

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

87484

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) Moss Farms Inc.

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, Part 1.
- ☒ * 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 24 2023

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources
Eastern Region

Name of Applicant(s) Moss Farms, Inc. Phone 208-406-1600
Mailing address 3286 N 3350 W, Moore, ID 83255 Email mx222moss@aol.com

- ☐ 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 Rocky Mountain Environmental Associates, Inc. Phone 208-201-4549
Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.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.

Dennis Moss

Signature of Applicant or Authorized Representative

Dennis Moss president

Print Name and Title if applicable

1-12-23

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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 **Part 1A.2**.
- 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 **Part 1A.3**.
Applicant proposes to purchase and relocate the Big Lost River and Ground water rights to his property about
1 mile north of the existing place of use. See Part 1A.3 for more information.

Narrative of Application for Transfer

Moss Farms, Inc.

It is proposed to transfer 33.5 acres of water rights listed below to property owned and operated by Moss Farms, Inc. Applicant is contracted to purchase the water rights from Sunroc Holdings LLC.

Water Right #	Source	Priority Date	cfs	Total Acres	Acre Limit
34-2414	Ground Water	5/1/1961	0.16	33.5	8.9
34-2503	Ground Water	12/19/1967	0.21	33.5	10.3
34-7027	Ground Water	6/29/1972	0.02	33.5	2.1
34-12053	Ground Water	12/31/1976	0.08	33.5	
34-2318	Ground Water	11/30/1954	0.26	33.5	18
Ground Water Totals			0.49	33.5	33.5
34-164	Big Lost River	9/1/1896	0.05	33.5	2.5
34-165B	Big Lost River	6/1/1890	0.05	33.5	2.4
34-10292	Big Lost River	6/10/1895	0.27	33.5	13.7
Big Lost River Totals			0.37	33.5	18.6
Combined Totals			0.78	33.5	33.5

Existing Locations: Historical Use and Defense to Forfeiture

The water rights were decreed in 2002 to Phillip Scott and Sandra Scott for irrigation of up to 588 acres, including the currently described place of use and additional acres south of it. The Scotts obtained the original un-split property (herein referred to as the Original property) in 1997. See Figure 1. The southern portion of the water right, including the land on which the wells are located, was split from the Original to Grant B. Smith and Arlene C. Smith, Trustees of the Grant and Arlene Smith Family Trust dated July 16, 2003 in 2005. The northern portion, as shown in Figure 2, which includes the existing authorized POU, remained in the ownership of the Scotts (which was later conveyed to Sunroc Holdings LLC).

The Ground Water points of diversion are located on the southern split of the Original property and are not owned by the water right holder, nor does the water right holder have any written permissions or easements to use the wells. Access to use the wells was withheld in 2005.

Figure 1. Map of Original POU

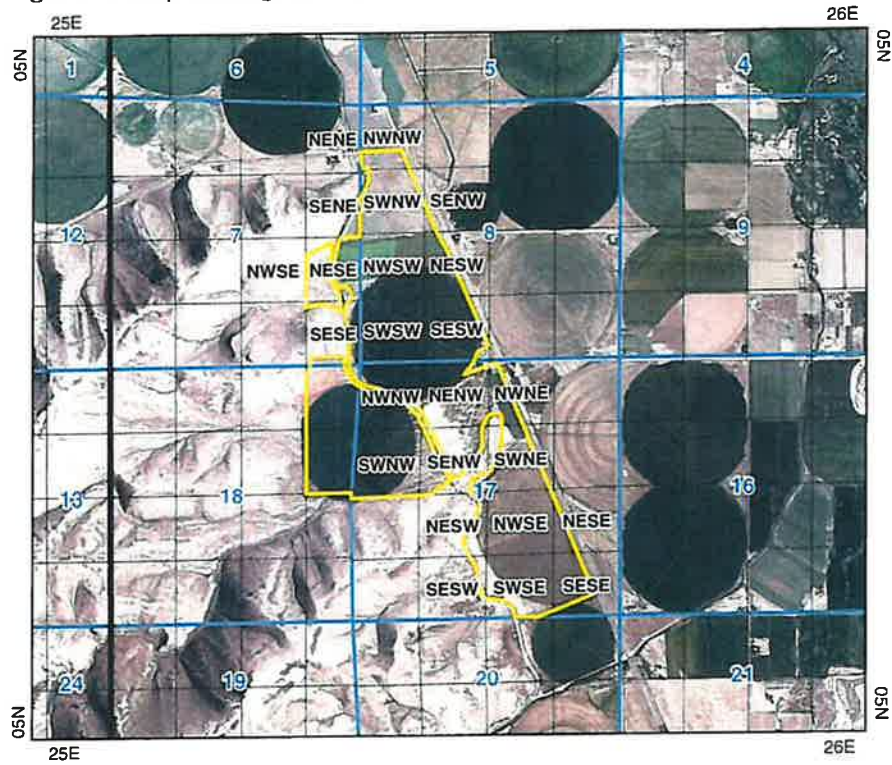
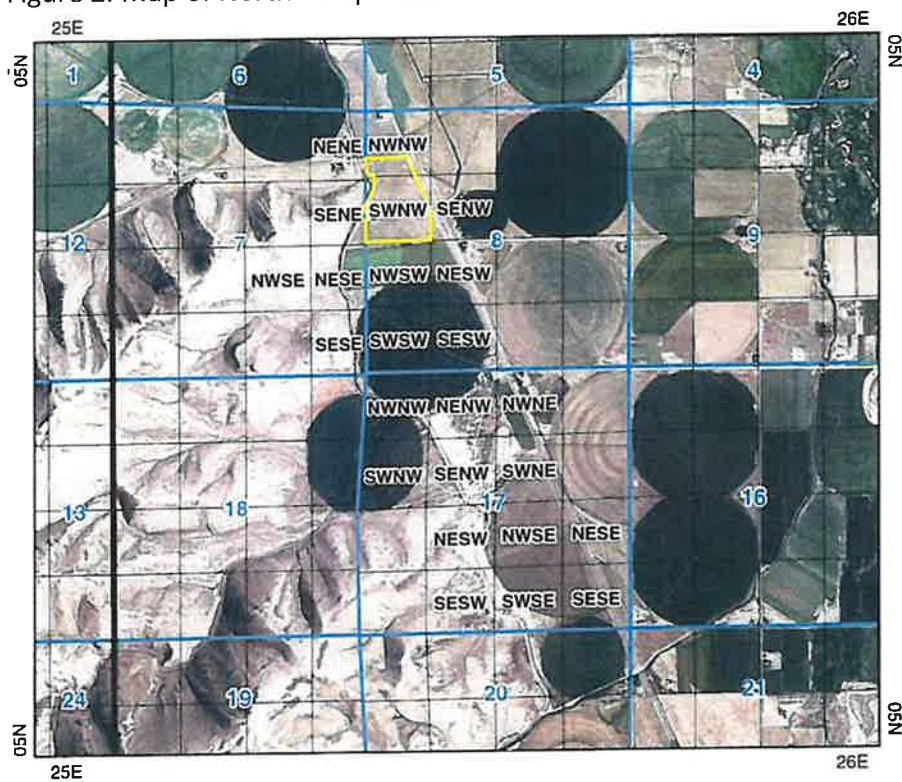


Figure 2. Map of Northern Split POU



The Big Lost River water rights are authorized to be diverted down the *3 in 1 Ditch*, which the headgate is located about 4.5-5 miles north of the property. The *3 in 1 Ditch* is notorious for being unreliable and rights have been mostly undeliverable through this ditch for many years. Many users of the *3 in 1 Ditch* either have alternate points of diversion to allow them to receive their water rights through other conveyance systems or rely on their overlapping ground water rights to satisfy their supply needs. The applicant has also done this for other Big Lost River rights held for the proposed farm location.

Idaho Statute 42-223 (6) reads that *"No portion of any water right shall be lost or forfeited for nonuse if the nonuse results from circumstances over which the water right owner has no control."* The water right owner, Sunroc (and their predecessor) no longer had access to the ground water point of diversions or an alternate effective delivery system for the surface rights. Statute 42-223 (6) provides a viable defense to forfeiture for the non-use of the water rights. It is therefore proposed to relocate these rights to a new POD/POU where they can again be beneficially used.

Proposed Locations

It is proposed to add these water rights to the portfolio of Moss Farms, Inc. for the farm land located within Sections 31 and 32, T6N R26E. The applicant has existing Big Lost River rights and Ground water rights, as well as storage water from the Big Lost River Irrigation District. The lands not currently under decreed water rights owned by the applicant are currently irrigated through storage water, including the proposed POU. No new irrigated acres will established through this transfer.

The transferred water rights will provide natural flow and/or ground water to irrigate the lands, rather than solely storage water. The proposed POU configuration will allow applicant to apply ground water rights only to lands authorized when surface rights are not available.

The proposed ground water diversion is an existing well already used on the farm to deliver water right nos. 34-2379F and 34-14525. The proposed Big Lost River diversions include the existing *3 in 1 Ditch* (in the case that it becomes a viable delivery system again), and the Moss Pump located on the Big Lost River.

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or ☐ Part	34-2414	0.16 cfs	Irrigation	4/01 to 10/31	Ground water
☒ ☐	34-2503	0.21 cfs	Irrigation	4/01 to 10/31	Ground water
☒ ☐	34-7027	0.02 cfs	Irrigation	4/01 to 11/01	Ground water
☒ ☐	34-12053	0.08 cfs	Irrigation	4/01 to 10/31	Ground water
☒ ☐	34-2318	0.26 cfs	Irrigation	4/15 to 10/15	Ground water
☒ ☐	34-164	0.05 cfs	Irrigation	5/01 to 10/15	Big Lost River & Sinks
☒ ☐	34-165B	0.05 cfs	Irrigation	5/01 to 10/15	Big Lost River & Sinks
☒ ☐	34-10292	0.27 cfs	Irrigation	5/01 to 10/15	Big Lost River & Sinks
☐ ☐				to	

Total authorized under rights 0.78 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.78 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 #
N			SE	NW	32	6N	26E	BUTTE	Big Lost River	Dennis Moss Pump
N		SE	NW	SE	14	6N	25E	BUTTE	Big Lost River	3 in 1 Ditch
N			NW	SE	31	6N	26E	BUTTE	Ground Water	WMIS 338

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	
6N	26E	31															8	14.7	22.7
		32											10.8						10.8
Total Acres (for irrigation use)																			33.5

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:
Big Lost River rights will be diverted through an existing pump on the river, which already has measuring device installed. The 3 in 1 Ditch is proposed to be kept as an authorized diversion for future delivery improvements. The well, likewise, is existing and has existing measuring device.
- 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:
The land will be retired from irrigation permanently.

- 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:
Existing POU - no other rights. Existing GW POD - other splits of the same parent rights. Existing SW POD - the 3 in 1 Canal with many other rights not deliverable anymore. Proposed POU - Storage water from Big Lost Riverz Irrigation District. Proposed GW POD - 34-2379F & 34-14525. Prop. SW POD - 34-381A & 34-182
- 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:

The 3 in 1 Ditch has not been able to deliver water rights for many years. Patrons of this ditch have found alternate methods of delivery. The property was split and the well was no longer accessible for delivery of ground water. These water rights were not deliverable and use was outside the owners control.

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-164

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO C/O AG LAND MORTGAGE & REAL ESTATE PO BOX 411 TWIN FALLS, ID 83303 2087345380

Priority Date: 09/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.05 CFS	
Total Diversion			0.05 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWSE|Sec. 14|Township 06N|Range 25E|BUTTE County

IRRIGATION Use:

Acre Limit: 2.5

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00165B, 34-02318, 34-02414, 34-02503, 34-07027, 34-10292 AND 34-12053.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00165B, 34-02318, 34-02414, 34-02503, 34-07027, 34-10292 AND 34-12053. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 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.
5. WATER IS DELIVERED THROUGH 3 IN 1 DITCH.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 06/03/2002

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:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-165B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CHARLENE C DEE
Original Owner	RONALD H DEE 1738 E 6525 S SALT LAKE CITY, UT 84121-2553 8012729898

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.05 CFS	
Total Diversion			0.05 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWSE|Sec. 14|Township 06N|Range 25E|BUTTE County

IRRIGATION Use:

Acre Limit: 2.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-02318, 34-02414, 34-02503, 34-07027, 34-10292 AND 34-12053.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-02318, 34-02414, 34-02503, 34-07027, 34-10292 AND 34-12053. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 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.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. WATER IS DELIVERED THROUGH 3 IN 1 DITCH.

Dates:

Licensed Date:

Decreed Date: 06/04/2002

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:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-2318

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO C/O AG LAND MORTGAGE & REAL ESTATE PO BOX 411 TWIN FALLS, ID 83303 2087345380

Priority Date: 11/30/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.26 CFS	
Total Diversion			0.26 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWSW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	SWSESW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	NESE	Sec. 17	Township 05N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 18

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 34-02414, 34-02503, 34-07027 AND 34-12053 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.49 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 117.3 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02414, 34-02503, 34-07027, 34-10292 AND 34-12053.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 18.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02414, 34-02503, 34-07027, 34-10292 AND 34-12053.
4. 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.
5. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. RIGHT NO. 34-12053 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 06/27/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

87484

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-2414

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	SANDRA K SCOTT 3493 W ANTELOPE RD MOORE, ID 83255-8772 2085542706
Original Owner	PHILLIP D SCOTT 7244 W PORTNEUF RD POCATELLO, ID 83204-7333 2082351832

Priority Date: 05/01/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.16 CFS	
Total Diversion			0.16 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWSW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	SWSESW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	NESE	Sec. 17	Township 05N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 8.9

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 34-02318, 34-02503, 34-07027 AND 34-12053 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.49 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 117.3 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02503, 34-07027, 34-10292 AND 34-12053.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02503, 34-07027, 34-10292 AND 34-12053. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 8.9 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. 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.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 34-12053 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-2503

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO C/O AG LAND MORTGAGE & REAL ESTATE PO BOX 411 TWIN FALLS, ID 83303 2087345380

Priority Date: 12/19/1967

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.21 CFS	
Total Diversion			0.21 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWSW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	SWSESW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	NESE	Sec. 17	Township 05N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 10.3

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 34-02318, 34-02414, 34-07027 AND 34-12053 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.49 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 117.3 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-07027, 34-10292 AND 34-12053.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10.3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-07027, 34-10292 AND 34-12053.
3. 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.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 34-12053 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

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:

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-7027

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO C/O AG LAND MORTGAGE & REAL ESTATE PO BOX 411 TWIN FALLS, ID 83303 2087345380

Priority Date: 06/29/1972

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.02 CFS	
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWSW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	SWSESW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	NESE	Sec. 17	Township 05N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 2.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 34-02318, 34-02414, 34-02503 AND 34-12053 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.49 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 117.3 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-02503, 34-10292 AND 34-12053.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-02503, 34-10292 AND 34-12053.
3. 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.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. RIGHT NO. 34-12053 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Permit Proof Due Date: 10/1/1977

Permit Proof Made Date: 1/1/1900

Permit Approved Date: 10/4/1972

Permit Moratorium Expiration Date:

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

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-10292

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO C/O AG LAND MORTGAGE & REAL ESTATE PO BOX 411 TWIN FALLS, ID 83303 2087345380

Priority Date: 06/10/1895

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.27 CFS	
Total Diversion			0.27 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWSE|Sec. 14|Township 06N|Range 25E|BUTTE County

IRRIGATION Use:

Acre Limit: 13.7

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-02503, 34-07027 AND 34-12053.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-02503, 34-07027 AND 34-12053. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 13.7 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 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.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. WATER IS DELIVERED THROUGH 3 IN 1 DITCH.

Dates:

Licensed Date:

Decreed Date: 06/27/2002

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:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-12053

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO C/O AG LAND MORTGAGE & REAL ESTATE PO BOX 411 TWIN FALLS, ID 83303 2087345380

Priority Date: 12/31/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.08 CFS	
Total Diversion			0.08 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWSW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	SWSESW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	NESE	Sec. 17	Township 05N	Range 26E	BUTTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>

05N	26E	8	NWNW	6.5	SWNW	27							
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Total Acres: 33.5

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 34-02318, 34-02414, 34-02503 AND 34-07027 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.49 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 117.3 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-02503, 34-07027 AND 34-10292.
2. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-02503, 34-07027 AND 34-10292.
4. 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.
5. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 34-02318, 34-02414, 34-02503 AND 34-07027 PURSUANT TO SECTION 42-1426, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 33.5

87484

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

87484

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

THIS AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT (this "Agreement") is made and entered to be effective as of the ____ day of October, 2022 (the "Effective Date"), by and between **SUNROC HOLDINGS LLC**, an Idaho limited liability company, whose address is 2695 W Omni Drive, Idaho Falls, ID 83402 (hereinafter "Seller"), and **MOSS FARMS, INC**, an Idaho corporation, whose address is 3286 N 3350 W, Moore, ID 83255 (hereinafter "Buyer"). Buyer and Seller are individually a "Party" and together the "Parties".

RECITALS:

- A. Seller owns the Water Rights listed below (the "Water Right"), which were decreed on date designated in the Snake River Basin Adjudication by the District Court for the Fifth Judicial District of Idaho for irrigation purposes with the listed priority dates. The current description of the Water Right is more fully set forth in the reports obtained from the Idaho Department of Water Resources ("IDWR" or the "Department") attached hereto as **Exhibit 1**.

<u>Water Right #</u>	<u>Source</u>	<u>Priority Date</u>	<u>Decree Date</u>
34-2414	Ground Water	5/1/1961	7/10/2002
34-2503	Ground Water	12/19/1967	7/10/2002
34-7027	Ground Water	6/29/1972	7/10/2002
34-12053	Ground Water	12/31/1976	7/10/2002
34-2318	Ground Water	11/30/1954	6/27/2002
34-164	Big Lost River	9/1/1896	6/3/2002
34-165B	Big Lost River	6/1/1890	6/4/2002
34-10292	Big Lost River	6/10/1895	6/27/2002

- B. Seller desires to sell, and Buyer desires to buy, the entire portion of the Water Right. Buyer has agreed to purchase the entire portion of the Water Right from Seller as set forth in the terms and provisions of this Agreement.

AGREEMENT:

IN CONSIDERATION of the mutual representations, warranties, and covenants contained herein, the Parties, intending to be legally bound hereby, agree as follows:

1. Property Purchased. Seller hereby agrees to sell to Buyer, and Buyer agrees to buy from Seller, on the terms and conditions herein specified, the following-described portion of the Water Right.

Water Right #	Source	Priority Date	cfs	Total Acres	Acre Limit
34-2414	Ground Water	5/1/1961	0.16	33.5	8.9
34-2503	Ground Water	12/19/1967	0.21	33.5	10.3
34-7027	Ground Water	6/29/1972	0.02	33.5	2.1
34-12053	Ground Water	12/31/1976	0.08	33.5	
34-2318	Ground Water	11/30/1954	0.26	33.5	18
Ground Water Totals			0.49	33.5	33.5
34-164	Big Lost River	9/1/1896	0.05	33.5	2.5
34-165B	Big Lost River	6/1/1890	0.05	33.5	2.4
34-10292	Big Lost River	6/10/1895	0.27	33.5	13.7
Big Lost River Totals			0.37	33.5	18.6
Combined Totals			0.78	33.5	33.5

The above-described portion of the Water Right is referred to hereafter as the "Purchased Water Right."

2. Property Retained. Other than the Purchased Water Right, Seller reserves and retains unto Seller all remaining portions of the Water Right and any other water rights that may be appurtenant to the authorized place of use for the Water Right. No land, easements, or other property interests, other than the Purchased Water Right, are included in this Agreement.
3. Purchase Price. The purchase price for the Purchased Water Right is [REDACTED] (the "Purchase Price").
4. Earnest Money Deposit. No earnest money.
5. Transfer Application. Within 30 days after both Parties sign this Agreement, Buyer will file with IDWR an *Application for Transfer of Water Right* (the "Transfer") to amend and move the Purchased Water Right to Buyer's desired location. The Parties will cooperate in obtaining IDWR approval of the Transfer and will provide and execute any necessary documents requested by IDWR. Buyer will be responsible for the costs to file the Transfer, including all attorney fees, consultant fees, and filing fees associated with preparation of the Transfer. In the event this Agreement is terminated pursuant to paragraph 6 of this Agreement, Buyer shall at its sole expense take such action as may be required to void or reverse the Transfer in order to return the Purchased Water Right to the condition it existed on the Effective Date, upon completion of which the Earnest Money will be returned by Buyer within 14 days of such completion.
6. Transfer Contingencies.

- (a) [IF APPLICABLE] Unstacking of Water Rights. NO UNSTACKING IS ANTICIPATED. While the elements of the Water Right and an associated water right, Water Right No. _____, are sufficiently described to allow IDWR to "unstack" these water rights, this Agreement shall be null and void and of no further effect if IDWR does not unstack the Purchased Water Right from Water Right No. _____.
- (b) [IF APPLICABLE] Lien Release. If, after exercising commercially reasonable efforts, Seller is unable to obtain a lien release on the Water Right, this Agreement shall be null and void and of no further effect, and Buyer shall return the Earnest Money to Buyer.
- (c) No Protests. If no protests or other objections to the Transfer are filed with IDWR, but the Transfer is (i) denied, (ii) approved by IDWR for less than the full acres, or (iii) approved by IDWR with conditions that materially devalue the Purchased Water Right for Buyer's intended use thereof; then Buyer may terminate this Agreement within 14 days after the date of the IDWR approval notice by providing written notice of termination to Seller. Within 14 days of receipt of the notice of termination, Seller shall refund the Earnest Money to Buyer. If Buyer does not terminate this Agreement as provided herein, the Parties shall proceed to Closing as set forth in paragraph 7.
- (d) Protest Filed. If a protest or other objection to the Transfer is filed with IDWR, then Buyer may terminate this Agreement within 180 days after the protest is filed with IDWR. If Buyer does elect to terminate this Agreement, Seller shall refund the Earnest Money to Buyer within 14 days of receipt of the notice of termination.

7. Closing.

- (a) Closing Date. If (1) the Water Right is unstacked from Water Right No. _____; and (2) no protest to the Transfer is filed with IDWR and (3) IDWR issues a transfer approval consistent with paragraph 6(b), then Closing on the Purchased Water Right shall occur within 30 days after the date all the above items are satisfied. If a protest or other objection to the Transfer is filed with IDWR and Buyer does not exercise the contingency set forth in paragraph 6(b) of this Agreement, the Closing shall occur with 14 days after the 180-day termination period expires. Notwithstanding the above, the Parties may mutually agree to another date for the Closing.
- (b) Closing Location. The Closing shall occur at a location mutually agreed by the Parties.
- (c) Documents to be Delivered at Closing.
 - (1) At Closing, Buyer shall deliver the Purchase Price less the Earnest Money.
 - (2) At Closing, Seller shall deliver to Buyer the Special Warranty

Deed (the "Deed") substantially in the form attached to this Agreement as **Exhibit 2** for the Purchased Water Right, and any lien release or other documents reasonably requested to confirm the conveyance of the Purchased Water Right free and clear of encumbrances.

- (d) Fees and Costs of Closing. The cost of recording the Deed after Closing shall be paid by Buyer. All other expenses not specifically referenced in this Agreement but related to the Transfer and incurred by Seller or Buyer with respect to this transaction shall be borne and paid exclusively by the Party incurring the same, without reimbursement.
8. Default. In addition to either Party's failure to perform any material term or condition of this Agreement or a Party's breach of any of such Party's representations or warranties (in which event the non-defaulting party may pursue any available remedy, including equitable relief), Buyer shall be deemed in default hereof if Buyer files a petition in bankruptcy or is adjudicated bankrupt or insolvent, Buyer makes an assignment for the benefit of its creditors, or consents to the appointment of a receiver of itself or of its property, or institutes proceedings for its reorganization, in which case, in addition to any other remedies or rights Seller might have, Seller shall have the power and authority to notify the Department that the Application for Transfer has been withdrawn.
9. Seller's Representations and Warranties. Seller hereby represents and warrants to Buyer, as of the Effective Date and again as of the Closing as follows:
- (a) Authority. Seller has the full legal right, power and authority to enter into and perform this Agreement, and will obtain good marketable title to the Purchased Water Right in fee simple, and Seller (at its expense) shall remove, or shall exercise commercially reasonable efforts to cause to be removed, all liens, claims, or encumbrances, whether of record or not, upon or affecting the Purchased Water Right on or before Closing. If, after exercising commercially reasonable efforts, the liens, claims, or encumbrances are not removed by Closing, Seller may terminate this Agreement.
 - (b) Conveyance. Seller shall then convey the Purchased Water Right free and clear of all liens, encumbrances and restrictions, except such restrictions on the use of water as may appear on the Water Right Report contained at **Exhibit 1**.
 - (c) Appurtenance. The Purchased Water Right is appurtenant to and has been beneficially used as the water source to irrigate its place of use and/or been properly preserved for future use consistent with Idaho law.
 - (d) Not Forfeited. No portion of the Purchased Water Right has been forfeited or abandoned in whole or in part.
 - (e) No Representation or Warranty Concerning Suitability for Buyer's Intended Use. Seller has not made, and hereby makes, no representation or warranty to Buyer except as expressly contained in this Agreement.

10. Buyer's Representations and Warranties. Buyer hereby represents and warrants to Seller as of the Effective Date and again as of the Closing for the Purchased Water Right, as follows:
- (a) Authority. Buyer has the legal power, right and authority to enter into this Agreement and to perform Buyer's obligations hereunder.
 - (b) Buyer's Due Diligence. Buyer and Buyer's consultants and counsel have had a full opportunity to review all documents, records and other information made available to Buyer by Seller and/or otherwise reasonably available to Buyer through public or other sources, related to the nature and extent of the Purchased Water Right, the laws and rules affecting their transfer and use by Buyer, and the suitability or fitness of the Purchased Water Right for Buyer's intended purposes.
11. Warranties to Survive Closing. All representations and warranties made by the Parties herein are also covenants, and each Party shall take all such actions as may be required to satisfy said covenants and to cause the representations and warranties to be true on and as of the Closing. The Parties' respective obligations to close and consummate the transaction contemplated herein are contingent upon the representations, warranties and covenants contained in this Agreement being true, valid and satisfied on and as of the Closing. All such representations and warranties shall survive the Closing.
12. Miscellaneous.
- (a) Attorneys' Fees. If either party commences any legal action or proceeding to enforce any of the terms of this Agreement (or for damages because of an alleged breach hereof), the prevailing party therein shall be entitled to recover from the other, in addition to any other relief granted, its reasonable attorney's fees, costs and expenses incidental to such legal action.
 - (b) Notices. Any notice under this Agreement shall be in writing and be delivered in person, by U.S. Mail, by private courier, or by facsimile. Notice shall be provided to the following:

<u>Seller</u>	<u>Buyer</u>
Sunroc Holdings LLC	Moss Farms Inc.
2695 W Omni Drive	3286 N 3350 W
Idaho Falls, ID 83402	Moore, ID 83255
 <u>Seller's Representative</u>	 <u>Buyer's Representative</u>

- (c) Merger. This Agreement supersedes any and all other written or verbal agreements between the Parties hereto regarding the Purchased Water Right. Neither Buyer nor Seller shall be bound by any understanding, agreement, promise, representation or stipulation, express or implied, not specifically contained herein.
- (d) Broker.
- (1) Buyer shall and does hereby indemnify Seller against, and agrees to hold Seller harmless from, any claim, demand or suit for any brokerage commission, finder's fee or similar charge with respect to the execution of this Agreement or the transaction based on any act by or agreement or contract with Buyer, and for all losses, obligations, costs, expenses and fees (including attorneys' fees) incurred by Seller on account of or arising from any such claim, demand or suit.
 - (2) Seller shall and does hereby indemnify Buyer against, and agrees to hold Buyer harmless from, any claim, demand or suit for any brokerage commission, finder's fee or similar charge with respect to the execution of this Agreement or this transaction based on any act by or agreement or contract with Seller, and for all losses, obligations, costs, expenses and fees (including attorneys' fees) incurred by Buyer on account of or arising from any such claim, demand or suit.
- (e) Remedies Cumulative. Upon any breach, any and all rights and remedies which either Party may have under this Agreement or by operation of law or equity, shall be distinct, separate and cumulative and shall not be deemed inconsistent with each other. No such right or remedy, whether exercised by said Party or not, shall be deemed to be in exclusion of any other right or remedy, any two or more of all such rights and remedies may be exercised at the same time or separately as desired.
- (f) Further Documents. The Parties hereby agree that they shall sign such other and further documents as may be required to carry into effect the terms and conditions of this Agreement.
- (g) Enforceability. The validity or enforceability of any term, phrase, clause, paragraph, restriction, covenant, agreement or other provision hereof, shall in no way affect the validity or enforcement of the remaining provisions, or any part hereof.
- (h) Counterparts. This Agreement may be executed in any number of counterparts for all the convenience of the Parties, all of which, when taken together and after execution by all Parties hereto, shall constitute one and the same Agreement.

- (i) Governing Law. This Agreement shall be governed by the laws of the State of Idaho.
- (j) Successors. This Agreement is for the benefit only of the Parties hereto and shall inure to the benefit of and bind their respective heirs, agents, personal representatives, successors and assigns.
- (k) Essence of Time. Time is of the essence in this Agreement.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the undersigned have duly executed this Agreement effective on the date set forth above.

"SELLER"

SUNROC HOLDINGS LLC

By: Calvin Beard
Its: Chief of Operations

"BUYER"

MOSS FARMS INC

By: Dennis Moss
Its: President

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 7

87484

Exhibit 1
The "Water Right"

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-164

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO C/O AG LAND MORTGAGE & REAL ESTATE PO BOX 411 TWIN FALLS, ID 83303 2087345380

Priority Date: 09/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.05 CFS	
Total Diversion			0.05 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWSE|Sec. 14|Township 06N|Range 25E|BUTTE County

IRRIGATION Use:

Acre Limit: 2.5

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00165B, 34-02318, 34-02414, 34-02503, 34-07027, 34-10292 AND 34-12053.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00165B, 34-02318, 34-02414, 34-02503, 34-07027, 34-10292 AND 34-12053. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 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.
5. WATER IS DELIVERED THROUGH 3 IN 1 DITCH.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 06/03/2002

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:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-165B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CHARLENE C DEE
Original Owner	RONALD H DEE 1738 E 6525 S SALT LAKE CITY, UT 84121-2553 8012729898

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.05 CFS	
Total Diversion			0.05 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWSE|Sec. 14|Township 06N|Range 25E|BUTTE County

IRRIGATION Use:

Acre Limit: 2.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-02318, 34-02414, 34-02503, 34-07027, 34-10292 AND 34-12053.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-02318, 34-02414, 34-02503, 34-07027, 34-10292 AND 34-12053. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 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.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. WATER IS DELIVERED THROUGH 3 IN 1 DITCH.

Dates:

Licensed Date:

Decreed Date: 06/04/2002

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:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-2318

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO C/O AG LAND MORTGAGE & REAL ESTATE PO BOX 411 TWIN FALLS, ID 83303 2087345380

Priority Date: 11/30/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.26 CFS	
Total Diversion			0.26 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWSW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	SWSESW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	NESE	Sec. 17	Township 05N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 18

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 34-02414, 34-02503, 34-07027 AND 34-12053 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.49 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 117.3 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02414, 34-02503, 34-07027, 34-10292 AND 34-12053.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 18.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02414, 34-02503, 34-07027, 34-10292 AND 34-12053.
4. 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.
5. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. RIGHT NO. 34-12053 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 06/27/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-2414

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	SANDRA K SCOTT 3493 W ANTELOPE RD MOORE, ID 83255-8772 2085542706
Original Owner	PHILLIP D SCOTT 7244 W PORTNEUF RD POCATELLO, ID 83204-7333 2082351832

Priority Date: 05/01/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.16 CFS	
Total Diversion			0.16 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWSW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	SWSESW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	NESE	Sec. 17	Township 05N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 8.9

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 34-02318, 34-02503, 34-07027 AND 34-12053 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.49 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 117.3 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02503, 34-07027, 34-10292 AND 34-12053.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02503, 34-07027, 34-10292 AND 34-12053. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 8.9 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. 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.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 34-12053 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-2503

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO C/O AG LAND MORTGAGE & REAL ESTATE PO BOX 411 TWIN FALLS, ID 83303 2087345380

Priority Date: 12/19/1967

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.21 CFS	
Total Diversion			0.21 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWSW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	SWSESW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	NESE	Sec. 17	Township 05N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 10.3

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 34-02318, 34-02414, 34-07027 AND 34-12053 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.49 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 117.3 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-07027, 34-10292 AND 34-12053.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10.3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-07027, 34-10292 AND 34-12053.
3. 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.
4. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 34-12053 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

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:

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-7027

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO C/O AG LAND MORTGAGE & REAL ESTATE PO BOX 411 TWIN FALLS, ID 83303 2087345380

Priority Date: 06/29/1972

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.02 CFS	
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWSW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	SWSESW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	NESE	Sec. 17	Township 05N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 2.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 34-02318, 34-02414, 34-02503 AND 34-12053 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.49 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 117.3 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-02503, 34-10292 AND 34-12053.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-02503, 34-10292 AND 34-12053.
3. 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.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. RIGHT NO. 34-12053 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Permit Proof Due Date: 10/1/1977

Permit Proof Made Date: 1/1/1900

Permit Approved Date: 10/4/1972

Permit Moratorium Expiration Date:

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

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-10292

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO C/O AG LAND MORTGAGE & REAL ESTATE PO BOX 411 TWIN FALLS, ID 83303 2087345380

Priority Date: 06/10/1895

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.27 CFS	
Total Diversion			0.27 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWSE|Sec. 14|Township 06N|Range 25E|BUTTE County

IRRIGATION Use:

Acre Limit: 13.7

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	26E	8		NWNW	6.5		SWNW	27						

Total Acres: 33.5

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-02503, 34-07027 AND 34-12053.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-02503, 34-07027 AND 34-12053. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 13.7 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 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.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. WATER IS DELIVERED THROUGH 3 IN 1 DITCH.

Dates:

Licensed Date:

Decreed Date: 06/27/2002

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:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/3/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-12053

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNROC HOLDINGS 2695 W OMNI DR IDAHO FALLS, ID 83402-4968 2085425492
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO C/O AG LAND MORTGAGE & REAL ESTATE PO BOX 411 TWIN FALLS, ID 83303 2087345380

Priority Date: 12/31/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.08 CFS	
Total Diversion			0.08 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWSW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	SWSSEW	Sec. 08	Township 05N	Range 26E	BUTTE County
GROUND WATER	NESE	Sec. 17	Township 05N	Range 26E	BUTTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>

05N | 26E | 8 | | | NWNW | 6.5 | | | SWNW | 27 | | | | |

Total Acres: 33.5

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 34-02318, 34-02414, 34-02503 AND 34-07027 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.49 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 117.3 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.78 CFS. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-02503, 34-07027 AND 34-10292.
2. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00164, 34-00165B, 34-02318, 34-02414, 34-02503, 34-07027 AND 34-10292.
4. 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.
5. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 34-02318, 34-02414, 34-02503 AND 34-07027 PURSUANT TO SECTION 42-1426, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 33.5

Exhibit 2
Form of the Deed

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
PO Box 50130
Idaho Falls, ID 83405

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

SUNROC HOLDINGS LLC, an Idaho limited liability company, whose address is 2695 W Omni Drive, Idaho Falls, ID 83402 (hereinafter collectively "Grantor") does hereby grant, bargain, sell, assign, and convey unto **MOSS FARMS, INC.**, an Idaho corporation, whose address is 3286 N 3350 W, Moore, ID 83255 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in water right described on Exhibit A attached hereto (hereinafter the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this _____ day of _____, 20____.

“GRANTOR”

SUNROC HOLDINGS LLC

By: _____
Its: _____

STATE OF IDAHO)
)ss.
County of _____)

 This record was acknowledged before me on the _____ day of _____,
20__, by _____[NAME].

Notary Public for Idaho
My Commission Expires: _____

WATER RIGHT DESCRIPTION
(TO BE COMPLETED AFTER APPROVED TRANSFER)

Eastern Snake Plain Aquifer Modeling Analysis

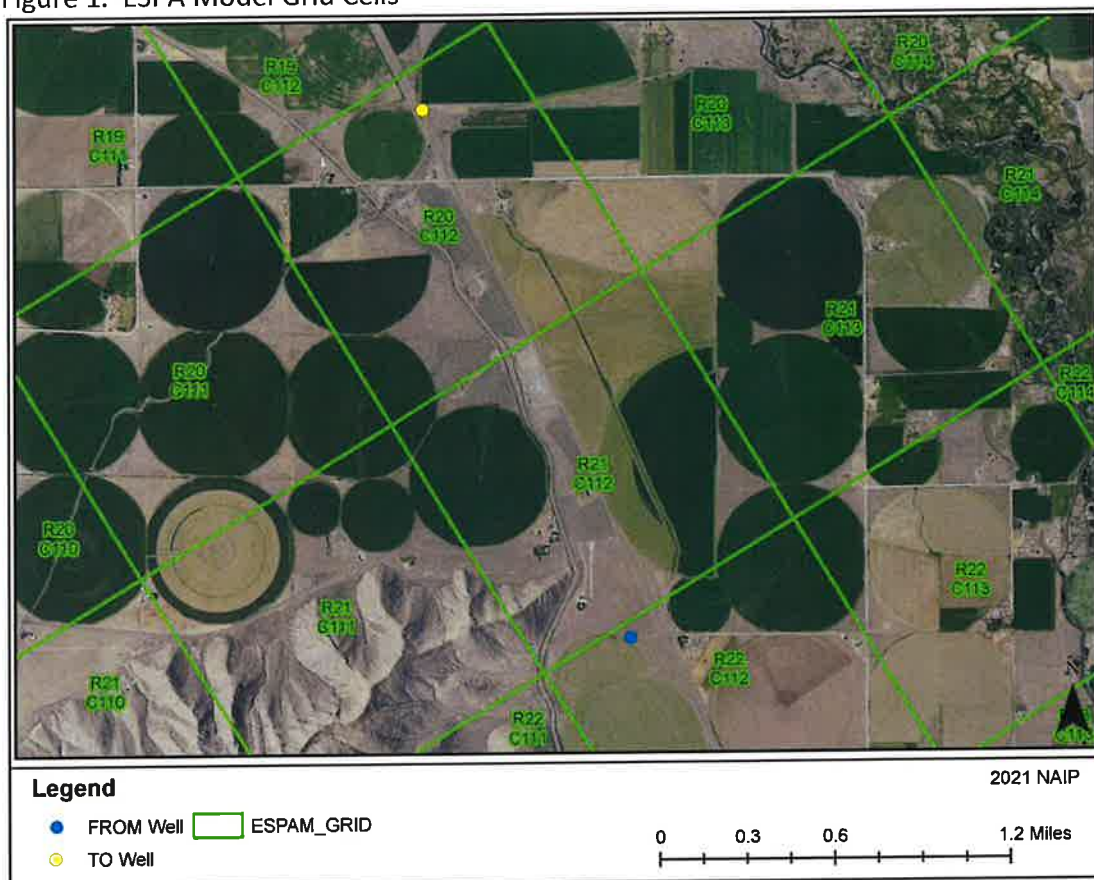
Moss Farms Inc.

The Applicant proposes to transfer 33.5 acres or 117.3 AFA from purchased water rights. The points of diversion included in this modeling analysis are identified to be located in the following grid cells:

TO Well	R20 C112
FROM Well 1	R22 C112

The TO Well location is the proposed well location for the applicant's operation. The FROM Well 1 location is the authorized well for the transferred ground water rights. Figure 1 illustrates the locations.

Figure 1. ESPA Model Grid Cells



The standard consumptive use volume of 2.5 afa/acre was used to calculate a volume for modeling. Both the TO and the FROM wells share the same standard volume. For 33.5 acres transferred, a total annual volume of 83.8 af, or 27.9 af/trimester was used in the modeling simulation. The results were input into the Mitigation Analysis Tool,

which indicates that the transfer does not exceed the allowable thresholds. **No mitigation is required.**

Figures 2-5 include excerpts from the ESPAM 2.1 simulation and MAT.

Figure 2. Data Entry

ENHANCED GROUND-WATER RIGHTS TRANSFER
UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR: 1954 TRANSFER NAME: Sunroc to Moss

SEASON: WINTER

UPDATE DATES RUN MODEL GET OUTPUT

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	20	22	0	0
COLUMN	112	112	0	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
WIN 1954	0.00	27.90	27.90	0.00	0.00	0.00	0.00
SPR 1955	0.00	27.90	27.90	0.00	0.00	0.00	0.00
SUM 1955	0.00	27.90	27.90	0.00	0.00	0.00	0.00
WIN 1955	0.00	27.90	27.90	0.00	0.00	0.00	0.00
SPR 1956	0.00	27.90	27.90	0.00	0.00	0.00	0.00
SPR 2022	0.00	27.90	27.90	0.00	0.00	0.00	0.00
SUM 2022	0.00	27.90	27.90	0.00	0.00	0.00	0.00
WIN 2022	0.00	27.90	27.90	0.00	0.00	0.00	0.00
SPR 2023	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SUM 2023	27.90	0.00	27.90	0.00	0.00	0.00	0.00
WIN 2023	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SPR 2024	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SUM 2024	27.90	0.00	27.90	0.00	0.00	0.00	0.00
WIN 2024	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SPR 2025	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SUM 2025	27.90	0.00	27.90	0.00	0.00	0.00	0.00
WIN 2025	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SPR 2026	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SUM 2026	27.90	0.00	27.90	0.00	0.00	0.00	0.00
WIN 2026	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SPR 2027	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SUM 2027	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SUM 2102	27.90	0.00	27.90	0.00	0.00	0.00	0.00
WIN 2102	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SPR 2103	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SUM 2103	27.90	0.00	27.90	0.00	0.00	0.00	0.00
WIN 2103	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SPR 2104	27.90	0.00	27.90	0.00	0.00	0.00	0.00
SUM 2104	27.90	0.00	27.90	0.00	0.00	0.00	0.00

Figure 3. Net Transfer Graphs

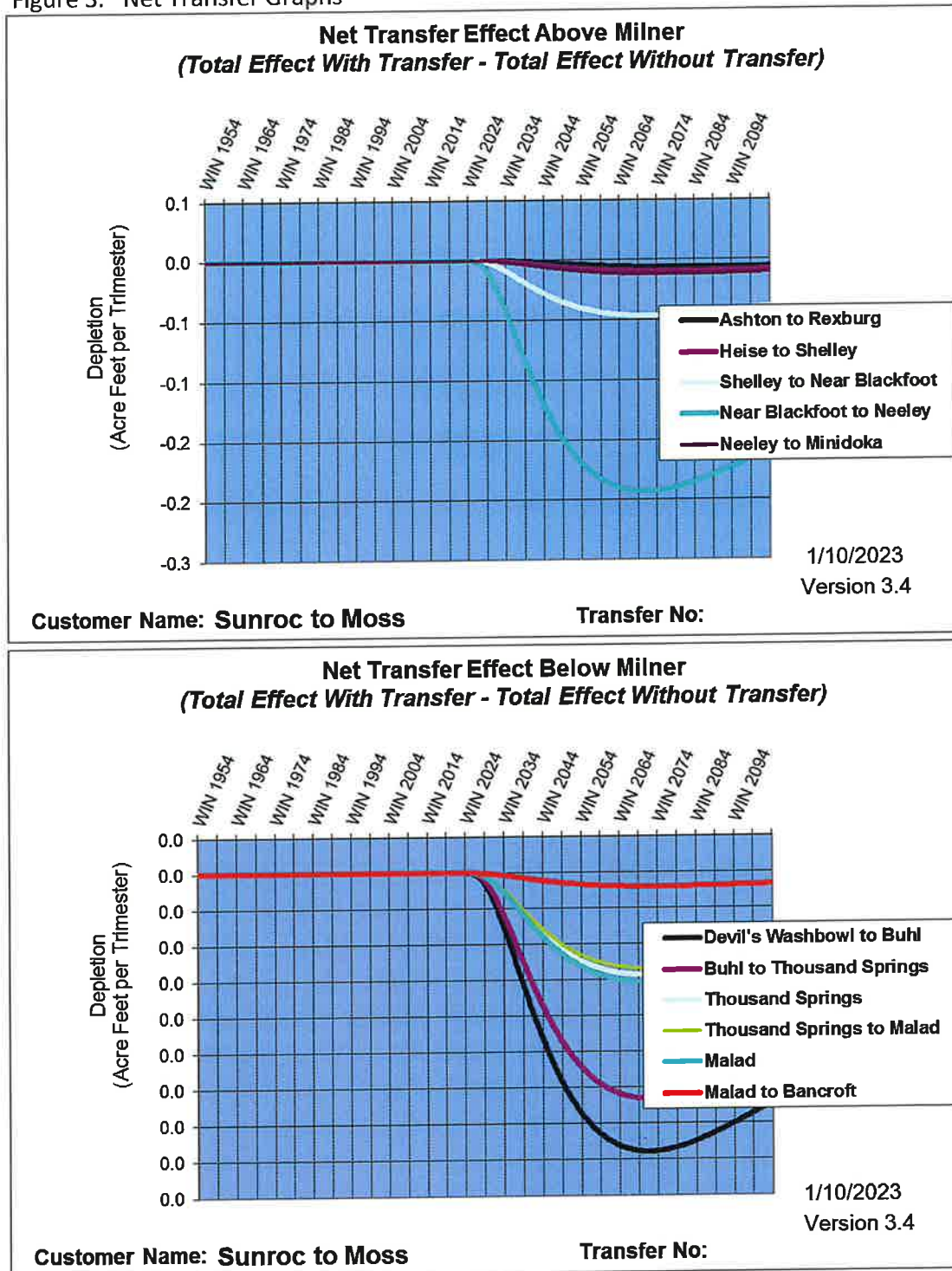


Figure 4. Calculated Effects.

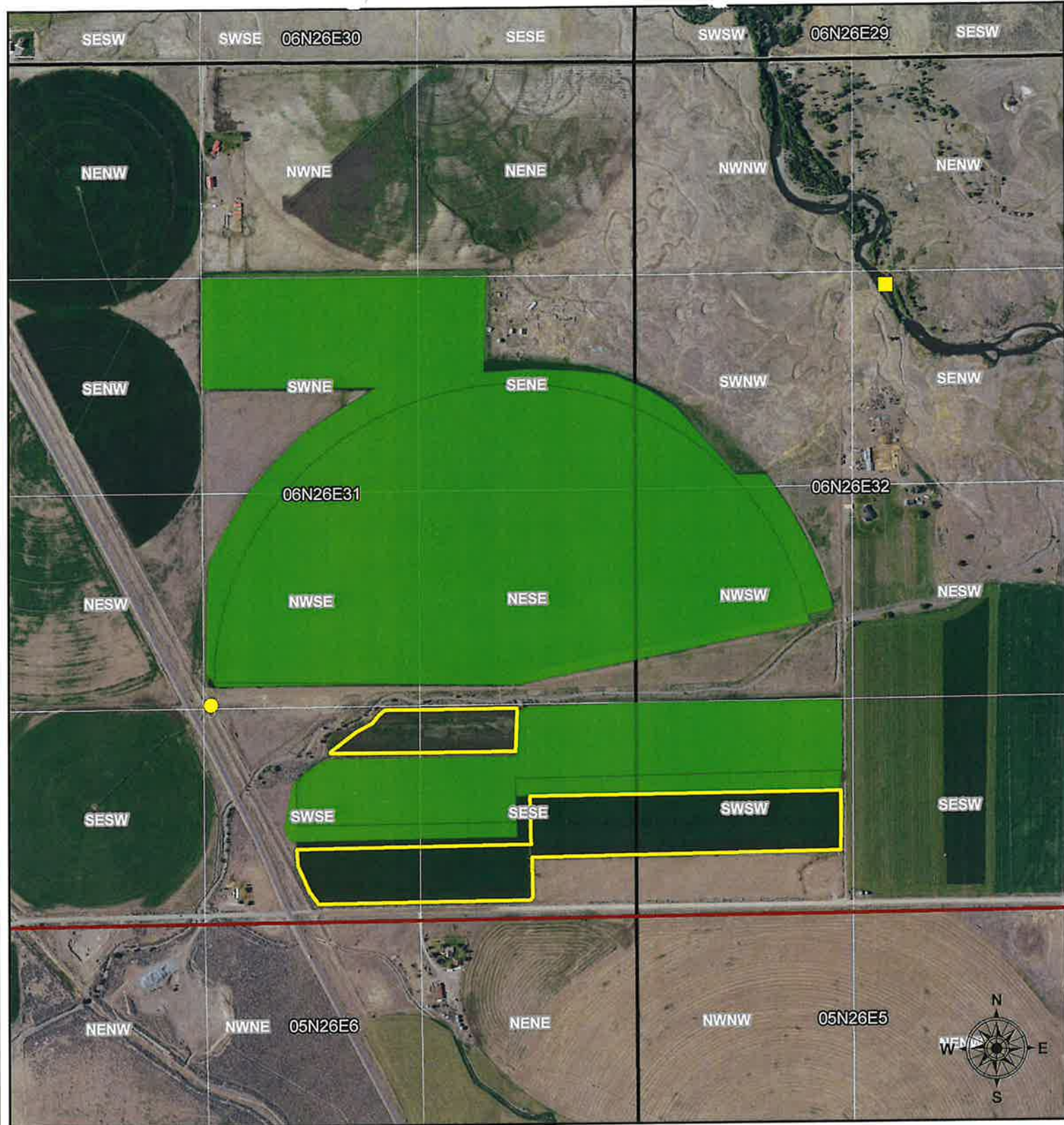
	Net Transfer Effect (AF/four months)										
	Ashton to	Heise to	Shelley to	Nr Bickft	Neeley to	Dev. Wbl.	Buhl to	Kspr	Kspr to	Malad	Malad to
	Rexburg	Shelley	Nr Bickft	Neeley	Minidoka	Buhl	Kspr	Malad	Bancroft		
WIN 1954	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1955	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1955	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1955	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1956	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1956	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2022	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2022	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2022	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2023	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2023	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2023	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2025	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2025	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2025	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2026	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2026	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2026	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2027	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2102	0.0	0.0	0.0	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2102	0.0	0.0	0.0	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2103	0.0	0.0	0.0	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2103	0.0	0.0	0.0	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2103	0.0	0.0	0.0	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2104	0.0	0.0	0.0	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2104	0.0	0.0	0.0	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0

er First Time Step of Transfer: **SPR 2023**

Match:	206	Match:	456												
	ATR	HtS	StNB	NBIN	NIM	DWtB	BTs	TS	TSIM	M	MtB	Total			
Effects @ SS (Last Time Step):	0.34	0.54	2.65	10.95	0.69	2.20	1.78	0.81	0.76	0.87	0.11	21.70	Total Effect		
Value of Dep. @ Last Time Step:	0.34	0.53	2.61	10.79	0.68	2.16	1.75	0.80	0.75	0.85	0.11	21.38	Total Effect		
ient State (Max Value Timestep):	0.34	0.54	2.65	10.95	0.69	2.20	1.78	0.81	0.76	0.87	0.11	21.70	Total Effect		
Max. Value of Dep. After Transfer:	0.34	0.53	2.61	10.79	0.68	2.16	1.75	0.80	0.75	0.85	0.11	21.38	Total Effect		
Steady State Change:	-0.01	-0.01	-0.04	-0.16	-0.01	-0.03	-0.03	-0.01	-0.01	-0.01	0.00				
Transient State Change:	-0.01	-0.01	-0.04	-0.16	-0.01	-0.03	-0.03	-0.01	-0.01	-0.01	0.00				

Figure 5. Mitigation Analysis Tool

		Impact by Reach (AF/Trimester)										
Dedicated Vol.	Model	Ashton to	Heise to	Shelley to	Nr Bickft To	Neeley to	Dev. Wbl. To	Buhl to	Kspr	Kspr to	Malad	Malad to
AFA/ AFT	Node	Rexburg	Shelley	Nr Bickft	Neeley	Minidoka	Buhl	Kspr	Malad	Bancroft		
Transfer												
275.6	91.9	SP082075	0.34	0.54	2.65	10.95	0.69	2.20	1.78	0.81	0.76	0.87
275.6	91.9	SP068066	0.34	0.53	2.61	10.79	0.68	2.16	1.75	0.80	0.75	0.85
g Transfer												
275.6	91.9	SP082075	0.34	0.54	2.65	10.95	0.69	2.20	1.78	0.81	0.76	0.87
275.6	91.9	SP068066	0.34	0.53	2.61	10.79	0.68	2.16	1.75	0.80	0.75	0.85
Mitigation Check 1 - >10% of Historical:												
Mitigation Check 2: > 2 AF/T:												
Mitigation Check 3 - >10% of Total:												
Mitigation Required?:												
Mitigation Vol. Req'd (ac-ft):												
Mitigation Check 1 - >10% of Historical:												
Mitigation Check 2: > 2.01 AF/T:												
Mitigation Required?:												
Mitigation Vol. Req'd (ac-ft):												



0 900 1,800 3,600 Feet

2021 Aerial Photography

Legend

- Proposed Big Lost River POD
- Proposed GW POD
- Proposed POU
- POU of Existing Rights
- Twp & Rng
- Section
- QQ

Proposed Locations

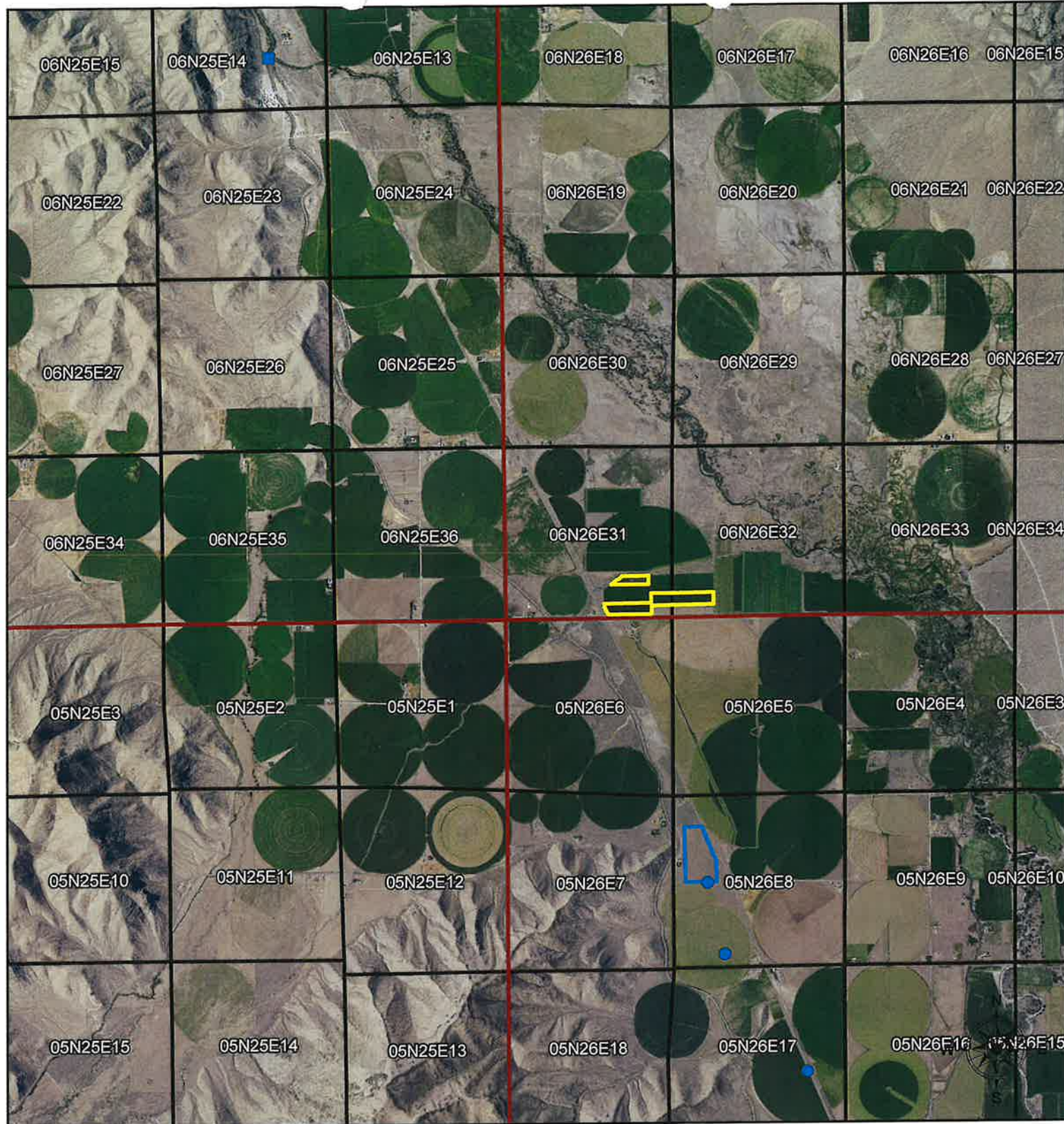
Moss Farms Inc

RMEA #14-0063

by: KM

Date: 1/10/2023





0 0.75 1.5 3 Miles

2021 Aerial Photography

Legend

- POD - SW - 3 in 1 Ditch
- POD - GW
- Existing POU
- Proposed POU
- Twp & Rng
- Section

Existing Locations

Moss Farms Inc

RMEA #14-0063

by: KM

Date: 1/10/2023



87484



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

February 8, 2023

MOSS FARMS INC
3286 N 3350 W
MOORE, ID 83255-8761

RE: Transfer No. 87484
Water Right No(s). 34-10292, 34-12053, 34-164, 34-165B, 34-2318, 34-2414, 34-2503,
34-7027

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 ARCO ADVERTISER on 2/16/2023 and 2/23/2023. 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:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
C/O KRISTIN MOORE
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, February 8, 2023 12:28 PM
To: arcoadv@aol.com
Subject: Legal Notice for Arco Advertiser
Attachments: 87484 Arco Advertiser.docx

LEGAL NOTICE DEPARTMENT
ARCO ADVERTISER
PO BOX C
ARCO, ID 83213

RE: Transfer No. 87484
Water Right No(s). 34-10292, 34-12053, 34-164, 34-165B, 34-2318, 34-2414, 34-2503, 34-7027

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 3/6/2023. Your cooperation is appreciated.

Thank You,



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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87484**

MOSS FARMS INC, 3286 N 3350 W, MOORE, ID 83255-8761 has filed Application No. 87484 for changes to the following water rights within BUTTE County(s): Right No(s). 34-10292, 34-12053, 34-164, 34-165B, 34-2318, 34-2414, 34-2503, 34-7027; 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 place of use, change point of diversion for ground water rights, and add point of diversion to Big Lost River rights. Proposed points of diversion from Big Lost River are in SENW Sec 32 T06N R26E (new) and SENWSE Sec 14 T06N R25E for 0.37 cfs. Proposed point of diversion from Ground Water is NWSE Sec 31 T06N R26E for 0.49 cfs. Proposed total diversion is 0.78 cfs. Proposed place of use is in SWSE and SESE Sec 31, and SWSW Sec 32, T06N R26E for 33.5 acres. 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 3/6/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/16/2023 and 2/23/2023

Lafortune, Thomas

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Tuesday, February 7, 2023 11:06 AM
To: Lafortune, Thomas
Subject: RE: Moss Farms Transfer
Attachments: ProposedPOU_Final.dbf; ProposedPOU_Final.prj; ProposedPOU_Final.sbn; ProposedPOU_Final.sbx; ProposedPOU_Final.shp; ProposedPOU_Final.shx

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.

Thomas,

I'm sorry for the delay. I've been out on vacation. Attached is the shapefile.

The two PODs and two WMIS numbers appear to be referring to the same well. Dennis Moss only has one well and it is at about the location I identified as the proposed POD. The POD in SESW (WMIS 338) is showing it to be located in a very strange place. If you want to see it, Google Maps using Street View can show you the area decently. You can see there's a dry irrigation pond that is used when the surface water is available. WMIS 338 is shown to be located just north and west of that pond, about 30 feet from the road. But there's nothing there. The actual well is located on the east side of that fence where you can see irrigation infrastructure, and nearly under the power line. I verified with Dennis Moss the description of his well. My proposed POD is a little off of the actual location, but it is within the same QQ.

I referenced WMIS 338 on the application since that is the WMIS associated with his original ground water right for the farm, but it appears that he has two WMIS numbers for the same well.

Kristin Moore

Senior Water Rights Analyst

482 Constitution Way, Ste 303, Idaho Falls, ID 83402

E-Mail: kristin.rmea@gmail.com

VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795



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From: Lafortune, Thomas [mailto:Thomas.Lafortune@idwr.idaho.gov]

Sent: Friday, January 27, 2023 3:04 PM

To: Kristin Moore <kristin.rmea@gmail.com>

Subject: RE: Moss Farms Transfer