

RECEIVED

MAR 27 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGION

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?
63-2798	Yes ☒	Yes ☐	63-34178	Yes ☐	Yes ☐
63-8475	Yes ☒	Yes ☐	63-34189	Yes ☐	Yes ☐
63-31820	Yes ☒	Yes ☐	63-34196	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: John J. Hockberger, Sr.

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Sunny Slope Farms LLC

New owner(s) as listed on the conveyance document

Name connector

☐ and ☐ or ☐ and/or

P.O. Box 308

Santaquin

UT

84655

Mailing address

City

State

ZIP

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: _____

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).

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.

SUPPORT DATA

IN FILE # 63-2798

- ☐ 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: Cutler
Signature of new owner/claimant

Title, if applicable

Date

- Signature: _____
Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by AS Date 3/27/15Receipt No. W042949Receipt Amt. \$300⁰⁰Active 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 XApproved by ASProcessed by ASDate 2/14/2016 +4/4

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.

2015-009852

RECORDED

03/24/2015 01:33 PM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER

Pgs=6 MBROWN \$25.00

TYPE: DEED

PIONEER TITLE CANYON - CALDWELL
ELECTRONICALLY RECORDED

557914 / TL

CBR

DEED OF PERSONAL REPRESENTATIVE

THIS INDENTURE, made on this 24th day of March, 2015, by and between TrESCo of Idaho, the duly appointed, qualified, and acting Successor Personal Representative of the estate of **JOHN J. HOCKBERGER**, deceased, the party of the first part, and **SUNNY SLOPE FARMS, L.L.C.**, a Utah limited liability company, registered to do business in the State of Idaho, of P.O. Box 308, Santaquin, UT 84655, the party of the second part;

WITNESSETH:

WHEREAS, the party of the first part herein is now the duly appointed, qualified, and acting Successor Personal Representative of the estate of JOHN J. HOCKBERGER, deceased, which estate is being probated in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, Magistrate Division, Boise Section, Case Number CV IE 0810167 and the Letters Testamentary having been recorded in the records of Canyon County, Idaho, as Instrument No. 2013-020323 on the 7th day of May, 2013; and

WHEREAS, the real property situated in Canyon County, State of Idaho, more particularly described in Exhibit "A" hereto, is being sold "AS IS" and without warranty, except that the party of the first part warrants that it has the authority to execute this Deed; and

WHEREAS, the provisions of the Memorandum of Agreement of even date herewith entered into between the party of the first part and the party of the second part, including but not limited to the unconditional release provisions, are not merged into this Deed and shall survive the Closing; and

DEED OF PERSONAL REPRESENTATIVE - 1

WHEREAS, for value received, the party of the first part hereby conveys to the party of the second part all of the estate's right, title and interest in the following described real property situated in Canyon County, State of Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO.

For purposes of identification and clarification, the Purchaser's Parcel shall include those parcels identified by number by the Canyon County Assessor as listed on Exhibit "A1" and depicted on the maps on Exhibit "A2", with each such exhibit incorporated herein by this reference:

- (i) R3350400000, comprised of approximately 8.278 acres (hereafter, "Parcel 1");
- (ii) R3350500000, comprised of approximately 18.079 acres and R3350700000, comprised of approximately 0.221 acres (collectively hereafter, "Parcel 2");
- (iii) R3350900000, comprised of approximately 4.54 acres (hereafter, "Parcel 3");
- (iv) R3351000000, comprised of approximately 31.761 acres (hereafter, "Parcel 4");
- (v) R3351100000, comprised of approximately 4.998 acres (hereafter, "Parcel 5"); and
- (vi) R3307200000, comprised of approximately 25.368 acres (hereafter, "Parcel 6").

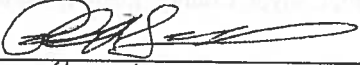
NOW, THEREFORE, the foregoing recitals are hereby incorporated by this reference and made a part hereof, and the said TrESCo of Idaho, Successor Personal Representative aforesaid, the party of the first part, for valuable consideration received, has bargained, sold and conveyed, and by these presents does bargain, sell, and convey unto the said party of the second part, its successors and assigns forever, all of the estate's right, title and interest, and estate of said decedent, JOHN J. HOCKBERGER, at the time of his death, and also all the right, title, and interest that the said estate, by operation of law or otherwise, may have acquired other than or in addition to that of said decedent at the time of his death in or to all of that certain lot, piece, or parcel of land situated, lying, and being in the County of Canyon, State of Idaho, described above.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises,

together with the appurtenances, unto the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has, as Successor Personal Representative, as aforesaid, hereunto set his hand and seal the day and year first above written.

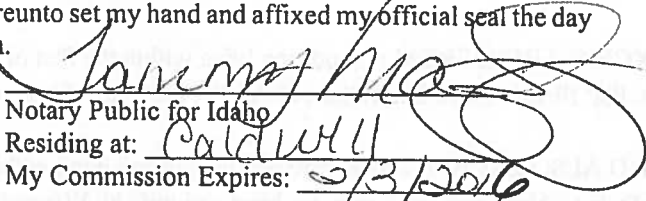
ESTATE OF JOHN J. HOCKBERGER,
Deceased


By: Paul M. Seideman
TrESCO of Idaho
Successor Personal Representative

STATE OF IDAHO)
 : ss.
County of Canyon)

On this 24th day of March, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Paul M. Seideman of TrESCO of Idaho, Successor Personal Representative of the Estate of JOHN J. HOCKBERGER, deceased, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as such Successor Personal Representative of said estate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho

Residing at: Caldwell

My Commission Expires: 2/3/2016



EXHIBIT A

Parcel 1:

That portion of the Northeast Quarter of the Northeast Quarter of Section 25, Township 3 North Range 4 West of the Boise Meridian, Canyon County, Idaho lying Northeasterly of the centerline of the Mora Canal

AND

That portion of the Southeast Quarter of the Southeast Quarter of Section 24, Township 3 North, Range 4 West of the Boise Meridian, Canyon County, Idaho lying within the following described tract:

BEGINNING at the Southeast corner of said Section 24; thence North on the East line of said Section 24, 48.2 feet to the Southwest corner of Section 19, Township 3 North, Range 3 West, which point is in the centerline of Lowell Road; thence run North $89^{\circ} 45'$ West, along the centerline of said Lowell Road and parallel to the South line of said Section 24, 767.6 feet; thence South parallel to the East line of said Section 24, 48.2 feet to a point on the South line of said Section 24, which point is on the lower bank of the Mora Canal; thence South $89^{\circ} 45'$ East, on the South line of said Section 24, 767.6 feet to the POINT OF BEGINNING.

Parcel 2:

That portion of the Northeast Quarter of the Northeast Quarter of Section 25, Township 3 North Range 4 West of the Boise Meridian, Canyon County, Idaho lying Southwesterly of the centerline of the Mora Canal

EXCEPT THEREFROM that portion lying within the Plat of Southlake Terrace Subdivision, according to the Plat filed in Book 22 of Plats, at Page 1, records of Canyon County, Idaho

AND ALSO EXCEPT THEREFROM that portion lying within the following described tract as conveyed to Dale C. Voris and Pat Voris, husband and wife by Warranty Deed recorded September 2, 1983 as Instrument No. 985202 as follows:

COMMENCING at the Northwest corner of said Northeast Quarter of the Northeast Quarter; thence South $89^{\circ} 50' 00''$ East 406.00 feet, along the North line of the said Northeast Quarter of the Northeast Quarter to the INITIAL POINT of this description; thence continue South $89^{\circ} 50' 00''$ East 50 feet, along said North line; thence South $44^{\circ} 59' 45''$ East 17.68 feet; thence South $49^{\circ} 48' 10''$ East 248.77 feet; thence South $0^{\circ} 11' 45''$ East 387.53 feet; thence North $89^{\circ} 45' 00''$ West 202.29 feet; thence North $0^{\circ} 09' 30''$ West 510 feet, parallel with the West line of the said Northeast Quarter of the Northeast Quarter; thence

North 44° 59' 45" West 70.91 feet, to the INITIAL POINT of this description.

AND ALSO EXCEPT THEREFROM the following described tract:

A portion of the Northeast Quarter of the Northeast Quarter of Section 25, Township 3 North Range 4 West of the Boise Meridian, Canyon County, Idaho more particularly described as follows:

COMMENCING at the Southeast Corner of the said Northeast Quarter of the Northeast Quarter of Section 25, Township 3 North, Range 4 West of the Boise Meridian; thence North 0° 14' West 278 feet along the East line of the said Northeast Quarter of the Northeast Quarter to the INITIAL POINT of this description; thence North 89° 55' West 658.6 feet; thence North 0° 11' 45" West 300 feet; thence South 89° 55' East 658.40 feet to a point on the said East line; thence South 0° 14' East 300 feet along the said East line to the INITIAL POINT of this description

Parcel 3:

A portion of the Northeast Quarter of the Northeast Quarter of Section 25, Township 3 North Range 4 West of the Boise Meridian, Canyon County, Idaho more particularly described as follows:

COMMENCING at the Southeast Corner of the said Northeast Quarter of the Northeast Quarter of section 25, Township 3 North, Range 4 West of the Boise Meridian; thence North 0° 14' West 278 feet along the East line of the said dNortheast Quarter of the Northeast Quarter to the INITIAL POINT of this description; thence North 89° 55' West 658.6 feet; thence North 0° 11' 45" West 300 feet; thence South 89° 55' East 658.40 feet to a point on the said East line; thence South 0° 14' East 300 feet along the said East line to the INITIAL POINT of this description

Parcel 4:

The Southeast Quarter of the Northeast Quarter of Section 25, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho
EXCEPT the South Half of the South half thereof

Parcel 5:

That portion of the South Half of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter, Section 25, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho, shown as Parcel 13, Record of Survey, Instrument No. 200505791, filed February 3, 2005, more particularly described as follows:

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COMMENCING at the Southeast corner of the Northeast Quarter of Section 25; thence along the Southerly boundary of said Northeast Quarter,
North 89° 59' 28" West 659.05 feet to the POINT OF BEGINNING; thence continuing along said Southerly boundary,
North 89° 59' 28" West 659.05 feet to the Southwest corner of said Southwest Quarter of the Southeast Quarter of the Northeast Quarter; thence
North 00° 05' 57" West along the West boundary of said Southwest Quarter of the Southeast Quarter of the Northeast Quarter 330.04 feet; thence
South 89° 58' 35" East 658.81 feet; thence
South 00° 07' 19" East 329.87 feet to the POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO:

Including a right of ingress and egress to Riverside Road for residential purposes from the road depicted on the Record of Survey, Instrument No. 200505791, filed February 3, 2005 located within Parcels 12, 13, 14-A, 14-B, 15A and 15-B

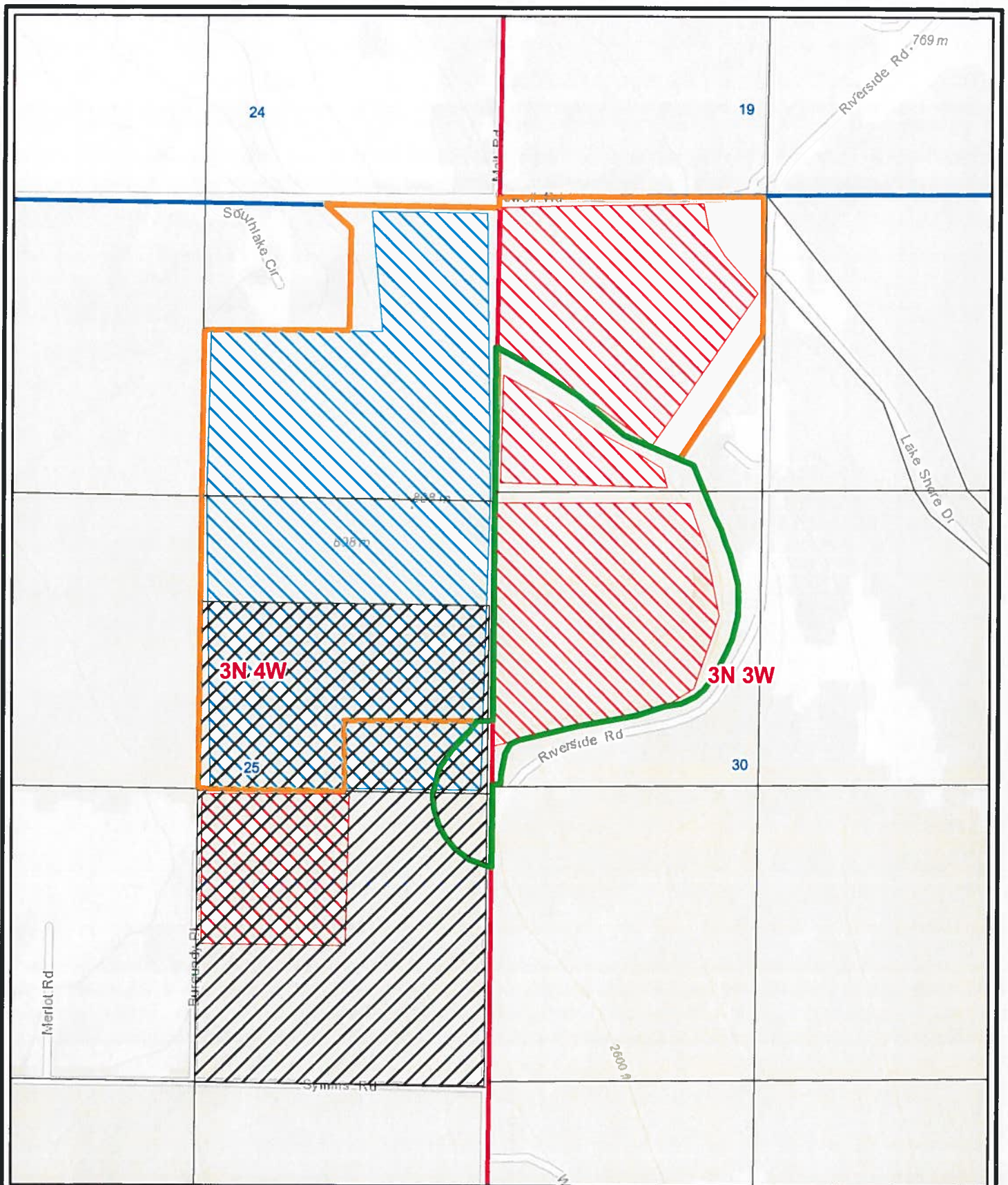
Parcel 6:

That portion of the South Half of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter, Section 25, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho, shown as Parcel 14-A, Record of Survey, Instrument No. 200505791, filed February 3, 2005, more particularly described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter of Section 25; thence along the Southerly boundary of said Northeast Quarter
North 89° 59' 28" West 264.08 feet; thence along a non-tangent curve to the right 221.77 feet, having a radius of 315.00 feet, a delta of 40° 20' 17"
and a long chord which bears North 23° 26' 10" East 217.22 feet; thence
North 36° 25' 14" East 65.05 feet; thence along a non-tangent curve to the left 65.22 feet, having a radius of 255.00 feet, a delta of 14° 39' 19", and a long chord which bears North 36° 25' 14" East 65.05 feet; thence
South 89° 58' 35" East 63.42 feet to the East boundary of said Northeast Quarter of said Section 25; thence South 00° 09' 44" East along said East line 329.70 feet to the POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO:

A right of ingress and egress to Riverside Road for residential purposes from the road depicted on the Record of Survey, Instrument No. 200505791, filed February 3, 2005, located within Parcels 14-A and 15-A, to be known as "Hockberger Ranch Road.



EXPLANATION

New Land Owner

- Sunny Slope
- S. Hockberger

Place of Use

- 63-2798
- 63-31820
- 63-8475

Hockberger Estate - Water Right Split



500

Feet



SPF WATER
ENGINEERING

Date: 11-Mar-15

[illegible]

Water Right Number: 63-2798

Diversion Rate: 0.7 cfs

Date: 11-Mar-15

Summary:

Water Right No.	Diversion Rate (cfs)	Irrigated Area (acres)	Rate per Acre (cfs/acre)
63-2798	0.70	65.0	0.011
Sunny Slope	0.22	20.0	0.011
S. Hockberger	0.03	2.4	0.011
Residual	0.46	42.6	0.011

Date: 11-Mar-15

[illegible]

Water Right Number: 63-8475

Diversion Rate: 1.05 cfs

Date: 11-Mar-15

Summary:

Water Right No.	Diversion Rate (cfs)	Irrigated Area (acres)	Rate per Acre (cfs/acre)
63-8475	1.05	65.0	0.016
Sunny Slope	0.97	60.0	0.016
S. Hockberger	0.02	1.2	0.016
Residual	0.06	3.8	0.016

Water Right Number:

63-31820

Diversion Rate:

1.05 cfs

Date:

11-Mar-15

[illegible]

Date:

Summary:

[illegible]

Water Right Analysis
Estate of John J. Hockberger, Sr.

Prepared for

Tresco of Idaho
P.O. Box 7488
5256 Fairview Avenue
Boise, Idaho 83707

Prepared by

SPF Water Engineering LLC
300 E. Mallard Drive, Suite 350
Boise, Idaho 83706

February 12, 2015



SPF WATER
ENGINEERING

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Appendix A: Water Right Records

1. SCOPE OF THIS REPORT

SPF Water Engineering (SPF) was asked to review water right records in the name of John J. Hockberger, Sr. (Hockberger) in advance of land sales and water right distributions resulting from the settlement of Hockberger's estate.

The Hockberger property is comprised of approximately 130 acres located at the southwest corner of Riverside Road and Lowell Road in Canyon County, Idaho. The boundary of the Hockberger property shown in Figure 1 was provided by Gary McAllister and employed to locate appurtenant water rights through use of geographic information system (GIS) data provided by the Idaho Department of Water Resources (IDWR). Additional water rights held by Hockberger were identified by searching IDWR's database using the Hockberger name. The public records of IDWR were accessed to examine the current record of each water right identified. The results of our investigation are detailed in Section 2.

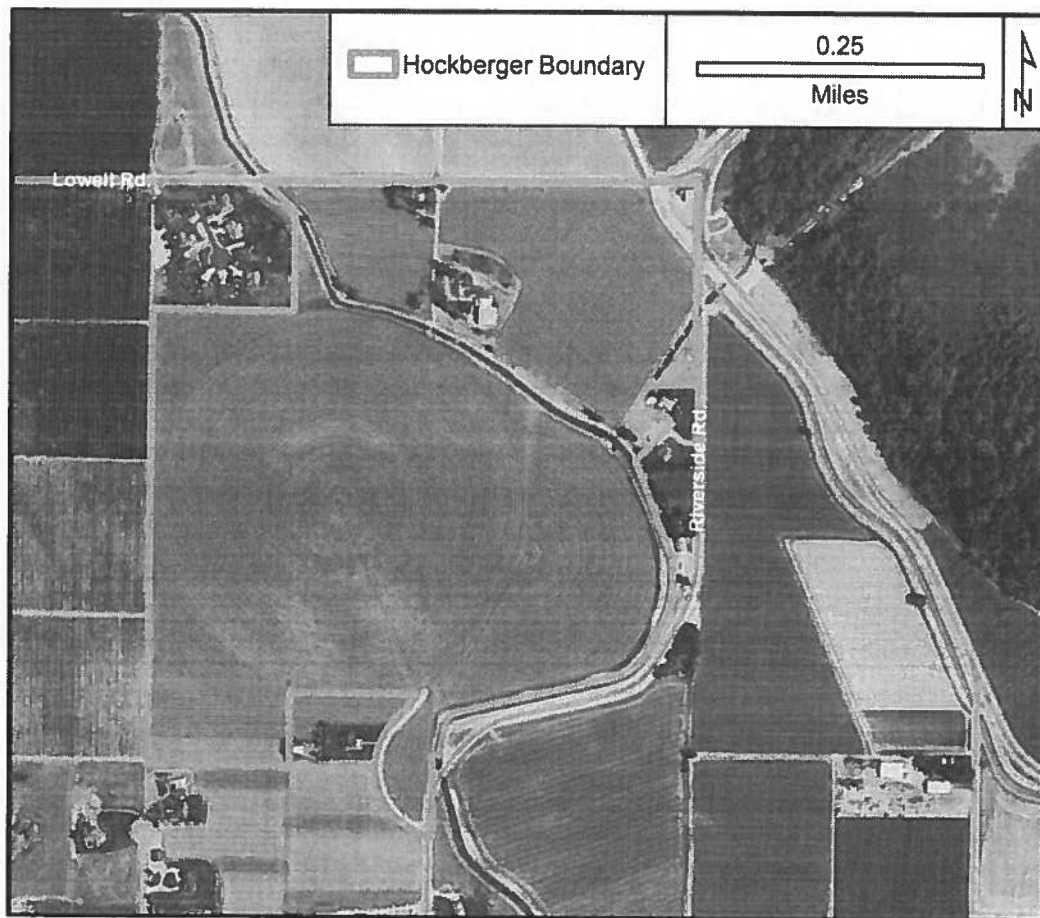


Figure 1. Hockberger Property Location
2013 NAIP Photography

We understand the Hockberger land and water rights are to be dispersed in several pieces as shown in Figure 2 and described as follows:

- Land Area 1 (the Orchard parcel) will be sold with appurtenant water rights.
- Water rights appurtenant to Land Area 2 were withheld by Hockberger at the time lots in Vinecrest No. 2 Subdivision were sold. The Estate intends to convey water rights sufficient to irrigate the Vinecrest lots to the individual lot owners.
- Land Area 3 will be subdivided and sold as individual residential lots. Water rights appurtenant to Land Area 3 will be conveyed to the developer, or a related entity.
- Land Area 4 will be conveyed to Jack Hockberger.

A summary of the appurtenant water rights for each land area is included in Section 3. There are no water rights appurtenant to Land Area 4.

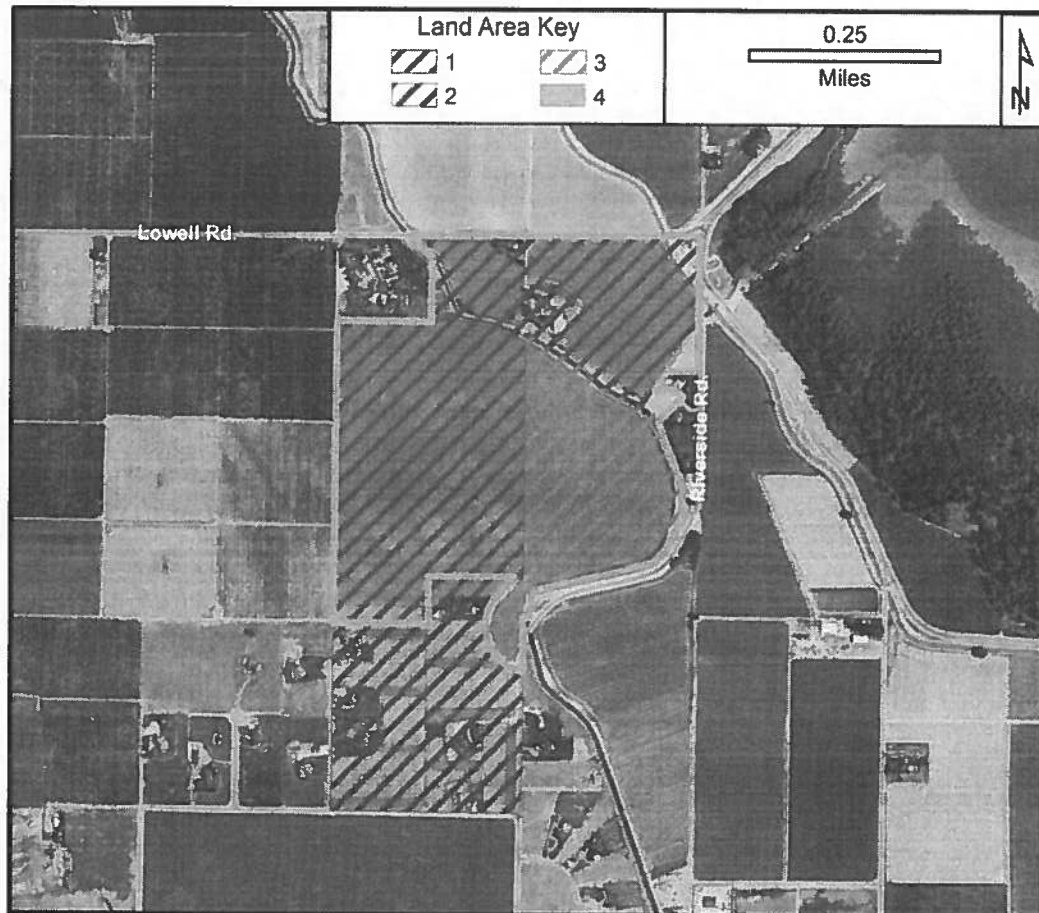


Figure 2. Land Areas for Distribution
2013 NAIP Photography

2. REVIEW OF CURRENT WATER RIGHTS

The privately-owned Hockberger water rights are summarized in Table 1. Individual water rights are described below. In total, the Hockberger rights authorize diversion of 2.80 cfs (approximately 1,260 gpm) from groundwater wells for the irrigation of 151 acres.¹ Total volume is limited to 4.5 acre-feet per irrigated acre. Water right locations (including well sites) are shown in Figure 3.

Table 1. Water Right Summary

Water Right No.	Priority Date	Authorized Use	Diversion Rate (cfs)	Diversion Volume (ac-ft)		Area (ac)	Combined Area (ac)	
63-31820	6/13/1977	irrigation	1.05	473.0	499.5	56.0	105.0	111.0
63-2798	4/26/1953	irrigation	0.70			65.0		
63-8475	1/26/1996	irrigation	1.05			65.0		
TOTAL			2.80	473.0	499.5	186.0	105.0	111.00

Water Right No. 63-2798

Water right 63-2798 authorizes diversions from two groundwater wells located in the NESE, Section 25, Township 3N, Range 4W (Well B and Well C on Figure 3). The maximum diversion rate allowed from the wells is 0.70 cfs (approximately 315 gallons per minute, or gpm). Water rights 63-2798 and 63-8475 authorize the irrigation of a combined total of 105 acres, due to the overlap of the water rights.

Water Right No. 63-8475

Water right 63-8475 authorizes diversions from the two groundwater wells located in the NESE, Section 25, Township 3N, Range 4W, and diversions from a third well in Government Lot 1, Section 30, Township 3N, Range 3W (Wells A, B and C on Figure 3). The maximum diversion rate authorized from the wells by water right 63-8475 is 1.05 cfs (approximately 470 gpm). Water rights 63-2798 and 63-8475 authorize the irrigation of a combined total of 105 acres, due to the overlap of the water rights.

Water Right No. 63-31820

Water right 63-31820 authorizes diversions from the groundwater well located in Government Lot 1, Section 30, Township 3N, Range 3W (Well A on Figure 3). The maximum diversion rate authorized from the well by water right 63-31820 is 1.05 cfs (approximately 470 gpm). Water rights 63-2798 and 63-31820 authorize the irrigation of a combined total of 111 acres, due to the overlap of the water rights.

¹ The water right acreages in Table 1 are not additive due to the overlapping areas of the rights. Although the total area shown in Table 1 is 186 acres, the irrigated area authorized is less than the total.

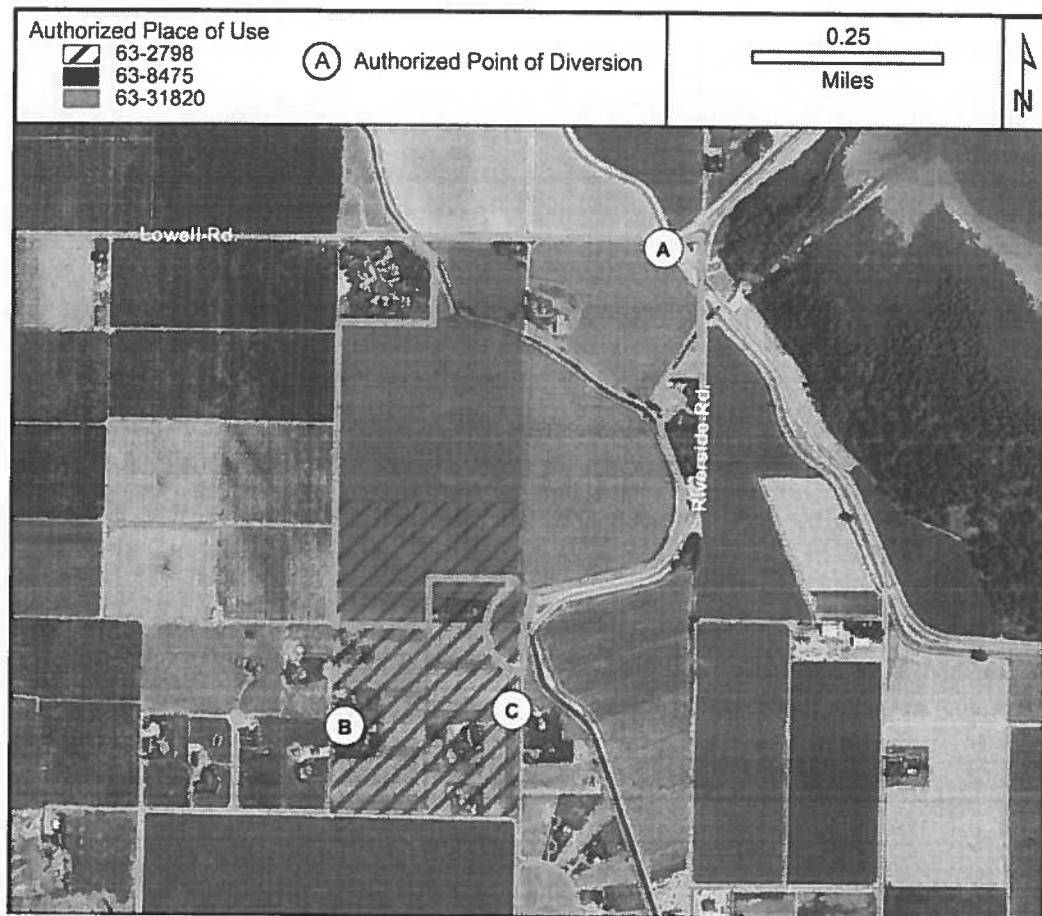


Figure 3. Water Right Location
2013 NAIP Photography

3. DISTRIBUTION OF THE HOCKBERGER WATER RIGHTS

Water Rights for Land Areas 1, 2, and 3

Land in Idaho is generally sold "with appurtenances", which includes any appurtenant water rights. Table 2 summarizes the water rights appurtenant to each land area shown in Figure 3 (Area 4 does not have appurtenant water rights). The water rights will be split as indicated in Table 2, unless land conveyance deeds (or other instruments) specifically describe the rights differently.

Table 2. Water Rights Appurtenant to Specific Land Areas

Water Right No.	Area 1 - Orchard		Area 2 - Vinecrest		Area 3 - Development	
	Area (ac)	Diversion Rate (cfs)	Area (ac)	Diversion Rate (cfs)	Area (ac)	Diversion Rate (cfs)
63-31820	20.0	0.375	10.0	0.188	26.0	0.488
63-2798	20.0	0.215	42.6	0.459	2.4	0.026
63-8475	60.0	0.969	3.8	0.061	1.2	0.019
TOTAL	80.0	1.560	42.6	0.708	28.4	0.533
Note: Total area is not additive due to overlapping water rights. Total areas shown are the maximum number of acres that can be irrigated in each of the three areas using appurtenant water rights.						

Specifically, we understand the Orchard area is comprised of 88.48 acres. However, only 80 acres of the combined water rights are currently appurtenant to the Orchard area. It would be extremely unusual for a farm to irrigate 100% of its land (shops, implement yards and farm roads are not irrigated). Eighty acres of irrigation may be sufficient for the Orchard; likely it depends on the negotiated contract between the Estate and the buyer.

Similarly, the individual lot owners in Vinecrest will not irrigate "roads and rooftops" in the subdivision. Although 42.6 acres of combined water rights are available for irrigation of Vinecrest, the Estate has control of those rights and can distribute the rights as it chooses. Mr. McAllister has suggested no more than 2 acres of combined water right would be conveyed to each lot owner (for a total of 18 acres). The residual rights could be sold or conveyed to others, or placed in the Idaho Water Supply Bank for future use.

We assume the entire 28.4 acres of combined water right will be conveyed for development of Land Area 3.

Land Area 4

Land Area 4 will be conveyed to Jack Hockberger. The area is comprised of two residential lots, each of which is less than one acre in area. There are currently no appurtenant groundwater rights, but there are several options for obtaining water rights for the lots in Land Area 4. These options include:

1. Obtain a well driller's permit and construct a domestic well on each lot. A recorded water right is not required for a domestic use that meets the definition in Idaho Code § 42-111. For single-family homes, domestic use includes use in the home and irrigation of up to ½-acre.
2. File an *Application for Permit* with the Idaho Department of Water Resources to develop a recorded water right for each lot. This option would be completed in addition to Option 1, and would confirm the additional value provided when water rights are clearly appurtenant to the lots.
3. Obtain a small portion of one of the Hockberger rights for each lot by conveyance from the Estate.

4. RECOMMENDATIONS

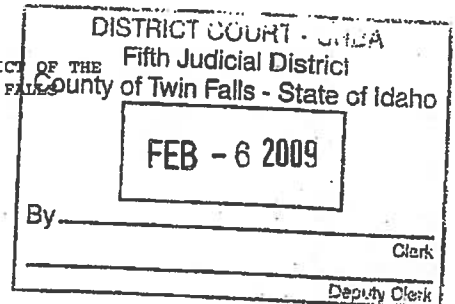
We recommend the Estate decide as soon as possible how the water rights will be divided. The following options should be considered (and we suggest the decisions are made in this order):

1. Determine the specific number of combined water right acres to be conveyed with the Orchard property. We recommend a special water right conveyance deed if the number of acres is greater than the 80 acres currently appurtenant to the Orchard parcel.
2. Determine the number of combined water right acres to be conveyed to each of the lot owners in Vinecrest No. 2. Hockberger specifically withheld the rights when the lots were sold; a special water right deed can be prepared for each conveyance.
3. Determine the number of water right acres to be conveyed to the Development. We recommend a special water right conveyance deed if the number of acres are more or less than the 28.4 combined acres currently appurtenant to the Orchard parcel.
4. Determine whether the Estate will convey water rights to Jack Hockberger for his use on lots in Area 4. A special water right deed can be prepared for this conveyance.

SPF would be happy to help the Estate describe the portions of the Hockberger water rights after the determinations outlined above are complete. No further action is required for the Orchard and Development areas if the lands are conveyed with appurtenant water rights.

Appendix A – Water Right Records

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS



In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-02798

NAME AND ADDRESS: JOHN J HOCKBERGER SR
13957 MALT RD
CALDWELL, ID 83605

SOURCE: GROUND WATER

QUANTITY: 0.70 CFS

Rights 63-31820 and 63-2798 when combined shall not exceed a
total annual maximum diversion volume of 499.5 af at the field
headgate, and the irrigation of 111 acres.

PRIORITY DATE: 04/26/1953

POINT OF DIVERSION: T03N R04W S25 NESE Within Canyon County
NESE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.70 CFS

The use of water for irrigation under this right may begin as
early as March 1 and may continue to as late as November 15,
provided other elements of the right are not exceeded. The use
of water before March 15 and after November 15 under this remark
is subordinate to all water rights having no subordinated early
or late irrigation use and a priority date earlier than the date
a partial decree is entered for this right.

PLACE OF USE: Irrigation Within Canyon County
T03N R04W S25 SENE 25.0 NESE 40.0
65.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-08475

Priority: January 26, 1996

Maximum Diversion Rate: 1.05 CFS

It is hereby certified that JOHN J HOCKBERGER
13957 MALT RD
CALDWELL ID 83605 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated February 22, 1977; and has
submitted Proof of Beneficial Use on January 26, 1996. An examination indicates that the works have a
diversion capacity of 6.94 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
03/01 to 11/15

DIVERSION RATE
1.05 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	L1 (NW¼NW¼)	Sec. 30, Twp 03N, Rge 03W, B.M., CANYON County
GROUND WATER	NE¼SE¼	Sec. 25, Twp 03N, Rge 04W, B.M., CANYON County
GROUND WATER	NE¼SE¼	Sec. 25, Twp 03N, Rge 04W, B.M., CANYON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	04W	25	25.0			40.0												65.0	

Total Acres: 65

CONDITIONS OF APPROVAL

1. Right 63-02798 is also diverted through the points of diversion located in NESE, S25, T03N, R04W.
2. Rights 63-02798 and 63-08475 when combined shall not exceed a total annual maximum diversion volume of 473.0 af at the field headgate, and the irrigation of 105 acres.
3. Right 63-08474 is also diverted through the point of diversion located in Gov. Lot 1 (NWNW), S30, T03N, R03W.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 293.0 af at the field headgate for the lands above.

MICROFILMED

FEB 09 2003

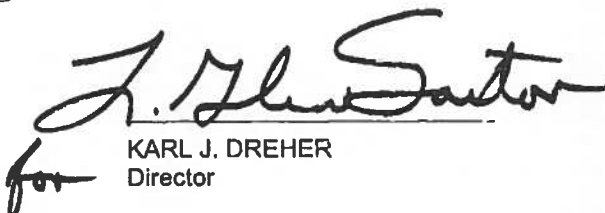
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-08475

5. 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.
6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater 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.
7. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. 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 and sealed this 28th day of July, 2003.


for KARL J. DREHER
Director

MICROFILMED
SEP 09 2003

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 29 2009

By _____ Clerk

Deputy Clerk

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Apr-24-2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

April 10, 2018

GARY SPACKMAN

Director

SUNNY SLOPE FARMS LLC

PO BOX 308

SANTAQUIN, UT 84655

RE: Notice of Change in Water Right Ownership No: 63-2798, 63-8475, and 63-31820.

Original: Water Right No. 63-2798

Split into: Water Right No. **63-34178**

Original: Water Right No. 63-8475

Split into: Water Right No. **63-34189**

Original: Water Right No. 63-31820

Split into: Water Right No. **63-34190**

Dear Water Right Holder:

We have received and processed a Change of Ownership for a portion of the original Water Right as referenced above. This Change of Ownership required a split of the original water right.

When a portion of the original water right has been conveyed to another, a new water right number is created to represent the portion obtained by the new owners. For your records a poof report and map depicting the place of use (POU) and the point of diversion (POD) for Water Right No's **63-34178, 63-34189, and 63-34190** are enclosed. Please refer to your new water right number when corresponding with our office.

The Department recently processed a number of ownership changes for portions of right 63-2798, 63-8475, and 63-31820 in your area. This process altered conditions on your portion(s) of the right(s). Please disregard any previous notification you may have received regarding the ownership change process and/or transfer process. Enclosed is a copy of your water right record(s) and map(s) depicting the POU and POD as it currently exists.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the Department does not review the history of water use to determine if the right has been forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Your portion of this water right has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form or you can find the forms at www.idwr.idaho.gov. If you do not plan on changing any items on your water right, then no further action is required at this time.

Thank you for your patience, as we have had several water right changes to process. If you have any questions concerning the enclosed information or this letter, please feel free to contact this office at 208-334-2190.

Sincerely,

Rachel Sommer

Senior Water Resource Agent, Senior
IDWR, Western Regional Office

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 10, 2018

JOHN J HOCKBERGER SR
13957 MALT RD
CALDWELL, ID 83605

RE: Notice of Change in Water Right Ownership No: 63-2798, 63-8475, and 63-31820.

Original: Water Right No. **63-2798** *Split into:* Water Right No. 63-34178, 63-34269, 63-34270,
63-34272, 63-34273, 63-34277, and 63-34526.

Original: Water Right No. **63-8475** *Split into:* Water Right No. 63-34189 and 63-34274.

Original: Water Right No. **63-31820** *Split into:* Water Right No. 63-34190, 63-34271, and 63-34278.

Dear Water Right Holders:

The Department has received and processed a Change of Ownership for a portion of your original Water Right as referenced above. This change of ownership resulted in a split of your original water right.

When a portion of the original water right has been conveyed to another and the original right has been split, a new water right number is created to represent the portion obtained by the new owners. For your records a poof report and map depicting the place of use (POU) and the point of diversion (POD) for Water Right No's **63-2798, 63-8475, and 63-31820** are enclosed. Please refer to your new water right number when corresponding with our office.

The Department recently processed a number of ownership changes for portions of right 63-2798, 63-8475, and 63-31820 in your area. This process altered conditions on your portion(s) of the right(s). Please disregard any previous notification you may have received regarding the ownership change process and/or transfer process. Enclosed is a copy of your water right record(s) and map(s) depicting the POU and POD as it currently exists.

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If you have any questions concerning the enclosed information or this letter, please feel free to contact this office at 208-334-2190.

Sincerely,

Rachel Sommer
Water Resource Agent, Senior
IDWR, Western Regional Office

Enclosures