

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78949**

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>
36-16045	WR/DECREED	10/19/1981	1.950 cfs	173.7 af	182.0	1520.0	GROUND WATER
36-16047	WR/DECREED	5/11/1957	3.000 cfs	689.2 af	172.3	1520.0	GROUND WATER
36-16049	WR/DECREED	11/20/1956	4.800 cfs	1130.8 af	282.7	1520.0	GROUND WATER
36-16051	WR/DECREED	2/20/1959	0.540 cfs	144.8 af	36.2	1520.0	GROUND WATER
36-16053	WR/DECREED	7/16/1973	1.380 cfs	659.6 af	164.9	1520.0	GROUND WATER
36-16055	WR/DECREED	12/8/1981	4.120 cfs	155.2 af	522.6	1520.0	GROUND WATER
36-2430	WR/DECREED	4/21/1960	3.500 cfs	1256.0 af	314.0	1520.0	GROUND WATER
36-8008	WR/DECREED	12/8/1981	0.840 cfs	409.9 af	314.0	1520.0	GROUND WATER
36-8402	WR/LICENSE	11/28/1988	0.840 cfs	356.6 af	314.0	1520.0	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>
36-16045	NO	NO	YES	NO	NO	NO
36-16047	NO	NO	YES	NO	NO	NO
36-16049	NO	NO	YES	NO	NO	NO
36-16051	NO	NO	YES	NO	NO	NO
36-16053	NO	NO	YES	NO	NO	NO
36-16055	NO	NO	YES	NO	NO	NO
36-2430	NO	NO	YES	NO	NO	NO
36-8008	NO	NO	YES	NO	NO	NO
36-8402	NO	NO	YES	NO	NO	NO

IN FILE # 36-2430
SUPPORT DATA

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>
36-16045	36-16045	1.950 cfs	173.7 af	182.0	1572.0	N/A	N/A	N/A	N/A	N/A
36-16047	36-16047	3.000 cfs	689.2 af	172.3	1572.0	N/A	N/A	N/A	N/A	N/A
36-16049	36-16049	4.800 cfs	1130.8 af	282.7	1572.0	N/A	N/A	N/A	N/A	N/A
36-16051	36-16051	0.540 cfs	144.8 af	36.2	1572.0	N/A	N/A	N/A	N/A	N/A
36-16053	36-16053	1.380 cfs	659.6 af	164.9	1572.0	N/A	N/A	N/A	N/A	N/A
36-16055	36-16055	4.120 cfs	155.2 af	522.6	1572.0	N/A	N/A	N/A	N/A	N/A
36-2430	36-2430	3.500 cfs	1256.0 af	314.0	1572.0	N/A	N/A	N/A	N/A	N/A

Transfer No. 78949

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

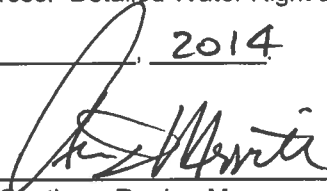
TRANSFER OF WATER RIGHT
TRANSFER NO. 78949

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>
36-8008	36-8008	0.840 cfs	409.9 af	314.0	1572.0	N/A	N/A	N/A	N/A	N/A
36-8402	36-8402	0.840 cfs	356.6 af	314.0	1572.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		18.920 cfs	4074.4 af	1018.6	1572.0		N/A	N/A	N/A	N/A

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

Dated this 14th day of August, 2014


Southern Region Manager

WATER RIGHT NO. 36-16049
As Modified by Transfer No. 78949

In accordance with the approval of Transfer No. 78949, Water Right No. 36-16049 is now described as follows:

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

Priority Date: 11/20/1956

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	4.800 cfs	1130.8 af
			4.800 cfs	1130.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 16 Twp 09S Rge 21E JEROME County
GROUND WATER	NENE	Sec 17 Twp 09S Rge 21E JEROME County
GROUND WATER	NWSE	Sec 18 Twp 09S Rge 21E JEROME County
GROUND WATER	NESE	Sec 20 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	16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	21E	17	40.0		40.0	40.0			40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	480.0
09S	21E	18									40.0			40.0	40.0	40.0	40.0		200.0
09S	21E	20	40.0		36.0	40.0				16.0	40.0				40.0	40.0			252.0

Right Acre Limit: 282.7
 POU Total Acres: 1572.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 282.7 acres within the place of use described above in a single irrigation season.
2. Rights 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2090.4 af at the field headgate, and the irrigation of 522.6 acres.
3. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.

WATER RIGHT NO. 36-16049
As Modified by Transfer No. 78949

CONDITIONS OF APPROVAL

4. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1572-acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1572-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
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. 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.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 78949, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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. 36-16051
As Modified by Transfer No. 78949

In accordance with the approval of Transfer No. 78949, Water Right No. 36-16051 is now described as follows:

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

Priority Date: 2/20/1959

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	0.540 cfs	144.8 af
			0.540 cfs	144.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 16 Twp 09S Rge 21E JEROME County
GROUND WATER	NENE	Sec 17 Twp 09S Rge 21E JEROME County
GROUND WATER	NWSE	Sec 18 Twp 09S Rge 21E JEROME County
GROUND WATER	NESE	Sec 20 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	16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	21E	17	40.0		40.0	40.0			40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	480.0
09S	21E	18									40.0			40.0	40.0	40.0	40.0		200.0
09S	21E	20	40.0		36.0	40.0				16.0	40.0				40.0	40.0			252.0

Right Acre Limit: 36.2

POU Total Acres: 1572.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 36.2 acres within the place of use described above in a single irrigation season.
2. Rights 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2090.4 af at the field headgate, and the irrigation of 522.6 acres.
3. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Transfer No. 78949

WATER RIGHT NO. 36-16051
As Modified by Transfer No. 78949

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. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1572-acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1572-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur..
7. 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.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 78949, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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. 36-16053**As Modified by Transfer No. 78949**

In accordance with the approval of Transfer No. 78949, Water Right No. 36-16053 is now described as follows:

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

Priority Date: 7/16/1973

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	1.380 cfs	659.6 af
			1.380 cfs	659.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 16 Twp 09S Rge 21E	JEROME County
GROUND WATER	NENE	Sec 17 Twp 09S Rge 21E	JEROME County
GROUND WATER	NWSE	Sec 18 Twp 09S Rge 21E	JEROME County
GROUND WATER	NESE	Sec 20 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	16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	21E	17	40.0		40.0	40.0			40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	480.0
09S	21E	18									40.0			40.0	40.0	40.0	40.0		200.0
09S	21E	20	40.0		36.0	40.0				16.0	40.0				40.0	40.0			252.0

Right Acre Limit: 164.9

POU Total Acres: 1572.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 164.9 acres within the place of use described above in a single irrigation season.
2. Rights 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2090.4 af at the field headgate, and the irrigation of 522.6 acres.
3. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.

WATER RIGHT NO. 36-16053
As Modified by Transfer No. 78949

CONDITIONS OF APPROVAL

4. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1572-acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1572-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
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. 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.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 78949, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
11. The right holder shall accomplish the change authorized by this transfer within one years of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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. 36-16055**As Modified by Transfer No. 78949**

In accordance with the approval of Transfer No. 78949, Water Right No. 36-16055 is now described as follows:

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

Priority Date: 12/8/1981

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	4.120 cfs	155.2 af
			4.120 cfs	155.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 16 Twp 09S Rge 21E	JEROME County
GROUND WATER	NENE	Sec 17 Twp 09S Rge 21E	JEROME County
GROUND WATER	NWSE	Sec 18 Twp 09S Rge 21E	JEROME County
GROUND WATER	NESE	Sec 20 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	16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	21E	17	40.0		40.0	40.0			40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	480.0
09S	21E	18									40.0			40.0	40.0	40.0	40.0		200.0
09S	21E	20	40.0		36.0	40.0				16.0	40.0				40.0	40.0			252.0

Right Acre Limit: 522.6

POU Total Acres: 1572.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 522.6 acres within the authorized place of use in a single irrigation season.
2. Rights 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2090.4 af at the field headgate, and the irrigation of 522.6 acres.
3. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.

Transfer No. 78949

WATER RIGHT NO. 36-16055

As Modified by Transfer No. 78949

CONDITIONS OF APPROVAL

4. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1572-acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1572-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
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. 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.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 78949, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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. 36-8402**As Modified by Transfer No. 78949**

In accordance with the approval of Transfer No. 78949, Water Right No. 36-8402 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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.840 cfs	356.6 af
			0.840 cfs	356.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 16 Twp 09S Rge 21E	JEROME County
GROUND WATER	NENE	Sec 17 Twp 09S Rge 21E	JEROME County
GROUND WATER	NWSE	Sec 18 Twp 09S Rge 21E	JEROME County
GROUND WATER	NESE	Sec 20 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	16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	21E	17	40.0		40.0	40.0			40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	480.0
09S	21E	18									40.0			40.0	40.0	40.0	40.0		200.0
09S	21E	20	40.0		36.0	40.0				16.0	40.0				40.0	40.0			252.0

Right Acre Limit: 314.0

POU Total Acres: 1572.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 314 acres within the authorized place of use in a single irrigation season.
2. Rights 36-2430, 36-8008 and 36-8402 when combined shall not exceed a total diversion rate of 5.18 cfs, a total annual maximum diversion volume of 1256 af at the field headgate, and the irrigation of 314 acres.
3. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.

Transfer No. 78949

WATER RIGHT NO. 36-8402

As Modified by Transfer No. 78949

CONDITIONS OF APPROVAL

4. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1572-acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1572-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. 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.
8. 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.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
10. Prior to the diversion and use of water under Transfer approval 78949, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
11. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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. 36-2430**As Modified by Transfer No. 78949**

In accordance with the approval of Transfer No. 78949, Water Right No. 36-2430 is now described as follows:

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

Priority Date: 4/21/1960

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	3.500 cfs	1256.0 af
			3.500 cfs	1256.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 16 Twp 09S Rge 21E	JEROME County
GROUND WATER	NENE	Sec 17 Twp 09S Rge 21E	JEROME County
GROUND WATER	NWSE	Sec 18 Twp 09S Rge 21E	JEROME County
GROUND WATER	NESE	Sec 20 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	16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	21E	17	40.0		40.0	40.0			40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	480.0
09S	21E	18									40.0			40.0	40.0	40.0	40.0		200.0
09S	21E	20	40.0		36.0	40.0				16.0	40.0				40.0	40.0			252.0

Right Acre Limit: 314.0

POU Total Acres: 1572.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 314 acres within the authorized place of use in a single irrigation season.
2. Rights 36-2430, 36-8008 and 36-8402 when combined shall not exceed a total diversion rate of 5.18 cfs, a total annual maximum diversion volume of 1256 af at the field headgate, and the irrigation of 314 acres.
3. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.

Transfer No. 78949

WATER RIGHT NO. 36-2430

As Modified by Transfer No. 78949

CONDITIONS OF APPROVAL

4. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1572-acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1572-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
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. 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.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 78949, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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. 36-8008**As Modified by Transfer No. 78949**

In accordance with the approval of Transfer No. 78949, Water Right No. 36-8008 is now described as follows:

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

Priority Date: 12/8/1981

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.840 cfs
0.840 cfs

Diversion Volume
409.9 af
409.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 16 Twp 09S Rge 21E	JEROME County
GROUND WATER	NENE	Sec 17 Twp 09S Rge 21E	JEROME County
GROUND WATER	NWSE	Sec 18 Twp 09S Rge 21E	JEROME County
GROUND WATER	NESE	Sec 20 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	16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	21E	17	40.0		40.0	40.0			40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	480.0
09S	21E	18									40.0			40.0	40.0	40.0	40.0		200.0
09S	21E	20	40.0		36.0	40.0				16.0	40.0				40.0	40.0			252.0

Right Acre Limit: 314.0

POU Total Acres: 1572.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 314 acres within the authorized place of use in a single irrigation season.
2. Rights 36-2430, 36-8008 and 36-8402 when combined shall not exceed a total diversion rate of 5.18 cfs, a total annual maximum diversion volume of 1256 af at the field headgate, and the irrigation of 314 acres.
3. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.

Transfer No. 78949

WATER RIGHT NO. 36-8008

As Modified by Transfer No. 78949

CONDITIONS OF APPROVAL

4. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1572-acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1572-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
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. 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.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 78949, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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. 36-16045

As Modified by Transfer No. 78949

In accordance with the approval of Transfer No. 78949, Water Right No. 36-16045 is now described as follows:

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

Priority Date: 10/19/1981

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	1.950 cfs	173.7 af
			1.950 cfs	173.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 16 Twp 09S Rge 21E JEROME County
GROUND WATER	NENE	Sec 17 Twp 09S Rge 21E JEROME County
GROUND WATER	NWSE	Sec 18 Twp 09S Rge 21E JEROME County
GROUND WATER	NESE	Sec 20 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	16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	21E	17	40.0		40.0	40.0			40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	480.0
09S	21E	18									40.0			40.0	40.0	40.0	40.0		200.0
09S	21E	20	40.0		36.0	40.0				16.0	40.0				40.0	40.0			252.0

Right Acre Limit: 182.0
POU Total Acres: 1572.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 182 acres within the authorized place of use in a single irrigation season.
2. Rights 36-16047 and 36-16045 when combined shall not exceed a total diversion rate of 3.35 cfs, a total annual maximum diversion volume of 728.0 af at the field headgate, and the irrigation of 182 acres.
3. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.

Transfer No. 78949

WATER RIGHT NO. 36-16045

As Modified by Transfer No. 78949

CONDITIONS OF APPROVAL

4. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1572-acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1572-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
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. 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.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 78949, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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. 36-16047**As Modified by Transfer No. 78949**

In accordance with the approval of Transfer No. 78949, Water Right No. 36-16047 is now described as follows:

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

Priority Date: 5/11/1957

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	3.000 cfs	689.2 af
			3.000 cfs	689.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESE	Sec 16 Twp 09S Rge 21E	JEROME County
GROUND WATER	NENE	Sec 17 Twp 09S Rge 21E	JEROME County
GROUND WATER	NWSE	Sec 18 Twp 09S Rge 21E	JEROME County
GROUND WATER	NESE	Sec 20 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	16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
09S	21E	17	40.0		40.0	40.0			40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	480.0
09S	21E	18									40.0			40.0	40.0	40.0	40.0		200.0
09S	21E	20	40.0		36.0	40.0				16.0	40.0				40.0	40.0			252.0

Right Acre Limit: 172.3

POU Total Acres: 1572.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 172.3 acres within the place of use described above in a single irrigation season.
2. Rights 36-16047 and 36-16045 when combined shall not exceed a total diversion rate of 3.35 cfs, a total annual maximum diversion volume of 728.0 af at the field headgate, and the irrigation of 182 acres.
3. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.

Transfer No. 78949

WATER RIGHT NO. 36-16047

As Modified by Transfer No. 78949

CONDITIONS OF APPROVAL

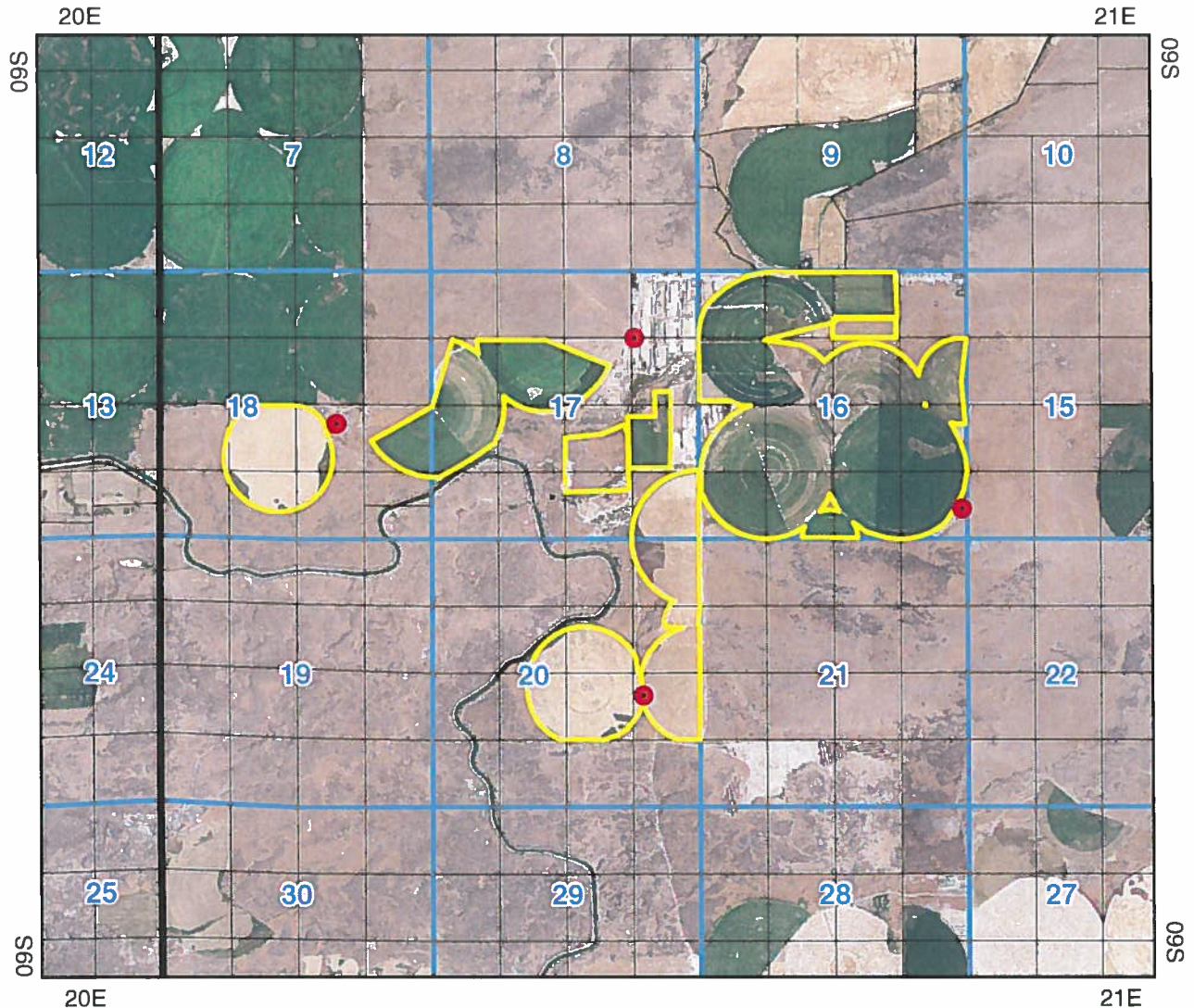
4. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1572-acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1572-acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
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. 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.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 78949, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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. 78949

Rights: 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055

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 0.425 0.85 1.7 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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 19, 2014

SUNRISE ORGANIC DAIRY LLC
329 S 417 E
JEROME ID 83338

Re: Transfer No: 78948
Water Right No(s): 36-2254A , 36-2284, 36-8401, 36-16396

Re: Transfer No: 78949
Water Right No(s): 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049,
36-16051, 36-16053, 36-16055

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.

A portion of water right(s) 36-2254A, 36-2284 & 36-8401 were leased to the Water Supply Bank (bank) on July 14, 2014. To date, part of the right(s) appurtenant to 2.35 cubic feet per second (cfs) and 150.4 acres (portions of Sections 29 & 32, T9S, R21E) remain leased to the bank. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. This portion will remain in the bank until December 31, 2014, unless the right(s) are released earlier by the Idaho Water Resource Board or upon request by the right holder. In addition, a portion of water right(s) 36-2430, 36-8008 & 36-8402 were leased to the Water Supply Bank (bank) on October 5, 2011. To date, part of the right(s) appurtenant to 0.44 cubic feet per second (cfs) and 26.9 acres (portions of Section 16, T9S, R21E) remain leased to the bank. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. This portion will remain in the bank until December 31, 2016, unless the right(s) are released earlier by the Idaho Water Resource Board or upon request by the right holder.

To reduce the term of the lease, the right holder must submit a written request to the department. The department will verify if the right is rented or available for release, and notify the right holder of the release date.

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", with a stylized flourish at the end.

Allen Merritt
Southern Regional 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 August 19, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78948

Water Right No(s): 36-2254A , 36-2284, 36-8401, 36-16396

Re: Transfer No: 78949

**Water Right No(s): 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049,
36-16051, 36-16053, 36-16055**

**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.

Amended

MEMORANDUM

Date: August 4, 2014
To: Transfer 78949 File
From: Jeff Cooper
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to add adjacent acres to an existing 1520-acre permissible place of use (PPU). Application proposes to add 52 acres recently acquired by the applicant owned by the United States of America (BOR). Applicant provided a quitclaim deed of the parcel as evidence of ownership. A portion of the rights involved in this transfer are leased to the water supply bank (WSB). Individuals with IDWR providing technical support to the WSB will be notified and appropriate communication with the applicant regarding the affected rights will be included with the approval. Points of Diversion (PODs) occur under the jurisdiction of WD130, therefore Watermaster comments will also be solicited. Portions of rights involved in this transfer are also currently leased to the Water Supply Bank, therefore comments will be solicited from their technical staff.

Due to the nature of this transfer, it is recommended it be processed without a public notice & protest period.

- **Authority to File:**

The original application was signed by Rob Williams, who is an authorized representative for Horizon Organic Dairy. Power of Attorney for Rob Williams to act on the applicant's behalf was included. Before the transfer was approved, the property changed hands to Sunrise Organic Dairy, LLC. An assignment for application for transfer was filed in March, 2014, by Sunrise Organic Dairy, LLC and signed by John Rietsma, who is an authorized member of Sunrise Organic Dairy, LLC.

- **Water Right Validity:**

Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053, 36-16055 were partially decreed in the SRBA in August, 2001. A portion of the rights are also leased to the WSB. A review of recent aerial imagery indicates forfeiture is not an issue.

- **Injury to Other Water Rights:**

None anticipated. Rights will be limited as decreed. Applicant also submitted a map of the irrigated acres within the PPU.

- **Enlargement of Use:**

None anticipated.

- **Local Public Interest:**

No negative impact anticipated.

- **Beneficial Use/Conservation of Water Resources:**
Decreed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local 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.

Pre-Transfer Rights

Right	Use	Source	CFS	AFA	Acres	POU/PPU
36-2430	Irrigation	Groundwater	3.50	1256	314	1520
36-8008	Irrigation	Groundwater	0.84	409.9	314	1520
36-8402	Irrigation	Groundwater	0.84	356.6	314	1520
36-16045	Irrigation	Groundwater	1.95	173.7	182	1520
36-16047	Irrigation	Groundwater	3.00	689.2	172.3	1520
36-16049	Irrigation	Groundwater	4.80	1130.8	282.7	1520
36-16051	Irrigation	Groundwater	0.54	144.8	36.2	1520
36-16053	Irrigation	Groundwater	1.38	659.6	164.9	1520
36-16055	Irrigation	Groundwater	4.12	155.2	522.6	1520

Pre-Transfer Combined Limits

CFS	5.18	18.92	3.35	10.39
AFA	1256	4074.4	728	2090.4
Acres	314	1018.6	182	522.6
Rights	36-2430	36-2430	36-16047	36-16049
	36-8008	36-8008	36-16045	36-16051
	36-8402	36-8402	36-16053	36-16055
		36-16045		
		36-16047		
		36-16049		
		36-16051		
		36-16053		
		36-16055		

Post-Transfer Combined Limits (No Change)

CFS	5.18	18.92	3.35	10.39
AFA	1256	4074.4	728	2090.4
Acres	314	1018.6	182	522.6
Rights	36-2430	36-2430	36-16047	36-16049
	36-8008	36-8008	36-16045	36-16051
	36-8402	36-8402		36-16053
		36-16045		36-16055
		36-16047		
		36-16049		
		36-16051		
		36-16053		
		36-16055		

Post Transfer Rights

Right/Parent	Child	Use	Source	CFS	AFA	Acres	POU/PPU
36-2430	N/A	Irrigation	Groundwater	3.50	1256	314	1572
36-8008	N/A	Irrigation	Groundwater	0.84	409.9	314	1572
36-8402	N/A	Irrigation	Groundwater	0.84	356.6	314	1572
36-16045	N/A	Irrigation	Groundwater	1.95	173.7	182	1572
36-16047	N/A	Irrigation	Groundwater	3.00	689.2	172.3	1572
36-16049	N/A	Irrigation	Groundwater	4.80	1130.8	282.7	1572
36-16051	N/A	Irrigation	Groundwater	0.54	144.8	36.2	1572
36-16053	N/A	Irrigation	Groundwater	1.38	659.6	164.9	1572
36-16055	N/A	Irrigation	Groundwater	4.12	155.2	522.6	1572

Amended

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 78949
Water Right No: 36-2430
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:

Flow meters will be ordered for this system.

Dated: July 23, 2014

Water District 130



Cindy J Yenter, Watermaster