

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78948**

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	4.360 cfs	1440.0 af	360.0	520.0	GROUND WATER
36-2284	WR/DECREED	5/16/1955	3.060 cfs	1493.1 af	N/A	520.0	GROUND WATER
36-8401	WR/LICENSE	11/28/1988	0.680 cfs	288.6 af	N/A	520.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
36-16396	WR/DECREED	12/8/1981	0.750 cfs	152.3 af		N/A	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	YES	YES	YES
36-2284	YES	YES	YES	YES	YES	YES
36-8401	YES	YES	YES	YES	YES	YES

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	36-16993	0.400 cfs	102.0 af	N/A	N/A	36-2254A	3.960 cfs	1307.6 af	326.9	472.2
36-2284	36-16994	0.280 cfs	106.0 af	N/A	N/A	36-2284	2.780 cfs	1355.8 af	N/A	472.2
36-8401	36-16995	0.060 cfs	21.0 af	N/A	N/A	36-8401	0.620 cfs	262.1 af	N/A	472.2
COMBINED TOTALS		0.740 cfs	148.0 af	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 36-2254A

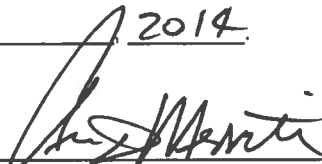
Transfer No. 78948

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78948

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. 36-2254A
As Modified by Transfer No. 78948

In accordance with the approval of Transfer No. 78948, 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
 3.960 cfs
 3.960 cfs

Diversion Volume
 1307.6 af
 1307.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENWSE
 GROUND WATER SWSW

Sec 28 Twp 09S Rge 21E JEROME County
 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			6.1	13.5			20.2	12.3	29.3	37.6	34.7	36.9					292.3
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: 326.9

POU Total Acres: 472.2

CONDITIONS OF APPROVAL

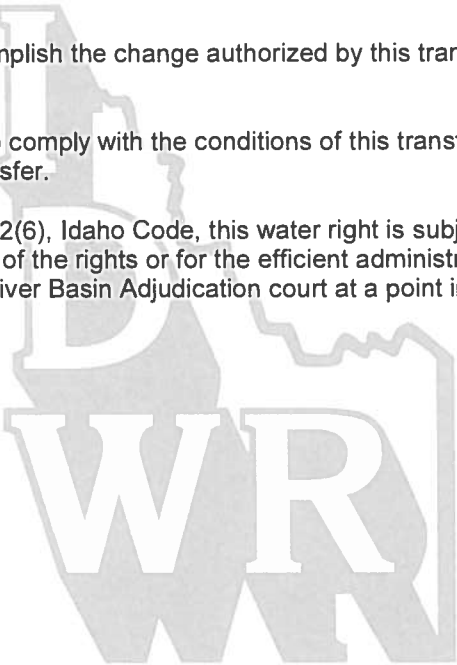
1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.130.
2. This right is limited to the irrigation of 326.9 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 7.36 cfs, a total annual maximum diversion volume of 1888.8 af at the field headgate, and the irrigation of 472.2 acres.
4. 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.

Transfer No. 78948

WATER RIGHT NO. 36-2254A
As Modified by Transfer No. 78948

CONDITIONS OF APPROVAL

5. Prior to diversion and use of water under Transfer approval 77949, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
6. 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.
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.



WATER RIGHT NO. 36-16993**As Modified by Transfer No. 78948**

In accordance with the approval of Transfer No. 78948, Water Right No. 36-16993 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

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1 /1	to 12/31	0.400 cfs	102.0 af
STOCKWATER	1 /1	to 12/31	0.400 cfs	102.0 af
			0.400 cfs	102.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L96 (NWNE)	Sec 3	Twp 09S Rge 21E	JEROME County
GROUND WATER	L96 (NWNE)	Sec 3	Twp 09S Rge 21E	JEROME County
GROUND WATER	L96 (NWNE)	Sec 3	Twp 09S Rge 21E	JEROME County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	21E	34												X			X		0.0
														L 96			L 96		
08S	21E	34												X			X		0.0
														L 97			L 97		
08S	21E	34															X		0.0
																	L 98		
09S	21E	3		X			X												0.0
				L 96			L 97												

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	21E	34												X			X		0.0
														L 96			L 96		
08S	21E	34												X			X		0.0
														L 97			L 97		
08S	21E	34															X		0.0
																	L 98		
09S	21E	3		X			X												0.0
				L 96			L 97												

WATER RIGHT NO. 36-16993
As Modified by Transfer No. 78948

CONDITIONS OF APPROVAL

1. Rights 36-16993, 36-16994, and 36-16995 when combined shall not exceed a total diversion rate of 0.74 cfs and a total annual maximum diversion volume of 148 af.
2. Rights 36-16993, 36-16994, 36-16995, and 36-16396 when combined shall not exceed a total diversion rate of 1.49 cfs and a total annual maximum diversion volume of 300.3 af.
3. Prior to diversion and use of water under Transfer approval 74948, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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 point(s) of diversion in accordance with Department specifications.
5. 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.
6. 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.
7. Place of use for Stockwater/Commercial use is within Farm Tracts C and D of S3, T09S, R21E and Farm Tracts B, C and D of S34, T08S, R21E. All Points of Diversion are within Farm Tract D of S3, T09S, R21E.
8. The following convention is used to convert the government lots listed in the points of diversion to the official U.S. government tract designation: Lot 99 = Tract A, Lot 98 = Tract B, Lot 97 = Tract C, Lot 96 = Tract D, Lot 95 = Tract E, Lot 94 = Tract F, Lot 93 = Tract G, Lot 92 = Tract H, Lot 91 = Tract J, Lot 90 = Tract K, Lot 89 = Tract L, Lot 88 = Tract M, Lot 87 = Tract N, Lot 86 = Tract O, Lot 85 = Tract P, Lot 84 = Tract Q, Lot 83 = Tract R, Lot 82 = Tract S.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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. 36-2284**As Modified by Transfer No. 78948**

In accordance with the approval of Transfer No. 78948, 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

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
2.780 cfs
2.780 cfs

Diversion Volume
1355.8 af
1355.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENWSE
GROUND WATER SWSW

Sec 28 Twp 09S Rge 21E JEROME County
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			6.1	13.5			20.2	12.3	29.3	37.6	34.7	36.9	37.8	21.9	27.0	15.0	292.3
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

POU Total Acres: 472.2

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. Rights 36-2254A, 36-2284, and 36-8401 when combined shall not exceed a total diversion rate of 7.36 cfs, a total annual maximum diversion volume of 1888.8 af at the field headgate, and the irrigation of 472.2 acres.
3. 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.
4. Prior to diversion and use of water under Transfer approval 77949, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.

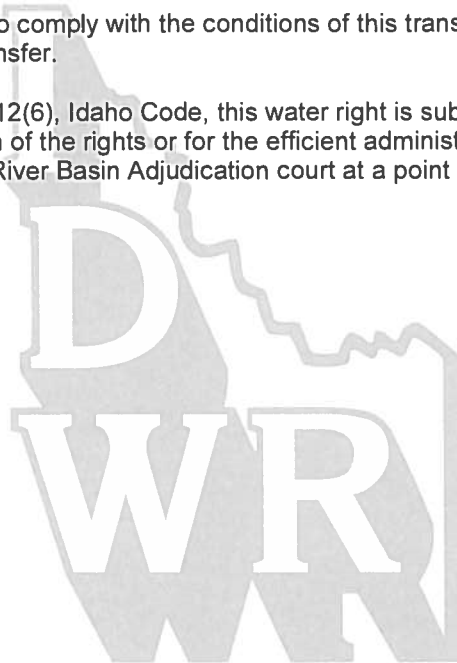
Transfer No. 78948

WATER RIGHT NO. 36-2284

As Modified by Transfer No. 78948

CONDITIONS OF APPROVAL

5. 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.
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. 36-16994**As Modified by Transfer No. 78948**

In accordance with the approval of Transfer No. 78948, Water Right No. 36-16994 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>
COMMERCIAL	1/1	to 12/31	0.280 cfs	106.0 af
STOCKWATER	1/1	to 12/31	0.280 cfs	106.0 af
			0.280 cfs	106.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L96 (NWNE)	Sec 3	Twp 09S Rge 21E	JEROME County
GROUND WATER	L96 (NWNE)	Sec 3	Twp 09S Rge 21E	JEROME County
GROUND WATER	L96 (NWNE)	Sec 3	Twp 09S Rge 21E	JEROME County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	21E	34												X			X		0.0
														L 96			L 96		
08S	21E	34												X			X		0.0
														L 97			L 97		
08S	21E	34															X		0.0
																	L 98		
09S	21E	3		X			X												0.0
				L 96			L 97												

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	21E	34												X			X		0.0
														L 96			L 96		
08S	21E	34												X			X		0.0
														L 97			L 97		
08S	21E	34															X		0.0
																	L 98		
09S	21E	3		X			X												0.0
				L 96			L 97												

WATER RIGHT NO. 36-16994
As Modified by Transfer No. 78948

CONDITIONS OF APPROVAL

1. Rights 36-16993, 36-16994, and 36-16995 when combined shall not exceed a total diversion rate of 0.74 cfs and a total annual maximum diversion volume of 148 af.
2. Rights 36-16993, 36-16994, 36-16995, and 36-16396 when combined shall not exceed a total diversion rate of 1.49 cfs and a total annual maximum diversion volume of 300.3 af.
3. Prior to diversion and use of water under Transfer approval 74948, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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 point(s) of diversion in accordance with Department specifications.
5. 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.
6. 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.
7. Place of use for Stockwater/Commercial use is within Farm Tracts C and D of S3, T09S, R21E and Farm Tracts B, C and D of S34, T08S, R21E. All Points of Diversion are within Farm Tract D of S3, T09S, R21E.
8. The following convention is used to convert the government lots listed in the points of diversion to the official U.S. government tract designation: Lot 99 = Tract A, Lot 98 = Tract B, Lot 97 = Tract C, Lot 96 = Tract D, Lot 95 = Tract E, Lot 94 = Tract F, Lot 93 = Tract G, Lot 92 = Tract H, Lot 91 = Tract J, Lot 90 = Tract K, Lot 89 = Tract L, Lot 88 = Tract M, Lot 87 = Tract N, Lot 86 = Tract O, Lot 85 = Tract P, Lot 84 = Tract Q, Lot 83 = Tract R, Lot 82 = Tract S.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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. 78948**

In accordance with the approval of Transfer No. 78948, 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** 10/31

Diversion Rate
0.620 cfs
0.620 cfs

Diversion Volume
262.1 af
262.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENWSE
GROUND WATER SWSW

Sec 28 Twp 09S Rge 21E JEROME County
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			6.1	13.5			20.2	12.3	29.3	37.6	34.7	36.9					292.3
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

POU Total Acres: 472.2

CONDITIONS OF APPROVAL

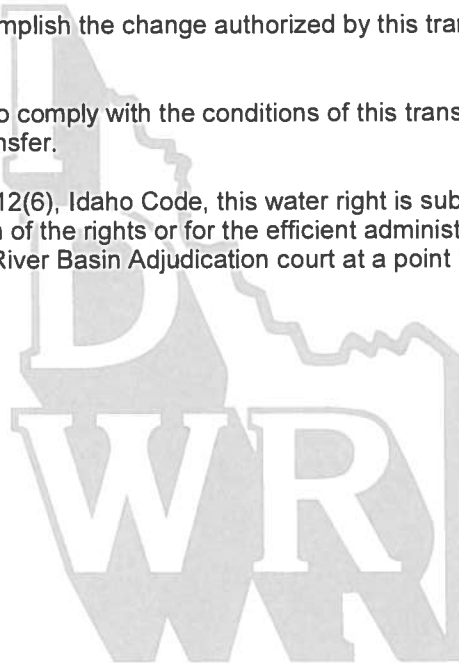
1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.130.
2. Rights 36-2254A, 36-2284, and 36-8401 when combined shall not exceed a total diversion rate of 7.36 cfs, a total annual maximum diversion volume of 1888.8 af at the field headgate, and the irrigation of 472.2 acres.
3. 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.
4. Prior to diversion and use of water under Transfer approval 77949, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.

Transfer No. 78948

WATER RIGHT NO. 36-8401
As Modified by Transfer No. 78948

CONDITIONS OF APPROVAL

5. 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.
6. 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.
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.



WATER RIGHT NO. 36-16995**As Modified by Transfer No. 78948**

In accordance with the approval of Transfer No. 78948, Water Right No. 36-16995 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>
COMMERCIAL	1 / 1	to 12/31	0.060 cfs	21.0 af
STOCKWATER	1 / 1	to 12/31	0.060 cfs	21.0 af
			0.060 cfs	21.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L96 (NWNE)	Sec 3	Twp 09S Rge 21E	JEROME County
GROUND WATER	L96 (NWNE)	Sec 3	Twp 09S Rge 21E	JEROME County
GROUND WATER	L96 (NWNE)	Sec 3	Twp 09S Rge 21E	JEROME County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	21E	34												X			X		0.0
														L 96			L 96		
08S	21E	34												X			X		0.0
														L 97			L 97		
08S	21E	34															X		0.0
																	L 98		
09S	21E	3		X			X												0.0
				L 96			L 97												

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	21E	34												X			X		0.0
														L 96			L 96		
08S	21E	34												X			X		0.0
														L 97			L 97		
08S	21E	34															X		0.0
																	L 98		
09S	21E	3		X			X												0.0
				L 96			L 97												

WATER RIGHT NO. 36-16995
As Modified by Transfer No. 78948

CONDITIONS OF APPROVAL

1. Rights 36-16993, 36-16994, and 36-16995 when combined shall not exceed a total diversion rate of 0.74 cfs and a total annual maximum diversion volume of 148 af.
2. Rights 36-16993, 36-16994, 36-16995, and 36-16396 when combined shall not exceed a total diversion rate of 1.49 cfs and a total annual maximum diversion volume of 300.3 af.
3. Prior to diversion and use of water under Transfer approval 74948, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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 point(s) of diversion in accordance with Department specifications.
5. 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.
6. 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.
7. Place of use for Stockwater/Commercial use is within Farm Tracts C and D of S3, T09S, R21E and Farm Tracts B, C and D of S34, T08S, R21E. All Points of Diversion are within Farm Tract D of S3, T09S, R21E.
8. The following convention is used to convert the government lots listed in the points of diversion to the official U.S. government tract designation: Lot 99 = Tract A, Lot 98 = Tract B, Lot 97 = Tract C, Lot 96 = Tract D, Lot 95 = Tract E, Lot 94 = Tract F, Lot 93 = Tract G, Lot 92 = Tract H, Lot 91 = Tract J, Lot 90 = Tract K, Lot 89 = Tract L, Lot 88 = Tract M, Lot 87 = Tract N, Lot 86 = Tract O, Lot 85 = Tract P, Lot 84 = Tract Q, Lot 83 = Tract R, Lot 82 = Tract S.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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. 36-16396**As Modified by Transfer No. 78948**

In accordance with the approval of Transfer No. 78948, Water Right No. 36-16396 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>
COMMERCIAL	01/01	to 12/31	0.750 cfs	152.3 af
STOCKWATER	01/01	to 12/31	0.750 cfs	152.3 af
			0.750 cfs	152.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L96 (NWNE)	Sec 3	Twp 09S Rge 21E	JEROME County
GROUND WATER	L96 (NWNE)	Sec 3	Twp 09S Rge 21E	JEROME County
GROUND WATER	L96 (NWNE)	Sec 3	Twp 09S Rge 21E	JEROME County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	21E	34												X			X		
														L 96			L 96		
08S	21E	34												X			X		
														L 97			L 97		
08S	21E	34															X		
																	L 98		
09S	21E	3		X			X												
				L 96			L 97												

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	21E	34												X			X		
														L 96			L 96		
08S	21E	34												X			X		
														L 97			L 97		
08S	21E	34															X		
																	L 98		
09S	21E	3		X			X												
				L 96			L 97												

WATER RIGHT NO. 36-16396

As Modified by Transfer No. 78948

CONDITIONS OF APPROVAL

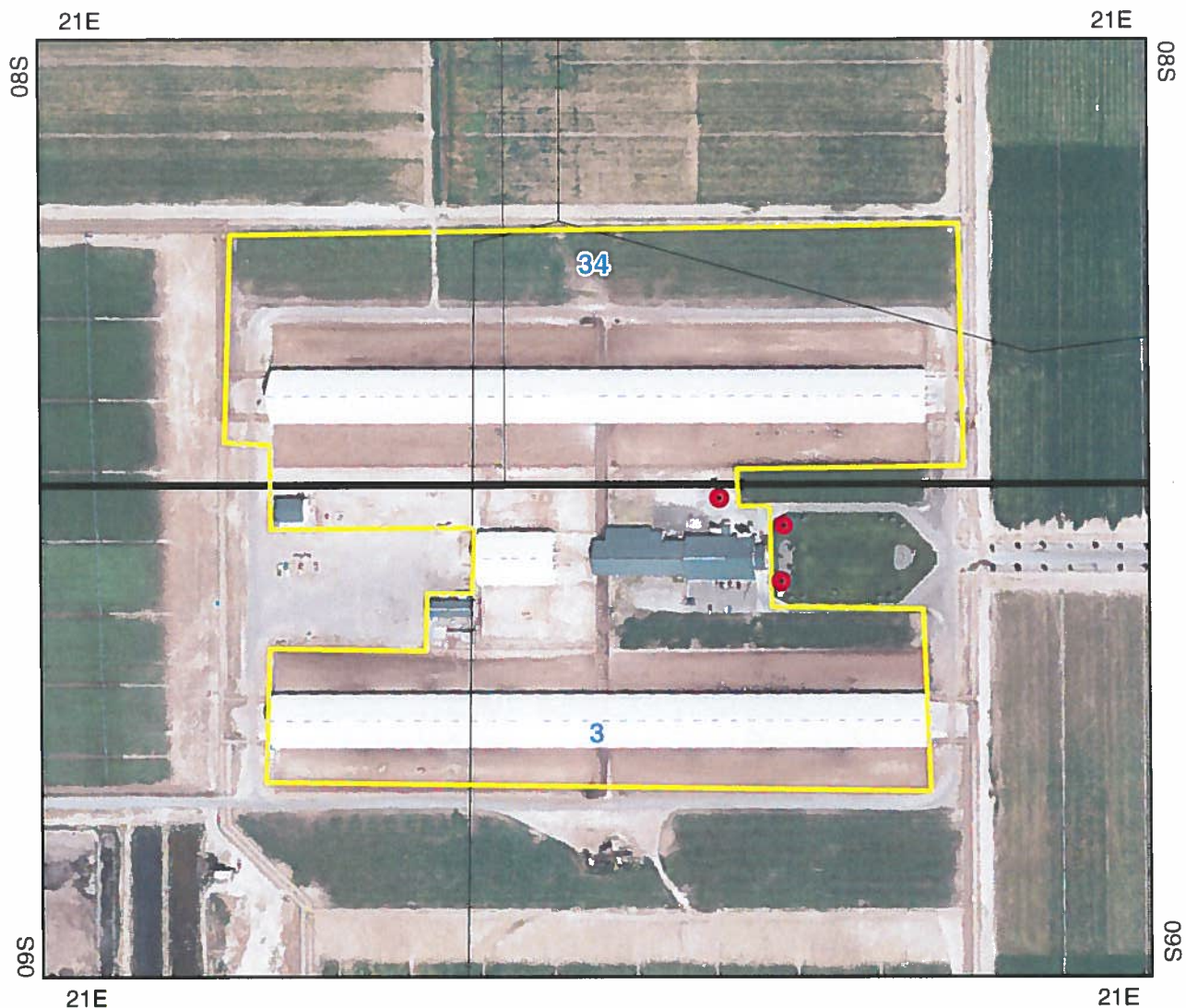
1. Rights 36-16993, 36-16994, 36-16995, and 36-16396 when combined shall not exceed a total diversion rate of 1.49 cfs and a total annual maximum diversion volume of 300.3 af.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. Prior to the diversion and use of water under Transfer approval 78050, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
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.
5. Commercial use is for a dairy.
6. Place of use for Stockwater use is within Farm Tracts C and D of S3, T09S, R21E and Farm Tracts B, C and D of S34, T08S, R21E.
Place of use for Commercial use is within Farm Tracts C and D of S3, T09S, R21E.
All Points of Diversion are within Farm Tract D of S3, T09S, R21E.
7. The following convention is used to convert the government lots listed in the points of diversion to the official U.S. government tract designation: Lot 99 = Tract A, Lot 98 = Tract B, Lot 97 = Tract C, Lot 96 = Tract D, Lot 95 = Tract E, Lot 94 = Tract F, Lot 93 = Tract G, Lot 92 = Tract H, Lot 91 = Tract J, Lot 90 = Tract K, Lot 89 = Tract L, Lot 88 = Tract M, Lot 87 = Tract N, Lot 86 = Tract O, Lot 85 = Tract P, Lot 84 = Tract Q, Lot 83 = Tract R, Lot 82 = Tract S.
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.

State of Idaho
Department of Water Resources

Attachment To Transfer No. 78948

Rights: 36-16993, 36-16994, 36-16995 and 36-16396

This map depicts the STOCKWATER and COMMERCIAL 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 0.045 0.09 0.18 Miles

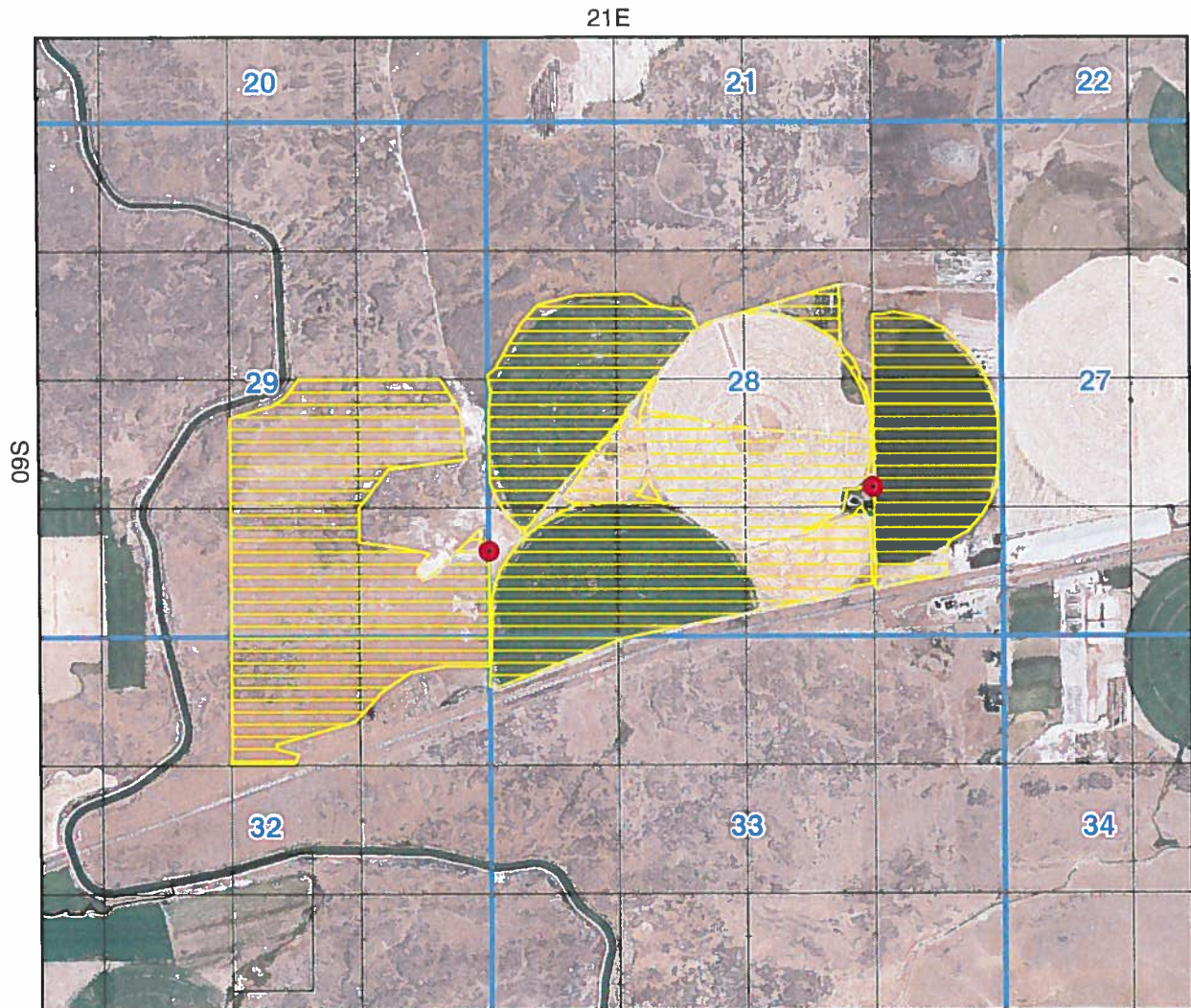


State of Idaho
Department of Water Resources

Attachment To Transfer No. 78948

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

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 cursive script, reading "Denise Maline", 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

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 78948
Water Right No: 36-2254A
Applicant Name: Sunrise Organic

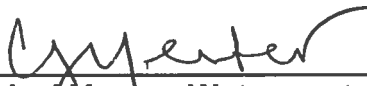
Watermaster's Recommendation:

- 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:

The dairy is in compliance with measurement requirements. A revised lease application has been executed for the transferred rights which should free up the required number of acres (see Cherie's analysis). The PPU for the remainder rights should remain unchanged after the transfer.

Dated: July 23, 2014

Water District 130


Cindy J. Yenter, Watermaster

Cooper, Jeff

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Monday, June 16, 2014 3:13 PM
To: Cooper, Jeff
Cc: 'Fredric Price'; 'Crane, Jordan'; Merritt, Allen
Subject: RE: Sunrise Organic Dairy Transfer No. 78948 - POU Typo
Attachments: Sunrise Organic Part 2B's.pdf

Jeff,

Jordan Crane with BLM identified a typo in Transfer 78948 regarding the location of acres to be dried up in Section 28. I have attached the corrected pages to this email. Please update the departments records for Transfer 78948. The aerial map and Part 2B for 36-2254A clearly identifies the lands irrigated in Section 28.

Greg Sullivan
Brockway Engineering
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543

From: Crane, Jordan [mailto:jcrane@blm.gov]
Sent: Monday, June 16, 2014 2:38 PM
To: greg.sullivan@brockwayeng.com; allen.merritt@idwr.idaho.gov
Cc: Fredric Price
Subject: Sunrise Organic Dairy Transfer No. 78948 - POU Typo

Greg and Allen:

Today during our review of Applications for Transfer I noticed what appears to be a typo in the POU of Transfer No. 78948 (Sunrise Organic Dairy). Part 2B of water rights 36-02284 and 36-08401 (Pages 7 and 10 respectively) describe the POUs of these water rights being changed within Section 29. This does not agree with Part 2B of water right 36-02254A which describes the POUs being changed within Section 28. The map attached to the Transfer also shows the POUs being changed in Section 28.

Should the transfer be amended to correct the Section from S29 to S28 in Part 2B of water right 36-02284 and 36-08401? I'm attaching a presentation illustrating this issue.

--

Jordan Crane
Water Rights Assistant

No virus found in this message.

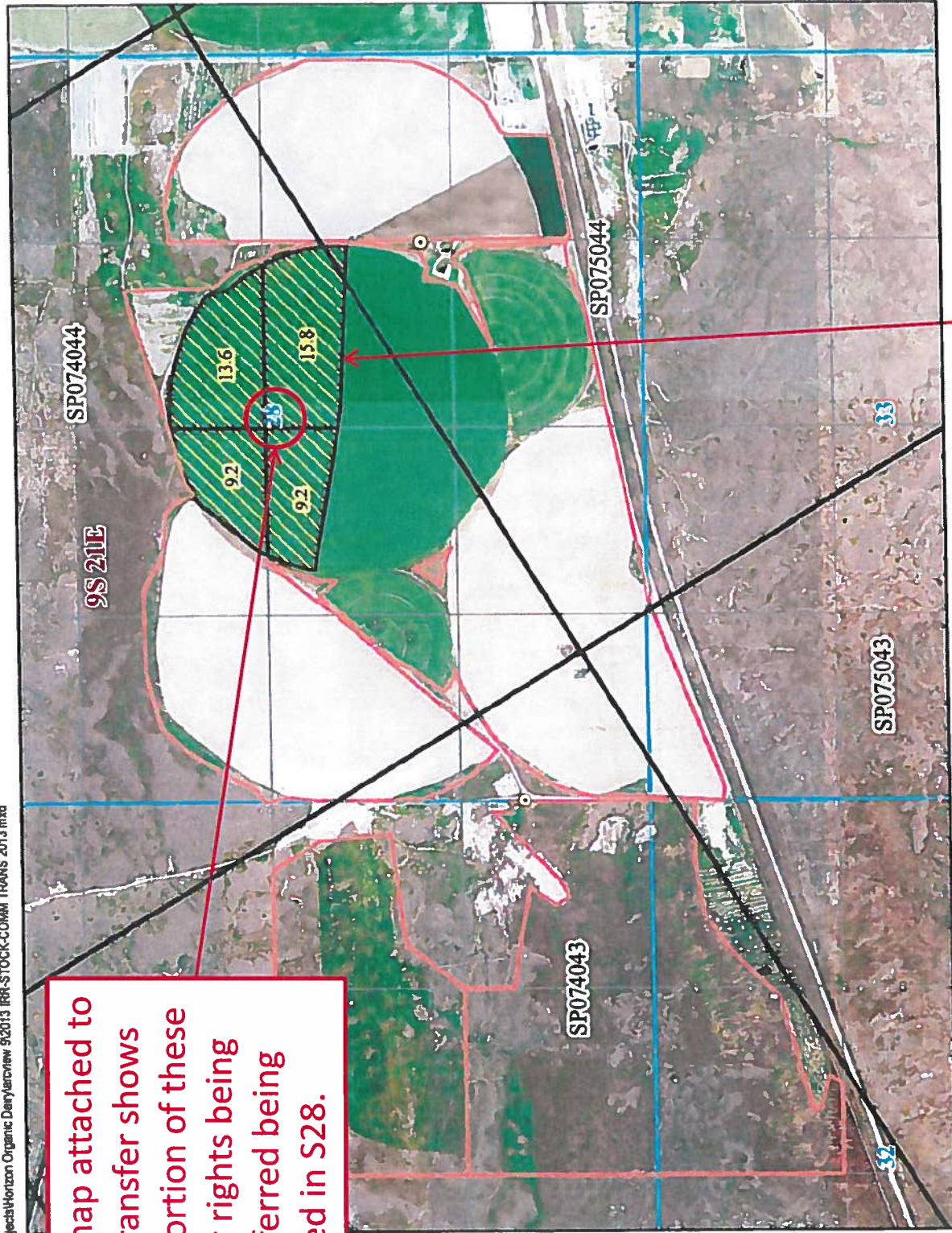
Checked by AVG - www.avg.com

Version: 2012.0.2247 / Virus Database: 3955/7184 - Release Date: 06/16/14

Application for Transfer No. 78948
Attached Map

Path: F:\Projects\Horizon Organic Dairy\arcview 9\2013 IRR-STOCK-COMM TRANS 2013.mxd

The map attached to the Transfer shows the portion of these water rights being transferred being located in S28.



HORIZON ORGANIC - 36-2254A, 36-2284, & 36-8401
IRR-STOCK/COMM TRANSFER 2013, 47.8 ACRES
NAIP 2011 AERIAL

BROCKWAY ENGINEERING, PLLC.
AUR -Date: 11/21/2013

TRANSFER 78948

RECEIVED

JUN 13 2014

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 5th day of June, 2014 and ending with the issue dated 12th day of June, 2014

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 uninterrupted.

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 12th day of June, 2014, before me,

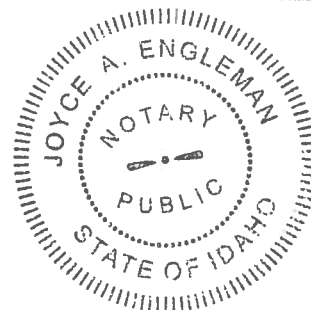
a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Joyce A. Engleman

Notary Public for Idaho
Residing at Twin Falls, Idaho

6/28/19

My commission expires: _____



✓ OK DM
6/23/2014

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78948**

✓ **SUNRISE ORGANIC DAIRY LLC**, 329 S 417 E, JEROME, ID 83338; has filed Application No. 78948 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: Application for transfer proposes to change the place of use (POU), nature of use, season of use, and points of diversion for a 47.8-acre (0.74 CFS) portion of groundwater irrigation rights 36-2254A, 36-2284, and 36-8401, located approximately 6.7 - 7.1 mi E & 1.1 - 1.3 mi N of Hazelton. Application proposes to dry-up the 47.8 acres at the current authorized POU to facilitate the pumping of an additional (0.74 CFS) 148 AF, year-round stockwater/commercial use at an existing dairy, located approximately 7.1 - 8.1 mi E & 5.4 - 5.6 mi N of Hazelton from three existing wells.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79142**

✓ **VANDERVEGT DAIRY LLC**, 4098 HIDDEN LAKES DR, KIMBERLY, ID 83341; has filed Application No. 79142 for changes to the following water rights within MINIDOKA County (s): Right No(s). 36-2257, 36-7517. The purpose of the transfer is to change a portion of the above rights as follows: This application proposes to change the place of use, period of use, nature of use, and point of diversion for a 0.14 CFS (34.62 AF) portion of groundwater rights 36-7517 and 36-2257, which are currently used for irrigation on 8.65 acres located approximately 4.7 to 5.0 miles north and 6.3 to 6.5 miles west of Paul. The new proposed uses will be year-round stockwater and commercial at a heifer facility located near the current place of use. The new point of diversion will be a well located approximately 4.7 miles north and 6.4 miles west of Paul.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79144**

✓ **IRENE VANDERVEGT-GIBSON**, 4098 HIDDEN LAKE DR, KIMBERLY, ID 83341; has filed Application No. 79144 for changes to the following water rights within MINIDOKA County (s): Right No(s). 36-16467, 36-16469, 36-16471, 36-2257, 36-7517. The purpose of the transfer is to change a portion of the above rights as follows:

Application proposes to change the place of use (POU), period of use, nature of use, and points of diversion (PODs) of portions of groundwater rights 36-7517, 36-2257, 36-16467, 36-16469, & 36-16471. The portion of rights 36-7517 & 36-2257 (0.36 CFS) being transferred are currently authorized for irrigation on 21.7 acres, located approximately 4.5 - 4.7 mi. N and 6.3 - 6.5 mi. W of Paul. The portion of rights 36-16467, 36-16469, & 36-16471 (0.54 CFS) being transferred are currently authorized for irrigation on 31.5 acres, located approximately 4.0 - 4.7 mi. N and 7.0 - 7.5 mi. W of Paul. Application proposes to change the nature of use and POU of these rights from irrigation during the irrigation season to year-round stockwater/commercial use at an existing dairy, located adjacent to the authorized POU of rights 36-7517 & 36-2257. Upon approval, the corresponding acres will be dried up for 0.9 CFS (166 AFA) of use at the dairy from two existing wells, located within the facility. Rights 36-16467, 36-16469, 36-16471 are currently leased to the Water Supply Bank, and transferred portions will be removed from the WSB to accommodate the transfer.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79330**

✓ **NORTH SNAKE GROUND WATER DISTRICT**, 152 E MAIN ST, JEROME, ID 83338; **MAGIC VALLEY GROUND WATER DISTRICT**, PO BOX 430, PAUL, ID 83347; **SOUTHWEST IRRIGATION DISTRICT**, 137 W 13TH ST, BURLEY, ID 83318; has filed Application No. 79330 for changes to the following water rights within GOODING County(s): Right No(s). 36-2055. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the place of use (POU) and also add a Mitigation component for a 10 cfs portion of water right 36-2055, currently diverted from Upper Tucker Springs, located approximately 3.1 mi. S and 1.3 mi. E of Hagerman. The current place of use (POU) for this right is located at the Idaho Fish and Game Fish Facility, located approximately 1.1 to 1.3 mi. E and 3.4 to 3.5 mi. S of Hagerman. The proposed POU for the Fish Propagation use will include the existing Fish and Game Facility and the Rangen Fish Facility, located approximately 2.2 to 2.5 mi. E and 2.6 to 2.8 mi. S of Hagerman. The proposed POU for the mitigation component includes a large portion of the Hagerman Valley and also areas associated with the Rangen Fish Facility.

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 visit our website at www.idwr.idaho.gov and search under New Water Right Applications. 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 June 23, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on June 5th & 12th, 2014

✓ OK DM 6/23/2014