

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SEP 10 2021

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
1-10691 <i>OK</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: PT Elliott LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): North Rigby Irrigation and Canal Company, Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 3906 E 500 N Rigby ID 83442
Mailing address City State Zip
208-535-0500
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: December 22, 2020
6. Do you own the land identified as the water right place of use? Yes ☐ No ☒
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
o \$25 per *undivided* water right.
o \$100 per *split* water right.
o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: *Robert L. Harris* Attorney September 7, 2021
Signature of new owner/claimant Title, if applicable Date
Robert L. Harris
Print name

Signature: _____ Title, if applicable _____ Date _____
Signature of new owner/claimant
Print name

Received by JB Date 9/10/2021 For IDWR Office Use Only: Receipt No. E047346 Receipt Amt. \$25.-
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by JB Processed by JB Date 9/15/2021

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Rocky Mountain Environmental Associates, Inc
482 Constitution Way Ste 303
Idaho Falls, ID 83402

Microfilm No. 458771
12-22-2020
At 4:33 O'Clock P M
COLLEEN C. POOLE
Jefferson Co. Recorder
Fee \$ 15.00 Deputy
Recorded at Request of Rocky Mtn. Water Exchange

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

PT Elliot LLC, an Idaho limited liability company, whose address is 392 N 4500 E, Rigby, ID 83442-5596 (hereinafter collectively "Grantor") does hereby grant, bargain, sell, assign, and convey unto **Rocky Mountain Water Exchange, LLC**, an Idaho limited liability company, whose address is 482 Constitution Way Suite 303, Idaho Falls, Idaho 83402 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in the water rights described on Exhibit A attached hereto (hereinafter the "Water Rights").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Rights;
- (B) Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (C) The Water Rights are free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Rights to Grantee.

Grantor makes no other covenants or warranties as to the Water Rights.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

[SIGNATURES ON FOLLOWING PAGE]

DATED this 17 day of December, 2020.

"GRANTOR"

PT Elliot, LLC

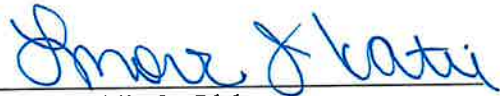
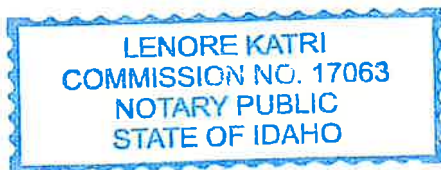


By: Carl Zitlau
Its: Manager

STATE OF IDAHO)

County of Bonneville)ss.

This record was acknowledged before me on the ^{21st} 17 day of December, 2020, by **CARL ZITLAU**, Manager of PT Elliot, LLC.



Notary Public for Idaho

My Commission Expires:

~~Residing at Idaho Falls, ID~~

My Commission Expires 01-30-2021

EXHIBIT A
WATER RIGHT DESCRIPTION



WATER RIGHT REPORT

11/2/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 25-14491

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PT ELLIOTT LLC 392 N 4500 E RIGBY, ID 83442-5596 2085897140
Directors Report Owner	BURLEIGH TOMCHAK 202 BASSETT RD ROBERTS, ID 83444 2082286871
Directors Report Owner	MABEL TOMCHAK 458 BASSETT RD ROBERTS, ID 83444 2082286871

Priority Date: 04/22/1979

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.36 CFS	71.2 AFA
Total Diversion			0.36 CFS	71.2 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWSE|Sec. 08|Township 04N|Range 39E|JEFFERSON County

GROUND WATER|NWSE|Sec. 08|Township 04N|Range 39E|JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	39E	8		SWNE	6.9		SENE	1.8						
				SENE	0.6									
				NESE	3.3		NWSE	5.2						

Total Acres: 17.8

Conditions of Approval:

1. X35 Rights 1-10691 and 25-14491 when combined shall not exceed a total diversion rate of 0.36 cfs, a total annual maximum diversion volume of 71.2 af at the field headgate, and the irrigation of 17.8 acres.
2. 10 shares of stock in the North Rigby Irrigation Canal Company, Inc., which are appurtenant to a portion of the Jefferson Greens Estates Subdivision, and water rights 25-14490 25-14491, and 1-10691 shall be combined and are prohibited from being transferred independent of one another. This condition does not prevent additional rights from being transferred to the Jefferson Greens Estates Subdivision to be combined with these water entitlements and similarly conditioned to provide for additional irrigation within the subdivision.
3. 020 The diversion and use of water described in Transfers 83471, 83915 and 83918 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
4. X60 Place of use is located within Lots 1, 4, 7, 9, 10, 12, 14-16, 18, 19, and 21 & Tax 103, Blk. 1; Lots 3, 4, 6, 7, 10 - 12, 14, 18-20, and 22 - 24, Blk. 2; Lots 3, 5, 6, 8, 9, 12 - 15, 17, and 19 - 23, Blk. 3; Jefferson Greens Estate Subdivision.
5. R05 Use of water under this right may 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. 120.
6. 214 Prior to the diversion and use of water under Transfer approval 83918, 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.

7. 213 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.
8. R64 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.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08 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. T19 Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 01/12/2004



WATER RIGHT REPORT

11/2/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 1-10691

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PT ELLIOTT LLC 392 N 4500 E RIGBY, ID 83442-5596 2085897140
Original Owner	BURLEIGH TOMCHAK
Original Owner	MABEL TOMCHAK 202 BASSETT RD ROBERTS, ID 83444 2082286871

Priority Date: 03/14/1978

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.3 CFS	
Total Diversion			0.3 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER|SWNW|Sec. 09|Township 04N|Range 39E|JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	39E	8		SWNE	6.9		SENE	1.8						
				SENE	0.6									
				NESE	3.3		NWSE	5.2						

Total Acres: 17.8

Conditions of Approval:

1. X35 Rights 1-10691 and 25-14491 when combined shall not exceed a total diversion rate of 0.36 cfs, a total annual maximum diversion volume of 71.2 af at the field headgate, and the irrigation of 17.8 acres.
2. 10 shares of stock in the North Rigby Irrigation Canal Company, Inc., which are appurtenant to a portion of the Jefferson Greens Estates Subdivision, and water rights 25-14490 25-14491, and 1-10691 shall be combined and are prohibited from being transferred independent of one another. This condition does not prevent additional rights from being transferred to the Jefferson Greens Estates Subdivision to be combined with these water entitlements and similarly conditioned to provide for additional irrigation within the subdivision.
3. 020 The diversion and use of water described in Transfers 83471, 83915 and 83918 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
4. R05 Use of water under this right may 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. 01.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. X60 Place of use is located within Lots 1, 4, 7, 9, 10, 12, 14-16, 18, 19, and 21 & Tax 103, Blk. 1; Lots 3, 4, 6, 7, 10 - 12, 14, 18-20, and 22 - 24, Blk. 2; Lots 3, 5, 6, 8, 9, 12 - 15, 17, and 19 - 23, Blk. 3; Jefferson Greens Estate Subdivision.
7. R64 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. 004 This right does not grant any right-of-way or easement across the land of another.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. T08 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. T19 Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 09/14/2007

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Rocky Mountain Environmental Associates, Inc
482 Constitution Way Ste 303
Idaho Falls, ID 83402

Microfilm No. 458773
At 4:55 O'Clock 12-22-2020 M
COLLEEN C. POOLE
Jefferson Co. Recorder
Fee \$ 15.00 Deputy
Recorded at Request of Rocky Mtn Water Exchange

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Rocky Mountain Water Exchange, LLC, an Idaho limited liability company, whose address is 482 Constitution Way Suite 303, Idaho Falls, Idaho 83402 (hereinafter collectively "**Grantor**") does hereby grant, bargain, sell, assign, and convey unto **North Rigby Irrigation and Canal Company, Inc.**, an Idaho corporation, whose address is 3906 E 500 N, Rigby, Idaho 83442 (hereinafter "**Grantee**") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in water right described on Exhibit A attached hereto (hereinafter the "**Water Right**").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

[SIGNATURES ON FOLLOWING PAGE]

DATED this 22 day of December, 2020.

"GRANTOR"

Rocky Mountain Water Exchange LLC



By: W. Roger Warner

Its: Managing Member

STATE OF IDAHO)
)ss.
County of Bonneville)

This record was acknowledged before me on the 22 day of December, 2020, by W. **ROGER WARNER**, Managing Member of Rocky Mountain Water Exchange, LLC.


Notary Public for Idaho
My Commission Expires: June 29, 2022

EXHIBIT A
WATER RIGHT DESCRIPTION



WATER RIGHT REPORT

11/2/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 1-10691

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PT ELLIOTT LLC 392 N 4500 E RIGBY, ID 83442-5596 2085897140
Original Owner	BURLEIGH TOMCHAK
Original Owner	MABEL TOMCHAK 202 BASSETT RD ROBERTS, ID 83444 2082286871

Priority Date: 03/14/1978

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.3 CFS	
Total Diversion			0.3 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER|SWNW|Sec. 09|Township 04N|Range 39E|JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	39E	8		SWNE	6.9		SENE	1.8						
				SENE	0.6									
				NESE	3.3		NWSE	5.2						

Total Acres: 17.8

Conditions of Approval:

1. X35 Rights 1-10691 and 25-14491 when combined shall not exceed a total diversion rate of 0.36 cfs, a total annual maximum diversion volume of 71.2 af at the field headgate, and the irrigation of 17.8 acres.
2. 10 shares of stock in the North Rigby Irrigation Canal Company, Inc., which are appurtenant to a portion of the Jefferson Greens Estates Subdivision, and water rights 25-14490 25-14491, and 1-10691 shall be combined and are prohibited from being transferred independent of one another. This condition does not prevent additional rights from being transferred to the Jefferson Greens Estates Subdivision to be combined with these water entitlements and similarly conditioned to provide for additional irrigation within the subdivision.
3. 020 The diversion and use of water described in Transfers 83471, 83915 and 83918 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
4. R05 Use of water under this right may 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. 01.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. X60 Place of use is located within Lots 1, 4, 7, 9, 10, 12, 14-16, 18, 19, and 21 & Tax 103, Blk. 1; Lots 3, 4, 6, 7, 10 - 12, 14, 18-20, and 22 - 24, Blk. 2; Lots 3, 5, 6, 8, 9, 12 - 15, 17, and 19 - 23, Blk. 3; Jefferson Greens Estate Subdivision.
7. R64 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. 004 This right does not grant any right-of-way or easement across the land of another.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. T08 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. T19 Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 09/14/2007

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Rocky Mountain Environmental Associates, Inc
482 Constitution Way Ste 303
Idaho Falls, ID 83402

Instrument No. 458773
At 4:55 O'Clock 12-22-2020 M
COLLEEN C. POOLE
Jefferson Co. Recorder
Fee \$ 15.00 Deputy
Recorded at Request of Rocky Mtn Water Exchange

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

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- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

[SIGNATURES ON FOLLOWING PAGE]

DATED this 22 day of December, 2020.

"GRANTOR"

Rocky Mountain Water Exchange LLC

W. Roger Warner

By: W. Roger Warner
Its: Managing Member

STATE OF IDAHO)
)ss.
County of Bonneville)

This record was acknowledged before me on the 22 day of December, 2020, by W. **ROGER WARNER**, Managing Member of Rocky Mountain Water Exchange, LLC.



Kristin Moore
Notary Public for Idaho
My Commission Expires: June 29, 2022

EXHIBIT A
WATER RIGHT DESCRIPTION



WATER RIGHT REPORT

11/2/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 1-10691

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PT ELLIOTT LLC 392 N 4500 E RIGBY, ID 83442-5596 2085897140
Original Owner	BURLEIGH TOMCHAK
Original Owner	MABEL TOMCHAK 202 BASSETT RD ROBERTS, ID 83444 2082286871

Priority Date: 03/14/1978

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.3 CFS	
Total Diversion			0.3 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER|SWNW|Sec. 09|Township 04N|Range 39E|JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	39E	8		SWNE	6.9		SENE	1.8						
				SENE	0.6									
				NESE	3.3		NWSE	5.2						

Total Acres: 17.8

Conditions of Approval:

1. X35 Rights 1-10691 and 25-14491 when combined shall not exceed a total diversion rate of 0.36 cfs, a total annual maximum diversion volume of 71.2 af at the field headgate, and the irrigation of 17.8 acres.
2. 10 shares of stock in the North Rigby Irrigation Canal Company, Inc., which are appurtenant to a portion of the Jefferson Greens Estates Subdivision, and water rights 25-14490 25-14491, and 1-10691 shall be combined and are prohibited from being transferred independent of one another. This condition does not prevent additional rights from being transferred to the Jefferson Greens Estates Subdivision to be combined with these water entitlements and similarly conditioned to provide for additional irrigation within the subdivision.
3. 020 The diversion and use of water described in Transfers 83471, 83915 and 83918 may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
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5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. X60 Place of use is located within Lots 1, 4, 7, 9, 10, 12, 14-16, 18, 19, and 21 & Tax 103, Blk. 1; Lots 3, 4, 6, 7, 10 - 12, 14, 18-20, and 22 - 24, Blk. 2; Lots 3, 5, 6, 8, 9, 12 - 15, 17, and 19 - 23, Blk. 3; Jefferson Greens Estate Subdivision.
7. R64 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. 004 This right does not grant any right-of-way or easement across the land of another.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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Dates:

Licensed Date:

Decreed Date: 09/14/2007

Robert L. Harris, Esq. (ISB #7018)
rharris@holdenlegal.com
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
1000 Riverwalk Drive, Suite 200
Idaho Falls, ID 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518

Attorneys for Rocky Mountain Water Exchange, LLC

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS
FOR TRANSFER 83471, 83915 AND
83918 IN THE NAME OF ROCKY
MOUNTAIN WATER EXCHANGE

**STIPULATION FOR
WITHDRAWAL OF PROTESTS**

THIS STIPULATION FOR WITHDRAWAL OF PROTESTS (this "Stipulation") is made and entered into to be effective as of the latest signature date set forth below, by and between the following parties:

1. **Rocky Mountain Water Exchange, LLC** (hereinafter, "RMWE");
2. **A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company** (hereinafter, collectively the "Coalition"); and
3. **Jefferson Greens Estates Homeowners Association, Inc.** (the "HOA").¹

RMWE, the Coalition, and the HOA may hereinafter collectively be referred to as the "Parties."

RECITALS:

- A. Application for Transfer No. 83471 ("T83471") was filed on July 19, 2019 by RMWE with the Idaho Department of Water Resources ("IDWR" or "Department") which seeks to transfer 3.2 acres of a ground water right, WR 27-7545.

¹ The HOA is not a party to this contested case, but this Stipulation affects it as the intended beneficiary of the water rights subject to the Transfers (defined below), and for that reason, the HOA is listed here as a party and has signed below in order to be bound by this Stipulation.

- B. Application for Transfer No. 83915 ("T83915") was filed by RMWE on February 24, 2020 with the Department which seeks to transfer 17.8 acres of a Snake River water right, WR 01-7017.
- C. Application for Transfer No. 83918 ("T83918") was filed by RMWE on February 24, 2020 with the Department which seeks to transfer 17.8 acres of a ground water right, WR 35-7720.
- D. The proposed new place of use identified in T83471, T83915, and T83918 (collectively the "Transfers") are residential lots within the Jefferson Greens Estates Subdivision (the "Subdivision").
- E. The Subdivision has an appurtenant domestic water right, WR 25-14162, which authorizes diversion of ground water for non-irrigation purposes only. WR 25-14162 includes the following under its Conditions of Approval:

Irrigation water for lawns, gardens, landscaping, and common areas is provided by a separate pressurized surface water system with appurtenant canal shares of the North Rigby Irrigation Canal Company, Inc. (Stock Certificate No. 216, issued on 8/24/2000).
- F. Each of the Transfers was protested on various grounds by the Coalition.
- G. In lieu of participating in administrative hearings concerning the Transfers, as provided for under Idaho law, the Parties hereby agree as set forth below, the result of which is withdrawal of the Coalition's protests and issuance of approvals of the Transfers.

AGREEMENTS:

1. **Withdrawal of Protests.** Subject to the provisions of this Stipulation, the Coalition hereby withdraws its protests to the Transfers.
2. **Conditions To Be Included On Approvals for the Transfers.** IDWR shall include the conditions set forth on **Exhibit 1** in the water rights subject to the Transfers in addition to any other standard conditions that may be included by IDWR in the final order approving the Transfers.
3. **Combined Water Supply.** The Parties agree that 10 shares of stock in the North Rigby Irrigation Canal Company, Inc., associated with a large portion of the Subdivision, and the portions of WR 27-7545, WR 01-7017, and WR 35-7220 subject to the Transfers, shall be combined and are hereafter prohibited from being transferred independently of one another. The HOA further agrees that the 10 shares will remain appurtenant to the Subdivision and cannot be seasonally or permanently transferred to other places of use within the North Rigby Irrigation Canal Company, Inc. This combined water supply is reflected in one of the proposed transfer approval conditions. Nothing in this Stipulation

shall prevent additional water rights from being transferred to the Subdivision to be combined with these water entitlements to provide for additional irrigation. There are 46.3 acres of the North Rigby Canal and Irrigation Canal Company, Inc. service area that overlaps with a large portion of the Subdivision. Based on the number of outstanding shares and authorized irrigated acres within the canal company, 1 share is authorized to irrigate approximately 5 acres, and for 10 shares, the total authorized surface water irrigated acres is approximately 50 acres. The HOA shall be authorized to move additional ground water rights to the subdivision to be stacked with the 10 shares and water rights described in the Transfers, provided that such additional ground water rights are similarly conditioned, and the HOA shall not be required to bring in additional canal shares, unless the total number of ground water right acres moved to the subdivision exceeds 46.3 acres within the canal company area that overlaps with the Subdivision.

4. **Use of Surface Water For Irrigation of A Minimum of Two Subdivision Lots.** The HOA agrees that it will ensure that two (2) of the subdivision lots within the Subdivision located within the service area of the North Rigby Irrigation and Canal Company, Inc. shall be irrigated with surface water. On or before May 1, 2021, the HOA shall identify the two (2) lots designated as irrigated with surface water, and if such lot or lots are developed, the surface water irrigation system shall be installed and utilized no later than May 1, 2021, and evidence of the installed surface water irrigation system shall be provided to the Coalition. If the lot or lots are not developed, the HOA shall provide evidence of the installed surface water irrigation system when such lot or lots are developed. In the event the surface water irrigated lot designations change in the future, the HOA shall provide notice of such change to the Coalition within 30 days of such change. Nothing herein shall prevent additional subdivision lots from using surface water for irrigation purposes, as this provision only requires a minimum of two lots irrigated with surface water.
5. **Amendment of Condition No. 3 of WR 25-14162.** The Coalition was a party to a stipulation that added condition no. 3 to WR 25-14162. The parties stipulate and agree and instruct IDWR to amend condition no. 3 of WR 25-14162 as follows:

Irrigation water for lawns, gardens, landscaping, and common areas is provided by either a separate pressurized surface water system with appurtenant canal shares of the North Rigby Irrigation Canal Company, Inc. and/or ground water rights transferred to the Jefferson Greens Estates Subdivision.

6. **Future Transfers to the Subdivision.** The Coalition shall not protest any future transfers of WR 1-7017, WR 35-7720, and/or WR 35-2604 that propose to move such rights to the Subdivision, provided that the water rights in such future transfer(s) are combined with the water rights subject to the Transfers and the shares of North Rigby Irrigation Canal Company, Inc. described herein (for the lands covered by such canal company) and are similarly conditioned.

7. **Reservation of Rights.** The Parties agree and acknowledge that this Stipulation only resolves the protests to T83471, T83915, and T83918, and that the Coalition reserves all rights to protest on the same or similar bases other applications for permit, transfers, and other proceedings that may be initiated by RMWE except for those that proposed to transfer water rights to the Subdivision as described in paragraph 6 above. The Parties shall not use this Stipulation in any other administrative or judicial proceedings for any purpose, other than an action to enforce its terms as provided in paragraph 11 below.
8. **Reliance Upon Statements/Integration and Merger.** The Parties hereto specifically acknowledge that they were represented by counsel in this matter, and agree that other than as is set forth herein, they have executed this Stipulation without relying upon any statements or representations written or oral, as to any statement of law or fact made by any other party or attorney. The Parties to this Stipulation have read and understand the Stipulation and warrant and represent that this Stipulation is executed voluntarily and without duress or undue influence on the part of or on behalf of any party. This Stipulation represents the sole entire and integrated Stipulation by and between the Parties hereto and supersedes any and all prior understandings or agreements whether written or oral except as specifically provided herein.
9. **Successors and Assigns.** This Stipulation shall be binding upon and shall inure to the benefit of each Parties' officers, directors, shareholders, heirs, successors and assigns, and shall be specifically enforceable.
10. **Waiver and Modification.** No provision of this Stipulation may be waived, modified, or amended except by written agreement executed by all the Parties hereto.
11. **Enforcement and Interpretation.** This Stipulation is a valid and binding obligation of the Parties, and their successors or assigns. It shall be admissible and enforceable according to its terms, and venue in any subsequent action shall rest within the State of Idaho. This Stipulation is subject to interpretation in accordance with the laws of the State of Idaho.
12. **Counterparts.** This Stipulation may be executed in counterparts, each of which is deemed an original but all of which constitute one and the same instrument. The signature pages may be detached from each counterpart and combined into one instrument.
13. **Attorneys Fees.** In any suit, action or appeal therefrom, to enforce this Stipulation or any term or provision hereof, or to interpret this Stipulation, the prevailing Party shall be entitled to recover all its costs reasonably incurred therein (and on appeal), including reasonable attorneys' fees.

[SIGNATURES ON FOLLOWING PAGE]

ROCKY MOUNTAIN WATER EXCHANGE,
INC.

Date: 10/14/20


By: Roger Warner
Its: Manager

JEFFERSON GREENS ESTATES
HOMEOWNERS ASSOCIATION, INC.

Date: _____

By: Dale Michaelson
Its: President

A&B IRRIGATION DISTRICT, BURLEY
IRRIGATION DISTRICT, MILNER IRRIGATION
DISTRICT, NORTH SIDE CANAL COMPANY,
AND TWIN FALLS CANAL COMPANY

Date: October 20, 2020


By: Travis Thompson, of the firm Barker, Rosholt
& Simpson, LLP
*Attorneys for A&B Irrigation District, Burley
Irrigation District, Twin Falls Canal Company,
North Side Canal Company, and Milner Irrigation
District*

AMERICAN FALLS RESERVOIR DISTRICT #2
AND MINIDOKA IRRIGATION DISTRICT

Date: _____

By: W. Kent Fletcher, of the firm Fletcher Law
Office
*Attorneys for American Falls Reservoir District #2
and Minidoka Irrigation District*

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Date: _____

By: Roger Warner
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IRRIGATION DISTRICT, MILNER IRRIGATION
DISTRICT, NORTH SIDE CANAL COMPANY,
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By: Travis Thompson, of the firm Barker, Rosholt
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*Attorneys for A&B Irrigation District, Burley
Irrigation District, Twin Falls Canal Company,
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AND MINIDOKA IRRIGATION DISTRICT

Date: _____

By: W. Kent Fletcher, of the firm Fletcher Law
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*Attorneys for American Falls Reservoir District #2
and Minidoka Irrigation District*

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Its: Manager

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IRRIGATION DISTRICT, MILNER IRRIGATION
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AND MINIDOKA IRRIGATION DISTRICT

Date: October 20, 2020


By: W. Kent Fletcher, of the firm Fletcher Law
Office
*Attorneys for American Falls Reservoir District #2
and Minidoka Irrigation District*

EXHIBIT 1
CONDITIONS TO BE INCLUDED IN WATER RIGHTS
SUBJECT TO TRANSFER NOS. 83471, 83915, and 83918

1. 10 shares of stock in the North Rigby Irrigation Canal Company, Inc., which are appurtenant to portion of the Jefferson Greens Estates Subdivision, right no. [child right of WR 27-7545], right no. [child right of WR 01-7017], and right no. [child right of WR 35-7220] shall be combined and are prohibited from being transferred independent of one another. This condition does not prevent additional rights from being transferred to the Jefferson Greens Estates Subdivision to be combined with these water entitlements and similarly conditioned to provide for additional irrigation within the subdivision.
2. The diversion and use of water authorized in transfer nos. 83471, 83915, and 83918 may be subject to additional conditions and limitations agreed to by the protestants and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein.



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 15, 2021

NORTH RIGBY IRRIGATION & CANAL CO INC
3906 E 500 N
RIGBY ID 83442-5114

Re: Change in Ownership for Water Right No(s): 1-10691

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: WATER DISTRICT 01
HOLDEN KIDWELL HAHN AND CRAPO



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

Established in 1896

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PO Box 50130
Idaho Falls, Idaho 83405
Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
rharris@holdenlegal.com

RECEIVED

SEP 10 2021

Department of Water Resources
Eastern Region

September 8, 2021

Jonie Barg
Idaho Department of Water Resources
900 N. Skyline Dr., Ste A
Idaho Falls, ID 83402

Re: *Notice of Change in Water Right Ownership for WR 1-10691.*

Dear Jonie:

Enclosed for processing is a *Notice of Change in Water Right Ownership* for WR 1-10691. Also included are deeds which verify the chain of title from the currently listed owner, PT Elliot LLC, to the North Rigby Irrigation and Canal Company, Inc. Also enclosed is a fully executed *Stipulation for Withdrawal of Protest* for three transfers that were filed by Rocky Mountain Water Exchange. The *Stipulation* was signed by the Jefferson Greens Estates Homeowners Association president, Dale Michaelson, who has granted authority by the homeowners whose land WR 1-10691 is appurtenant. Accordingly, this is adequate evidence that this water right would be held in the name of the canal company as it is stacked with the ground water right that was moved to the property to resolve a Notice of Violation. If you have any questions concerning these transfers, please visit with James Cefalo.

Also enclosed is a required \$25 filing fee. If you have any questions or concerns, please do not hesitate to give me a call.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures