

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 07 2013

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINTS OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☐ Change Point of Diversion ☒ Add diversion point(s) ☐ Ownership change1. **APPLICANT(S)** Long Island Irrigation Co Phone (208) 745-61472. **MAILING ADDRESS** 729 N 3800 E City Rigby

State Idaho Zip 83442 Email

c/o Rocky Mountain Environmental Associates, Inc. Email kmoore@rockymountainenvironmental.com

482 Constitution Way, Ste 303, Idaho Falls ID 83402 (208) 524-2353 Fax 208) 524-1795

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional Fee(s) required for water right ownership changes; see fee Schedule.☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.3. **LIST OF WATER RIGHT NUMBER(S)** 01-109G, 01-110E, 01-111E, 01-112E, 01-113C, 01-115S, 01-246, 01-317, and 01-10439☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.4. **TOTAL AMOUNT OF WATER** transferred is 1.67 cubic feet per second and/or acre-feet per annum
(diversion rate) (storage volume)5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local Name or tag #
4N	37E	1			SW	SW	JEFFERSON	SNAKE RIVER	DABELL
	38E	4			NE	NE	JEFFERSON	SNAKE RIVER	ZOHNER
	39E	5		SW	SW	SE	JEFFERSON	SNAKE RIVER	
		10		SW	NW	SE	JEFFERSON	SNAKE RIVER	

6. GENERAL INFORMATION:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Pumps to mainline to sprinkler system.

b. Who owns the property at the point(s) of diversion? Alan Zohner, Wes Dabell, and existing diversions on Dry Bed

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Alan Zohner and Wes Dabell, who are both shareholders in Long Island Irrigation Company, have private agreements to allow them to pump their shares directly from the Dry Bed.

c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐☒

undergone a period of five or more consecutive years of non-use,

☐☒

currently leased to the Water Supply Bank,

☐☒

currently used in a mitigation plan limiting the use of water under the right, or

☐☒

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

7. **MAP** – ☒ Attach a map of the diversion, measurement, control, and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Brent Thomas
Signature of applicant or authorized agent

Brent Thomas, President
Print Name and Title if applicable

6-5-2013
Date

Signature of applicant or authorized agent

Print Name and Title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages of attachments. Received by _____ Date _____

Fee Paid \$580.00 Date 8-19-2013 Received by KM Receipt # E039005

Preliminary review completed by _____ Date _____

WATER RIGHT NO. 1-109G

Owner Type **Name and Address**
 Current Owner LONG ISLAND IRRIGATION CO
 C/O ORA LEE BENNETT
 729 N 3800 E
 RIGBY, ID 83442
 (208)745-6147

Priority Date: 06/11/1880

Basis: Decreed

Status: Active

Source **Tributary**
 SNAKE RIVER COLUMBIA RIVER

Beneficial Use From To Diversion Rate Volume
 IRRIGATION 04/01 10/31 38.52 CFS
 Total Diversion 38.52 CFS

Location of Point(s) of Diversion:

SNAKE RIVER SWSWSE Sec. 05 Township 04N Range 39E JEFFERSON County

SNAKE RIVER SWNWSE Sec. 10 Township 04N Range 39E JEFFERSON County

Place(s) of use: Large POU Info

Conditions of Approval:

- This partial decree is subject to such general provisions necessary for the definition of the rights or for
1. C18 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. Section 42-1412(6), Idaho Code.
 2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
 3. 129 Place of use is within the area served by Long Island Irrigation Company.
 4. F01 Water is delivered through West Labelle & Long Island Canal and White Ditch.
 5. Water is delivered from the Dry Bed.
 6. P29 This right is old Right No. 1-109E.
 7. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
 8. This right will be reduced by 2 acres for the mitigation associated with right 1-10406.

78780

WATER RIGHT NO. 1-110E

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LONG ISLAND IRRIGATION CO
	C/O ORA LEE BENNETT
	729 N 3800 E
	RIGBY, ID 83442
	(208)745-6147

Priority Date: 06/01/1881

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	04/01	10/31	58.97 CFS	
Total Diversion			58.97 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER SWSWSE Sec. 05 Township 04N Range 39E JEFFERSON County

SNAKE RIVER SWNWSE Sec. 10 Township 04N Range 39E JEFFERSON County

Place(s) of use: Large POU Info

Conditions of Approval:

- This partial decree is subject to such general provisions necessary for the definition of the rights or for
1. C18 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. Section 42-1412(6), Idaho Code.
 2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
 3. 129 Place of use is within the area served by Long Island Irrigation Company.
 4. F01 Water is delivered through West Labelle & Long Island Canal and White Ditch.
 5. Water is delivered from the Dry Bed.
 6. P29 This right is old Right No. 1-110C.
 7. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
 8. This right will be reduced by 2 acres for the mitigation associated with right 1-10406.

WATER RIGHT NO. 1-111E

Owner Type Name and Address

Current Owner LONG ISLAND IRRIGATION CO
 C/O ORA LEE BENNETT
 729 N 3800 E
 RIGBY, ID 83442
 (208)745-6147

Priority Date: 06/01/1882

Basis: Decreed

Status: Active

Source Tributary

SNAKE RIVER COLUMBIA RIVER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 10/31 58.96 CFS

Total Diversion 58.96 CFS

Location of Point(s) of Diversion:

SNAKE RIVER SWSWSE Sec. 05 Township 04N Range 39E JEFFERSON County

SNAKE RIVER SWNWSE Sec. 10 Township 04N Range 39E JEFFERSON County

Place(s) of use: Large POU Info

Conditions of Approval:

This partial decree is subject to such general provisions necessary for the definition of the rights or for

1. C18 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. Section 42-1412(6), Idaho Code.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

2. 135
3. 129 Place of use is within the area served by Long Island Irrigation Company.
4. F01 Water is delivered through West Labelle & Long Island Canal and White Ditch.
5. Water is delivered from the Dry Bed.
6. P29 This right is old Right No. 1-111C.
7. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
8. This right will be reduced by 2 acres for the mitigation associated with right 1-10406.

WATER RIGHT NO. 1-112E

Owner Type Name and Address

Current Owner LONG ISLAND IRRIGATION CO
 C/O ORA LEE BENNETT
 729 N 3800 E
 RIGBY, ID 83442
 (208)745-6147

Priority Date: 06/01/1883

Basis: Decreed

Status: Active

Source Tributary

SNAKE RIVER COLUMBIA RIVER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 10/31 58.97 CFS

MITIGATION 04/01 10/31 0.01 CFS

Total Diversion 58.98 CFS

Location of Point(s) of Diversion:

SNAKE RIVER SWSWSE Sec. 05 Township 04N Range 39E JEFFERSON County

SNAKE RIVER SWNWSE Sec. 10 Township 04N Range 39E JEFFERSON County

MITIGATION Use: Number of other uses: 2 acres

Place(s) of use: Large POU Info

Conditions of Approval:

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1. C18 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. Section 42-1412(6), Idaho Code.
 2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
 3. 129 Place of use is within the area served by Long Island Irrigation Company.
 4. F01 Water is delivered through West Labelle & Long Island Canal and White Ditch.
 5. Water is delivered from the Dry Bed.
 6. P29 This right is old Right No. 1-112C.
 7. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
 8. Mitigation use is for 2 acres for aesthetic flow associated with Right 01-10406.

WATER RIGHT NO. 1-113C

Owner Type Name and Address

Current Owner LONG ISLAND IRRIGATION CO
 C/O ORA LEE BENNETT
 729 N 3800 E
 RIGBY, ID 83442
 (208)745-6147

Priority Date: 06/01/1884

Basis: Decreed

Status: Active

Source Tributary

SNAKE RIVER COLUMBIA RIVER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 10/31 58.97 CFS

Total Diversion 58.97 CFS

Location of Point(s) of Diversion:

SNAKE RIVER SWSWSE Sec. 05 Township 04N Range 39E JEFFERSON County

SNAKE RIVER SWNWSE Sec. 10 Township 04N Range 39E JEFFERSON County

Place(s) of use: Large POU Info

Conditions of Approval:

This partial decree is subject to such general provisions necessary for the definition of the rights or for

1. C18 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. Section 42-1412(6), Idaho Code.

2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

3. 129 Place of use is within the area served by Long Island Irrigation Company.

4. F01 Water is delivered through West Labelle & Long Island Canal and White Ditch.

5. Water is delivered from the Dry Bed.

6. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

7. This right will be reduced by 2 acres for the mitigation associated with right 1-10406.

WATER RIGHT NO. 1-115S

Owner Type **Name and Address**
 Current Owner LONG ISLAND IRRIGATION CO
 C/O ORA LEE BENNETT
 729 N 3800 E
 RIGBY, ID 83442
 (208)745-6147

Priority Date: 06/01/1886

Basis: Decreed

Status: Active

Source **Tributary**
 SNAKE RIVER COLUMBIA RIVER

Beneficial Use From To Diversion Rate Volume
 IRRIGATION 04/01 10/31 39.358 CFS
 Total Diversion 39.358 CFS

Location of Point(s) of Diversion:

SNAKE RIVER SWSWSE Sec. 05 Township 04N Range 39E JEFFERSON County

SNAKE RIVER SWNWSE Sec. 10 Township 04N Range 39E JEFFERSON County

Place(s) of use: Large POU Info**Conditions of Approval:**

- This partial decree is subject to such general provisions necessary for the definition of the rights or for
1. C18 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. Section 42-1412(6), Idaho Code.
 2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
 3. 129 Place of use is within the area served by Long Island Irrigation Company.
 4. F01 Water is delivered through West Labelle & Long Island Canal and White Ditch.
 5. Water is delivered from the Dry Bed.
 6. P29 This right is old Right No. 1-115U.
 7. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
 8. This right will be reduced by 2 acres for the mitigation associated with right 1-10406.

WATER RIGHT NO. 1-246

Owner Type **Name and Address**

Current Owner LONG ISLAND IRRIGATION CO
 C/O ORA LEE BENNETT
 729 N 3800 E
 RIGBY, ID 83442
 (208)745-6147

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

Source **Tributary**

SNAKE RIVER COLUMBIA RIVER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 10/31 10 CFS

Total Diversion 10 CFS

Location of Point(s) of Diversion:

SNAKE RIVER SWSWSE Sec. 05 Township 04N Range 39E JEFFERSON County

SNAKE RIVER SWNWSE Sec. 10 Township 04N Range 39E JEFFERSON County

Place(s) of use: Large POU Info

Conditions of Approval:

- This partial decree is subject to such general provisions necessary for the definition of the rights or for
1. C18 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. Section 42-1412(6), Idaho Code.
 2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk
 3. 135 issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
 4. 129 Place of use is within the area served by Long Island Irrigation Company.
 5. F01 Water is delivered through West Labelle & Long Island Canal and White Ditch.
 6. E33 Water is delivered from the Dry Bed.
 7. This right will be reduced by 2 acres for the mitigation associated with right 1-10406.

WATER RIGHT NO. 1-317

Owner Type Name and Address

Current Owner LONG ISLAND IRRIGATION CO
 C/O ORA LEE BENNETT
 729 N 3800 E
 RIGBY, ID 83442
 (208)745-6147

Priority Date: 04/01/1939

Basis: Decreed

Status: Active

Source Tributary

SNAKE RIVER COLUMBIA RIVER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 10/31 35 CFS

Total Diversion 35 CFS

Location of Point(s) of Diversion:

SNAKE RIVER SWSWSE Sec. 05 Township 04N Range 39E JEFFERSON County

SNAKE RIVER SWNWSE Sec. 10 Township 04N Range 39E JEFFERSON County

Place(s) of use: Large POU Info

Conditions of Approval:

The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.

1. 179 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. Section 42-1412(6), Idaho Code.

2. C18 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

3. 135 4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

5. 129 Place of use is within the area served by Long Island Irrigation Company.

6. F01 Water is delivered through West Labelle & Long Island Canal and White Ditch.

7. Water is delivered from the Dry Bed.

8. This right will be reduced by 2 acres for the mitigation associated with right 1-10406.

WATER RIGHT NO. 1-10439

Owner Type **Name and Address**
 Current Owner LONG ISLAND IRRIGATION CO
 C/O ORA LEE BENNETT
 729 N 3800 E
 RIGBY, ID 83442
 (208)745-6147

Priority Date: 06/01/1884

Basis: Decreed

Status: Active

Source **Tributary**
 SNAKE RIVER COLUMBIA RIVER

Beneficial Use From To Diversion Rate Volume
 IRRIGATION 04/01 10/31 16.8 CFS
 Total Diversion 16.8 CFS

Location of Point(s) of Diversion:

SNAKE RIVER SWSWSE Sec. 05 Township 04N Range 39E JEFFERSON County

SNAKE RIVER SWNWSE Sec. 10 Township 04N Range 39E JEFFERSON County

IRRIGATION Use: Acre Limit: 1015

Place(s) of use: Large POU Info

Conditions of Approval:

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1. C18 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. Section 42-1412(6), Idaho Code.
 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data
 2. 135 comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
 3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
 4. 129 Place of use is within the area served by Long Island Irrigation Company.
 5. F01 Water is delivered through West Labelle & Long Island Canal and White Ditch.
 6. E33 Water is delivered from the Dry Bed.
 7. K06 This right is limited to the irrigation of 1015 acres within the place of use described above in a single irrigation season.
 8. P29 This right is a combination of old Right Nos. 25-251B, 25-252A, 25-252B, 25-253, 25-254B, and 25-255.

Application for Transfer - POD

Long Island Irrigation Company

Long Island POD

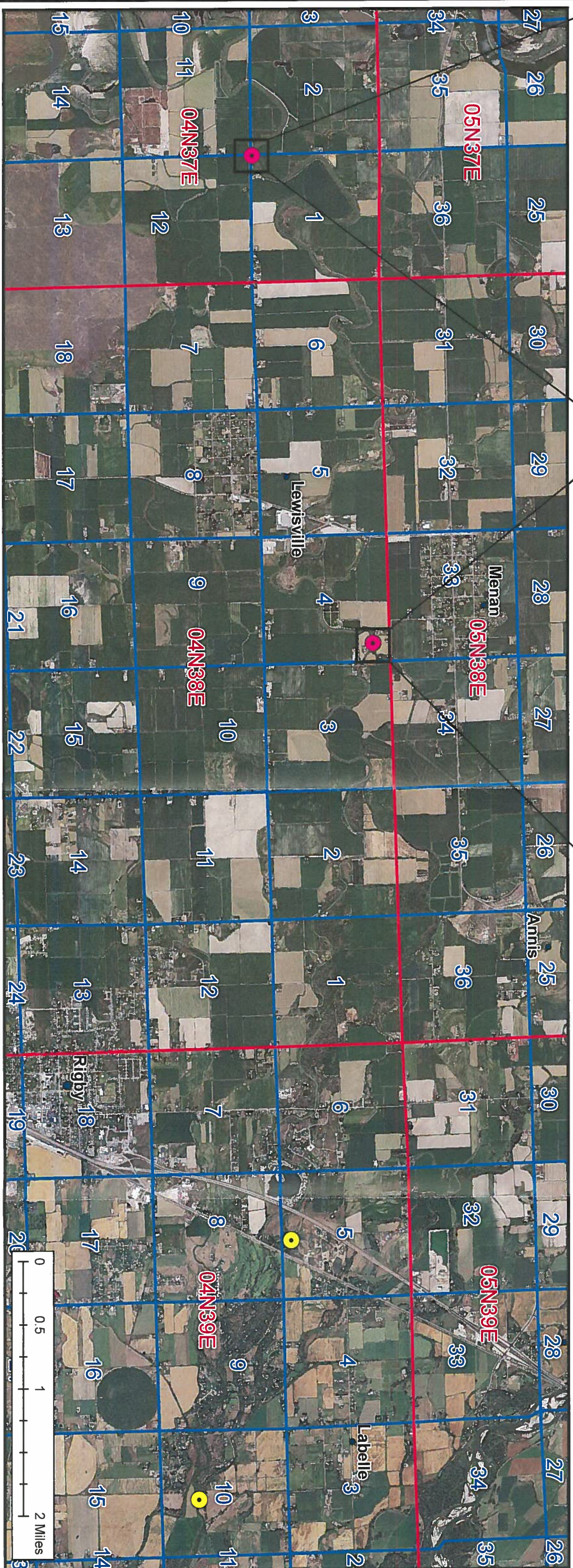
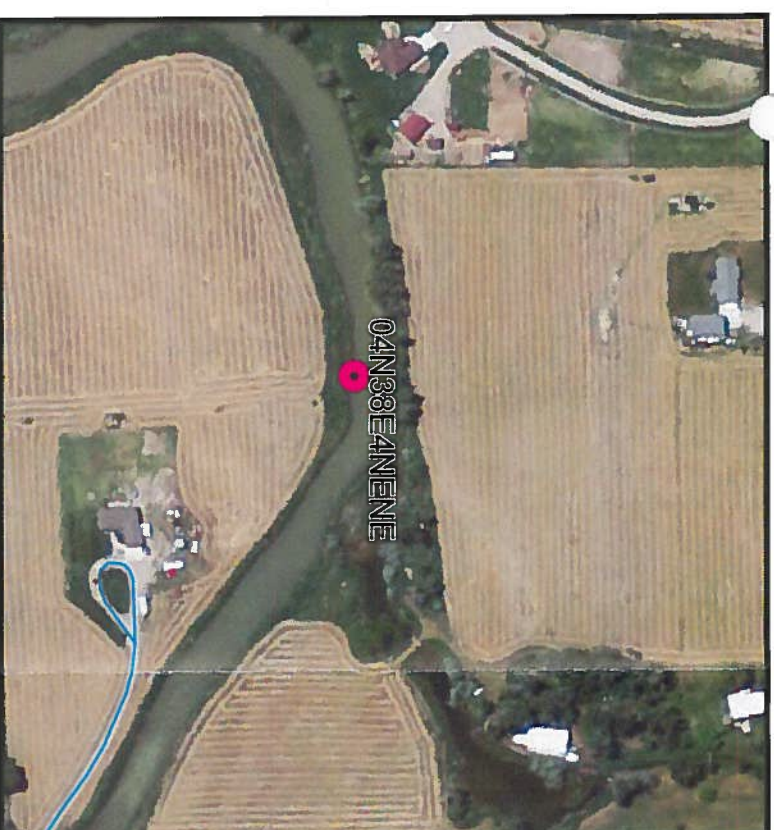
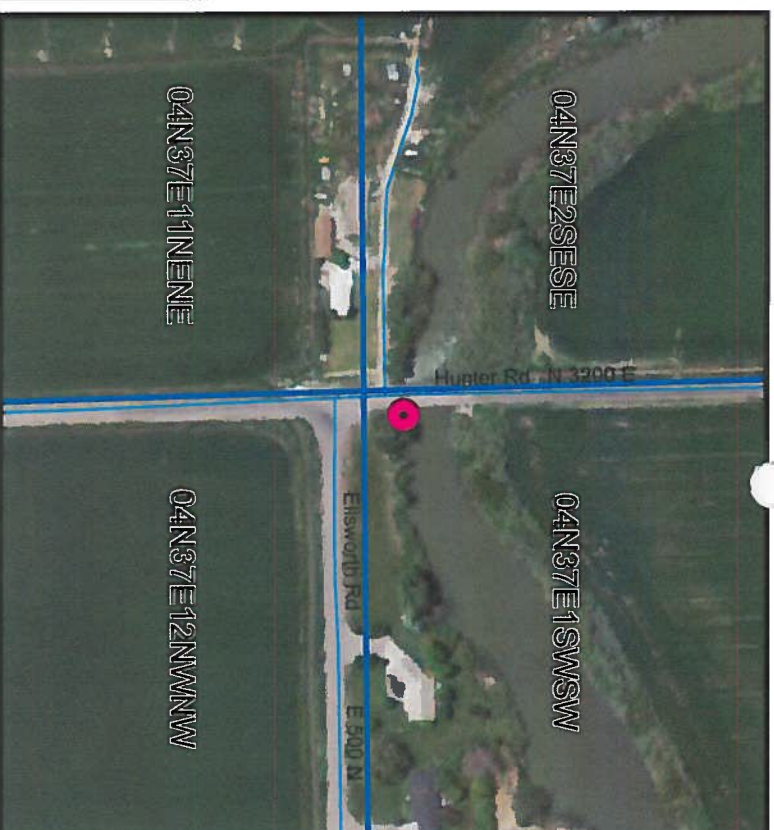
Existing

New

Township and Range

Section

2011 NAIP Photography



LONG ISLAND IRRIGATION COMPANY AND DARIN TAYLOR
PUMP AGREEMENT

THIS PUMP AGREEMENT (the "Agreement") is made and entered into as of the ____ day of June, 2013, by and between the **Darin Taylor**, whose address is 1998 Kingston Rd, Farmington, UT 84025 (hereinafter, "Taylor"), **Alan Zohner**, whose address is 73 N 3250 E, Rigby, ID 83442 (hereinafter, "Zohner"), and **Long Island Irrigation Company**, whose address is 729 N 3800 E, Rigby, ID 83442 (hereinafter, "Long Island"). Collectively, the above entities are hereinafter referred to as the "Parties."

RECITALS:

1. Taylor owns 48 shares of the Long Island Irrigation Company, which he uses to irrigate 8 acres located in the NENE of Section 4, Township 4 North, Range 38 East (hereinafter, the "Property").
2. The Property is surrounded on three sides by the Dry Bed of the Snake River.
3. Water has previously been delivered to the Property via a pump, located on a neighboring property. The water was diverted into a main line that crossed the neighbor's property, underneath the Dry Bed, and connected to the pressurized irrigation system on the Property.
4. The changes of ownership of surrounding properties resulted in Taylor no longer having access to the pre-existing pump.
5. Long Island diverts water for irrigation out of the Snake River, through the Dry Bed, and into its canal system for delivery. Select shareholders pump directly from the Dry Bed rather than using the canal system.
6. Zohner, who intends to purchase the Property, owns shares of Palisades Water Users.
7. The Parties have come to an agreement to make available the Long Island shares for irrigation of the Property from a new pump located directly in the Dry Bed adjacent to the Property.

AGREEMENTS:

NOW THEREFORE, in consideration of the mutual covenants and promises set forth below, the Parties agree as follows:

1. NEW PUMP AS POINT OF DIVERSION. Long Island agrees to allow a new pump to be installed on the Dry Bed as a point of diversion for delivery of the 48 shares

appurtenant to the Property. In exchange, Zohner's will donate 10 shares of Palisades storage water to Long Island.

2. APPLICATION FOR TRANSFER. Taylor shall cooperate with Long Island in pursuing an Application for Transfer to add the pump as a point of diversion to Long Island's water rights. The application will be a joint application between Taylor and another shareholder also proposing to add a pump to the Dry Bed as a point of diversion. Taylor shall be responsible for 50% of the preparation costs of the application. Filing fees to the Idaho Department of Water Resources shall be split proportionately to the amount of water allocated to each pump.
3. PUMP LOCATION. A new pump shall be installed directly on the Dry Bed along the Property wherever it will be most efficient for the irrigation system.
4. QUANTITY. Long Island shall only be accountable for the amount of water diverted from the pump up to the number of shares held by the owner of the Property, which is 48 shares, unless otherwise agreed upon by Long Island and Zohner. 28 Jan 13
D7
40.26
P.2.
7-2-2013
5. NOTIFICATION. Prior to each diversion from the pump, notification must be given to the Long Island Water Master identifying when the pump will be used.
6. PALISADES WATER USERS SHARES. Zohner shall transfer ownership of 10 shares of Palisades storage water to Long Island upon approval of the Application for Transfer mentioned above.
7. ENTIRE AGREEMENT. This Agreement sets forth the entire understanding of the Parties with respect to the matters set forth in this Agreement. It supersedes all prior oral or written agreements of the parties as to the matters set forth in this Agreement, and it cannot be altered or amended except by an instrument in writing, signed by the Parties.
8. REVOCABILITY. Parties may revoke this agreement by mutual consent, if use of storage water for mitigation hinders operations of either party, through an instrument in writing, signed by the Parties.
9. SUCCESSORS AND ASSIGNS. This Agreement shall be binding on the Parties and ~~their respective heirs, legal representatives, agents, successors-in-interest and assigns and~~ shall inure to the benefit of such persons.
10. COOPERATION. Each party agrees to cooperate with the other in preparing and filing the necessary documents, or taking other actions, to properly achieve the purposes of this Agreement.
11. HEADINGS. The headings in this Agreement are for reference only and do not limit or define the meaning of any provision of this Agreement.
12. NOTICES. Any notice given in connection with the Agreement must be in writing and must be given by personal delivery, overnight delivery, confirmed facsimile or United States certified or registered mail, addressed to the Parties at the following addresses:

TAYLOR: Darin Taylor
1998 Kingston Rd
Farmington, UT 84025

ZOHNER: Alan Zohner
73 N 3250 E
Rigby, ID 83442

LONG Long Island Irrigation District
ISLAND: 729 N 3800 E
Rigby, ID 83442

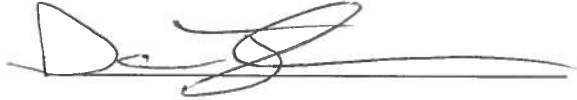
Notice is deemed to have been given on the date the notice is delivered by personal delivery or by confirmed facsimile or on the date the notice is deposited with an overnight delivery service or in the United States mail. Notice is deemed to have been received on the date the notice is actually received or delivery is refused.

13. WAIVER. The waiver by any party to this Agreement of any right granted to it under this Agreement is not a waiver of any other right granted under this Agreement, nor may any waiver be deemed to be a waiver of a subsequent right obtained by reason of the continuation of any matter previously waived.
14. COUNTERPARTS/FACSIMILE. This Agreement 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. This Agreement may be signed and delivered by facsimile (fax or email) which shall be effective as an original.
15. SEVERABILITY. If any provision of this Agreement or any portion of any provision of this Agreement is determined to be invalid, illegal or unenforceable, the invalidity, illegality or unenforceability may not alter the remaining portion of such provision, or any other provision of this Agreement, as each provision of this Agreement is deemed severable from all other provisions of this Agreement.
16. ATTORNEYS' FEES. If there is any litigation or other action taken by any party to enforce or interpret any provisions of or rights arising under this Agreement, the defaulting party shall pay to the other party all costs and expenses, including but not limited to reasonable attorney fees and costs, which the other party may incur in enforcing this Agreement or in pursuing any remedy allowed by law, whether such is incurred by the filing of suit or otherwise.

17. GOVERNING LAW. This Agreement is governed by, and construed and enforced in accordance with, the laws of the State of Idaho.

IN WITNESS WHEREOF, the Parties have each caused their names and seals to be appropriately affixed by duly authorized representatives the day and year first above written.

DARIN TAYLOR



STATE OF Idaho)

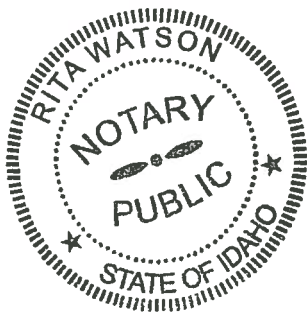
ss.

County of Bonnerville)

On this 25 day of June, 2013, before me, the undersigned, a notary public in and for said State, personally appeared Darin Taylor, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

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

(seal)



Notary Public for Idaho

Residing at: 11-3-16

My commission expires: Idaho Falls

ALAN ZOHNER

Alan Zohner
STATE OF Idaho).

ss.

County of Bonneville

On this 25th day of June, 2013, before me, the undersigned, a notary public in and for said State, personally appeared Alan Zohner, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

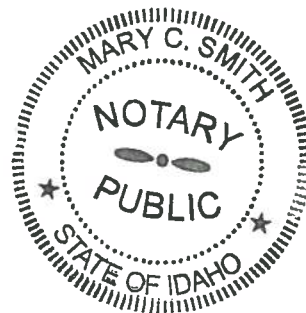
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Mary C. Smith

Notary Public for Idaho

(seal) Residing at: Idaho Falls

My commission expires: 5/28/2014 6 - PUMP AGREEMENT



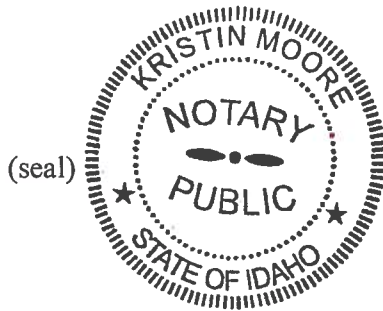
LONG ISLAND IRRIGATION COMPANY

Brent Thomas
By: _____
Its: President

STATE OF IDAHO)
)ss.
County of Jefferson)

On this 26 day of June, 2013, before me, the undersigned, a notary public in and for said State, personally appeared Brent Thomas, known or identified to me to be the President of Long Island Irrigation Company, who executed this instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

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



Kristin Moore
Notary Public for Idaho
Residing at: Rigby, ID
My commission expires: June 29, 2016