State of Idaho
Department of Water Resources

Water Right License

Water Right No. 25-14165

Priority: February 03, 2005

Maximum Diversion Rate: 1.04 CFS
Maximum Diversion Volume: 134.4 AF

It is hereby certified that:

ROCKY MOUNTAIN UTILITY CO
2 N LANDMARK LN STE 4
RIGBY ID 83442-5340

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 14, 2005, and has submitted Proof of Beneficial Use on April 10, 2020. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
COMMERCIAL	01/01 to 12/31	0.32 CFS	4.8 AF
DOMESTIC	01/01 to 12/31	0.72 CFS	129.6 AF

Location of Point(s) of Diversion

GROUND WATER SW¼ SE¼ SE¼, Sec. 36, Twp 04N, Rge 38E, B.M. JEFFERSON County
GROUND WATER SW¼ SE¼ SE¼, Sec. 36, Twp 04N, Rge 38E, B.M. JEFFERSON County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
04N	38E	36															X	

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
04N	38E	36															X	X

Conditions of Approval

1. Domestic use is for 108 homes.
2. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
4. Points of diversion are located within Lot 9, Blk. 4, Pepperwood Crossing Subdivision.
5. Domestic place of use is located within Lots 1-24, Blk. 1; Lots 1-8, Blk. 2; Lots 1-9, Blk. 3; Lots 1-8, 10-29, Blk. 4; Lot 1, Blk. 5; Lots 1-19, Blk. 6; Lots 1-10, Blk. 7; and Lots 1-9, Blk. 8; Pepperwood Crossing Subdivision.

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6. The right holder shall maintain control of 2.4 shares (12 inches) of water in the Harrison Canal Co. as mitigation for the irrigation occurring under this domestic use. Irrigation under this domestic use shall not occur if the 2.4 shares appurtenant to the place of use are sold, transferred, leased or used on any other place of use.
7. Commercial place of use is located within Lots 6, 7, 8A, and 8B Blk.1; Lots 1-4, Blk. 2; Lot 1-4, Blk. 3; County Line Commercial Park.
8. Commercial use is for 8 commercial lots.
9. The commercial use authorized under this right shall not exceed 0.04 cfs and 2,500 gallons per day per commercial use.
10. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
11. Prior to diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
12. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
13. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

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 21st day of July, 2023.

JAMES CEFALO
Eastern Regional Manager

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State of Idaho
Department of Water Resources

Water Right

25-14165



0 0.05 0.1 0.2 Miles

Commercial
Domestic
Townships
PLS Sections
Quarter Quarters
Point of Diversion

N

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 25-14165
Exam Date: 06/28/2023

1. Current Owner:
ROCKY MOUNTAIN UTILITY CO 2 N LANDMARK LN STE 4 RIGBY ID 83442-5340

2. Accompanied by: Ryan Loftus
Phone No: 208-339-1911
Address: 743 S. Capital Ave. Idaho Falls, ID 83402
Relationship to permit Holder: System operator

3. **SOURCE:**
GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

Water Right No.	Source	Purpose of Use	Basis

Comments:

2. Other water rights with the same point-of-diversion:

Water Right No.	Source	Purpose of Use	Basis
25-14497	Ground Water	Domestic	Permit
25-14512	Ground Water	Irrigation	Permit
25-14510	Ground Water	Mitigation By Non-Use	Decreed
25-14511	Ground Water	Mitigation by Non-Use	Decreed

Comments: These water rights are for the Pepperwood Crossing Subdivision # 3.

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
GROUND WATER SW¼ SE¼ SE¼, Sec. 36, Twp 04N, Rge 38E, B.M. JEFFERSON County
(Well # 1 N 43° 37' 41.63"; W 111° 55' 36.96")

GROUND WATER SW¼ SE¼ SE¼, Sec. 36, Twp 04N, Rge 38E, B.M. JEFFERSON County
(Well # 2 N 43° 37' 41.61"; W 111° 55' 35.46")

Method of Determination: GPS, aerial photography, and site visit.

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	38E	36															X		

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	
04N	38E	36															X	X	

Method of Determination: Aerial photography and site visit.

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3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components.
X Indicate weir size/pipe as applicable.

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be
X 1:24,000 or greater.

X Aerial Photo Attached (required for irrigation of 10+ acres).

X Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Well # 1		20			
Well # 2		50			

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Flow Meter (Installed)	Acoustic Doppler	Octave	3" AWWA C750	193016094	3"	
Flow Meter (Installed)	Propeller	McCrometer		06-07843-03	3"	
Flow meter	Portable Acoustic Doppler	Panametrics	Transport PT 878			April, 2023

2. Measurements:

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: Installed octave flow meter was used to determine flow rate from well #2. Observed flow rate was **0.85 cfs (382.2 gpm)**. Well # 2 was not running at capacity during field exam. Flow rate capacity of well # 2 is **1.11 cfs (500.0 gpm)**. See attached well test dated March 11, 2020.

IDWR Panametric PT 878 flow meter along with installed McCrometer flow meter was used to determine flow rate from well # 2. Observed flow rate was **0.65 cfs (290.4 gpm)**.

During field exam a calibration was conducted to determine accuracy of the McCrometer flow meter. Test was done at a lower flow rate. Accuracy of the McCrometer is roughly -4.0% compared to IDWR's Panametric PT 878.

Observed Flow rate from Well # 1 and Well # 2 is **1.50 cfs**.
Flow rate capacity of well # 1 and Well # 2 is **1.76 cfs**.

Domestic rate Calculation:

-108 homes (inhouse) = **0.48 cfs** -Based on residential flow rate chart.
-Domestic irrigation **= 0.24 cfs**- 12 inches of water that Rocky Mountain Utility Co. owns in the Harrison Canal Co.
-Canal shares are appurtenant to the 108.0 lots

Commercial = **0.32 cfs** – Based 0.04 cfs per commercial lot.

Recommended Rate = 1.04 cfs.

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F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) =

$V_{D.R}$ = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 =

V = Smaller of $V_{I.R}$ and $V_{D.R}$ =

2. Volume Calculations for Other Uses:

Domestic: 108 homes * 1.2 af = **129.6 af**

Commercial: 8 lots *0.6 af = **4.8 af**

Total: **134.4 af**

G. NARRATIVE/REMARKS/COMMENTS

Rocky Mountain Utilities water delivery system consists of two wells that divert water into a common main line which is then distributed to property owners located in Pepperwood Crossing Subdivision (domestic) and County Line Commercial Park (commercial). Two flow meters have been installed on water delivery system. 108 out of 249 lots for domestic and 8 lots for commercial have been developed under this water right. Lot sizes (domestic) range from 0.3 acres to 0.6 acres. No more than ½ acre of irrigation is occurring at any of the 108 lots. No irrigation occurring at the commercial lots.

The Pepperwood Crossing Subdivision was developed on farm ground that was irrigated with shares from the Harrison Canal. When permit 25-14165 was issued the developer's intention was to utilize his canal shares in the Harrison Canal Co. and install a surface water irrigation system so the subdivision lot owners could irrigate their yards. However, Harrison Canal Co. prohibited the developer from installing a pump station in the canal. Because surface water from the Harrison Canal has not been made available to the subdivision, irrigation of yards has been accomplished by using ground water from the two subdivision wells.

Currently there are 2.4 shares from the Harrison Canal Co. appurtenant to the subdivision. One share is equivalent to 5 inches (0.02 cfs). 12 inches has been considered an adequate supply for the irrigation of the 108 developed lots. The 2.4 shares will continue to be appurtenant to the subdivision.

Have conditions of permit approval been met? __X__ Yes ____ No

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
COMMERCIAL	01/01 to 12/31	0.32 CFS	4.8 AF
DOMESTIC	01/01 to 12/31	0.72 CFS	129.6 AF
	Totals:	1.04 CFS	134.4 AF

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above __X__ None

____ Change P.U. as reflected above ____ Add P.U. as reflected above __X__ None

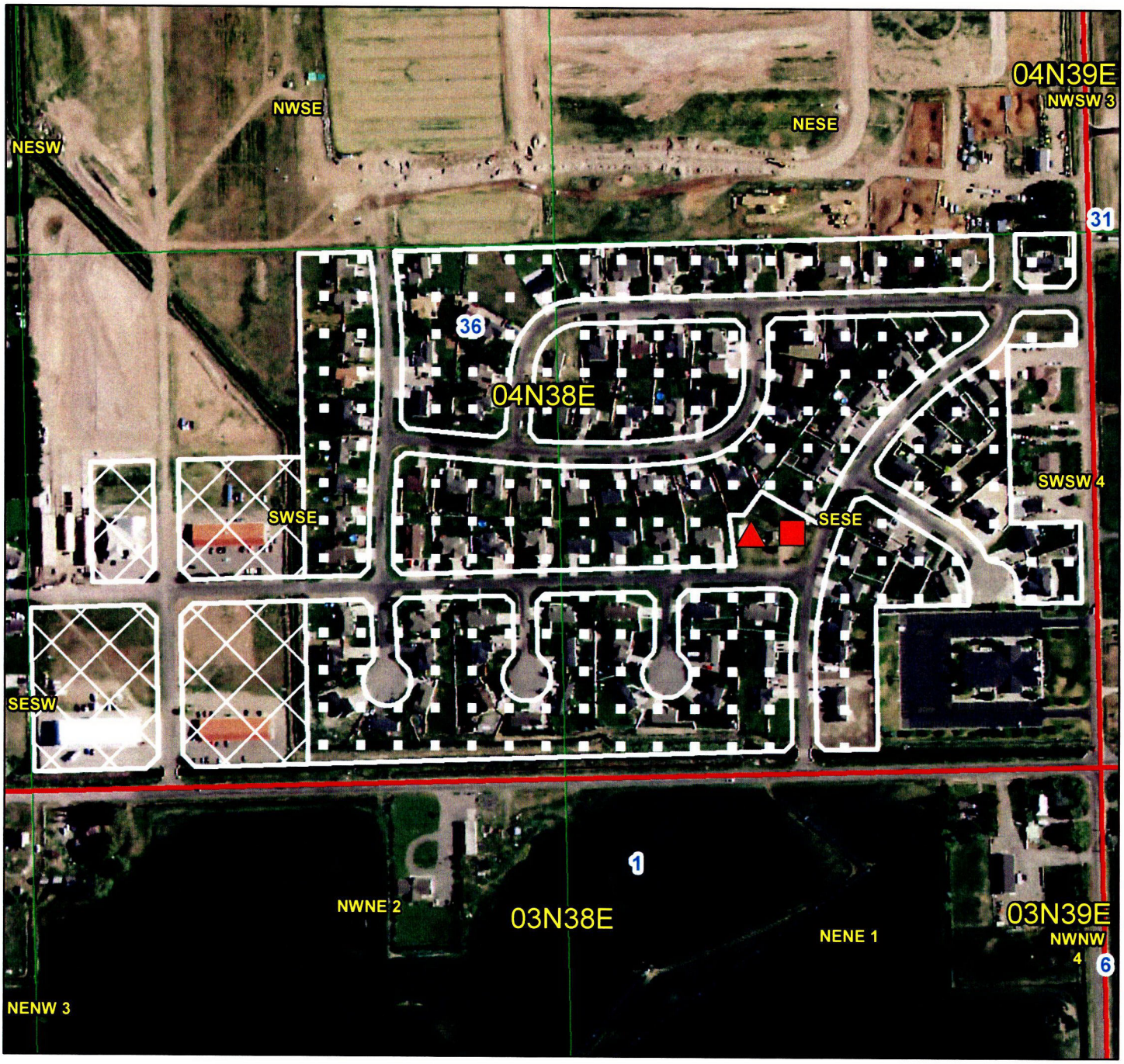
I. AUTHENTICATION

Field Examiner's Name: Blake Jordan Date: 06/8/2023

Reviewer James Cefalo Date 7/21/23

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- Well_#2
- Well_#1
- Domestic_Place_of_Use
- Commercial_Place_of_Use
- Township/Range
- Sections
- QQ

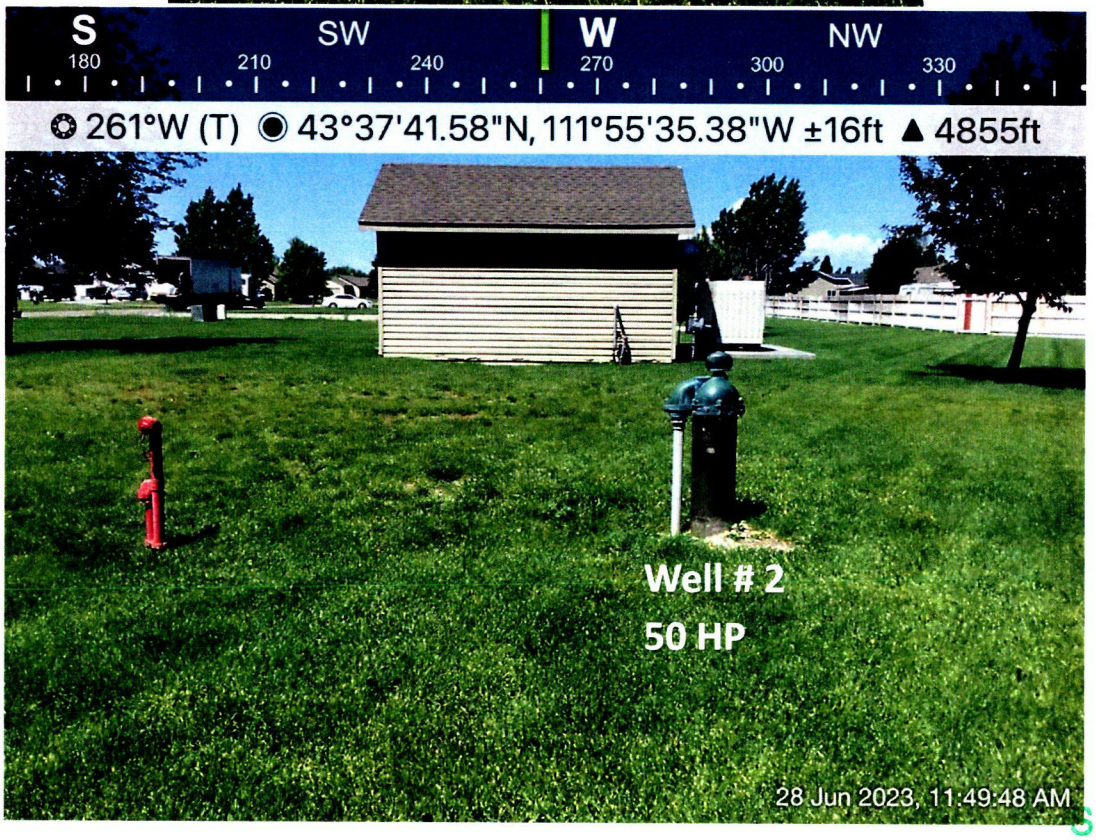
0 184.5 369 738 Feet

1 inch = 369 feet

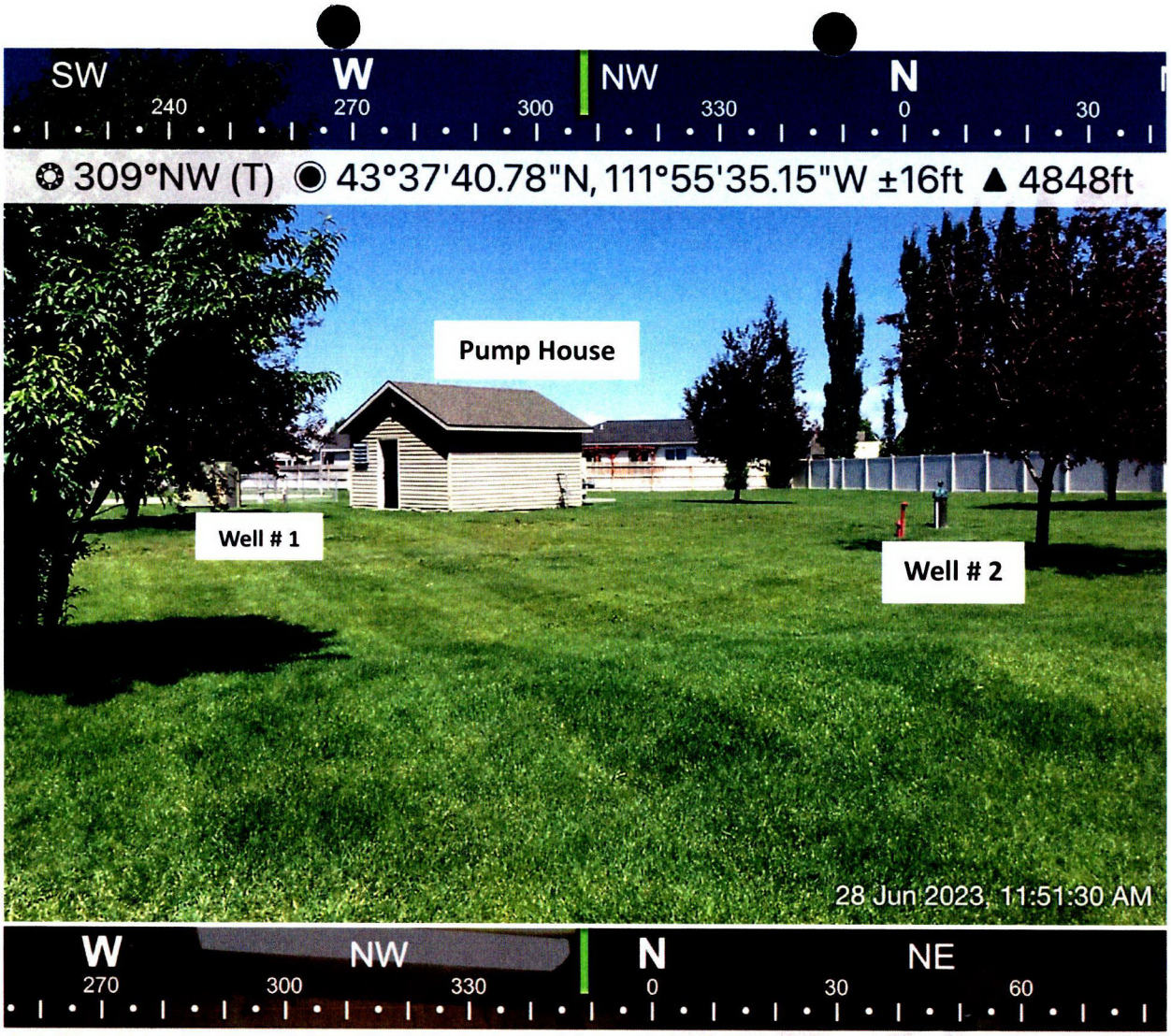
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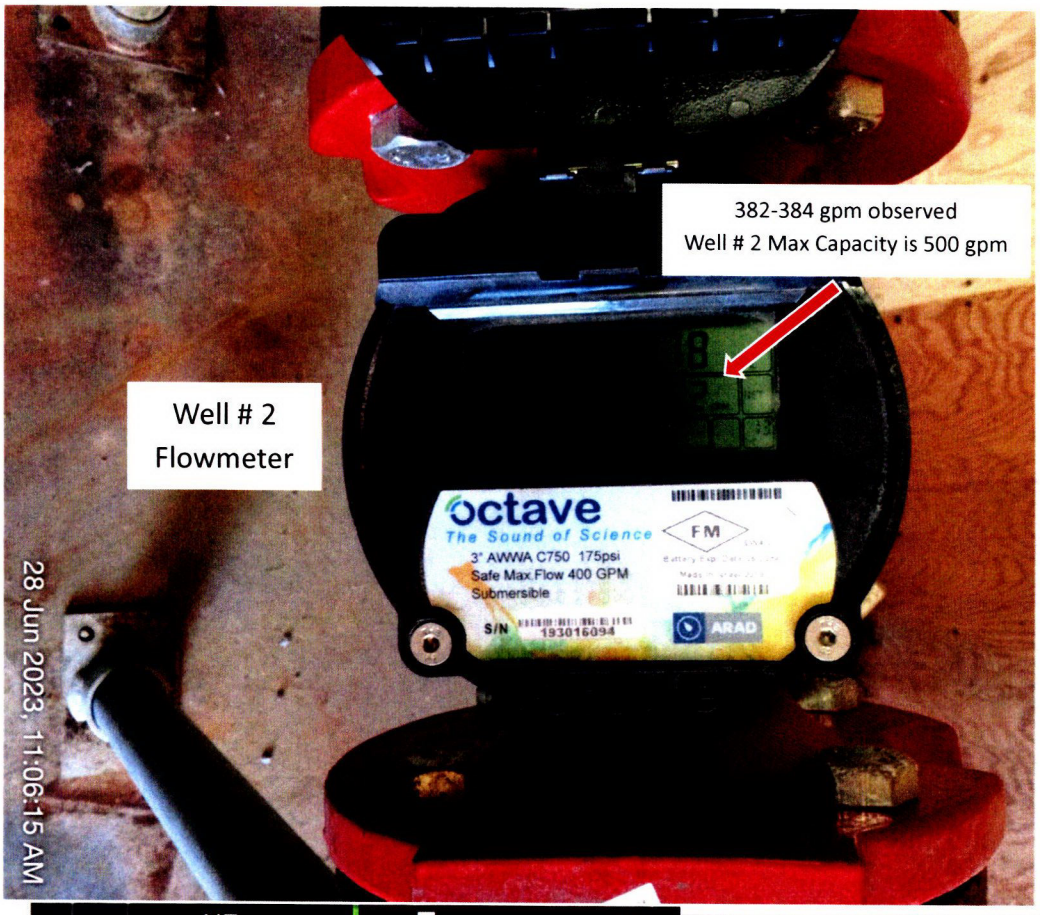


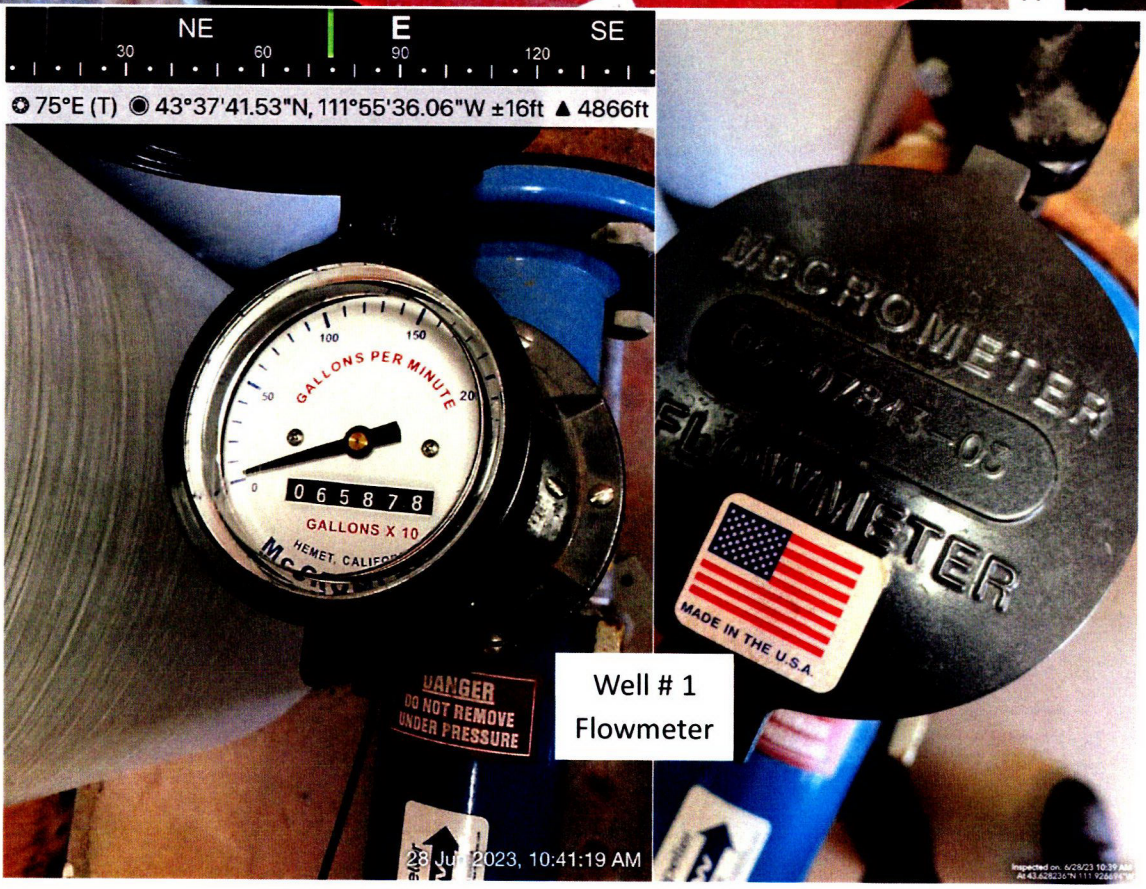


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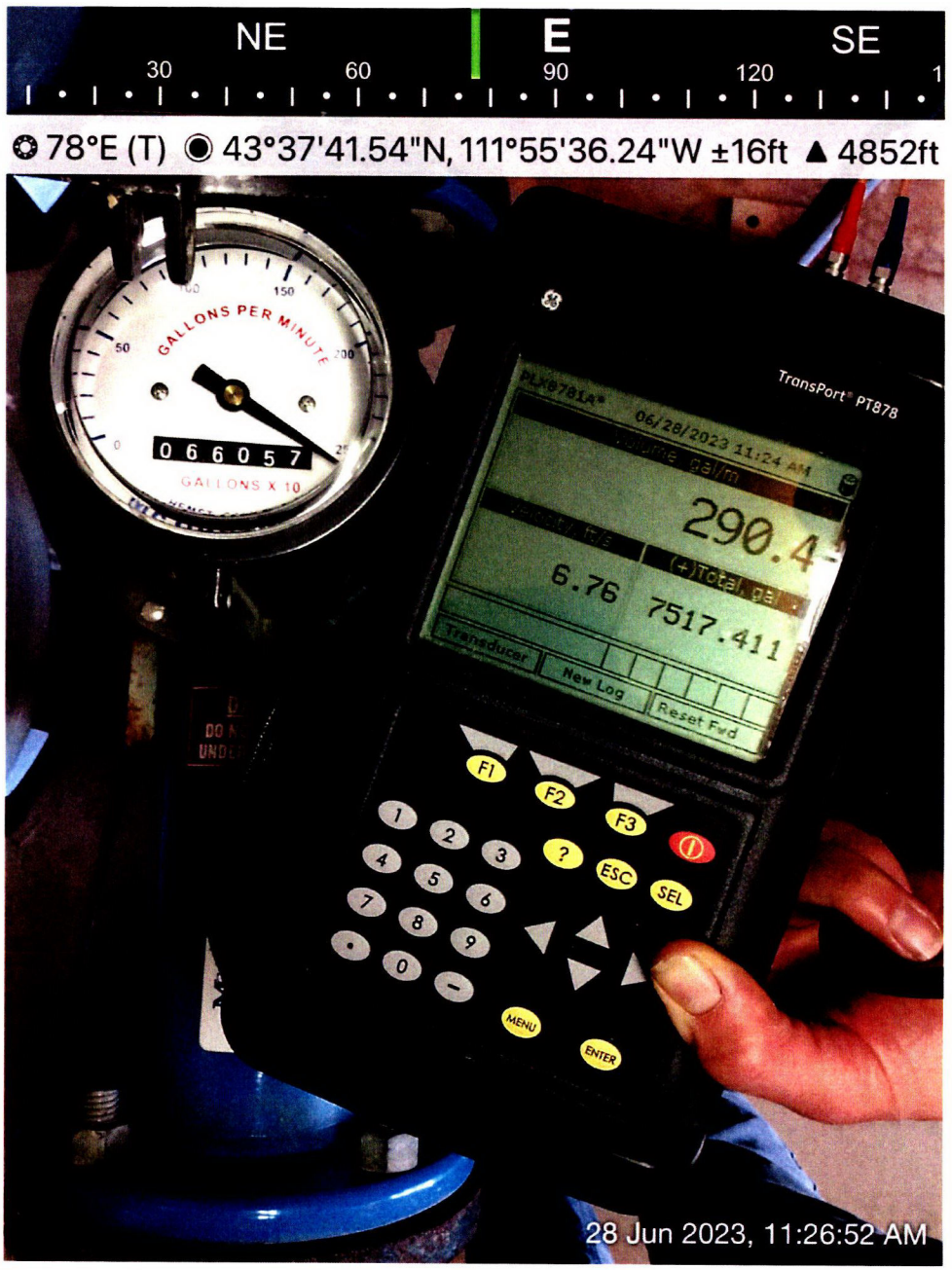
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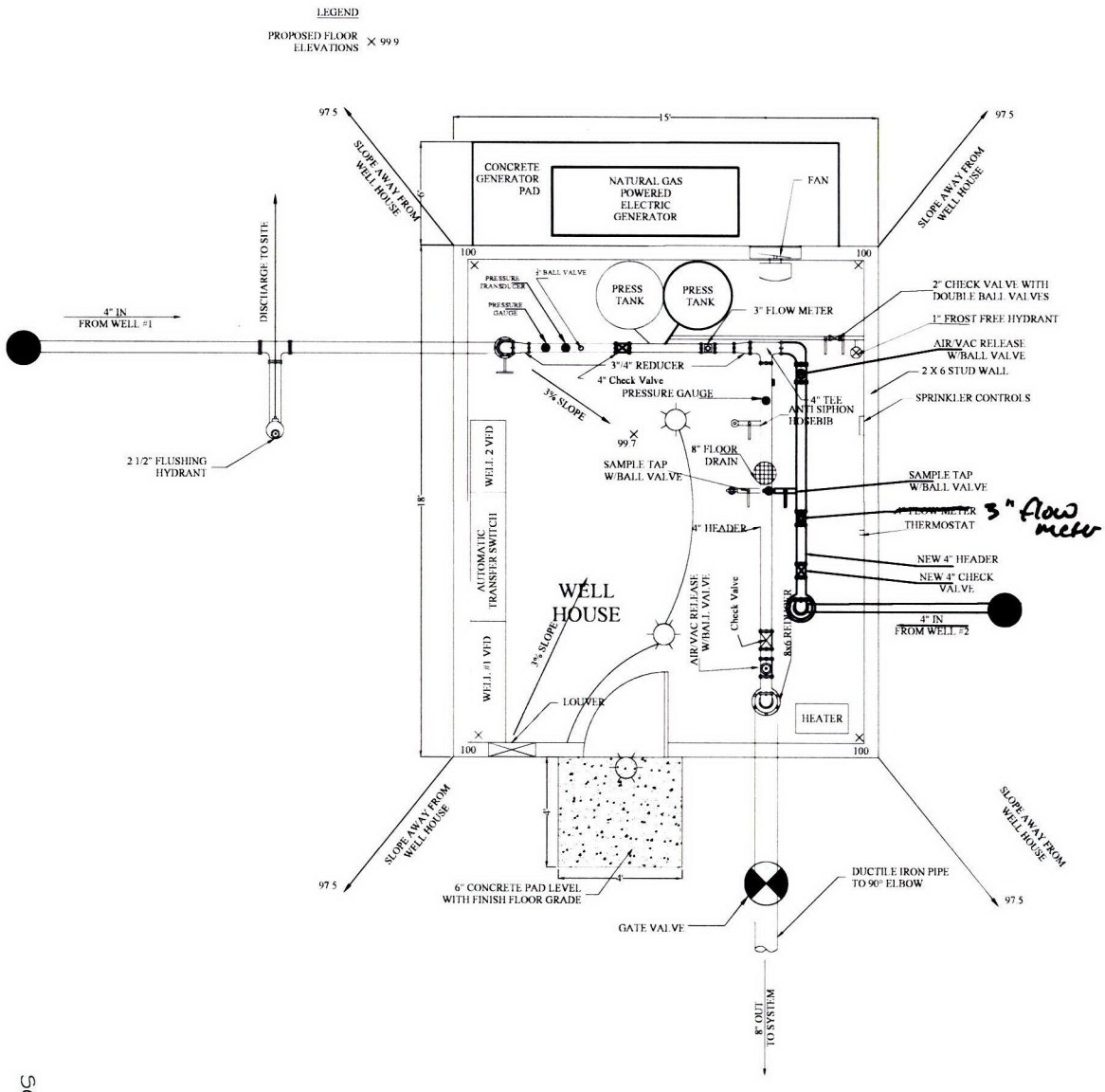


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Approximately 290 gpm observed. Well # 1



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SCALE 1" = 1'

AS-BUILT
11/23/21

PROFESSIONAL ENGINEER
J. RYAN LOFTUS
STATE OF IDAHO
11/23/21
8712

SHEET NO. 6 OF 7	JIM BERNARD PEPPERWOOD CROSSING DIV. 2 JEFFERSON COUNTY IDAHO WELLHOUSE DETAILS	Aspen Engineering, Inc. 10727 N. Yellowstone Hwy. Idaho Falls, Idaho 83401 Phone (208) 542-1911
JOB NO. 2015.009 DATE NOVEMBER 2021 DRAWN BY JRL CHECKED BY JRL		

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WELL TEST

Customer: Pepperwood - Well 2
DATE: 11-Mar-20
STATIC WATER LEVEL: 93.7'
Flow Measurement: Greyline PTFM 1.0
Start Time: 5:30 PM

TIME	PUMPING LEVEL (ft)	GPM	WATER CONDITIONS
5:30 PM	94.8'	150	Sandy
5:35 PM	97.2'	250	Sandy
5:40 PM	100.2'	350	Sandy
5:45 PM	103.5'	450	Sandy
5:50 PM	105.8'	500	Sandy
6:00 PM	105.9'	500	Sandy
6:05 PM	107.7'	540	Sandy
6:10 PM	106'	500	Sandy
6:20 PM	106'	500	Sandy
6:50 PM	106'	500	Sandy
9:20 PM	106'	500	Clearing up
1:20 AM	106'	500	Clearing up
2:30 AM	106'	500	Clearing up
5:30 AM	106.1'	500	Cleaner
6:05 AM	106.1	500	Cleaner
			Recovers in less than 5 seconds

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WELL TEST LOG

Customer: Pepperwood
DATE: 3/11/2020 - 3/13/2020
STATIC WATER LEVEL: 93.7
Flow Measurement: Greyline PTFM 1.0
Start Time:

Sand Test
SAND TESTER: Roscoe Moss Rossum

START TIME	FLOW THROUGH ROSSUM	END TIME	ml OF SAND
3/11/2020			
6:50 PM	0.5 GPM	6:55 PM	2.9
9:20 PM	0.5 GPM	9:25 PM	1.5
3/12/2020			
1:30 AM	0.5 GPM	1:35 AM	0.6
2:30 AM	0.5 GPM	2:35 AM	0.5
5:55 AM	0.5 GPM	6:05 AM	1.1
6:15 AM	0.5 GPM	6:20 AM	4.8 (turned off, then back on)
6:25 AM	0.5 GPM	6:30 AM	1.7
1:00 PM	0.5 GPM	1:05 PM	0.55
5:15 PM	0.5 GPM	5:20 PM	0.26
5:25 PM	0.5 GPM	5:30 PM	1.9 (Turned off, then back on)
5:55 PM	0.5 GPM	6:00 PM	1.2
3/13/2020	0.5 GPM		
8:25 AM	0.5 GPM	8:30 AM	0.1
5:20 PM	0.5 GPM	5:30 PM	0.06
			SAND TESTS were performed
			@ 500 GPM

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Water Notes:

1. The Water System shall be constructed to conform with the Standards set forth in the "Idaho Regulations for Public Drinking Water Systems" and the Idaho Standards for Public Works Construction (ISPWC)

2. The Pipe shall be installed in a workmanlike manner by persons qualified to perform said work and shall be in conformance with the manufacturer's recommendations as approved by the Engineer. Water Distribution Mains shall be constructed with C900 PVC Pipe.

3. All Water Services shall be 1" type SDR 35 " Polyethylene and have a minimum cover of 5 feet. Cap lines 10' inside of Property Lines after installation of the Water Mains. The trenches shall be compacted to 95% of maximum density to prevent further settlement. All Mains shall be leak tested, disinfected, flushed and bacteria tested before connected to the Municipal System.

4. Where it is necessary for Sewer, Storm Drain or Irrigation and Water to cross each other see Detail 1 on Page 16.

5. All Tees, Plugs, Caps and Bends, and at other locations where unbalanced forces exist, shall be secured and anchored by Concrete Thrust Blocks as shown on ISPWC Standard Drawings.

6. Thompson Engineering Inc. will provide one (1) set of Construction Stakes for each of the following items: Water Main Lines and Fire Hydrants.

7. Contractor to Field Verify all Valve Box Lid elevations to assure that said Lid elevations match Final Street Grade.

8. The Paving Contractor shall be responsible for constructing Concrete Collars and final adjustments of Water Valves to Grade.

9. Pipes laid on Curve - The minimum Pipe Bending Deflection Radius is 190' for 8" C900 Water Pipe. Joint Deflection for 8" Pipe is not recommended, but if necessary shall be no more than 1° for each length of pipe.

10. The developer will test the compaction of the Water Pipeline Bedding in accordance with the ISPWC Construction Inspection Policy. Testing will be done by an outside testing laboratory. The cost of this service shall be paid by the developer. However, if the test fails, the cost of the test and any retesting shall be paid by the Water Contractor. The Contractor shall coordinate with the Developer's Engineer and Testing Laboratory to schedule the tests, his back filling, and Pipe laying operation.

11. The Developer's Engineer shall be present during all testing of the Water Line.

12. The Horizontal Separation of the Water and Sanitary Sewer or Storm Drain shall be a minimum of ten (10) feet.

13. The Water Line construction shall conform to the Dept. of Public Health and Welfare Regulations of Public Drinking Water Systems and Disinfection Specifications.

14. Water Lines shall not exceed 8' in depth from finished grade.

15. At all times, when laying Pipe in not in progress, open ends of the Pipe shall be closed by a Watertight Plug or other approved means. At the close of the day's work, or whenever workmen are absent from the job, the end of the last laid section shall be plugged, capped, or tightly closed to prevent entry of foreign material.

General Notes:

1. Idaho Standards for Public Works Construction Specifications and Drawings (Latest Edition) will be used for this Project.
2. Contact DIGLINE before any digging or trenching commences at 1-800-342-1585.
3. All surplus excavation shall be placed on adjacent lots as directed by the Developer's Engineer.
4. The contractor shall locate, retain and protect all existing utilities.
5. All Material and Workmanship Testing Results shall be Delivered to the Developer's Engineering for Approval.

Sewer Notes:

1. Prior to construction, it shall be the responsibility of the Contractor to inform all the Utility Companies of the Construction Schedule.

2. All existing utility locations and depths are approximate and shall be verified by the Contractor.

3. Manhole RING ELEV. = elevations as shown on the Construction Drawings are approximate. The Manhole Frames and covers shall be constructed in accordance with the Idaho Standards for Public Works Construction specifications. RING ELEV. = elevations shall be determined by the Engineer in the field during construction.

4. The Contractor shall repair any existing paved streets disturbed during construction.

5. Retain and protect all Irrigation and Drainage Crossings. The Contractor shall coordinate with the Owner and the Idaho Canal Company for the inspection of the exposed Irrigation and or Drainage Pipe Crossings. If existing pipes are damaged, the affected Pipe will be replaced by the Contractor.

6. The Developer's Engineer shall be present during all testing of the Sewer Construction.

7. Retain and protect all existing Curb, Gutter and Sidewalk. If removal is necessary, replacement shall be incidental to project.

8. The following type and class of Pipe will be permitted: Gravity Pipe shall conform to ASTM D-3034, PVC, SDR 35, or other Pipe approved in the latest edition of the Idaho Standard for Public Works Construction specifications.

9. All work shall be constructed to the latest edition of the Idaho Standard for Public Works Construction specifications.

10. Sanitary Sewer Manhole Cones shall be set a maximum of one (1) foot below specified Ring Elevations by Sewer Contractor. All remaining Manhole Materials, other than Collars necessary to construct Manhole to finished grade, shall be furnished by the Sewer Contractor for placement at finished grade by the Street Paving Contractor. All Materials for Concrete around Manhole Rings shall be supplied and constructed to finished grade by Street Contractor. The Owner's Engineer shall be contacted 24 hours prior to placing Concrete Collars.

11. The Trench Back fill above the Pipe Zone will be inspected by the Owner's Engineer in accordance with latest edition of the Idaho Standards for Public Works Construction specifications.

12. Where PVC is utilized, a Rubber Ring or approved equivalent is to be installed where the Pipe is in contact with Manhole Base and or Manhole Channel in order to insure a Watertight Seal.

13. Where it is necessary for Sewer and Water to cross each other and the Sewer Line is above or less than 18 inches below the Water Main, the Sewer Line Crossing shall be Cement Lined Cast Iron Pipe with Watertight Joints or equal construction, for a distance of 10 feet on both sides of the Water Line. One full length of Water Main and Sewer Line shall be centered over the Crossing Point so that all joints will be as far from the Crossing as possible. In lieu of constructing or reconstructing the Sewer to conform with Water Main Standards, the Water Line or Sewer Line or both may be encased in four (4) inches of concrete measured at the bell.

14. Where the Sewer Main depth will allow, all Sewer Service Lines shall be constructed to a depth of 8' at Property Line. The Contractor shall use 4" diameter PVC pipe or approved equivalent for all Sewer Service Lines. All Sewer Service Lines shall be constructed at a minimum grade of 1%.

15. Sewer Service Line shall be 4" PVC and constructed to a point 10' inside the Front Lot Line as shown. Except where otherwise located, the Sewer Service Lines shall be constructed as shown on Plan.

16. The Horizontal Separation of the Water and Sewer Mains shall be a minimum of Ten (10) feet.

17. Contractor shall notify the Developer's Engineer 48 hours in advance of construction.

18. Water Level shall be maintained below the Trench Bottom during the Pipe Laying and Jointing operation. The dewatering method shall be discussed with the Engineer and approved prior to construction. Ditches and Storm Drain Facilities that are silted up due to the Contractor's dewatering shall be cleansed and restored to their original state.

19. Contractor shall locate and protect all underground utilities during construction.

20. The developer will test the compaction of the Sewer Pipeline Bedding in accordance with the Idaho Standard for Public Works Construction specifications. Testing will be done by an outside testing laboratory. The cost of this service shall be paid by the developer. However, if the test fails, the cost of the test and any retesting shall be paid by the Water Contractor. The Contractor shall coordinate with the Developer's Engineer and Testing Laboratory to schedule the tests, his back filling, and Pipe laying operation.

21. After all utilities are constructed and just prior to paving, the Contractor shall perform an Air Test on the Sewer System. Testing will be required on both the Sewer Lines and Sewer Manholes. The Developer's Engineer shall be present to witness the Test. The Contractor shall contact the Engineer 24 hours prior to testing.

22. Service and Main Piping shall be in accordance with ASTM 3034 and shall be SDR 35 or greater Plastic Pipe or approved equal.

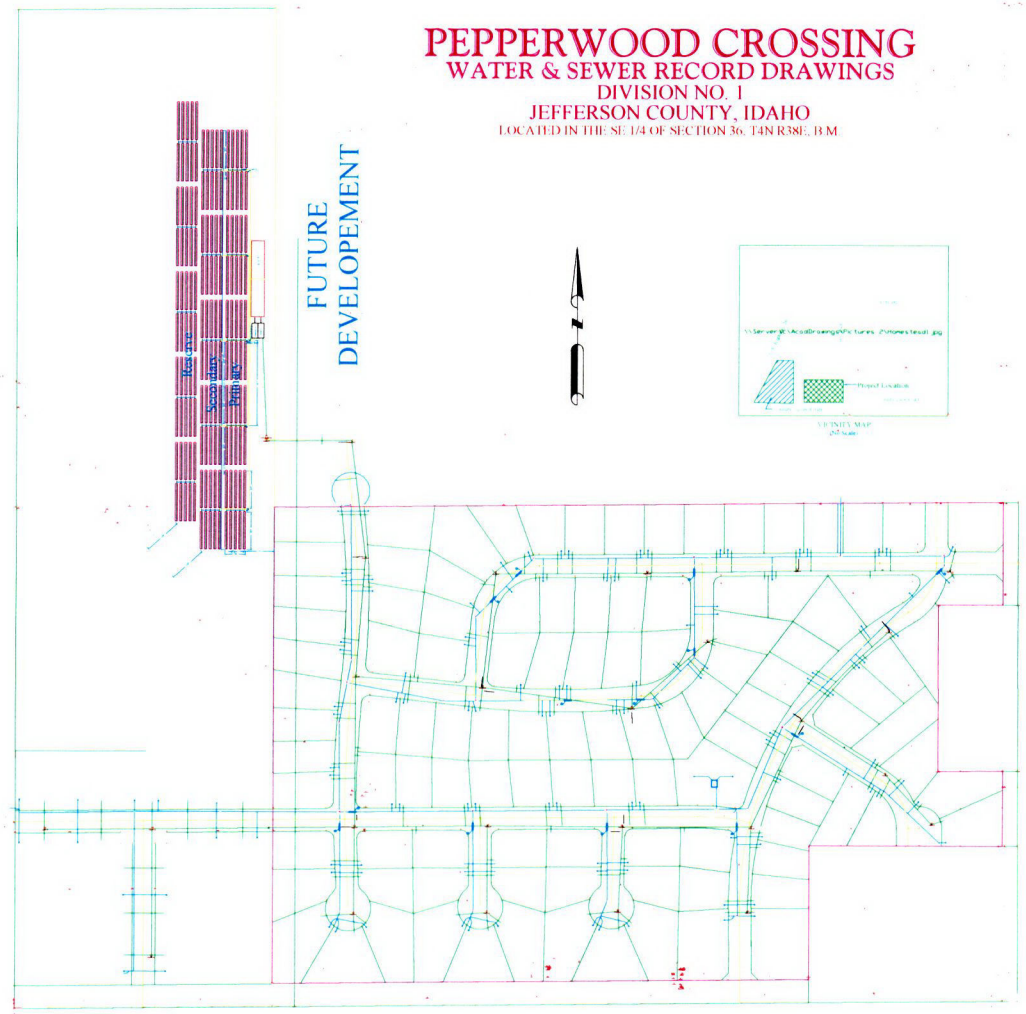
23. Service WYES shall be installed per the Idaho Standard for Public Works Construction specifications.

24. Back fill Compaction of Drop Manholes shall not be accepted without full time inspection by Developer's Engineer during Compaction Work.

25. At all times, when laying Pipe in not in progress, open ends of the Pipe shall be closed by a Watertight Plug or other approved means. At the close of the day's work, or whenever workmen are absent from the job, the end of the last laid section shall be plugged, capped, or tightly closed to prevent entry of foreign material.

26. All visible leaks shall be repaired - even if the leakage is below allowable limits.

27. The Developer's Engineer shall be present during all Testing of the Sewer Line & Manholes.



COVER SHEET

Drawn By: Timothy S. Garvin
Date: March 7, 2006

THOMPSON ENGINEERING INC.
218 Yamamoto Way
Rigby, ID 83442

\\Dan\My Documents\Marketing\thompson engineering logo small.JPG

RECEIVED
JUL 21 2023

NUMBER 3757

SHARES 2.4

HARRISON CANAL AND IRRIGATION COMPANY

This Certifies that Rocky mountain utility Co. Inc. is the owner of Two and 4/10 Shares of the Capital Stock of

Harrison Canal and Irrigation Company

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this 4th day of May A.D. 2022

NOTICE: Pursuant to the Bylaws this stock is (1) ASSESSABLE, and (2) its TRANSFER is RESTRICTED
A copy of the Bylaws will be provided upon request

PRESIDENT

Byron J. Keatley
SECRETARY

SHARES EACH

COPY -Jim-FYI

New

SCANNED JUL 21 2023

NUMBER 3156

SHARES 7/10

HARRISON CANAL AND IRRIGATION COMPANY

This Certifies that James Bernard is the owner of Seven and 7/10 Shares of the Capital Stock of Harrison Canal and Irrigation Company

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this 26 day of November A.D. 1965

NOTICE: Pursuant to the Bylaws this stock is (1) ASSESSABLE, and (2) its TRANSFER is RESTRICTED. A copy of the Bylaws will be provided upon request

Ivy P. Rowe — PRESIDENT

Karl J. Rowe — SECRETARY

SHARES [redacted] PAR $1.00

© GOES 5133

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 21, 2023

ROCKY MOUNTAIN UTILITY CO
2 N LANDMARK LN STE 4
RIGBY ID 83442-5340

RE: License No. 25-14165

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. 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) 497-3784.

Sincerely,

James Cefalo
Eastern Regional Manager

Enclosure(s)

SCANNED
JUL 21 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2023, I served a true and correct copy of Water Right License No. 25-14165 by U.S. Mail, postage prepaid, to the following:

ROCKY MOUNTAIN UTILITY CO
2 N LANDMARK LN STE 4
RIGBY ID 83442-5340

HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

WATER DISTRICT #120
BLAKE JORDAN
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

Christina Henman
Administrative Asst. I

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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.

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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.

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JUL 21 2023

Jordan, Blake

From: Rob Harris <rharris@holdenlegal.com>
Sent: Wednesday, September 14, 2022 1:25 PM
To: Cefalo, James; Jordan, Blake
Subject: WR Permit No. 21-14165 Matter
Attachments: Harrison Water Certificate 2.4 Shares Reduced Size.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

James and Blake:

Attached is a share certificate for 2.4 shares issued by the Harrison Canal Company to Rocky Mountain Utility Co., Inc. We last met on this in April of 2022 to discuss the letter concerning 21-14165, and Harrison has gone ahead and issued this certificate. This certificate can be referenced in the licensing of WR 21-14165 in response to the unauthorized water use letter. Let me know if you need any other information or have questions, if or when you anticipate issuing a license for 21-14165.

Thanks,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

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Rob Harris

From: Jim Bernard <silverck100@gmail.com>
Sent: Tuesday, April 12, 2022 4:09 PM
To: Rob Harris
Subject: Fwd: Purchase of water rights from Dan L. Hammon

---------- Forwarded message ---------
From: **Dan Hammon** <dhammon@dlevans.com>
Date: Tue, Apr 12, 2022 at 3:51 PM
Subject: Purchase of water rights from Dan L. Hammon
To: SilverCK100@gmail.com <SilverCK100@gmail.com>

As per our conversation today.

I have agreed to sell to Rocky Mountain Utility, LLC water stock certificate # 3673 for 2.4 shares which represents 12 inches of Harrison Canal and Irrigation Company water. The certificate was delivered to the canal company secretary Byron Wheatley at the annual meeting on March 30'th, 2022.

If any question give e a call on my cell. 208-339-4787.

Thank you.

Dan Hammon *Senior Vice President and Eastern Idaho Regional Credit Officer*

135 Farnsworth Way | Rigby, ID 83442

P.O Box 64

Tel (208) 745-8107 | Fax (208) 745-8394

dhammon@dlevans.com | www.dlevans.com

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