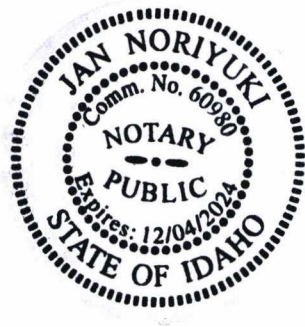


SUBSCRIBED AND SWORN to before me this 30th day of November 2021.

[SEAL]



Jan Noriyuki
Notary Public for Idaho
Residing at: Boise, ID
Commission expires: 12-4-2024

I:\Legal\z_LMEMOS\Burbank Complaint\Supp Affidavit_Jolene Bossard.docx

EXHIBIT A

(Attached)

Jolene Bossard

From: Charlotte Lees <rockymountainutility@gmail.com>
Sent: Thursday, August 19, 2021 11:54 AM
To: Jolene Bossard
Subject: Re: Public Utilities Commission - [REDACTED]
Attachments: RMUC attachments.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Here the answers for questions plus attachments. Hope this helps.

Rocky Mountain Utility:

- My understanding was that the disconnection was a scheduled event. Why didn't the Company notify the customers that the water would be offline and the reason for doing so?

Was not scheduled for all that were affected. Wrong valve was turned off.

- According to the customers who filed complaints, this scheduled event was to connect water to a new subdivision. Please send documentation to show where this new subdivision is located. Is the new subdivision located in Division 1, Division 2 or Division 3, etc?

See Attached

- Customers expressed concerns about water pressure. Will the current wells continue to service the new subdivision? Please explain. Yes, along with another 50HP. Pressure is at constant 70 PSI and check daily.
- Is the new subdivision included in the current CPCN? Please explain. Yes, See attached
- Please provide documentation from DEQ and IDWR that shows approval that this new subdivision is approved and supported by the existing wells. See Attached

• Are there areas within the service territory that have lower pressure than others? If so, does this customer live in one of those areas? There should be no lower pressure areas as the new well is up and fully running.

• Did the company increase the billing to pay for a second pump or well? Please explain. Sewer bill was increased to pay for second well that was required by DEQ

• Is this second pump/well online full time? Please explain Second pump is up and fully running.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

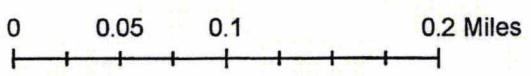
25-14165

COMMERCIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- ▭ Place Of Use Boundary
- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters



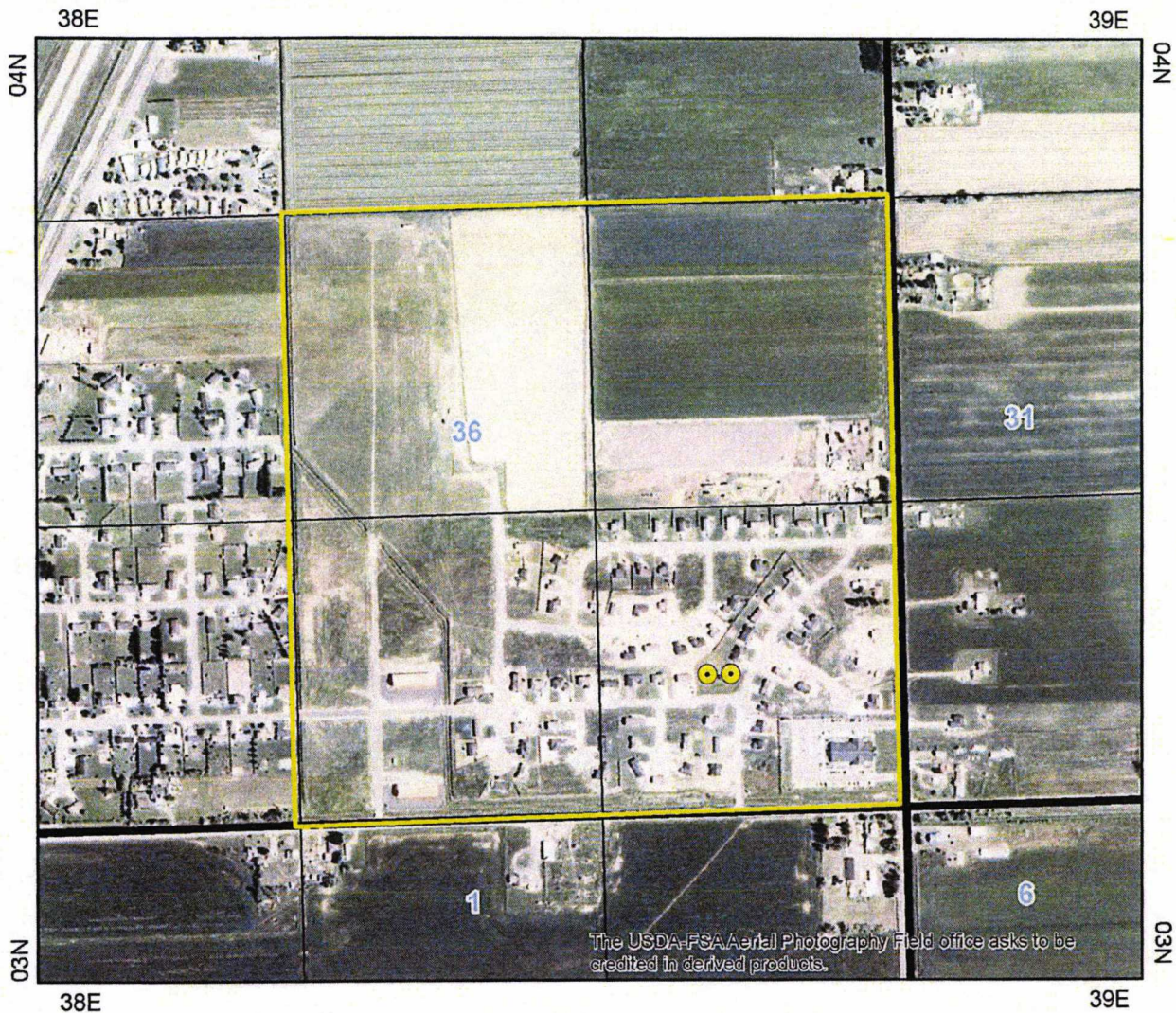
State of Idaho
Department of Water Resources

Permit To Appropriate Water

25-14165

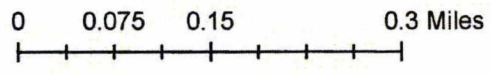
DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



The USDA-FSAAerial Photography Field office asks to be credited in derived products.

- Point of Diversion
- ▭ Place Of Use Boundary
- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters



RECEIVED

APR 10 2020

RECEIVED

APR 16 2020

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee \$	125.00
Receipt No.	EC45809
Received By	CH
Date Received	4/10/2020

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been completed and that water has been applied to beneficial use to the extent described below. This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner. Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at idwr.idaho.gov for an Assignment of Permit form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No. 25-14165 Telephone No. 208-520-2580

2. Name of Permit Holder(s) Landmark Development Properties LLC

3. Mailing Address 2 N Landmark Lane Suite 4 City RIGB

State ID Zip 83442 Email SilverCK100@gmail.com

4. Source of Water Groundwater If GROUND WATER (well), Date Drilled mo. 3 yr. 2020

Well Driller Denning Well Drilling Drilling Permit Number D0081365

5. Extent of use(s) completed as authorized by the water right permit:
Domestic (No. of households) 249 Stockwater (No. and type of stock) _____
Irrigation (No. of acres) _____ Other 8 Commercial lots

6. Total rate of diversion or storage volume for which proof is submitted 1.93 cfs OR _____ acre-feet.

7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit:
Refer to the approval conditions on your permit and respond accordingly.
The Department will not issue a license if permit conditions are not met.

Measuring Device	Is a measuring device required?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	If yes, has the measuring device been installed?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	If yes, has the lockable device been installed?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Fish Screen	Is a fish screen required?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	If yes, has the fish screen been installed?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Other Conditions of Permit
Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.
_____ Completed? Yes No

8. Fee Enclosed \$ 125.00 or not applicable . See fee schedule on page 2 of the instructions.
Proof statements filed without an appropriate fee, will be considered incomplete.

9. Person to contact to accompany the Department representative during field examination of the water system.
Name _____ Telephone Number _____
Mailing Address _____ City _____
State _____ Zip _____ Email _____

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder [Signature] Date 3-25-20
(Include your title, if on behalf of company or organization)

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

8/18/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report

WATER RIGHT NO. 25-14165

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROCKY MOUNTAIN UTILITY CO 2 N LANDMARK LN STE 4 RIGBY, ID 83442-5340 2087456443
Original Owner	LANDMARK DEVELOPMENT PROPERTIES LLC 2 N LANDMARK LN STE 4 RIGBY, ID 83442 2085202580

Priority Date: 02/03/2005

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>
COMMERCIAL	01/01	12/31	0.32 CFS	
DOMESTIC	01/01	12/31	1.61 CFS	
Total Diversion			1.93 CFS	

Location of Point(s) of Diversion:

GROUND WATER | SWSESE | Sec. 36 | Township 04N | Range 38E | JEFFERSON County
 GROUND WATER | SWSESE | Sec. 36 | Township 04N | Range 38E | JEFFERSON County
 COMMERCIAL Use:

Number of other uses: 8 commercial lots

DOMESTIC Use:

Number of homes: 249

Place(s) of use:

Place of Use Legal Description: DOMESTIC JEFFERSON 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>
04N	38E	36		NESE			NWSE			SWSE			SESE	

Place of Use Legal Description: COMMERCIAL JEFFERSON 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>
04N	38E	36		SWSE										

Conditions of Approval:

- 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- X59 Points of diversion are located within Lot 9, Blk. 4, Pepperwood Crossing Subdivision.
- 067 The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
- X01 Domestic use is for 249 homes.

6. Commercial use is for 8 commercial lots.
7. The commercial use authorized under this right shall not exceed 0.04 cfs and 2,500 gallons per day per commercial use.
8. 071 The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
9. 070 The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
10. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water for irrigation under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
13. X60 Place of use is located within Lots 1-24, Blk. 1; Lots 1-8, Blk. 2; Lots 1-11, Blk. 3; Lots 1-8, 10-29, Blk. 4; Lot 1, Blk. 5; Lots 1-19, Blk. 6; Lots 1-10, Blk. 7; and Lots 1-9, Blk. 8; and 139 lots with no designation; Pepperwood Crossing Subdivision.
14. 051 Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

Dates:

Proof Due Date: 04/01/2020

Proof Made Date: 04/10/2020

Approved Date: 04/26/2005

Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Application Received Date: 01/14/2005

Protest Deadline Date: 02/22/2005

Number of Protests: 0

Field Exam Date::

Date Sent to State Off:

Date Received at State Off:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust: T

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

EXHIBIT B

(Attached)

New

File No.: 881616-R1 Printed: 03/16/2020, 9:32 AM Officer/Escrow Officer: Shaney Swanson/ks Settlement Location: 110 N. Clark Street/PO Box 405, Rigby, ID 83442	First American Title Company 110 N. Clark Street/PO Box 405 • Rigby, ID 83442 Phone: (208)745-6715 Fax: (208)745-6716 Final Settlement Statement	
---	---	---

Property Address: 3890 East Ash Lane, Rigby, ID 83442 Buyer: Nicole Lee Burbank Seller: Higley Developments LLC Lender: Synergy One Lending Inc Settlement Date: 03/16/2020 Disbursement Date: 03/16/2020	<p style="font-size: small; margin: 0;">THIS DOCUMENT IS NOT TO BE A TRUST AND CORRECT COPY OF THE ORIGINAL FIRST AMERICAN TITLE COMPANY</p> 
--	---

Description	Seller	
	Debit	Credit
Financial		
Sale Price		289,900.00
Prorations/Adjustments		
County Taxes 01/01/20 to 03/16/20 @\$272.78/yr	56.05	
Seller Credit	7,247.50	
Loan Charges		
Loan Charges to Synergy One Lending Inc		
Appraisal 442 Re- Inspection Fee to Synergy One Lending Inc: FBO Apex	150.00	
Title Charges & Escrow / Settlement Charges		
Title - Owner's Title Insurance (optional)	1,192.00	
Policy-Owner's Policy to First American Title Company		
Title - Settlement or Closing Fee	350.00	
Settlement or Closing Fee to First American Title Company		
Commission		
Real Estate Commission to ROI Brokers	8,479.58	
Miscellaneous		
Hook-Up Fee to Rocky Mountain Utility	850.00	
Property Taxes to Jefferson County Treasurer	196.39	
Funds Held		
Funds Held: Exterior Flatwork/ Steps and Grading	2,810.50	
Subtotals	21,272.02	289,900.00
Due To Seller	268,627.98	
Totals	289,900.00	289,900.00

This is a summary of the closing transaction prepared by First American Title Company. This document is not intended to replace the Closing Disclosure form.

Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize First American Title Company to cause the funds to be disbursed in accordance with this statement.

Seller(s):


Higley Developments LLC, an Idaho limited liability company

By: Bryson K. Higley Construction, Inc., Member

By: 

Name: Bryson K. Higley

Title: President


Escrow Officer: Shaney Swanson

This is a summary of the closing transaction prepared by First American Title Company. This document is not intended to replace the Closing Disclosure form.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 30th DAY OF NOVEMBER 2021, SERVED THE FOREGOING **SUPPLEMENTAL AFFIDAVIT OF JOLENE BOSSARD**, IN CASE NO. ROC-W-21-01, BY E-MAILING A COPY THEREOF, TO THE FOLLOWING:

NICOLE BURBANK
3890 EAST ASH LANE
RIGBY ID 83442
E-MAIL: nursenikki0818@gmail.com

JIM BERNARD
ROCKY MOUNTAIN UTILITY
2 N LANDMARK LANE STE 4
RIGBY ID 83442
E-MAIL: rockymountainutility@gmail.com



SECRETARY