|------|------|------|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW   | SE   | NE  | NW  | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 09S | 21E | 28  |      |      | 19.7 | 13.5 |     |     | 20.2 | 21.5 | 38.5 | 37.6 | 34.7 | 36.9 | 37.8 | 37.7 | 27.0 | 15.0 | 340.1  |
| 09S | 21E | 29  |      |      |      |      |     |     |      |      |      |      |      |      | 22.2 | 35.7 | 40.0 | 26.6 | 124.5  |
| 09S | 21E | 32  | 12.6 | 33.7 |      |      |     |     |      |      |      |      |      |      |      |      |      |      | 46.3   |
| 09S | 21E | 33  |      |      |      |      | 0.2 | 8.9 |      |      |      |      |      |      |      |      |      |      | 9.1    |

Right Acre Limit: 398.4

POU Total Acres: 520.0

**CONDITIONS OF APPROVAL**

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.130.
2. This right is limited to the irrigation of 398.4 acres within the authorized place of use in a single irrigation season.
3. Rights 36-2254A, 36-2284, and 36-8401 when combined shall not exceed a total diversion rate of 6.21 cfs, a total annual maximum diversion volume of 1593.6 af at the field headgate, and the irrigation of 398.4 acres.

Transfer No. 79839

**WATER RIGHT NO. 36-2284**

**As Modified by Transfer No. 79839**

**CONDITIONS OF APPROVAL**

4. Rights 36-2254A, 36-2284 and 36-8401 when combined are limited to the irrigation of a specific 398.4 acres within the 520 acre place of use authorized by these rights in a single irrigation season. The specific 398.4 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 398.4 acres to be irrigated within the 520 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Prior to diversion and use of water under Transfer approval 79839, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 36-17044**  
**As Modified by Transfer No. 79839**

In accordance with the approval of Transfer No. 79839, Water Right No. 36-17044 is now described as follows:

**Right Holder:** SUNRISE ORGANIC DAIRY LLC  
 329 S 417 E  
 JEROME, ID 83338

**Priority Date:** 5/16/1955

**Source:** GROUND WATER

**BENEFICIAL USE**  
 IRRIGATION

**From** 03/15 **To** 11/15

**Diversion Rate**  
 0.430 cfs  
 0.430 cfs

**Diversion Volume**  
 211.9 af  
 211.9 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER SENE Sec 27 Twp 09S Rge 21E JEROME County  
 GROUND WATER NESW Sec 27 Twp 09S Rge 21E JEROME County

**PLACE OF USE: IRRIGATION**

|     |     |     | NE  |      |    |    | NW |    |    |    | SW |    |    |    | SE |    |      |      | Totals |
|-----|-----|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|------|------|--------|
| Twp | Rng | Sec | NE  | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW   | SE   |        |
| 09S | 21E | 27  |     |      |    |    |    |    |    |    |    |    |    |    |    |    | 14.3 | 33.0 | 47.3   |
| 09S | 21E | 34  | 7.3 | 19.2 |    |    |    |    |    |    |    |    |    |    |    |    |      |      | 26.5   |

Right Acre Limit: 73.8

POU Total Acres: 73.8

**CONDITIONS OF APPROVAL**

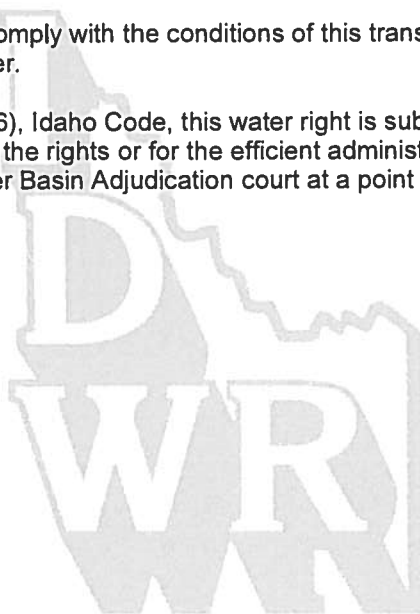
1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.130.
2. Prior to diversion and use of water under Transfer approval 79839, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
4. Rights 36-17043, 36-17044 and 36-17045 when combined shall not exceed a total diversion rate of 1.15 cfs, a total annual maximum diversion volume of 295.2 af at the field headgate, and the irrigation of 73.8 acres.

Transfer No. 79839

**WATER RIGHT NO. 36-17044**  
**As Modified by Transfer No. 79839**

**CONDITIONS OF APPROVAL**

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



**WATER RIGHT NO. 36-8401****As Modified by Transfer No. 79839**

In accordance with the approval of Transfer No. 79839, Water Right No. 36-8401 is now described as follows:

**Right Holder:** SUNRISE ORGANIC DAIRY LLC  
329 S 417 E  
JEROME, ID 83338

**Priority Date:** 11/28/1988

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From** 04/01 to **To** 10/31

**Diversion Rate**  
0.520 cfs  
0.520 cfs

**Diversion Volume**  
221.1 af  
221.1 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER SENWSE Sec 28 Twp 09S Rge 21E JEROME County  
GROUND WATER SWSW Sec 28 Twp 09S Rge 21E JEROME County

**PLACE OF USE: IRRIGATION**

|     |     |     | NE   |      |      |      | NW  |     |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|-----|-----|------|------|------|------|------|------|------|------|------|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW   | SE   | NE  | NW  | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 09S | 21E | 28  |      |      | 19.7 | 13.5 |     |     | 20.2 | 21.5 | 38.5 | 37.6 | 34.7 | 36.9 | 37.8 | 37.7 | 27.0 | 15.0 | 340.1  |
| 09S | 21E | 29  |      |      |      |      |     |     |      |      |      |      |      |      | 22.2 | 35.7 | 40.0 | 26.6 | 124.5  |
| 09S | 21E | 32  | 12.6 | 33.7 |      |      |     |     |      |      |      |      |      |      |      |      |      |      | 46.3   |
| 09S | 21E | 33  |      |      |      |      | 0.2 | 8.9 |      |      |      |      |      |      |      |      |      |      | 9.1    |

Right Acre Limit: 398.4

POU Total Acres: 520.0

**CONDITIONS OF APPROVAL**

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.130.
2. This right is limited to the irrigation of 398.4 acres within the authorized place of use in a single irrigation season.
3. Rights 36-2254A, 36-2284, and 36-8401 when combined shall not exceed a total diversion rate of 6.21 cfs, a total annual maximum diversion volume of 1593.6 af at the field headgate, and the irrigation of 398.4 acres.

**WATER RIGHT NO. 36-8401**

**As Modified by Transfer No. 79839**

**CONDITIONS OF APPROVAL**

4. Rights 36-2254A, 36-2284 and 36-8401 when combined are limited to the irrigation of a specific 398.4 acres within the 520 acre place of use authorized by these rights in a single irrigation season. The specific 398.4 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 398.4 acres to be irrigated within the 520 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Prior to diversion and use of water under Transfer approval 79839, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**WATER RIGHT NO. 36-17045****As Modified by Transfer No. 79839**

In accordance with the approval of Transfer No. 79839, Water Right No. 36-17045 is now described as follows:

**Right Holder:** SUNRISE ORGANIC DAIRY LLC  
329 S 417 E  
JEROME, ID 83338

**Priority Date:** 11/28/1988

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From** 04/01 to **To** 10/31

**Diversion Rate**  
0.100 cfs  
0.100 cfs

**Diversion Volume**  
41.0 af  
41.0 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER SENE  
GROUND WATER NESW

Sec 27 Twp 09S Rge 21E JEROME County  
Sec 27 Twp 09S Rge 21E JEROME County

**PLACE OF USE: IRRIGATION**

|     |     |     | NE  |      |    |    | NW |    |    |    | SW |    |    |    | SE |    |      |      | Totals |
|-----|-----|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|------|------|--------|
| Twp | Rng | Sec | NE  | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW   | SE   |        |
| 09S | 21E | 27  |     |      |    |    |    |    |    |    |    |    |    |    |    |    |      |      |        |
| 09S | 21E | 34  | 7.3 | 19.2 |    |    |    |    |    |    |    |    |    |    |    |    | 14.3 | 33.0 | 47.3   |
|     |     |     |     |      |    |    |    |    |    |    |    |    |    |    |    |    |      |      | 26.5   |

Right Acre Limit: 73.8

POU Total Acres: 73.8

**CONDITIONS OF APPROVAL**

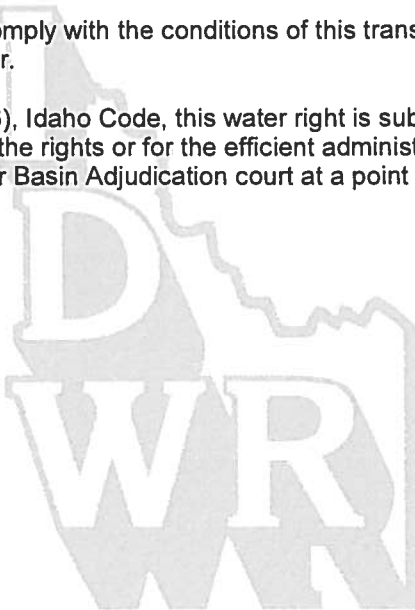
1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.130.
2. Prior to diversion and use of water under Transfer approval 79839, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
4. Rights 36-17043, 36-17044 and 36-17045 when combined shall not exceed a total diversion rate of 1.15 cfs, a total annual maximum diversion volume of 295.2 af at the field headgate, and the irrigation of 73.8 acres.

Transfer No. 79839

**WATER RIGHT NO. 36-17045**  
**As Modified by Transfer No. 79839**

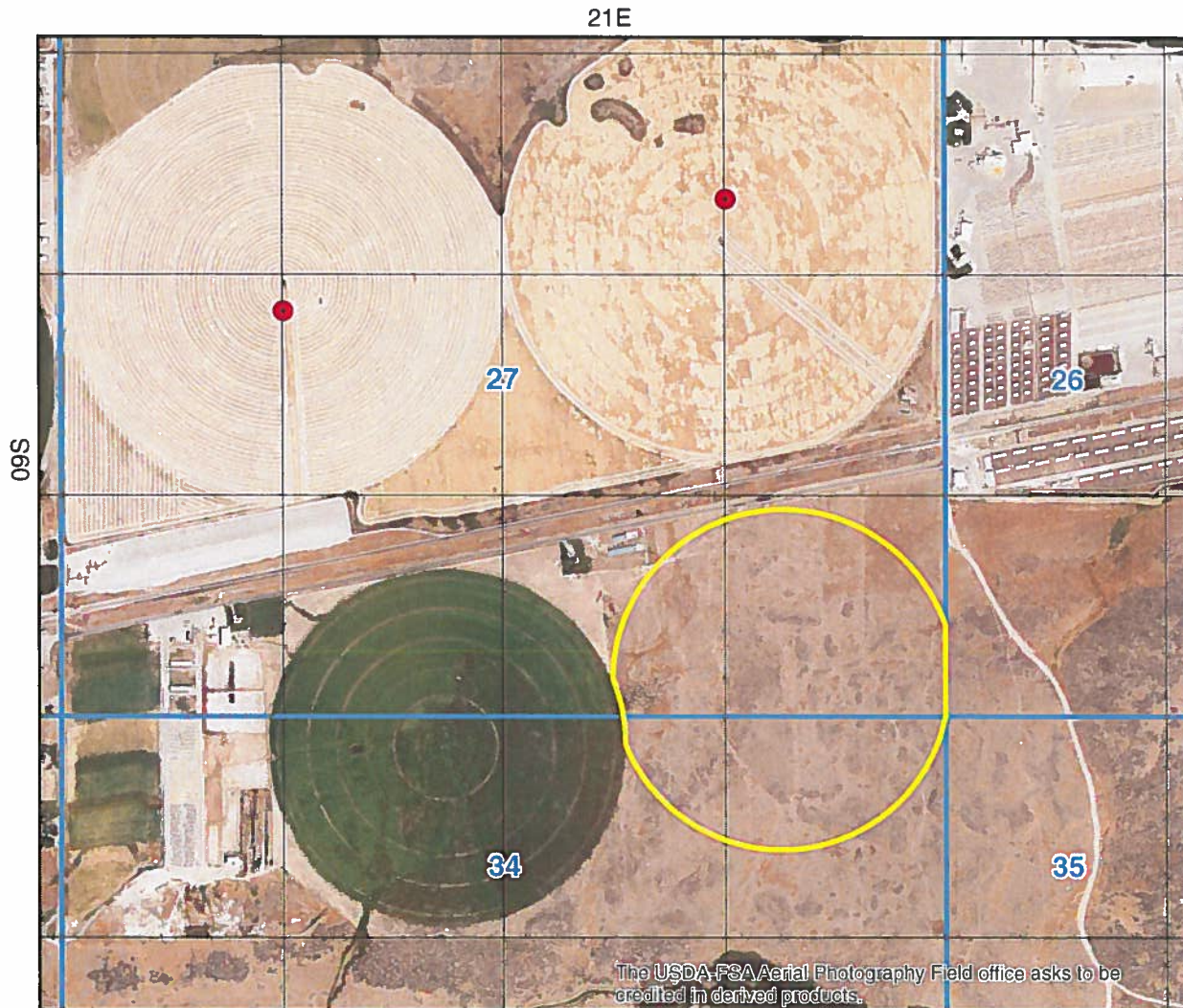
**CONDITIONS OF APPROVAL**

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



State of Idaho  
Department of Water Resources  
**Attachment To Transfer No. 79839**  
Rights: 36-17043, 36-17044 and 36-17045

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



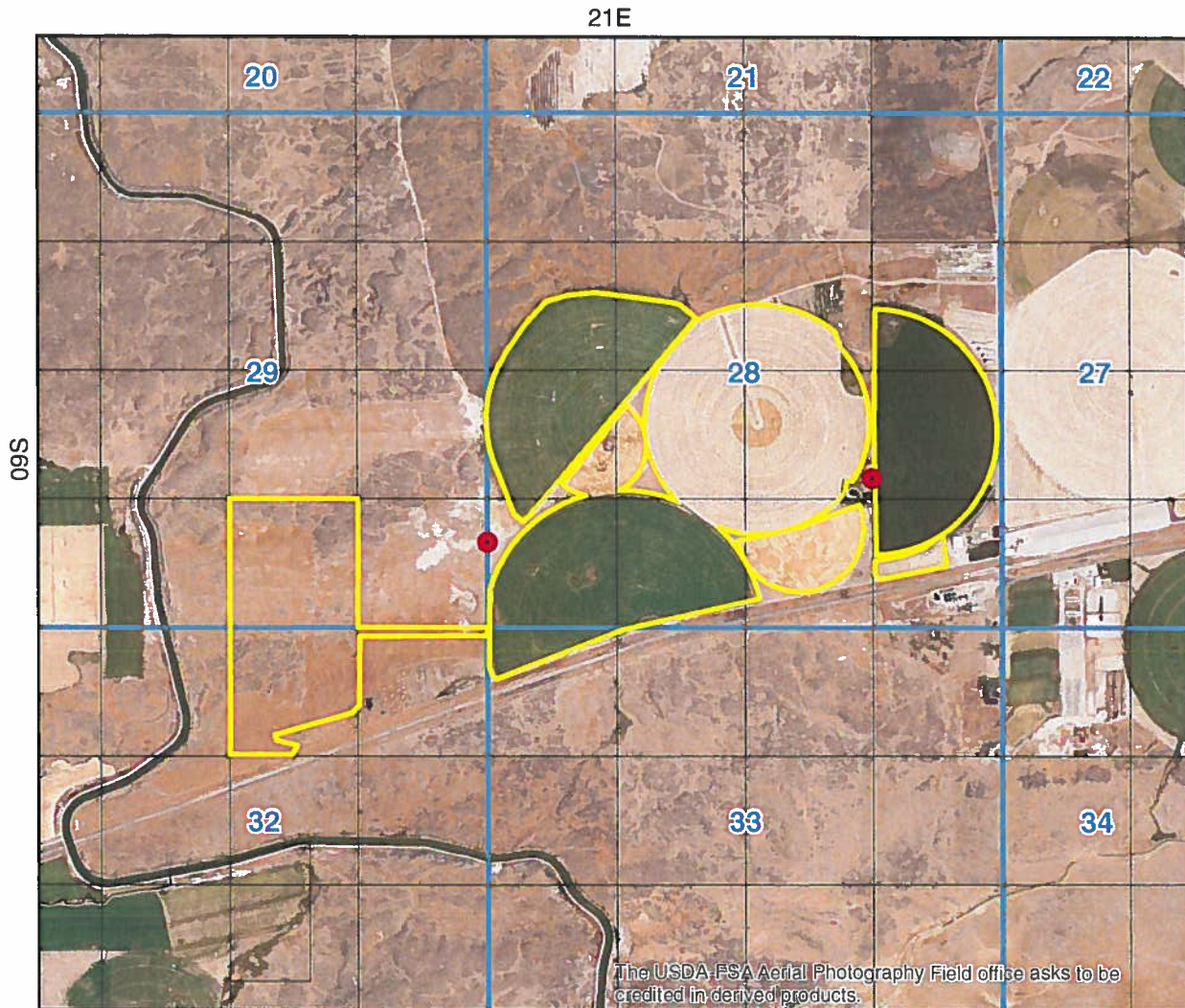
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.125 0.25 0.5 Miles



State of Idaho  
Department of Water Resources  
**Attachment To Transfer No. 79839**  
Rights: 36-2254A, 36-2284 and 36-8401

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



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.225 0.45 0.9 Miles





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

May 7, 2015

SUNRISE ORGANIC DAIRY LLC  
329 S 417 E  
JEROME ID 83338

Re: Transfer No: 79839  
Water Right No(s): 36-2254A, 36-2284, 36-8401

### Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large, sweeping initial "A" and a cursive "Merritt".

Allen Merritt  
Southern Region Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC  
C/O GREG SULLIVAN  
2016 N WASHINGTON ST STE 4  
TWIN FALLS ID 83301

## **CERTIFICATE OF SERVICE**

I hereby certify that on May 7, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 79839**

**Water Right No(s): 36-2254A, 36-2284, 36-8401**

**SUNRISE ORGANIC DAIRY LLC**

**329 S 417 E**

**JEROME ID 83338**

**BROCKWAY ENGINEERING PLLC**

**C/O GREG SULLIVAN**

**2016 N WASHINGTON ST STE 4**

**TWIN FALLS ID 83301**

A handwritten signature in black ink, reading "Denise Maline", is written over a horizontal line.

**Denise Maline**  
**Administrative Assistant**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho  
Department of Water Resources

**RECOMMENDATION OF WATERMASTER**

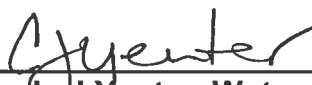
Application No: 79839  
Water Right No: 36-2254A  
Applicant Name: Sunrise Organic

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

**Dated: April 23, 2015**

**Water District 130**

  
\_\_\_\_\_  
Cindy J Yenter, Watermaster

RECEIVED

APR 13 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

**Affidavit of Publication**

STATE OF IDAHO )  
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 2nd day of April, 2015 and ending with the issue dated 9th day of April, 2015

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

*Ruby Aufderheide*  
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO  
COUNTY OF TWIN FALLS

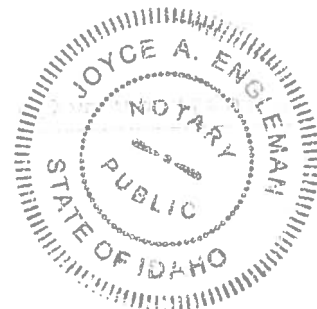
On this 9th day of April, 2015, before me,  
Joyce Engleman  
a Notary Public, personally appeared Ruby Aufderheide,  
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

*Joyce A. Engleman*  
Notary Public for Idaho  
Residing at Twin Falls, Idaho.

6/28/19

My commission expires: \_\_\_\_\_

✓ OK DM  
4.20.2015



**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 79839**

✓  
**SUNRISE ORGANIC DAIRY LLC**, 329 S 417 E, JEROME, ID 83338; has filed Application No. 79839 for changes to the following water rights within JEROME County(s): Right No(s). 36-2254A, 36-2284, 36-8401. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes drying up a 73.8 acre portion of three irrigation rights from a farm located approximately 11.5 to 12.0 miles west of the city of Paul and moving it approximately 1.0 mile east to an adjacent farm for uses associated with a new pivot. Two existing wells on the same farm will divert up to 1.15 cfs and 457.3 AF for the irrigation of 398.4 acres.

✓  
**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 79267**

**LEROY ROBINSON and KARLA ROBINSON**, 1170 E 810 S, ALBION, ID 83311; has filed Application No. 79267 for changes to the following water rights within CASSIA County(s): Right No (s). 45-13463, 45-529. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion for two Marsh Creek irrigation water rights. The first point of diversion is located approximately 1.0 miles south and 1.0 miles west of the center of the City of Albion (Main and Market streets). The application proposes to move this point of diversion approximately 1.8 miles downstream to an existing point of diversion. The second point of diversion is located approximately 0.1 miles north and 0.4 miles east of the center of the City of Albion. The application proposes to move this point of diversion approximately 0.2 miles downstream to the same existing point of diversion. The existing point of diversion is located approximately 0.1 miles north and 0.5 miles east of the center of City of Albion. The proposed point of diversion on Marsh Creek will be used to divert up to 0.79 cfs for irrigation of the current places of use for these water rights.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please see

[www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before April 20, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH:** April 2 and 9, 2015

✓ OK AM 4.20.2015

## MEMORANDUM

**Date:** April 1, 2015  
**To:** Transfer 79839 File  
**From:** Jana Reeder  
**Re:** Evaluation of Sufficiency of Information Submitted

Transfer proposes drying up a 73.8 acre portion of three irrigation rights from a farm located approximately 11.5 – 12.0 miles west of the city of Paul and moving it approximately 1.0 mile east to an adjacent farm for uses associated with a new pivot. Two existing wells on the adjacent farm will divert up to an additional 1.15 cfs and 295.2 AF for the irrigation of the 73.8 acres.

The properties and points of diversion are located within the ESPA and Water District 130 so water master comments will be required.

Note, it is the intent of the applicants to take the portions of the water rights out of the Water Supply Bank after transfer approval. The leftover portions will remain in the Bank.

- **Authority to File:**  
The Department's database indicates that water rights 36-2254A, 36-2284 & 36-8401 are currently owned by Sunrise Organic Dairy LLC.

**Water Right Validity:**

Water rights 36-2254A & 36-2284 were partially decreed in the SRBA on August 27, 2001. Water right 36-8401 was licensed July 15, 1994. All rights are currently in the Water Supply Bank and will be taken out upon final approval.

- **Injury to Other Water Rights:**  
None anticipated or foreseen.
- **Enlargement of Use:**  
None anticipated or foreseen. A 206 map was submitted with the application.
- **Local Public Interest:**  
Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**  
Irrigation is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**  
None Anticipated.
- **Effect of the Agricultural Base of the Area:**  
None Anticipated.

**Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.**

| Sunrise Organic Dairy LLC |          |     |       |             |         |                                |                    |         |  |
|---------------------------|----------|-----|-------|-------------|---------|--------------------------------|--------------------|---------|--|
| Pre-transfer              |          |     |       |             |         |                                |                    |         |  |
|                           | Right    | CFS | AFA   | Acres Limit | POU/PPU | dry up 73.8 acres out of 472.2 |                    |         |  |
|                           | 36-2254A |     | 3.96  | 1307.6      | 326.9   | 520                            | transfer portion = | 0.15629 |  |
|                           | 36-2284  |     | 2.78  | 1355.8      | 472.2   | 520                            |                    |         |  |
|                           | 36-8401  |     | 0.62  | 262.1       | 472.2   | 520                            | remain protion=    | 0.84371 |  |
| Limits                    |          |     | 7.36  | 1888.8      | 472.2   |                                |                    |         |  |
| Transferred               |          |     |       |             |         |                                |                    |         |  |
|                           | Right    | CFS | AFA   | Acres Limit | POU/PPU |                                |                    |         |  |
|                           | 36-17043 |     | 0.62  | 204.4       | 51.1    | 73.8                           |                    |         |  |
|                           | 36-17044 |     | 0.43  | 211.9       | 73.8    | 73.8                           |                    |         |  |
|                           | 36-17045 |     | 0.10  | 41.0        | 73.8    | 73.8                           |                    |         |  |
| Limits                    |          |     | 1.150 | 295.2       | 73.8    |                                |                    |         |  |
| Remaining                 |          |     |       |             |         |                                |                    |         |  |
|                           | Right    | CFS | AFA   | Acres Limit | POU/PPU |                                |                    |         |  |
|                           | 36-2254A |     | 3.34  | 1103.2      | 275.8   | 520                            |                    |         |  |
|                           | 36-2284  |     | 2.35  | 1143.9      | 398.4   | 520                            |                    |         |  |
|                           | 36-8401  |     | 0.52  | 221.1       | 398.4   | 520                            |                    |         |  |
| Limits                    |          |     | 6.21  | 1593.6      | 398.4   |                                |                    |         |  |

April 1, 2015

Transfer # 79839 / W.R. # 36-2254A, etc.

Processed by Jana Reeder