

David and Sheilla Torkelson

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Irrigation water

November 5, 2013

Irrigation water has been allocated to Sunshine Springs Minor Subdivision lots. See Deed dated 4/20/07 and 10/12/07.

Torkelson's own the William/Bennett Ditch; this is adjudicated water rights. This water has been divided into shares with a water volume equal to that of Fire Mountain Canal & Reservoir Company: .331 gallons per minute = one share of William/Bennett Irrigation Ditch water. Each Lot in the Sunshine Springs Minor Subdivision is allocated a volume of water that is adequate to irrigate the irrigable land on each Lot.

- Lot 1 = 150 shares x .331 g.p.m. = 49.65 g.p.m.
- Lot 2 = 35 shares x .331 g.p.m. = 11.6 g.p.m.
- Lot 3 = 35 shares x .331 g.p.m. = 11.6 g.p.m.

The remaining shares of water are owned by and held by Torkelson's as part of their adjudicated water right.

Torkelson's are responsible to deliver this water to each Sunshine Springs Subdivision Lot through their William/Bennett Ditch that crosses each Lot of the subdivision and the 5.7-acre parcel.

Each Lot is to receive its water from delivery point located at the uppermost or the top of each Lot.

Lot 1 receives water into pond #1 or it flows into a ditch or pipeline located there that bypasses the ponds and comes down to the field.

Lot 2 and Lot 3 receive water from a ditch east of Sunshine Mesa Road along its boundary. The water is divided by shares into a volume of 1 shares = .331 g.p.m. or 35 shares = 11.6 g.p.m.

Torkelson's have consulted with David Rice, Delta County Planner as to the regulations on irrigation water distribution in a minor subdivision. Rice said that Delta County does not regulate irrigation in subdivisions; if it is allocated to Lots it can be sold or leased to the Lot owners.

Torkelsons have allocated William/Bennett water to each Sunshine Springs Minor Subdivision Lot (see deeds for Lot 2 and Lot 3) and the 5.7-acre parcel. See Sunshine Springs Irrigation Water Shares Assignment Certificate.

In the Deed, exhibit A, references water rights and ditch rights.

- 35 shares of William/Bennett Ditch irrigation water allocated to Lot 2 and Lot 3
(See Page 2)

- Reference in Covenant Paragraph 6.5, "The Torkelsons shall make available to Lot owners the right to lease additional water from the William/Bennett Ditch."
- Note: B of Irrigation Water Contract: Lessee desires to lease a portion of the water available in the William/Bennett Ditch.
- This irrigation water contract is offered to Lot owners if they want more than 35 shares that they own via the Deed.
- If it is "owned water" and have ditch rights, they are entitled to remove 11.6 g.p.m. from each Lot they own as described.

Torkelson's think that a box should be installed into the ditch that will deliver the proper amount of water to each Lot. The cost of construction of the boxes should be the Lot owners expense and it should be constructed before the end of April 2014. Construction of box design must include an adjustable volume valve.