

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 57-7595

Priority: June 24, 1994

Maximum Diversion Rate: 0.07 CFS
Maximum Diversion Volume: 5.4 AF

It is hereby certified that:

SUNRISE BETA WATER COMPANY INC 9108 POPLAR DR MELBA ID 83641-4241

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 24, 1994, and has submitted Proof of Beneficial Use on October 05, 2000. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use
DOMESTIC

Period of Use
01/01 to 12/31

Rate of Diversion
0.07 CFS

Annual Volume
5.4 AF

Location of Point(s) of Diversion

GROUND WATER NW¼ NW¼, Sec. 21, Twp 01N, Rge 03W, B.M. OWYHEE County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	03W	16											X						
01N	03W	21						X					L1						

Conditions of Approval

- Domestic use is for 9 homes and does not include lawn, garden, landscape, or other types of irrigation.
- The right holder shall maintain valves on the wells to control flow as approved by the department.
- The right holder shall maintain an access port on the well such that water flow can be controlled and will allow the right holder to install a pressure gauge or other device to measure hydrostatic head as determined by the department.
- Point of diversion is located within Tax 41, Blk. 5, Sunrise Sky Park Subdivision.
- Place of use is located within Lots 14-18, Blk. 5; Lot 1, Blk. 6; and Lots 4-6, Blk. 6; Sunrise Sky Park Subdivision.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 1st day of July, 2020.








PHILL HUMMER
Water Rights Supervisor

State of Idaho
Department of Water Resources
Attachment to Water Right License
57-7595

This map depicts the DOMESTIC 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.

03W



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

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 7, 2020

SUNRISE BETA WATER COMPANY INC
9108 POPLAR DR
MELBA ID 83641-4241

RE: License No. 57-7595

Issuance of License

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4925.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Phill Hummer', is written over a blue circular stamp.

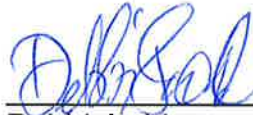
Phill Hummer
Water Rights Supervisor

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2020, I served a true and correct copy of Water Right License No. 57-7595 by U.S. Mail, postage prepaid, to the following:

SUNRISE BETA WATER COMPANY INC (Current Owner)
9108 POPLAR DR
MELBA ID 83641-4241



Debbi Judd
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 31 2020

DEPARTMENT OF
WATER RESOURCES

Notice of Change in Water Right Ownership

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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
57-07595	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: LESTER J. MONCRIEF
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): SUNRISE BETA WATER CO., INC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 9108 POPLAR DR. MELBA ID 83641
Mailing address City State ZIP
- 208-495-1052
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur? N/A
☐ 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: 23 FEBRUARY 2004

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

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):
- ☐ \$25 per undivided water right.
 - ☐ \$100 per split water right.
 - ☐ 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: [Signature] OFFICER, SUNRISE 28 JAN 2020
Signature of new owner/claimant Title, if applicable Date
- Signature: [Signature] BETA WATER CO., INC
Signature of new owner/claimant Title, if applicable Date

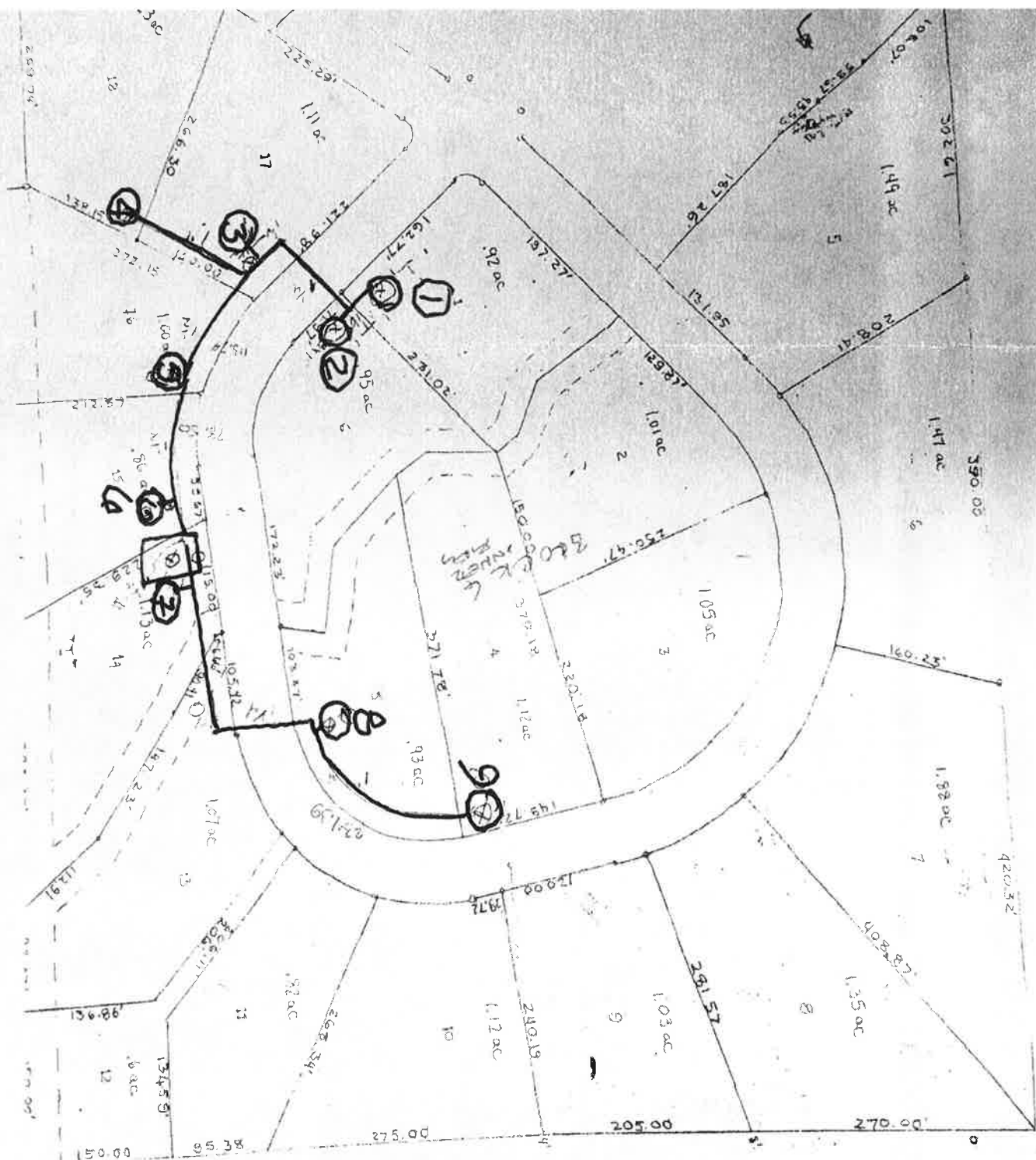
For IDWR Office Use Only:

Received by KM Date 1-31-2020 Receipt No. C108272 Receipt Amt. \$2500

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 Processed by Date

ALREADY
SENT
AT IDWR



TOTAL OF NINE LOTS AS LEGAL DESCRIPTION
 QUITCLAIM DEED SUNRISE BETA WATER CO, INC
 RECORDED OWYHEE COUNTY, ID, 23 FEB 2004

Quitclaim Deed Sunrise Beta

INDEXED
SCANNED

QUITCLAIM DEED

Instrument # 246816

MURPHY, OWYHEE, IDAHO

2004-02-23 02:31:13 No. of Pages: 2

Recorded for : LAURIE MONCRIEF

CHARLOTTE SHERBURN

Ex-Officio Recorder Deputy

Index to DEED, QUIT CLAIM

Fee: 6.00

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, LESTER J. MONCRIEF and GEORGEANNE H. MONCRIEF, as Co-Trustees of the Lester J. and Georgeanne H. Moncrief Trust, dated October 13, 1992, as grantors ("Grantors"), do hereby convey, release, remise, and forever quitclaim unto SUNRISE BETA WATER CO., INC., a nonprofit Idaho corporation, whose address is 10152 Airpark Loop, Melba, Idaho, 83641, as grantee ("Grantee") the following described real property as excluded in the Warranty Deed Instrument number 239853 recorded June 5, 2002, Owyhee County, Idaho for Lot 14 part of Sunrise Sky Park Subdivision recorded December 16, 1981 as Instrument number 171169 in the official records of Owyhee County, State of Idaho, to-wit:

The bounds of such PARCEL described as beginning at the Northern corner of Lot 14 common to Lot 14 and Lot 15 of Block 5 and adjacent to Poplar Drive, designated as the POINT OF BEGINNING; proceeding
 South 66°10'24" West for 20.00 feet along the common lot line between Lot 14 and Lot 15 to the First Point; hence, turning to the left and proceeding on a line bearing
 South 15°33'05" East for 15.29 feet to the Second Point; hence, again turning left and proceeding on a line bearing
 North 66°10'24" East for 17.00 feet to the Third Point now at intersection with the line between Lot 14 and Poplar Drive; hence, turning left and proceeding on a line bearing
 North 4°51'30" West for 16.00 feet, such line being colocated with the property line between Lot 14 and Poplar Drive, to the closing and the original POINT OF BEGINNING of Sunrise Sky Park Subdivision part of Government Lot 1 and 2, Section 16; NW¼ NW¼ and Government Lot 2, Section 21, Township 1 North, Range 3 West, B.M. Owyhee County, State of Idaho.

THIS CONVEYANCE is made subject to Idaho law and State Water Permit No. 57-07595 for all water rights. No representation of production or quality of water is given. TOGETHER WITH the as is and as constructed well, well house, pipe, pumping and pressurizing equipment. It is the responsibility of the owners of the Lots listed below to pay for all servicing and maintenance of the well and equipment. Any and all liability arising out of the use of the well and equipment is the responsibility of the affected Lot owners.

SUBJECT TO the following nine (9) issued Certificates of Memberships for Sunrise Beta Water Co., Inc. to the owners of the following Lots of Sunrise Sky Park Subdivision, Owyhee County, Idaho:

Block 5
 Lot 14
 Lot 15
 Lot 16
 Lot 17
 Lot 18

Block 6
 Lot 1
 Lot 4
 Lot 5
 Lot 6

THIS PARCEL is part of SUNRISE SKY PARK SUBDIVISION and is subject to Sunrise Skypark Homeowners Association Declaration of Protective Covenants, Conditions, and Restrictions (Instruments 179712, 198704, and 232294 Owyhee County Records). This parcel is also subject to the Articles of Incorporation of Sunrise Beta Water Co., Inc., as registered with the Idaho Secretary of State on October 12, 2000.

SUBJECT TO the taxes and assessments for the year 2000 and all subsequent years, together with easements and rights of way as granted in this Quitclaim Deed document.

SUBJECT TO the following hereby granted utility easements:
 Utility easements will extend upon, across, over and under all the above described real property. These easements will be for ingress, egress, installation, replacement, repair and maintenance of all utilities, including but not limited to water, sewer, telephone, electricity, and a master television antenna system.

TO HAVE AND TO HOLD, ALL and singular the said premises, together with the appurtenances, unto the Grantee, and to its heirs and assigns forever.

ENCL (1) (1/2) ↩

Quitclaim Deed Sunrise Beta

WITNESS the hand of said Grantors this 23 day of February, 2004.

Lester J. Moncrief
Lester J. Moncrief, Co-Trustee

Georgianne H. Moncrief
Georgianne H. Moncrief, Co-Trustee

STATE OF IDAHO)

:SS

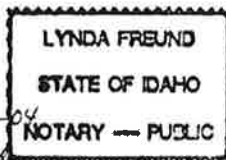
County of Owyhee)

On the 23 day of February, 2004, before me, the undersigned a Notary Public in and for said State, personally appeared LESTER J. MONCRIEF and GEORGEANNE H. MONCRIEF, known or identified to me to be the persons whose names are subscribed to the within instrument, as Co-Trustees of the LESTER J. AND GEORGEANNE H. MONCRIEF TRUST and acknowledged to me that they executed the same as Co-Trustees.

Lynda Freund
Notary Public for Idaho

Commission Expires: 12-31-04

Residing At: Murphy La



State of Idaho,
Department of Water Resources
322 E. Front St, Suite 648, PO Box 83720, Boise Idaho, 83720

22 January 2020

RECEIVED
JAN 24 2020
DEPARTMENT OF
WATER RESOURCES

Attn: Daniel Nelson, - Analyst 3

Reference: (1) Letter from State of Idaho, Department of Water Resources Ltr, to Sunrise Beta Water Company, Inc., Dtd 16 Jan 2020

Enclosure: (1) Owyhee County Recording Instrument # 246816, Dated 23 Feb 2004

Sirs:

The purpose of this letter is to forward a copy of recording Instrument #246816, Owyhee County, Dtd. 23 February 2004, regarding SUNRISE BETA WATER CO, INC., under which "conveyance is made subject to Idaho Law and state water permit No. 57-07595 for all water rights." which is recorded and dated by Owyhee County Courthouse Records.

It is not clear to me that SUNRISE BETA WATER CO, INC should need to change ownership of this water right to any other name.

Apparently this water right ownership has been in question by your office since your visit in August 2002, a period of 17+ years. I sincerely hope the enclosed document copy, transferring property ownership and water permit No 57-07595, by Mr. Lester Moncrief in Feb 2004, to SUNRISE BETA WATER CO, INC. will assist in timely completion of your water licensing process.

Action Requested:

- (1) If additional legal documentation is required, please advise, in a timely manner.
- (2) Please do not take adverse action on this issue, nor take action without timely notification to SUNRISE BETA WATER CO, INC as threatened by your letter (Reference (1)).
- (3) Upon completion of the licensing of this permit, please forward a copy of that document to Sunrise Beta Water Co.

Respectfully,



Earl Stevens
Officer, SUNRISE BETA WATER CO, INC
9108 Poplar Dr. Melba, Idaho, 83641



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 23, 2020

SUNRISE BETA WATER CO INC
CO EARL STEVENS
9108 POPULAR DR
MELBA ID 83641-4241

RE: Water Right Permit 57-7595

Dear Mr. Stevens:

I do apologize that neglected to enclose the assignment of permit and change of ownership forms in my January 16, 2020, letter. I have enclosed those forms with this letter. After speaking with you on January 22, 2020, I do regret that you felt my January 16, 2020, letter came across as being threatening. I would like you to know that it was only my intention to give you all of the facts associated with changing the ownership. It is my hope that the following letter will give you the answers to your questions. I will respond to each below:

Why did it take so long to license this permit?

You asked for me to explain why it has taken 17 years after the field examination was performed to license this permit. I will do my best to explain why it has taken so long to move forward with this permit. In late 1980's Idaho Power made a call for water on the Snake River to the Idaho Department of Water Resources (Department). This call turned into an agreement with the Idaho Legislature to adjudicate all of the water rights tributary the Snake River. This started the Snake River Basin Adjudication, which was court case to review all of the water rights in the Snake River Basin.

Over 150,000 water rights were reviewed in the Snake River Basin Adjudication, which put a significant stretch on the resources of the Department. The Department did their best to maintain the processing of water rights by making issuing permits and processing water right transfers a priority. This would allow water users to continue to use water and change their water rights to maintain the economic growth of the State of Idaho. Unfortunately, this effort created backlogs in the remaining processes such as licensing water right permit.

By 2012, the pull on the Department's resources involved in the Snake River Basin Adjudication began to lessen as the final recommendations were submitted to the Snake River Basin Adjudication Court. The Final Decree for the Snake River Basin Adjudication was signed on August 25, 2014. With the freeing up of resources in 2012, the Director of the Department made a push to eliminate the backlog of permits that needed to be licensed. The licensing backlog had reached a high in 2011 of 3,480 permits that needed to be licensed. As of December of 2019, we have reduced that backlog of permits to 701 permits, and this is with approximately 300 new permit added to the backlog each year.

I cannot tell you why your specific permit took so long to license, except to tell you that we finally have gotten to the point where we have the resources to start working on this permit. I can tell you that at times we have had 20 to 30 agents in an agency of 163 total full time employees working to reduce the backlog of permits needing licensed. It should also be noted that in the 1980's we had almost twice the number of full time employees working for our agency.

Why wasn't my water right changed when the Quit Claim Deed was filed with Owyhee County?

In our telephone conversation, you stated that the water for your subdivision belonged to Owyhee County, and the quit claim deed supplied by Mr. Moncrief that was recorded with the county should have automatically changed the ownership of water right permit 57-7595 into the name of Sunrise Beta Water Company (SBWC). I have enclosed a copy of Idaho Code §42-101, which explains Nature and Property of Water in the State of Idaho. I am hoping that this portion of Idaho Code will provide a better explanation of the ownership of water within the State of Idaho than I could give you over the telephone.

Why can't you just change the ownership of my water right with the Quit Claim Deed?

I told you during our telephone conversation the Department does not have the authority to change the ownership of a water right without the proper documentation. I have enclosed a copy of Idaho Code §42-248 that states that it is the responsibility of the entity filing a change of ownership of water right must provide an application that is accompanied by evidence documenting any change in ownership of the water right. The Department cannot change the ownership of a water right without documentation that water right was conveyed to your organization.

You also stated in our telephone conversation, that you have a Quit Claim Deed that Mr. Moncrief submitted to SWBC that specifically conveys water right permit 57-7595 over to your organization. This the documentation that is required by Idaho Code §42-248 that will allow us to change the ownership of this right into your name. You also stated that you have already sent this document to our office without the required fee or form. I can hold this document until we receive the form and the fee required by Idaho Code §42-248. With the Quit Claim Deed, you can use either of the forms enclosed with this letter.

Why can't you waive the \$25.00 Ownership Change Fee?

In our telephone conversation, you asked if I could waive the \$25.00 fee for changing the ownership of water right permit 57-7595. I informed you Idaho Code prevented me from waiving this fee and requesting the change of ownership be filed with the proper paperwork. Idaho Code §42-248 states what is required for a change of ownership of water right permit 57-7595. You will notice that I did not request the \$100.00 fee for not filing the on water rights that haven't filed a change of ownership within 120 days of purchasing the property. Idaho Code §42-248 does give the Director of the Department the option of waiving the \$100.00 late fee. **In your case, this \$100.00 late fee has been waived by the Director, so it was not requested in my January 16, 2020, letter.** Unfortunately, Idaho Code §42-248 does not give the Director of the Department the authority to waive the \$25.00 change of ownership fees. **SBWC is required to file the proper documentation, forms and \$25.00 fee to change the ownership of this permit into the name of SBWC.**

Why after 17 years do we need to supply this information in 30 days?

In our telephone communication, you stated that it was unfair to require this information to be submitted within 30 days, since the permit has not been licensed for 17 years. The Idaho Administrative Code (IDAPA) rule 37.03.08.035.01.e states the following:

The department will correspond with the applicant concerning applications which have been accepted for filing by the department which require clarification or correction of the information required by Subsection 035.03. If the additional or corrected information is supplied after thirty (30) days, the priority date of the application will be determined by the date the additional or corrected information is received by the department unless the applicant has requested within the thirty (30) day period additional time to provide the information, has shown good reasons for needing additional time, and the Director has granted additional time.

As you can see above, the Department's standard is to allow 30 days to submit additional information unless you can show good reason for needing additional time. Additional time can be allotted to supply the information required to change the ownership. We can hold the licensing for additional time if we have a specific **month/day/year**. Once I receive this information, I will take it to my supervisor for approval. I will contact you and let you know if the Department can comply with the amount of time you requested or if we will require the information at an earlier date.

Due to needing to clarify my earlier letter, I can give you 30 days from the date of this letter to supply the ownership documentation or a reasonable time you will need to supply the information. The request for additional time will need to give a specific date to be approved by my supervisors. If do not receive the needed information, this permit will be licensed in the name of Lester J. Moncrief. The main reason for changing the ownership of this permit is to allow your organization to receive all notifications in connection with this right. Periodically, there are notifications sent out to water users based on drought or other reasons that make it essential that the correct owner of the water right be contacted. If the ownership isn't correct, then all of these important communications will be sent to Mr. Moncrief.

I hope this letter provides a satisfactory explanation to all of your concerns. If you have any questions you can contact me at any time.

Respectfully,



Daniel Nelson

Analyst 3

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

Enclosure: Idaho Code §42-201
 Idaho Code §42-248
 Assignment of Permit Form
 Change of Ownership Form

MEMORANDUM

TO: Water Right File 57-7595
FROM: Daniel Nelson – Analyst 3
DATE: January 15, 2020
SUBJECT: Licensing Review of Water Right 57-7595

I performed the field exam for this permit in 2002. The flow rates and volumes calculated at the time of the field report seems reasonable. There were no homes developed at the time the field examination was done, but each of the lots were stubbed into the water system. We cannot authorize the heating portion of the permit, since the heating use was not developed during the development period.

It was also relayed to the field examiner that the culinary system would not be used for irrigation of yards and gardens, because the well was not sufficient to supply the entire in-house use and the yard irrigation. The field examiner was told that the Opaline Irrigation District water will be used for irrigation of each parcel. Therefore, we can only license the in-house domestic use for the 9 domestic lots recommended in the field report.

A current view of the parcels for this property shows that only 3 of the 9 parcels recommended in the field report. Administrative Licensing Memorandum Number 1 states in part the following:

The stub-in practice was not applied in all subdivision development situations. For example, suppose the Department issued a permit for development of 100 homes in a subdivision and proof was submitted for 100 homes based on the stub-in practice. Many years later, the Department completes an exam and finds only 20 homes were built and using water. The remaining lots remained vacant and undeveloped except for the stubbed-in service line. The Department would only issue a license based on the actual diversion and use of water because sufficient time would have passed to complete development of the subdivision.

The difficulty with the above policy is that the policy doesn't give a specific amount of time that the subdivision has to become fully developed. In general terms, we tend to look at a period of time of approximately 20 years or more. The field exam for this permit was done 18 years ago, which places it very close to point where the Department would begin looking at the possibility of only licensing the parcels that have already been developed. For the parcels that were developed, the homes were built between 2009 and 2015. This is a very slow developing area and there are very few parcels involved in this permit, so I feel that licensing this permit at the full rate would be reasonable.

The mapping capabilities available at the time this field report was prepared was not up to current standards. According to current mapping technology, there is actually a portion of the parcels being recommended that are in Government Lot 1 (SWSW) of Section 16 in Township 1 North, Range 3 West. The field examination only listed the NWNW of Section 21 in Township 1 North Range 3 West. The actual location is in both 40 acre tracts as listed in the permit. Since it was listed in the permit, there will be no need for an amendment of the permit prior to licensing.

In reviewing this permit approximately 18 years later, I recommend that the permit be licensed as recommended in the field report. The well has a low enough diversion rate that limits its use to only in-house use, and that is what was represented to me at the time the field exam was done. The heating use was not developed, so the permit should be licensed for in-house use only for 9 homes at a diversion rate of 0.07 cfs and volume of 5.4 af.

Conditions:

Conditions 46B, T17, 26A and 046 will be removed at licensing. There are number of unnumbered conditions combined into a single condition. The majority of these conditions should be replaced with standard conditions X59, X60, WB5 (9 homes).

A portion of these conditions will need to be carried forward to licensing, because there is not a standard condition that can be used to replace them. This conditions that will need to be carried forward with slight modifications are as follows:

The right holder shall maintain valves on the wells to control flow as approved by the department.

The right holder shall maintain an access port on the well such that water flow can be controlled and will allow the right holder to install a pressure gauge or other device to measure hydrostatic head as determined by the department.

The permit holder met these conditions, so the above conditions were altered to state maintain instead of install and maintain.



0003658738

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

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-FILED-

File #: 0003658738

Date Filed: 10/31/2019 11:29:46 AM

Entity Name and Mailing Address:

SUNRISE BETA WATER CO., INC.

The file number of this entity on the records of the Idaho Secretary of State is: 0000415090

Address

9108 POPLAR DR
MELBA, ID 83641-4241

Entity Details:

Entity Status

Active-Good Standing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: C135963

The registered agent on record is:

Registered Agent

EARL STEVENS
Registered Agent

Physical Address

9108 POPLAR DR
MELBA, ID 83641

Mailing Address

Corporate Officers and Directors:

Name	Title	Business Address
LAURI MONCRIEF	Director	HC 79 BOX 102A MELBA, ID 83641
TOM DOMPE	Director	8950 POPLAR DR MELBA, ID 83641
Tom Driscoll	Director	8908 POPLAR DR MELBA, ID 83641

The annual report must be signed by an authorized signer of the entity.

Earl Stevens

Sign Here

10/31/2019

Date

Signer's Title: President

B0392-3858 10/31/2019 11:30 AM Received by ID Secretary of State Lawrence Denney



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 16, 2020

SUNRISE BETA WATER CO INC
CO EARL STEVENS
9108 POPULAR DR
MELBA ID 83641-4241

RE: Water Right Permit 57-7595

Ladies and Gentlemen:

I am contacting your organization concerning water right permit 57-7595 that was filed on October 19, 1994. A proof of beneficial use statement was filed in October of 2000 stating that the permit had been fully developed. In August of 2002, I visited the property and completed a field examination to verify the uses that were developed under this permit. Unfortunately, the licensing of this permit has been delayed due to a number of reasons. I am attempting to complete that licensing process.

During the field examination to verify the water use that was developed under this permit, I discovered that this well provides culinary or in-house water only to 9 parcels. I also discovered that this well was not to be used for irrigation of yards, common areas or gardens. I also discovered that since none of the homes had been constructed, the heating and cooling purposes were also not developed. Due to the findings during this field examination, we can only license this permit for the in-house use for the 9 parcels found connected to the well at the time the field examination was performed. The 9 parcels are Lots 14-18, Blk. 5; Lot 1, Blk. 6; and Lots 4-6, Blk. 6; Sunrise Sky Park Subdivision. The total diversion rate and volume that can be licensed for this permit is 0.07 cfs and 5.4 af for in-house domestic use only.

Water right permit 57-7595 is currently in the name of Lester Moncrief, who I understand passed away in 2010. This letter is an attempt to solicit an assignment of permit to change the ownership of this permit into the current owner's name. The well lot associated with this permit is currently owned by Sunrise Beta Water Company Incorporated (SBWC).

I am assuming that Mr. Moncrief legally assigned the permit to SBWC prior to his passing, or the executor of his estate assigned the permit to SBWC through some other legal means. The assignment of this permit has never been received by this office. SWBC will need to include documentation that shows that Mr. Moncrief or his executor legally assigned this water right to SWBC. If the executor of the estates signed the assignment of permit form, they will need to provide documentation showing they had the authority to sign on Mr. Moncrief's behalf. I have included a standard assignment of permit form to show what this form looks like.

If there is no documentation stating that this permit was assigned to SWBC, then SWBC will be required to file a change of ownership form. With the change of ownership form, SWBC will need to attain from each owner of the 9 parcels documentation that provides proof of ownership and a letter or statement agreeing to allow SWBC to own the water right for this system. Proof of ownership is generally achieved with a copy of each property owners warranty deed or conveyance documentation. If there is no assignment documentation, then each owner of the 9 parcels associated with this permit could also file a separate change of ownership to put their proportionate share of the water right into their names.

I am going to hold the license processing of this permit for 30 days from the date of this letter to give SWBC an opportunity to address this issue prior to the permit being licensed. If I don't hear from a representative of SWBC prior to that time, I will move forward with the licensing process without any further contact. As stated above, once the permit is licensed, SWBC or the 9 individual parcel owners will need to use the change of ownership process to change the ownership of this water right into their names. Once the permit is licensed, I will ensure a copy of the license is forwarded to SWBC.

Respectfully,



Daniel Nelson

Analyst 3

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

Enclosure: Assignment of Permit Form
 Change of Ownership Form