

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 78433

Amended

This is to certify that: SWEET POTATO RANCH LLC  
C/O JOE CLARK, AVIATION PARTNERS  
7299 PERIMETER RD S  
SEATTLE, WA 98108

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 37-22250           | WR/LICENSE          | 8/3/1990             | 0.680 cfs             | 119.0 af                | 34.0              | 253.0              | GROUND WATER  |
| 37-22251           | WR/LICENSE          | 8/3/1990             | 1.820 cfs             | 318.5 af                | 91.0              | 253.0              | GROUND WATER  |
| 37-4440            | WR/DECREED          | 12/31/1950           | 0.470 cfs             | 191.1 af                | 65.4              | 253.0              | GROUND WATER  |

Purpose of Transfer (Changes Proposed)

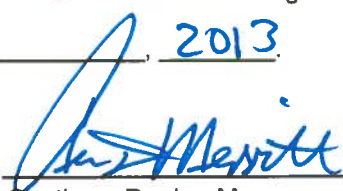
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-22250              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 37-22251              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 37-4440               | NO           | NO         | YES        | NO             | NO                   | NO                   |

Summary Of Water Rights After the Approved Change

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-22250               | 37-22250                         | 0.680 cfs            | 119.0 af               | 34.0              | 253.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 37-22251               | 37-22251                         | 1.820 cfs            | 318.5 af               | 91.0              | 253.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 37-4440                | 37-4440                          | 0.470 cfs            | 191.1 af               | 65.4              | 253.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>2.970 cfs</b>     | <b>628.6 af</b>        | <b>190.4</b>      | <b>253.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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

Dated this 20<sup>th</sup> day of August, 2013.

  
Southern Region Manager

SUPPORT DATA

IN FILE # 37-4440

Transfer No. 78433

**WATER RIGHT NO. 37-22250**  
**As Modified by Transfer No. 78433**

In accordance with the approval of Transfer No. 78433, Water Right No. 37-22250 is now described as follows:

**Right Holder:** SWEET POTATO RANCH LLC  
 7299 PERIMETER RD S  
 SEATTLE, WA 98108

**Priority Date:** 8/3/1990

**Source:** GROUND WATER

|                              |                    |                  |                              |                                |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
| IRRIGATION                   | 04/01              | to 10/31         | 0.680 cfs                    | 119.0 af                       |
|                              |                    |                  | 0.680 cfs                    | 119.0 af                       |

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

GROUND WATER      SESWSE      Sec 18 Twp 02N Rge 18E BLAINE 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   |        |
| 02N | 18E | 17  |    |    |      |    |     |     | 2.3 | 21.0 | 34.0 | 35.0 |     |      |      |      |      |      | 92.3   |
| 02N | 18E | 18  |    |    | 15.0 |    | 1.4 | 0.2 | 2.7 | 32.0 | 0.3  |      | 1.1 | 12.0 | 31.0 | 19.0 | 21.0 | 25.0 | 160.7  |
|     |     |     |    |    |      |    |     |     |     |      |      |      |     |      |      |      |      | L 5  |        |

Right Acre Limit: 34.0

POU Total Acres: 253.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 34 acres within the authorized place of use in a single irrigation season.
2. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250 and 37-22251 when combined shall not exceed a total diversion rate of 9.23 cfs and the irrigation of 198.5 acres.
3. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-22250, and 37-22251 when combined shall not exceed a total diversion rate of 9.08 cfs and the irrigation of 198.5 acres.
4. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440 and 37-22250 when combined shall not exceed a total diversion rate of 9.08 cfs.
5. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440, and 37-22250 when combined shall not exceed the irrigation of 185 acres.

Transfer No. 78433

**WATER RIGHT NO. 37-22250**  
**As Modified by Transfer No. 78433**

**CONDITIONS OF APPROVAL**

6. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250, and 37-22251 are limited to the irrigation of a specific 198.5 acres within the 253 acre place of use authorized by this right in a single irrigation season. The specific 198.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and 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 198.5 acres to be irrigated within the 253 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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use when applied via a sprinkler irrigation system.
8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. Prior to the diversion and use of water under Transfer approval 78433, 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. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
12. 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.
13. Place of use does not include federal public lands.
14. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

**WATER RIGHT NO. 37-4440****As Modified by Transfer No. 78433**

In accordance with the approval of Transfer No. 78433, Water Right No. 37-4440 is now described as follows:

**Right Holder:** SWEET POTATO RANCH LLC  
7299 PERIMETER RD S  
SEATTLE, WA 98108

**Priority Date:** 12/31/1950

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/15       | to 10/31  | 0.470 cfs             | 186.1 af                |
| RECREATION STORAGE    | 01/01       | to 12/31  |                       | 5.0 af                  |
| STOCKWATER            | 01/01       | to 12/31  | 0.030 cfs             |                         |
|                       |             |           | 0.470 cfs             | 191.1 af                |

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

|              |             |                        |               |     |
|--------------|-------------|------------------------|---------------|-----|
| GROUND WATER | NWNWSE      | Sec 18 Twp 02N Rge 18E | BLAINE County |     |
| GROUND WATER | NWNWSE      | Sec 18 Twp 02N Rge 18E | BLAINE County |     |
| GROUND WATER | NWNWSE      | Sec 18 Twp 02N Rge 18E | BLAINE County | (I) |
| GROUND WATER | L5 (NWSESE) | Sec 18 Twp 02N Rge 18E | BLAINE County | (R) |
| GROUND WATER | NWNWSE      | Sec 18 Twp 02N Rge 18E | BLAINE 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   |        |
| 02N | 18E | 17  |    |    |      |    |     |     | 2.3 | 21.0 | 34.0 | 35.0 |     |      |      |      |      |      | 92.3   |
| 02N | 18E | 18  |    |    | 15.0 |    | 1.4 | 0.2 | 2.7 | 32.0 | 0.3  |      | 1.1 | 12.0 | 31.0 | 19.0 | 21.0 | 25.0 | 160.7  |
|     |     |     |    |    |      |    |     |     |     |      |      |      |     |      |      |      |      | L 5  |        |

Right Acre Limit: 65.4

POU Total Acres: 253.0

**PLACE OF USE: RECREATION STORAGE**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |     | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE  |        |
| 02N | 18E | 18  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    | X   | 0.0    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | L 5 |        |

**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  |        |
| 02N | 18E | 17  |    |    |    |    |    |    | X   | X   | X  | X  |    |    |    |    |    |     | 0.0    |
|     |     |     |    |    |    |    |    |    | L 3 | L 4 |    |    |    |    |    |    |    |     |        |
| 02N | 18E | 18  |    |    | X  |    | X  | X  | X   | X   | X  |    | X  | X  | X  | X  | X  | X   | 0.0    |
|     |     |     |    |    |    |    |    |    |     |     |    |    |    |    |    |    |    | L 5 |        |

Transfer No. 78433

**WATER RIGHT NO. 37-4440**  
**As Modified by Transfer No. 78433**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 65.4 acres within the authorized place of use in a single irrigation season.
2. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250 and 37-22251 when combined shall not exceed a total diversion rate of 9.23 cfs and the irrigation of 198.5 acres.
3. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-22250, and 37-22251 when combined shall not exceed a total diversion rate of 9.08 cfs and the irrigation of 198.5 acres.
4. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440 and 37-22250 when combined shall not exceed a total diversion rate of 9.08 cfs.
5. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440, and 37-22250 when combined shall not exceed the irrigation of 185 acres.
6. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250, and 37-22251 are limited to the irrigation of a specific 198.5 acres within the 253 acre place of use authorized by this right in a single irrigation season. The specific 198.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and 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 198.5 acres to be irrigated within the 253 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. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use when applied via a sprinkler irrigation system.
9. Prior to the diversion and use of water under Transfer approval 78433, 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. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
11. Place of use does not include federal public lands.
12. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.

**WATER RIGHT NO. 37-4440**  
**As Modified by Transfer No. 78433**

**CONDITIONS OF 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. 37-22251**  
**As Modified by Transfer No. 78433**

In accordance with the approval of Transfer No. 78433, Water Right No. 37-22251 is now described as follows:

**Right Holder:** SWEET POTATO RANCH LLC  
 C/O JOE CLARK, AVIATION PARTNERS  
 7299 PERIMETER RD S  
 SEATTLE, WA 98108

**Priority Date:** 8/3/1990

**Source:** GROUND WATER

|                              |                    |                  |                              |                                |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
| IRRIGATION                   | 04/01              | to 10/31         | 1.820 cfs                    | 318.5 af                       |
|                              |                    |                  | 1.820 cfs                    | 318.5 af                       |

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

GROUND WATER                      SENESE                      Sec 18 Twp 02N Rge 18E BLAINE 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   |        |
| 02N | 18E | 17  |    |    |      |    |     |     | 2.3 | 21.0 | 34.0 | 35.0 |     |      |      |      |      |      | 92.3   |
| 02N | 18E | 18  |    |    | 15.0 |    | 1.4 | 0.2 | 2.7 | 32.0 | 0.3  |      | 1.1 | 12.0 | 31.0 | 19.0 | 21.0 | 25.0 | 160.7  |
|     |     |     |    |    |      |    |     |     |     |      |      |      |     |      |      |      |      | L 5  |        |

Right Acre Limit: 91.0  
 POU Total Acres: 253.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 91 acres within the place of use described above in a single irrigation season.
2. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250 and 37-22251 when combined shall not exceed a total diversion rate of 9.23 cfs and the irrigation of 198.5 acres.
3. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-22250, and 37-22251 when combined shall not exceed a total diversion rate of 9.08 cfs and the irrigation of 198.5 acres.

**WATER RIGHT NO. 37-22251**  
**As Modified by Transfer No. 78433**

**CONDITIONS OF APPROVAL**

4. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250, and 37-22251 are limited to the irrigation of a specific 198.5 acres within the 253 acre place of use authorized by this right in a single irrigation season. The specific 198.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and 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 198.5 acres to be irrigated within the 253 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use when applied via a sprinkler irrigation system.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. Prior to the diversion and use of water under Transfer approval 78433, 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.
9. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
10. 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.
11. Place of use does not include federal public lands.
12. The right holder shall accomplish the change authorized by this transfer within five years 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.