Form 42-1761-1 10/15

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DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT TO THE WATER SUPPLY BANK

Designated Applicant Arimo Corp
(Select one owner – see item 1A on the application)

Water Right No. 29-4411
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes ☑ No ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MIMUMUM REQUIREMENT CHECKLIST
All items must be checked as either *Attached* (Yes) or *Not Applicable* (N/A)

		Yes	
		☑	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.*
		☑	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
		☑	Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.
Attachment	**N/A**	**Yes**	
1A	☐	☑	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☐	☑	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☑	☐	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☐	☑	Description of a water right portion offered to the Water Supply Bank.
3	☐	☑	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☑	☐	Written consent from irrigation district or water delivery company.
4G	☑	☐	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount $ 500.00	Received By: KM	Date Received: 12.6.22	Receipt # C114808
W-9 received? Yes ☑ No ☐ (Route W-9 to Fiscal)		Name on W-9: SCANNED Arimo Corporation	

AUG 10 2023

2518

Withdrawn

COPY

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Arimo Corp

Mailing Address PO Box 540478 (Street) North Salt Lake (City) UT (State) 84054 (Zip Code)

Email Address _____ Phone Number _____

☑ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☑
If no, complete the form and attach to this application (Attachment 1B).

C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☑ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☑ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Luke H. Marchant Organization Holden, Kidwell, Hahn & Crapo

Professional Title Attorney Email Address lmarchant@holdenlegal.com

Mailing Address PO Box 50130, Idaho Falls, ID 83405 Phone Number (208) 523-0620

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☑ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☐ The full water right is being offered to the Bank.

OR

☑ A part of the water right is being offered to the Bank.
If a portion of the water right is being offered, **complete Attachment 2**.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☑
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

B. Please provide a description of the current water diversion and delivery system.
Diversion structures in House Creek divert water into private ditches.

C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. Water Right No. 29-4424 is stacked with this water right and will also be leased to the Water Supply Bank as part of this lease/rental package. The place of use is also within the service area of the Portneuf Irrigating Company.

D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☑ No ☐
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of $500.

E. Will the present place of use continue to receive water from any other source? Yes ☑ No ☐
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. If there is an adequate supply of water, it is possible that the place of use could receive water from the Portneuf Irrigating Company.

F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The full authorized rates have been diverted.

G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☑
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed.

H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
Yes ☑ No ☐
If yes, describe.
An Application for Transfer has been filed to change 0.02 cfs of the stockwater portion of this water right. If approved, that Application will reduce the authorized irrigation diversion rate from 0.94 cfs to 0.92 cfs.

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☑?

If lease, specify the years when the use of water will be suspended: 2023 (Year) to 2027 (Year) (maximum lease period 5 calendar years).

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

N/A

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Luke H. Marchant	Luke H. Marchant, Attorney	November 21, 2022
Signature of Designated Applicant	Printed Name	Date
ARIMO CORPORATION By: Christopher F. Robinson, Pres	Christopher F. Robinson	01/18/2023
Signature of Authorized Representative	Printed Name	Date

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

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ATTACHMENT 1B
IRS Form W-9

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ATTACHMENT 2
Portion of Water Right Offered to WSB

AUG 10 2023

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

Complete Attachment 2 if only a portion of the water right is offered to the Bank.

ATTACHMENT 2

DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK

1. Water Right Number	Nature of Use	Leased Rate (cfs)	Leased Volume (af)	Leased Acres (ac)
29-4411	Irrigation	0.92		57.4
	Total Amounts:	0.92		57.4

2. Source of water House Creek tributary to Marsh Creek

3. Point(s) of diversion:

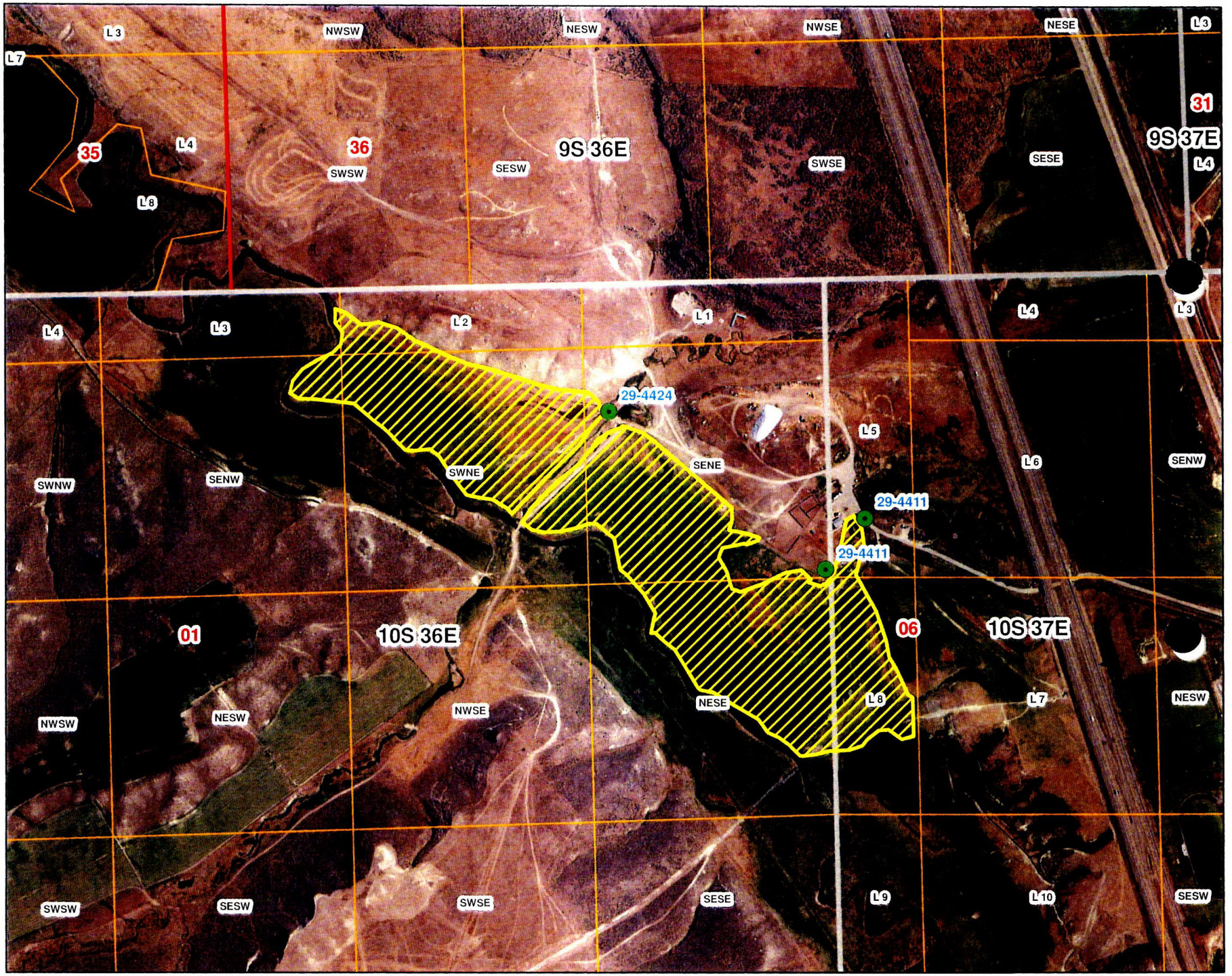
Twp	Rge	Sec	Lot	¼	¼	¼	County
10S	37E	6	5				Bannock
10S	37E	6	5				Bannock

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ATTACHMENT 3
GIS Maps

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WATER RIGHT NO. 29-4411 WSB LEASE



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AUG 10 2023

2021 NAIP Photo

Prepared by:
Luke H. Marchant
11/18/2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87027

This is to certify that: ARIMO CORP
PO BOX 540478
NORTH SALT LAKE CITY, UT 84054

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
29-4411	WR/DECREED	1/1/1880	0.940 cfs	N/A	47.0	57.4	UNNAMED STREAM

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
29-4411	YES	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
29-4411	29-14494	0.020 cfs	N/A	N/A	N/A	29-4411	0.920 cfs	N/A	47.0	57.4
COMBINED TOTALS		**0.020 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 12th day of December, 2022.

Regional Manager

SUPPORT DATA

Transfer No. 87027

IN FILE # 29-4411

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DEC 19 2022

WATER RIGHT NO. 29-4411

As Modified by Transfer No. 87027

In accordance with the approval of Transfer No. 87027, Water Right No. 29-4411 is now described as follows:

Right Holder: ARIMO CORP
C/O CHRISTOPHER F ROBINSON
925 W 100 N STE F
PO BOX 540478
NORTH SALT LAKE, UT 84054

ARIMO CORP
2547 S 2400 E
MALTA, ID 83342

Priority Date: 1/1/1880

Source: UNNAMED STREAM **Tributary:** MARSH CREEK

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	04/01	to	10/31	0.920 cfs
				0.920 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM	L5 (NWNW)	Sec 6	Twp 10S Rge 37E	BANNOCK County
UNNAMED STREAM	L5 (NWNW)	Sec 6	Twp 10S Rge 37E	BANNOCK County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S	36E	1		1.9	18.0	13.0				1.0					15.0				48.9
				L 2															
10S	37E	6						0.9				7.6							8.5
								L 5				L 8							

Right Acre Limit: 47.0
POU Total Acres: 57.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 47.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-4411 and 29-4424 when combined shall not exceed the irrigation of 57.4 acres.
3. Source is also known as House Creek.

Transfer No. 87027

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WATER RIGHT NO. 29-4411

As Modified by Transfer No. 87027

CONDITIONS OF APPROVAL

4. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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WATER RIGHT NO. 29-14494

As Modified by Transfer No. 87027

In accordance with the approval of Transfer No. 87027, Water Right No. 29-14494 is now described as follows:

Right Holder: ARIMO CORP
C/O CHRISTOPHER F ROBINSON
925 W 100 N STE F
PO BOX 540478
NORTH SALT LAKE, UT 84054

ARIMO CORP
2547 S 2400 E
MALTA, ID 83342

Priority Date: 1/1/1880

Source: SPRINGS **Tributary:** UNNAMED CREEK

BENEFICIAL USE	From		To	Diversion Rate
STOCKWATER	01/01	to	12/31	0.020 cfs
				0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRINGS	L4 (SWSWSW)	Sec 31 Twp 09S Rge 37E BANNOCK County
SPRINGS	L4 (SWSWSW)	Sec 31 Twp 09S Rge 37E BANNOCK County

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	36E	25									X			X	X	X	X		
09S	36E	34				X													
09S	36E	35	X	X							X		X		X				
															L 3				
09S	36E	36	X		X				X	X	X		X			X	X	X	
09S	37E	30									X	X	X	X					
												L 3	L 4						
09S	37E	31				X		X		X			X		X	X	X	X	
								L 1					L 4						
09S	37E	32												X	X	X			
10S	36E	1									X	X	X				X		
10S	36E	12	X					X		X		X	X			X			
10S	37E	5			X						X		X						
10S	37E	6				X	X										X	X	
							L 3												
10S	37E	7	X	X				X							X				
								L 2											
10S	37E	8						X		X									

Transfer No. 87027

SCANNED
DEC 19 2022

WATER RIGHT NO. 29-14494

As Modified by Transfer No. 87027

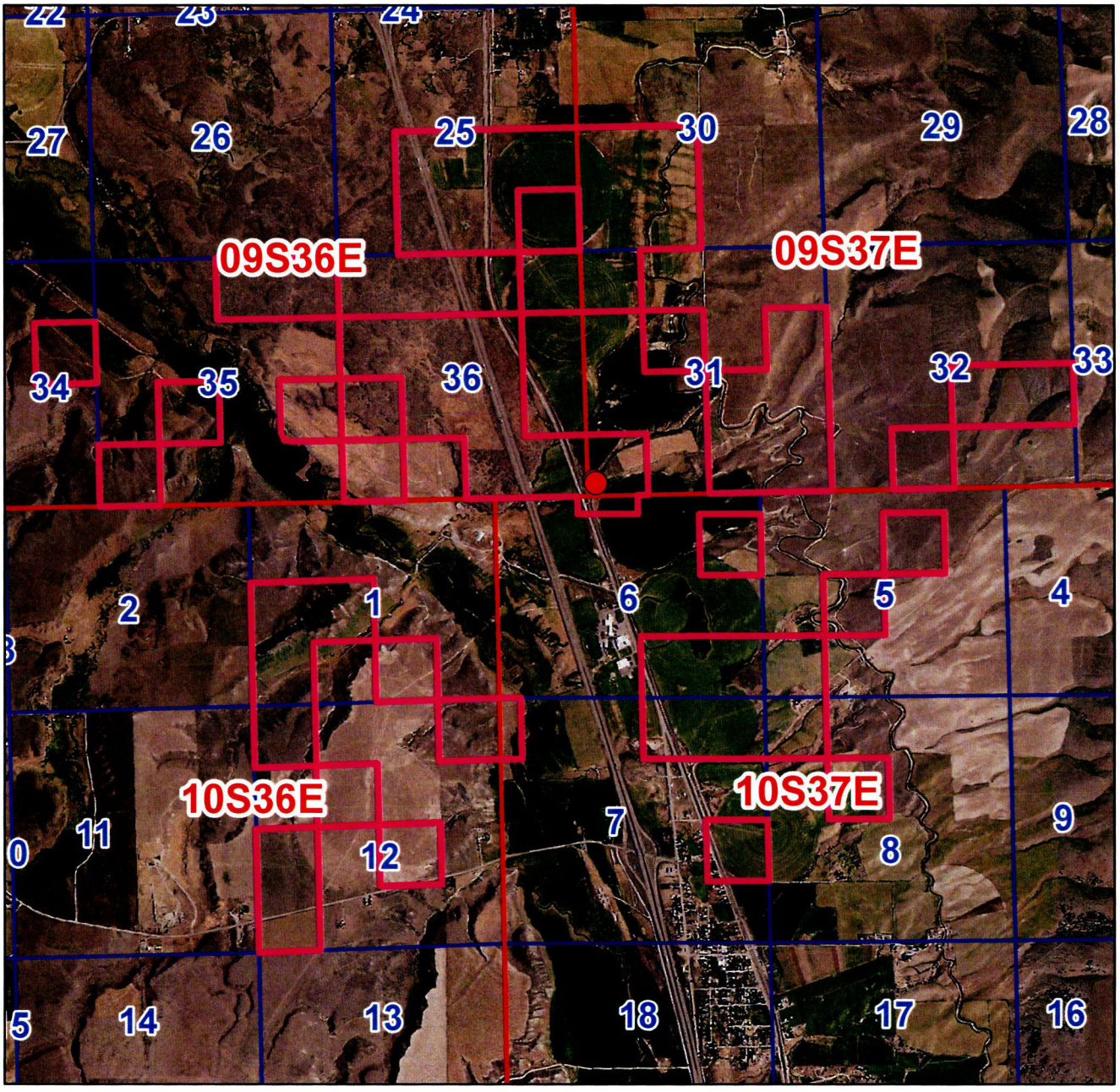
CONDITIONS OF APPROVAL

1. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. Water diverted under this right is exchanged with water from an Unnamed Stream, locally known as House Creek, by injecting water from House Creek into Marsh Creek, and diverting an equal amount from springs tributary to an Unnamed Stream, locally known as Cohn Creek, at the described points of diversion.
3. Diversion of water under this right is limited to the quantity of water available for diversion under the priority of this right at the original points of diversion from Unnamed Stream (locally known as House Creek) in T10S, R37E, Sec 06, L5(NWNW) or the quantity of water flowing from House Creek into Marsh Creek, whichever is less.
4. 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. 29H.
5. 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.
6. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
7. Stockwater use is for 1000 range cattle.
8. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
9. The right holder shall accomplish the change authorized by this exchange within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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Attachment to Transfer Approval 87027

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections

0 0.25 0.5 1 Miles

N
W E
S

Date: 12/12/2022

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DEC 19 2022

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Arimo Corp.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☑ * Completed Application for Transfer of Water Right form, Part1.
- ☑ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☑ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☑ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☑ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☑ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☑ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☑ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☑ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).** ** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☑ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☑ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☑ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at https://idwr.idaho.gov/water-rights/transfers/resources/.
- ☐ ☑ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☑ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☑ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☑ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☑ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☑ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☑ #10 Other. Please describe: _____

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Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Arimo Corp. Phone _____

Mailing address 925 W. 100 N., Ste. F, P.O. Box 540478, North Salt Lake, UT 84054 Email _____

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Luke H. Marchant Phone (208) 523-0620

Mailing address PO Box 50130, Idaho Falls, ID 83405 Email lmarchant@holdenlegal.com

☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☑ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☑ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
Robert Marchant	Luke H. Marchant, Attorney	September 21, 2022

A. PURPOSE OF TRANSFER

1. ☑ Change point of diversion ☐ Add diversion point(s) ☑ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
   If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part1A.3**.

This Application will change the point of diversion and place of use for a portion of Water Right No. 29-4411. Water that was previously diverted from the current source will be exchanged with water that will be diverted from from the new points of diversion. Both sources are tributary to Marsh Creek.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. All	Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐	☑	29-4411	0.02	Stockwater	01/01 to 12/31	House Creek/Marsh Creek
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 0.94 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
	4	SW	SW	SW	31	09S	37E	Bannock	Spring	
	4	SW	SW	SW	31	09S	37E	Bannock	Spring	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			SEE ATTACHED SHEET																
Total Acres (for irrigation use)																			

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PART 1.B.4
Description of Place of Use

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
09S	36E	25									S			S	S	S	S	
		34				S												
		35	S	S							S		S		S			
		36	S		S				S	S	S		S			S	S	S
09S	37E	30									S	S	S	S				
		31				S		S		S			S		S	S	S	S
		32												S	S	S		
10S	36E	1									S	S	S				S	
		12	S					S		S		S	S			S		
10S	37E	5			S						S		S					
		6				S	S										S	S
		7	S	S				S							S			
		8						S		S								

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. 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:
Two pump stations that divert water into a take that back feeds into the stockwater system.

b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

g. 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:

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Part 2A
Water Right Reports

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IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

9/9/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-4411

Owner Type	Name and Address
Current Owner	ARIMO CORP 2547 S 2400 E MALTA, ID 83342 2082513731
Current Owner	ARIMO CORP C/O CHRISTOPHER F ROBINSON 925 W 100 N STE F PO BOX 540478 NORTH SALT LAKE, UT 84054 8015994397
Representative	D LANE SCHUMANN 2547 S 2400 E MALTA, ID 83342 2082513731

Priority Date: 01/01/1880

Basis: Decreed

Status: Active

Source	Tributary
UNNAMED STREAM	MARSH CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.94 CFS	
STOCKWATER	01/01	12/31	0.07 CFS	
Total Diversion			0.94 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM | Lt 5 | Sec. 06 | Township 10S | Range 37E | BANNOCK County

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UNNAMED STREAM | Lt 5 | Sec. 06 | Township 10S | Range 37E | BANNOCK County

IRRIGATION Use:

Acre Limit: 47

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	36E	1	2	NWNE	1.9		SWNE	18		SENE	13			
				SENW	1									
				NESE	15									
	37E	6	5		0.9	6		7.6						

Total Acres: 57.4

Conditions of Approval:

1. B01 SOURCE IS ALSO KNOWN AS HOUSE CREEK.
2. E55 USE OF THIS RIGHT WITH RIGHT NO. 29-4424 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 57.4 ACRES IN A SINGLE IRRIGATION SEASON.
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 47.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. C18 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.
6. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

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State or Federal: S

Owner Name Connector:

Water District Number: 29H

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 57.4

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plantiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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NOV 02 2022

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 29-4411

1. amount 0.02cfs (cfs/ac-ft) for Stockwater purposes from 01/01 to 12/31
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) ______

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains_____ pages and_____ attachments.

Received by_____ Date_____ Preliminary check by_____ Date_____

Fee paid 200.00 Date 9-22-22 Receipted by M. Pettis Receipt # E048574

Add'l fee paid_____ Date_____ Receipted by_____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

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Attachment No. 4
Power of Attorney

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Attorney Roster Search

Type the last name or the beginning of the last name of the attorney you are trying to find. Use more letters to narrow your search. If you cannot find the attorney you are looking for, contact the Licensing Department at (208) 334-4500.

Current Status Definitions (https://isb.idaho.gov/licensing-mcle/membership-count-statuses/)

Search again

Results (as of **8/26/22**)

Luke Hyrum Marchant

Status	Active
Admittance Date	09/30/2008
Firm	Holden, Kidwell, Hahn & Crapo, PLLC
Mailing Address	PO Box 50130 Idaho Falls, ID 83405
Phone	(208) 523-0620
Phone Ext	
Fax	(208) 523-9518
Bar Email Address	lmarchant@holdenlegal.com
Website Address	www.holdenlegal.com
Court eService Email	efiling@holdenlegal.com

Need a correction?

Is something not correct? Please use the Address Change Form

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online Address Change Form or send an email to the Licensing Department. Please notify the Licensing Department if you find that another attorney's information is incorrect. Questions on attorney status and good standing should also be directed to the Licensing Department at (208) 334-4500.

Current Status Definitions

Disciplinary History

Contact the Bar Counsel's Office at (208) 334-4500 to request a disciplinary history on an attorney.

Former Members

Information on former members of the Idaho State Bar is limited to name, admission date and status. The online records include former members going back to approximately 1994. Records on former members from before 1994 are not available online. Please contact the Licensing Department for more information on former members.

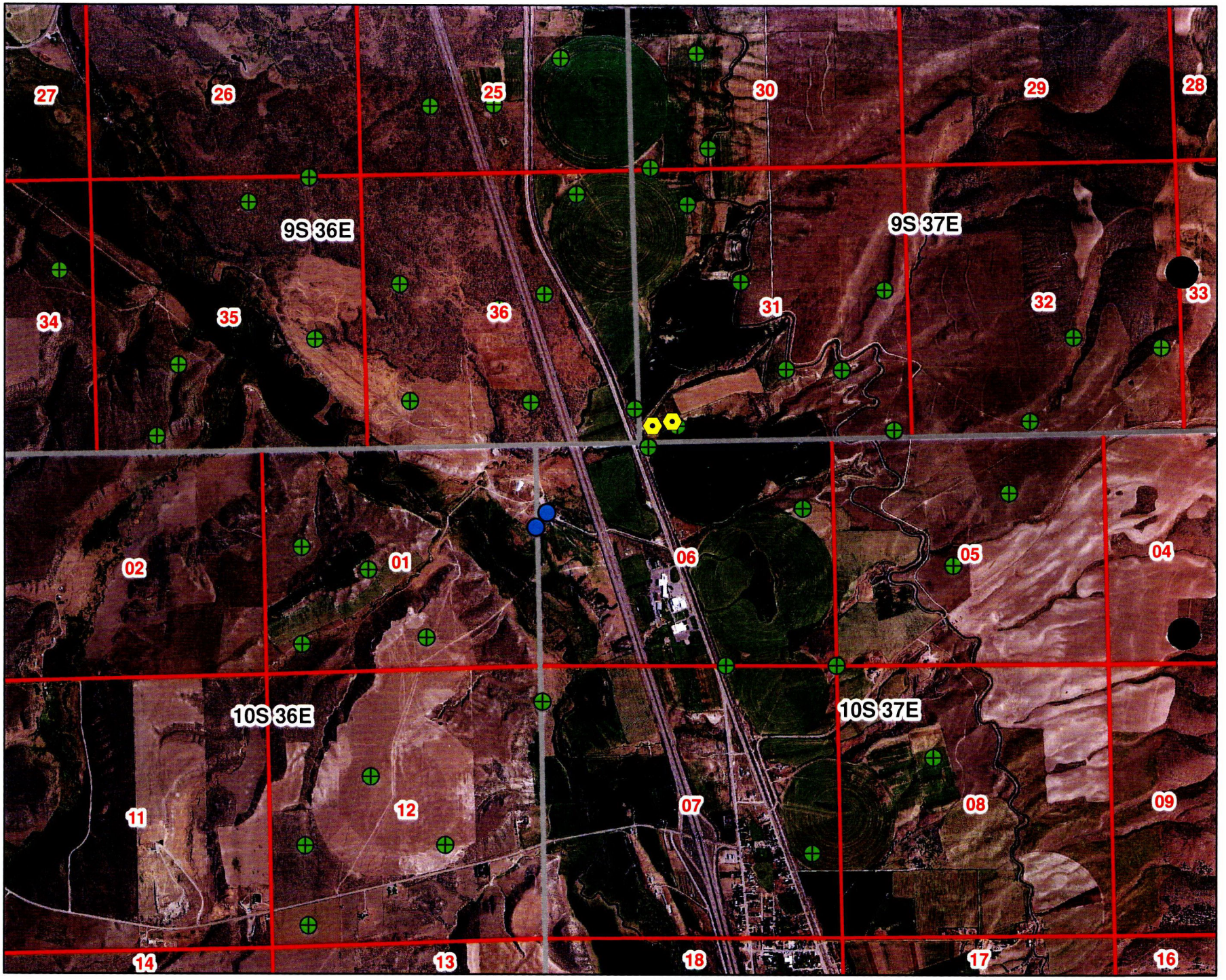
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Attachment No. 7a
GIS Maps

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NOV 02 2022

WATER RIGHT NO. 29-4411 APPLICATION FOR TRANSFER - STOCKWATER



87027

2021 NAIP Photo

Prepared by:
Luke H. Marchant
9/9/2022

SCANNED NOV 02 2022

Attachment No. 7b
GIS Shapefile

(Will be sent via email upon request from IDWR)

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W[redacted] Mailing Checklist for Leases

Instructions: Staple to outside of lowest numbered water right file during processing.

Key:	**Who Completes What?**
CLERICAL STAFF:	MK
REVIEWER:	

Received Date: 12/6/2022

Desired Lease Duration: 2023-2027

Lease / Rental Package: (Y) N

If yes, Renter Name: Potter Creek Ranch LC

Application # 2518 Contract #

WR#s	
# 29-4411	# 29-4424
#	#
#	#
#	#
#	#
#	#
#	#

Applicant Authorized?	Y / N
Multiple owners, Attach 1A included?	Y / N NA
If portion is offered, Attach 2 included?	(Y) / N NA
Map of POU and POD?	(Y) / N NA
POD Consent (if required)?	Y / N (NA)
Application Complete?	Y / N
Minimum checklist in data base?	☐
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

Stacked Water Rights Need to be Leased? ☐

If checked, list water rights:

If the WR owner provided a different address on the application than what's in our database, update address in workflow.

Multiple owners

Mailings (per lease application)	CC	Original	
Designated Applicant: Arimo Corp	☐	☐	EMAIL:
Attorney: Luke H Marchant - Holden,	☐	☐	EMAIL:
~~Consultants~~ Name: Kidwell, Hahn & Crapo PLLC	☐		Comments: 1880 priority
Watermaster:	☐		
Delivery Entity:	☐		
Water District:	☐		
Ground Water District:	☐		
Region:	☐		
Other:	☐	☐	
Address:			

Call up Date:_____

DO NOT SCAN

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

May 31, 2023

ARIMO CORP
PO BOX 540478
NORTH SALT LAKE UT 84054

RE: WITHDRAWAL OF APPLICATION(S) TO LEASE WATER RIGHT NOs. 29-4411 & 29-4424 TO THE WATER SUPPLY BANK

Dear Applicant:

Per your written request via email dated May 27th, 2023, the Department of Water Resources (Department) acknowledges your intent to withdraw your Lease Application(s) for the right(s) listed above. Therefore, the Department is returning your application.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you wish to lease water in the future, please reapply using new forms from the Department's website at www.idwr.idaho.gov. If you have any questions regarding this matter, please contact me at (208) 287-4822.

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

C: Luke Marchant – Holden, Kidwell, Hahn & Crapo

Enclosure: Lease Application #2518

SCANNED
AUG 10 2023

Kienholz, Mackenzie

From: Chris Robinson <crobinson@theensigngroup.com>
Sent: Saturday, May 27, 2023 8:17 AM
To: Kienholz, Mackenzie
Cc: Condon, Mary; Luke Marchant; Chris Redman; Jeff Young
Subject: Re: Request for Information - Arimo Corp Water Supply Bank Lease Application #2518

Follow Up Flag: Follow up
Flag Status: Flagged

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.**

Mackenzie,

With our greater understanding of the way the Department is handling water rights like these, we hereby withdraw the below described Water Supply Bank Lease.

Thank you!

Chris
801-599-4397

From: Mackenzie Kienholz <Mackenzie.Kienholz@idwr.idaho.gov>
Date: Tuesday, May 16, 2023 at 3:00 PM
To: Christopher Robinson <crobinson@theensigngroup.com>
Cc: Mary Condon <Mary.Condon@idwr.idaho.gov>
Subject: Request for Information - Arimo Corp Water Supply Bank Lease Application #2518

Hello Chris,

As requested in our phone call this afternoon, attached is a copy of the Request for Additional Information letter which was mailed to Arimo Corp on 5/10/2023 regarding Water Supply Bank Lease Application #2518 (water rights 29-4411 and 29-4424).

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist

IDAHO DEPARTMENT OF WATER RESOURCES

Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

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AUG 10 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 10, 2023

ARIMO CORP
PO BOX 540478
NORTH SALT LAKE, UT 84054

RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO LEASE WATER RIGHT NOs. 29-4411 AND 29-4424 TO THE WATER SUPPLY BANK

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources ("Department") received your application(s) to lease water right(s) to the Water Supply Bank ("WSB", "Bank") on December 6, 2022, but after a preliminary review, it is determined that additional information is required to continue processing.

The applications for lease of water rights 29-4411 and 29-4424 included a response on question 4E that the place of use to be idled would continue to be irrigated with surface water from the Portneuf Irrigating Company ('PIC'). The Bank rules, IDAPA 37.02.03, provide criteria to be considered when determining whether to accept a water right into the Bank. These criteria include subrule 025.01 for whether there will be injury or enlargement of use of the water rights; subrule 025.06.g to consider the probability of selling or renting an acquired water right, and finally, subrule 025.03 for completeness of an application including any additional information which may be required to adequately review and brief the Board for a recommendation.

The place of use offered for lease under rights 29-4411 and 29-4424, which are within the PIC boundary and benefits from irrigation shares, must remain idled from all sources for the same beneficial use during the duration of the lease to prevent enlargement. This requirement is stated within the application for lease in several areas, beginning on the first page checklist as item 3, and then on page 3 under questions 4C through 4F for the identification of stacked rights and how the lease will not enlarge the offered or remaining rights. While question 4E was answered that the place of use offered for lease may still be irrigated with irrigation shares, the applications did not include any information to explain how enlargement will not occur with the lease of the offered rights while continuing to irrigate with irrigation company shares.

To prevent enlargement through the lease, the offered water rights can only be accepted into the Bank if the acres are to remain idled and the same beneficial use will not occur from any other source, else the rights would be unrentable. To prevent enlargement through a rental of these rights, if the offered rights and appurtenant acres remained idled and they could be accepted into the Bank, the rights would only be rentable within the boundaries of the same irrigation company and on lands with the same number of shares. These decisions are confirmed by the Idaho Supreme Court, 3AG AG LLC v IDWR, et al., also known as the 'Duffin' case.

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AUG 10 2023

The purpose of the Water Supply Bank, as described in Idaho Code § 42-1761, includes to '...obtain the highest duty for beneficial use from water, provide a source of adequate water supplies to benefit new and supplemental water uses...' The acquisition of water rights which cannot be rented or may cause an enlargement of their historic use does not support the purposes of the Water Supply Bank.

Please provide the following information within 30 days of the date of this letter or the application will be denied:

- A written confirmation from the applicant that no other sources of water will be used for irrigation on the same lands as those offered for lease and the acres offered will remain idled

Alternatively, you may request a withdrawal of your application, and the lease application fees will be refunded. If the requested information is not received within 30 days, the lease applications will be denied, and the associated filing fees will not be refunded.

If you have any questions, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

c: Luke Marchant – Holden, Kidwell, Hahn & Crapo

SCANNED
AUG 10 2023

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**

December 12, 2022

ARIMO CORP
PO BOX 540478
NORTH SALT LAKE CITY UT 84054

Re: Transfer No: 87027
Water Right No(s).: 29-4411

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
DEC 19 2022

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure
CC:

LUKE MARCHANT
PO BOX 50130
IDAHO FALLS ID 83405-0130

ARIMO CORP
2547 S 2400 E
MALTA ID 83342

SCANNED
DEC 19 2022

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87027
Water Right No(s).: 29-4411

ARIMO CORP
PO BOX 540478
NORTH SALT LAKE CITY UT 84054

LUKE MARCHANT
PO BOX 50130
IDAHO FALLS ID 83405-0130

ARIMO CORP
2547 S 2400 E
MALTA ID 83342

CAH

Christina Henman
Administrative Assistant

SCANNED
DEC 19 2022

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.

SCANNED
DEC 15

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.

SCANNED
DEC 19 2022

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

Established in 1896
1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405
Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
lmarchant@holdenlegal.com

RECEIVED
DEC 06 2022
DEPARTMENT OF
WATER RESOURCES

November 29, 2022

Mary Condon
Water Supply Bank Coordinator
322 E. Front St., Ste. 600
Boise, ID 83702

Re: Water Supply Bank Lease Rental Package for WR Nos. 29-4411 and 29-4424

Dear Mary:

Enclosed for processing is a Lease Rental Package for Water Right Nos. 29-4411 and 29-4424. These two water rights are both diverted out of sources that are tributary to Marsh Creek. Under these applications, these water rights will remain in the source and flow to Marsh Creek. Water will be diverted at the proposed place of use under the rental application out of Marsh Creek.

If you have any questions or need any additional information, do not hesitate to contact me.

Best regards,

Luke H. Marchant
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

g:\wpdata\lhm\20823-000 arimo corp\009 wsb apps for 29-4411 & 29-4424\2022.11.29 ltr to condon.docx

2518 & 2519

MEMORANDUM

Date: December 1, 2022

To: Transfer 87027

From: Cooper Fritz

Re: Review & Evaluation of Sufficiency of Information

This exchange changes the point of diversion and place of use for the Stockwater component of 29-4411 and adds a second point of diversion. The pre-exchange points of diversion were an unnamed stream (known locally as House Creek) tributary to Marsh Creek. The post-exchange points of diversion are Springs tributary of an Unnamed Stream (known locally as Cohn Creek), tributary to Marsh Creek. Diversion of water under the exchanged right will be limited to the quantity of water available at the original point of diversion on House Creek or to the quantity of water flowing from House Creek into Marsh Creek, whichever is less.

Authority to File:

The applicant, Arimo Corporation, has the authority to file. Arimo Corporation is the current owner of record for the right and owns the existing and proposed places of use and points of diversion. The application was signed by Luke Marchant, attorney for the applicant.

Water Right Validity:

The water right is valid for exchange. It was decreed in 2004. The applicant asserted consistent usage of right as part of the application (i.e., question 5g). No evidence available to the Department contradicts that statement. For example, imagery shows cattle in the pre-exchange place of use.

Injury to Other Water Rights:

No other water rights will be injured as a result of this exchange. The exchange was advertised and no protests were received.
Diversion of water at the post-exchange point of diversion (POD) will be limited to those times when water is available at the pre-exchange POD. There is one intervening POD (for right 29-4424, also owned by the applicant) between both the pre-exchange and post-exchange points of diversion and Marsh Creek, but diversion from the post-exchange POD instead of the pre-exchange POD will not impact the intervening POD.

Enlargement of Use:

No enlargement of use will occur from the approval of this exchange. After consultation with the applicant's representative, the rate of the remaining portion of 29-4411 will be reduced by 0.02 cfs. The acres irrigated by the remaining portion are not reduced and are combined with right 29-4424 for a total of 0.036 cfs/acre for the irrigation of 57.4 acres.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED
DEC 19 2022

Henman, Christina

From: Henman, Christina
Sent: Wednesday, November 2, 2022 3:31 PM
To: watermaster29h@gmail.com
Subject: Application for Transfer No. 87027
Attachments: tmpB95C.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

SCANNED
DEC 19 2022

EMPOWERING THE COMMUNITY SINCE 1890

IDAHO STATE JOURNAL

WWW.IDAHOSTATEJOURNAL.COM

PROOF OF PUBLICATION
Idaho State Journal

RECEIVED

NOV 21 2022

Department of Water Resources
Eastern Region

State of Idaho
County of Bannock

I, ~~Dawn Giannini, or~~ Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager, or~~ Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of Idaho State Journal, a newspaper of general circulation, published 4 days, Tues-Wed-Friday and Sunday, at Pocatello, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal for 2 day(s), first publication having been made on 11/09/2022 last publication having been made on 11/16/2022, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Collins Crapo

Subscribed and sworn to before me, on this 16th day of November, 2022

Beth Crossley

BETH CROSSLEY
68167
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/28/28

Notary Public
My commission expires:

_____ attached jurat _____

STATE OF IDAHO

ss.

COUNTY OF BANNOCK

On this 16th day of November, 2022 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini or~~ Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they 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.

BETH CROSSLEY
68167
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/28/28

Beth Crossley

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

SCANNED
DEC 19 2022

301379

AD# 301379AD#

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 87027

ARIMO CORP, PO BOX 540478, NORTH SALT LAKE CITY, UT 84054 has filed Application No. 87027 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-4411; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change points of diversion and place of use. The two proposed points of diversion are in Lot 4 (SWSWSW) Sec 31 T09S R37E for 0.02 cfs from Spring tributary to Marsh Creek. The proposed place of use is in Sec 25, 34, 35, and 36, T09S R36E; Sec 30, 31, and 32, T09S R37E; Sec 1 and 12, T10S R36E; and Sec 5, 6, 7, and 8, T10S R37E for stockwater. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 11/28/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: November 9, 16, 2022 (ISJ63404-301379)

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DEC 19 2022

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

November 2, 2022

ARIMO CORP
PO BOX 540478
NORTH SALT LAKE CITY, UT 84054

RE: Transfer No. 87027
Water Right No(s). 29-4411

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on 11/9/2022 and 11/16/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

CC:
LUKE MARCHANT
PO BOX 50130
IDAHO FALLS, ID 83405-0130

SCANNED
NOV 02 2022

Henman, Christina

From: Henman, Christina
Sent: Wednesday, November 2, 2022 2:56 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Idaho State Journal
Attachments: 87027 Idaho State Journal.docx

LEGAL NOTICE DEPARTMENT
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO, ID 83204-0431

RE: Transfer No. 87027
Water Right No(s). 29-4411

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/28/2022. Your cooperation is appreciated.

Thank You,

IDAHO DEPARTMENT OF WATER RESOURCES

Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

SCANNED
NOV 02 2022

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87027

ARIMO CORP, PO BOX 540478, NORTH SALT LAKE CITY, UT 84054 has filed Application No. 87027 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-4411; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change points of diversion and place of use. The two proposed points of diversion are in Lot 4 (SWSWSW) Sec 31 T09S R37E for 0.02 cfs from Spring tributary to Marsh Creek. The proposed place of use is in Sec 25, 34, 35, and 36, T09S R36E; Sec 30, 31, and 32, T09S R37E; Sec 1 and 12, T10S R36E; and Sec 5, 6, 7, and 8, T10S R37E for stockwater. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 11/28/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/10/2022 and 11/17/2022

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NOV 02 2022