

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 85190

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED**JUL 06 2021**

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) SCHENK LAND & CATTLE LP

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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☒ ☐ #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

JUL 06 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) SCHEK LAND & CATTLE LP Phone 208-862-9219
Mailing address 1380 S 50 W OAKLEY, ID 83346-8715 Email schenkcastle@gmail.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 Greg Sullivan Phone 208-736-8543
Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.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.

Dallan Schenk
Signature of Applicant or Authorized Representative

Dallan Schenk
Print Name and Title if applicable

6-4-2021
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place 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**.
This transfer proposes to update the place of use of the stockwater portion of water right 45-12444. No other aspects of water right 45-12444 will be changing with this transfer. This stockwater has been used at this facility for 60 years. For the last 15 years, the feedlot has operated at 25,000 cattle.

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 ☐ ☒	45-12444	0.5/362.0	Stockwater	1/01 to 12/31	Land Ranch Spring
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.133 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.5 cubic feet per second and/or 362.0 acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. 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	
12S	23E	30													S	S	S	S	
12S	22E	25									S			S	S	S	S	S	
Total Acres (for irrigation use)																			

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:
The diversion system has been updated over the last 60 years from a dirt ditch, cement ditch to piped from the spring to the feedlot. A flow of 0.5cfs of water flows continuously from the spring for 365 days out of the year to the feedlot when it has been operating at 25,000 cattle.
- b. Who owns the property at the point(s) of diversion? Schenk Land and Cattle
 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: PACIFIC LIFE INSURANCE CO C/O EQUITABLE AGRIFINANCE LLC

 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:
No land will be dried up in this transfer. The water has historically been used at the proposed place of use.

- 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:
47-703, 45-4013B, 45-12450 and 45-12447

- 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:

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 45-12444

Current Owner: SCHENK LAND & CATTLE LP

Priority Date: 4/1/1870

Origin: Water Right

Status: Active

Basis: Decreed

Source

LAND RANCH SPRING

Tributary

LAND CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

STOCKWATER

01/01 to 12/31

0.5 CFS

IRRIGATION

03/01 to 12/15

3.133 CFS

DOMESTIC

01/01 to 12/31

0.5 CFS

Total Diversion

4.133 CFS

Location of Point(s) of Diversion

LAND RANCH SPRING

SE1/4SE1/4NE1/4

Sec. 7, Twp 13S, Rge 23E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R22E S36		NENE	39.00	T12S R22E S36		NWNE	40.00
T12S R22E S36		SWNE	38.00	T12S R22E S36		SENE	40.00
T12S R22E S36		NENW	40.00	T12S R22E S36		NWNW	33.00
T12S R22E S36		SWNW	34.00	T12S R22E S36		SENW	37.00
T12S R22E S36		NESW	40.00	T12S R22E S36		NWSW	34.00
T12S R22E S36		SWSW	29.00	T12S R22E S36		SESW	40.00
T12S R22E S36		NESE	40.00	T12S R22E S36		NWSE	38.00
T12S R22E S36		SWSE	39.00	T12S R22E S36		SESE	32.00
T12S R23E S31	Lot 2	SWNE	1.00	T12S R23E S31		NESE	3.00
T12S R23E S31	Lot 3	NWSE	35.00	T12S R23E S31	Lot 4	SWSE	36.00
T12S R23E S31		SESE	35.00	T13S R22E S1	Lot 1	NENE	13.00
T13S R22E S1	Lot 2	NWNE	41.00	T13S R22E S1		SWNE	21.00
T13S R22E S1	Lot 3	NENW	36.00	T13S R22E S1		SENW	20.00
T13S R23E S6	Lot 1	NENE	29.00	T13S R23E S6	Lot 2	NWNE	29.00

Total Acres: 892

STOCKWATER Within CASSIA County

T13S R22E S1 Lot 1 NENE

DOMESTIC Within CASSIA County

T13S R22E S1 Lot 1 NENE

Conditions of Approval:

1. 004 This right does not grant any right-of-way or easement across the land of another.
2. X27 This right is limited to the irrigation of 300 acres within the authorized place of use in a single irrigation season.
3. X35 Rights 45-703, 45-4013B, 45-12444, 45-12447 and 45-12450 when combined shall not exceed the irrigation of 892 acres.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the place of use.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 5/13/2005



0 1,500 3,000 Feet

DALLAN SCHENK

2021 WATER RIGHT TRANSFER

NAIP 2019 AERIAL

TRANSFER 85190

- Legend
- Transfer From
 - Transfer To
 - POD



Water Requirements

Brockway Engineering, PLLC

The information, data, or computational procedures herein may not be duplicated without the express written consent of Brockway Engineering.

COMPLETE BLUE HIGHLIGHTED SECTIONS ONLY

Prepared for: Jay Watkins
Schenk Feedlot

Remarks:

Herd Information - User Input

Stock and Commercial Water Rights

Total Number of Animals at CAFO

Number of Animal Units

Calves at age:

1 month

2 month

3 month

4 month

5 month

6 month

7 month
9 months

8 month
9 month

9 month
10 month

1 month

2 month

3 month

4 month

5 month

6 month

7 month

8 month

9 month

20 month

21 month

2 month

14 month

.4 month

Current	Additional
0.0 AFA	
0	25,000

1 Animal Unit = 1000 lbs
Total 11,500,000 lbs

		1563
		1563
		1563
		1563
		1563
		1563
		1563
		1563
		1563
		1563
		1563
		1563
		1563
		1563
Total	0	25.000
Total	25,000	

lbs/animal	lbs	lbs
90	0	0
152	0	0
214	0	0
276	0	0
338	0	0
400	0	625000
456	0	711806
511	0	798611
567	0	885417
622	0	972222
678	0	1059028
733	0	1145833
789	0	1232639
844	0	1319444
900	0	1406250
956	0	1493056
1011	0	1579861
1067	0	1666667
1122	0	1753472
1178	0	1840278
1233	0	1927083
1289	0	0
1344	0	0
1400	0	0
Total	0	20,416,667
Total	20,416,667	lbs

Commercial Component

Waste Milk	0	per day
Milk Concentrate	0	per day

0	Milk Carts	
0	Estimated gal per washing	
0	Washings	0 per day

Dust Control		
Application Rate	20	gpm
Duration	2	hours per day
How Many Months/Year	5	months

General Washing and Cleaning		
Application Rate	5	gpm
Duration	12	hours per day

Stockwater Component

Drinking Water Calculation for Replacement Herd (Calves, Heifers, Beef Cows)

Age	consumption	lbs/animal	GPD	Ac-Ft/year
1 month	1.7 gal/day	90	0	0.00
2 month	2.4 gal/day	152	0	0.00
3 month	3.2 gal/day	214	0	0.00
4 month	4.0 gal/day	276	0	0.00
5 month	4.8 gal/day	338	0	0.00
6 month	5.6 gal/day	400	8811	9.87
7 month	6.4 gal/day	456	10058	11.27
8 month	7.2 gal/day	511	11304	12.66
9 month	8.0 gal/day	567	12551	14.06
10 month	8.8 gal/day	622	13798	15.46
11 month	9.6 gal/day	678	15044	16.85
12 month	10.4 gal/day	733	16291	18.25
13 month	11.2 gal/day	789	17537	19.65
14 month	12.0 gal/day	844	18784	21.04
15 month	12.8 gal/day	900	20031	22.44
16 month	13.6 gal/day	956	21277	23.84
17 month	14.4 gal/day	1,011	22524	25.23
18 month	15.2 gal/day	1,067	23770	26.63
19 month	16.0 gal/day	1,122	25017	28.02
20 month	16.8 gal/day	1,178	26264	29.42
21 month	17.6 gal/day	1,233	27510	30.82
22 month	18.4 gal/day	1,289	0	0.00
23 month	19.2 gal/day	1,344	0	0.00
24 month	20.0 gal/day	1,400	0	0.00

Drinking water requirement	211780	gpd	237.24	ac-ft/year
Waste Milk	0	gpd	0.00	ac-ft/year
Milk Concentrate	0	gpd	0.00	ac-ft/year
TOTAL STOCKWATER COMPONENT			237.24	AC-FT/YEAR

Commercial Component

Milk Cart Washings		0 gal/day 0.0 ac-ft/year
Dust Control	Duration	20 gpm 2 hour per day 2400 gal/day 5 months 1.1 ac-ft/year
General Washing and Cleaning	Duration	20 gpm 2 hour per day 2400 gal/day 2.7 ac-ft/year
TOTAL COMMERCIAL COMPONENT		3.81 ac-ft/year

Summary

Drinking Water

Replacement herd (calves, heifers, beef cows)	237.2 ac-ft/year
Total drinking water volume	237.2 ac-ft/year

Commercial

Waste Milk-Drinking water offset	0.00 ac-ft/year
Milk Concentrate-Drinking water offset	0.00 ac-ft/year
Milk Cart Washing	0.00 ac-ft/year
Dust Control	1.12 ac-ft/year
General Washing and Cleaning	2.69 ac-ft/year
Total commercial volume	3.8 ac-ft/year

Total Volume Needed to Transfer

241.0 AC-FT/YR

Total Stock and Commercial Water After Transfer Approval

241.0 AC-FT/YR

Robert Schenk Feedlot- 2019-2020

Cattle Sales

Totals

Head

23,129

23,129

Cattle Purchases

December

January

February

March

April

May

June

July

August

September

October

November

Totals

Head

1704

4224

1144

1911

1792

865

341

57

0

0

0

0

12038

Robert Schenk Feedlot- 2018-2019

Cattle Sales

Totals

Head

31,788

31,788

Cattle Purchases

December

January

February

March

April

May

June

July

August

September

October

November

Totals

Head

2680

4022

2334

4354

1583

1437

682

3694

2826

1199

3037

1381

29229

Robert Schenk Feedlot- 2017-2018

Cattle Sales

	# Head
Totals	36,358
Auction Cattle (Distributions)	61
	36,419

Cattle Purchases

	# Head
December	3421
January	4592
February	1913
March	3735
April	1754
May	2736
June	3839
July	5447
August	3635
September	2960
October	2296
November	1204
Totals	37532

Robert Schenk Feedlot- 2016-2017

Cattle Sales

	# Head
Totals	37,835
Auction Cattle (Distributions)	160
	37,995

Cattle Purchases

	# Head
December	2617
January	4489
February	3708
March	4027
April	2748
May	2633
June	3013
July	2953
August	2719
September	3408
October	2822
November	3194
Totals	38331

Robert Schenk Feedlot- 2015-2016

Cattle Sales

	# Head
Totals	33,921
Auction Cattle (Distributions)	142
	34,063

Cattle Purchases

	# Head
December	2591
January	3067
February	2900
March	5015
April	3537
May	3134
June	2241
July	3683
August	3239
September	3625
October	1305
November	2533
Totals	36870

July 2, 2021

To: Idaho Department of Water Resources

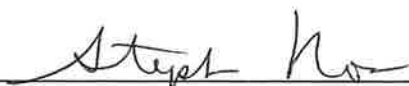
From: AXA Equitable Life Insurance Company
n/k/a Equitable Financial Life Insurance Company

Subject: Transfer Application For 0.5 CFS of Stock Water Rights Owned by Schenk Land & Cattle, L.P. (Water Right No. 45-12444).

AXA Equitable Life Insurance Company n/k/a Equitable Financial Life Insurance Company ("Equitable") holds a *Mortgage, Security Agreement, Assignment or Rents and Fixture Filing* recorded as Instrument No. 2020-006355 in the records of Cassia County, Idaho (the "Mortgage"), which encumbers certain farm ground and its appurtenances (including all water rights) owned by Schenk Land & Cattle, L.P., an Idaho limited partnership, located in Cassia County, Idaho. The encumbered property is described on Exhibit A, attached hereto.

Equitable is aware that Schenk Land & Cattle, L.P., an Idaho limited partnership, intends to transfer 0.5 CFS of Stock Water Rights of Water Right No. 45-12444, once a transfer application is approved. Equitable, by and through the undersigned authorized representative of Equitable, hereby consents to processing and approval of the transfer application by the Idaho Department of Water Resources.

**EQUITABLE FINANCIAL LIFE INSURANCE
COMPANY**


By: Stephen Noonan
Investment Officer

[NOTARY SIGNATURE BLOCK ON NEXT PAGE]

STATE OF IOWA)
) ss.
COUNTY OF LINN)

This record was acknowledged before me on this 2nd day of July, 2021, by **STEPHEN NOONAN** an investment officer and authorized representative of **EQUITABLE FINANCIAL LIFE INSURANCE COMPANY**, a New York corporation.



Pam Keilholtz
NOTARY PUBLIC FOR STATE OF IOWA
My commission expires: 07/06/2023

EXHIBIT A

PARCEL NO. 1:
TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 36: ALL

EXCEPTING THEREFROM the following described tract:

Beginning at the Southwest corner of said Section, said corner marked by a U.S. Government pipe with brass cap which shall be the Point of Beginning.

Thence North 0°32'19" East (North recorded) along section line for 403.95 feet (401' +/- recorded) to a ½ inch rebar; said rebar lying South 0°32'19" West for 2239.00 feet from the Northwest corner of the SW¼ of Section 36;

Thence South 89°11'59" East for 1336.55 feet to a ½ inch rebar on the East line of the SW¼SW¼;

Thence South 0°17'04" West along the 1/16th section line for 401.55 feet to a ½ inch rebar at the Southeast corner of the SW¼SW¼;

Thence North 89°18'11" West along section line for 1338.32 feet to the Point of Beginning.

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: Lots 1, 2, 3, SE¼NW¼, SW¼NE¼ and that portion of the SE¼NE¼ lying North and West of the existing county road.

ALSO part of the NW¼SE¼, more particularly described as follows:

Beginning at the Center ¼ section corner of said Section 1, said point marked by a U.S. Government Brass Cap which shall be the Point of Beginning;

Thence South 89°51'53" East along the quarter section line for 1306.96 feet to a point, said point lying North 89°51'53" West for 20.00 feet from the Northeast corner of the NW¼SE¼;

Thence South 55°45'10" West for 1466.25 feet to a point;

Thence North 48°25'36" West for 132.94 feet to a point on the quarter section line;

Thence North 0°21'00" East along said quarter section line for 740.04 feet to the Point of Beginning.

EXCEPTING THEREFROM the following described tracts:

Tract No. 1:

The South 503 feet of the following described property:

Beginning at a point 330 feet West of the Southeast corner of Lot 1 of said Section 1;

Thence running West 330 feet;

Thence running North 229 feet;

Thence in a Northeasterly direction to a point which is 374.46 feet West of the Northeast corner of said Lot 1;

Thence East 187.23 feet;

Thence in a Southwesterly direction to a point 229 feet North of the Point of Beginning;

Thence South 229 feet to the Point of Beginning.

Tract No. 2:

Beginning at the Southeast corner of Lot 1 of said Section 1, said corner marked by a 5/8 inch rebar; Thence North 89°44'28" West along the South line of Lot 1 for a distance of 162.03 feet to the Point of Beginning;

Thence North 89°44'28" West continuing along said line for a distance of 167.97 feet to the Southeast corner of Joel Elquist property;

Thence North 00°12'25" East along the East side of the Joel Elquist property for a distance of 229.00 feet;

Thence North 07°39'29" East continuing along said property line for a distance of 276.30 feet;

Thence South 89°44'28" East for a distance of 272.48 feet to a ½ inch rebar;

Thence South 89°44'28" East for a distance of 21.69 feet to a point of the East section line;

Thence South 00°12'25" West along said line for a distance of 401.58 feet;

Thence North 88°21'57" West for a distance of 21.46 feet to a ½ inch rebar;

Thence North 88°21'57" West for a distance of 136.71 feet to a ½ inch rebar;

Thence South 02°20'12" West for a distance of 98.67 feet to a ½ inch rebar;
Thence South 02°20'12" West for a distance of 6.61 feet to the Point of Beginning.

Tract No. 3:

Beginning at the Southeast corner of Lot 1 of said Section 1, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 89°44'28" West along the South line of Lot 1 for a distance of 162.03 feet;
Thence North 02°20'12" East for a distance of 6.61 feet to a ½ inch rebar;
Thence North 02°20'12" East for a distance of 98.67 feet to a ½ inch rebar;
Thence South 88°21'57" East for a distance of 136.71 feet to a ½ inch rebar;
Thence South 88°21'57" East for a distance of 21.46 feet to a point on the East section line;
Thence South 00°12'25" West along said line for a distance of 101.42 feet to the Point of Beginning.

Tract No. 4:

Beginning at the Southeast corner of Lot 1 of said Section 1, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence South 44°40'58" West along the centerline of a county road for a distance of 1850.50 feet to the South line of the SE¼NE¼;
Thence North 89°50'22" West along said line for a distance of 23.91 feet;
Thence North 00°30'47" East for a distance of 22.87 feet to a ½ inch rebar;
Thence North 00°30'47" East for a distance of 1309.91 feet to a ½ inch rebar;
Thence South 89°19'32" East for a distance of 332.40 feet to a ½ inch rebar;
Thence North 14°01'03" East for a distance of 434.56 feet to a ½ inch rebar;
Thence South 89°44'28" East for a distance of 269.85 feet to a ½ inch rebar;
Thence South 14°50'53" West for a distance of 208.54 feet to a ½ inch rebar;
Thence South 00°12'25" West for a distance of 229.00 feet to a ½ inch rebar on the South line of Lot 1;
Thence South 89°44'28" East along said line for a distance of 660.00 feet to the Point of Beginning.

Tract No. 5:

Beginning at a point 660 feet West of the Southeast corner of the NE¼NE¼ (Lot 1) of Section 1;
Thence North 229 feet;
Thence Northeasterly 1127.24 feet, more or less, to a point on the North line of said NE¼NE¼ (Lot 1) which is 374.46 feet West of the Northeast corner of said Section 1;
Thence West for 267.18 feet;
Thence South 14°53'02" West for 684.53 feet;
Thence South 75°06'27" East for 3.98 feet;
Thence South 14°48'32" West for 683.25 feet;
Thence South 89°46'12" East for 324 feet to the Point of Beginning.

SAVE AND EXCEPT the following described:

Beginning at the Southeast corner of Lot 1 of said Section 1, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence South 44°40'58" West along the centerline of a county road for a distance of 1850.50 feet to the South line of the SE¼NE¼;
Thence North 89°50'22" West along said line for a distance of 23.91 feet;
Thence North 00°30'47" East for a distance of 22.87 feet to a ½ inch rebar;
Thence North 00°30'47" East for a distance of 1309.91 feet to a ½ inch rebar;
Thence South 89°19'32" East for a distance of 332.40 feet to a ½ inch rebar;
Thence North 14°01'03" East for a distance of 434.56 feet to a ½ inch rebar;
Thence South 89°44'28" East for a distance of 269.85 feet to a ½ inch rebar;
Thence South 14°50'53" West for a distance of 208.54 feet to a ½ inch rebar;
Thence South 00°12'25" West for a distance of 229.00 feet to a ½ inch rebar on the South line of Lot 1;
Thence South 89°44'28" East along said line for a distance of 660.00 feet to the Point of Beginning.

Section 12: E¼SE¼

Section 13: NE¼NE¼

PARCEL NO. 2:
TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: Lot 4 and SE $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT the following described tract:

Beginning at the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31, which shall be the Point of Beginning;
Thence South 0°28'08" East along the section line for 629.34 feet to a $\frac{1}{2}$ inch rebar;
Thence North 45°23'41" West for 901.29 feet to a point on the 1/16th section line;
Thence South 89°40'39" East along said 1/16th section line for 636.54 feet to the Point of Beginning.

Section 31: Part of Lot 2, more particularly described as follows:

Beginning at the W $\frac{1}{4}$ section corner of said Section 31, said point marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 0°05'26" West along section line for 972.66 feet to a $\frac{1}{2}$ inch rebar;
Thence South 33°43'04" East for 1175.54 feet to a point on the $\frac{1}{4}$ section line;
Thence North 89°32'52" West along said $\frac{1}{4}$ section line for 651.03 feet to the Point of Beginning.

Section 31: Part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31; Thence North 89°40'39" West along the 1/16th section line for 636.54 feet to a point which shall be the Point of Beginning;
Thence North 89°40'39" West along the 1/16th section line for 681.47 feet to a point at the Southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 0°16'46" West along the West line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ for 530.71 feet to a point; said point lying South 0°16'46" East for 787.28 feet from the Northwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 73°44'12" East for 114.22 feet to a $\frac{1}{2}$ inch rebar;
Thence South 45°23'41" East for 806.77 feet to the Point of Beginning.

Section 31: Lot 3, EXCEPT the following described tract:

Beginning at the W $\frac{1}{4}$ section corner of said Section 31, said point marked by a 5/8 inch rebar; Thence South 89°32'52" East along the $\frac{1}{4}$ section line for 651.03 feet to a point which shall be the Point of Beginning;
Thence South 89°32'52" East along said $\frac{1}{4}$ section line for 662.66 feet to a point at the Northeast corner of Lot 3;
Thence South 0°16'46" East along the East line of Lot 3 for 787.28 feet to a point; said point being North 0°16'46" West for 530.71 feet from the Southeast corner of Lot 3;
Thence South 73°44'12" West for 119.97 feet to a $\frac{1}{2}$ inch rebar;
Thence North 33°43'04" West for 993.16 feet to the Point of Beginning.

PARCEL NO. 3:
TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: Lots 1, 2, 3, 4, 5, E $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPTING THEREFROM the following described tracts:

Tract No. 1:

Beginning at the Southwest corner of Lot 2 of said Section 6, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 00°12'25" East along the West section line for a distance of 254.14 feet;
Thence South 87°52'46" East for a distance of 56.65 feet to a $\frac{1}{2}$ inch rebar;
Thence South 87°52'46" East for a distance of 778.95 feet to a $\frac{1}{2}$ inch rebar;
Thence South 00°12'25" West for a distance of 219.59 feet to a $\frac{1}{2}$ inch rebar on the South line of Lot 2;
Thence South 89°45'03" West along said line for a distance of 835.16 feet to the Point of Beginning.

Tract No. 2:

Beginning at the Southwest Corner of Lot 2 of Section 6, said corner marked by a 5/8 inch rebar; Thence North 00°12'25" East along the west line of Section 6 for a distance of 254.14 feet to the Point of Beginning;
Thence North 00°12'25" East along the west line of Section 6 for a distance of 59.00 feet;
Thence South 87°52'46" East for a distance of 536.20 feet;
Thence South 43°23'23" East for a distance of 84.14 feet to a 1/2 inch rebar;
Thence North 87°52'46" West for a distance of 537.61 feet to a 1/2 inch rebar;
Thence North 87°52'46" West for a distance of 56.65 feet to the Point of Beginning.

Section 7: Lots 1, 2, 3, 4, NE1/4NE1/4, E1/2SE1/4

Section 18: Lot 1

PARCEL NO. 4:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: Part of Lot 1, more particularly described as follows:

Beginning at the Southeast corner of Lot 1 of said Section 1, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 89°44'28" West along the South line of Lot 1 for a distance of 162.03 feet;
Thence North 02°20'12" East for a distance of 6.61 feet to a 1/2 inch rebar;
Thence North 02°20'12" East for a distance of 98.67 feet to a 1/2 inch rebar;
Thence South 88°21'57" East for a distance of 136.71 feet to a 1/2 inch rebar;
Thence South 88°21'57" East for a distance of 21.46 feet to a point on the East section line;
Thence South 00°12'25" West along said line for a distance of 101.42 feet to the Point of Beginning.

PARCEL NO. 5:

Mainline Easement as created by Warranty Deed dated February 8, 2008 and recorded February 8, 2008 as Instrument No. 2008-000941, records of Cassia County, Idaho, for the benefit of Parcel No. 4, more particularly described as follows:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: Part of Lot 1, more particularly described as follows:

Beginning at the Southeast corner of Lot 1 of said Section 1, said corner marked by a 5/8 inch rebar; Thence North 00°12'25" East along the East section line for a distance of 101.42 feet to the Point of Beginning;
Thence North 88°21'57" West for a distance of 13.48 feet;
Thence North 43°46'08" East for a distance of 19.56 feet to a point on the East section line;
Thence South 00°12'25" West along said line for a distance of 14.51 feet to the Point of Beginning.

PARCEL NO. 6:

Mainline Easement as created by Warranty Deed dated February 8, 2008 and recorded February 8, 2008 as Instrument No. 2008-000941, records of Cassia County, Idaho, for the benefit of Parcel No. 4, more particularly described as follows:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: Part of Lot 2, more particularly described as follows:

Beginning at the Southwest corner of Lot 2 of said Section 6, said corner marked by a 5/8 inch rebar; Thence North 00°12'25" East along the West section line for a distance of 101.42 feet to the Point of Beginning;
Thence North 00°12'25" East continuing along said line for a distance of 14.51 feet;
Thence North 43°46'08" East for a distance of 184.86 feet;
Thence South 87°52'46" East for a distance of 13.38 feet;
Thence South 43°46'08" West for a distance of 204.27 feet to the Point of Beginning.

PARCEL NO. 7:

Mainline Easement as created by Warranty Deed dated February 8, 2008 and recorded February 8, 2008 as Instrument No. 2008-000941, records of Cassia County, Idaho, for the benefit of Parcel No. 4, more particularly described as follows:

**TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 1: Part of the E $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northeast corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 1, said corner marked by a 5/8 inch rebar; Thence North 89°44'28" West along the North line of SE $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 84.03 feet to the Point of Beginning;
Thence South 42°25'24" East for a distance of 60.09 feet to the centerline of a county road;
Thence South 44°40'58" West along said centerline for a distance of 10.01 feet;
Thence North 42°25'24" West for a distance of 56.21 feet;
Thence North 89°44'28" West for a distance of 571.64 feet;
Thence North 89°10'56" West for a distance of 342.53 feet;
Thence North 00°40'28" East for a distance of 15.54 feet;
Thence South 89°19'32" East for a distance of 10.00 feet;
Thence South 00°40'28" West for a distance of 5.56 feet;
Thence South 89°10'56" East for a distance of 332.50 feet to a 1/2 inch rebar on the South line of Lot 1;
Thence South 89°44'28" East along said line for a distance of 575.97 feet to the Point of Beginning.

PARCEL NO. 8:

**TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 5: SE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 9:

**TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 32: NE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL NO. 10:

**TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 7: SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 8: SW $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$

PARCEL NO. 11:

INTENTIONALLY DELETED

PARCEL NO. 12:

INTENTIONALLY DELETED

PARCEL NO. 13:

INTENTIONALLY DELETED

PARCEL NO. 14:

INTENTIONALLY DELETED

RETURN RECORDED DOCUMENT TO

Andrew W. Martin, Esq./cj
Equitable AgriFinance, LLC
6300 C Street SW, MS 3B-CR
Cedar Rapids, Iowa 52499

Loan No. 65720242

IDAHO DEED OF PARTIAL RELEASE

WHEREAS, Schenk Land & Cattle, L.P., an Idaho limited partnership, executed a certain Mortgage or Deed of Trust unto Pacific Life Insurance Company (hereinafter referred to as "**Lender**") dated the 11th day of December, 2020, recorded in Cassia, Idaho, as Document No. 2020-006355, to secure the payment of a Note or Bond of even date therewith, in the sum of Four Million and No/100 Dollars (\$4,000,000.00);

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the said Lender, for valuable consideration unto it paid at the execution and delivery hereof, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the owner or owners thereof, the following water rights therein described on the property, in Cassia County, Idaho, to wit:

0.5 CFS of Stock Water Rights Owned by Schenk Land & Cattle, L.P.
(Water Right No. 45-12444).

TO HAVE AND TO HOLD THE SAME WITH THE APPURTENANCES unto the said owner or owners, forever freed, exonerated and discharged of and from the aforesaid lien.

PROVIDED always, nevertheless, that nothing herein contained shall in anywise affect, alter or diminish the aforesaid lien or encumbrance on the remaining part of the real property described therein, or the remedies at law for recovering from the parties liable to pay the same the balance of said principal sum, with interest, secured thereby.

UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS

A. NAME & PHONE OF CONTACT AT FILER (optional) Christine James - 502-560-2832
B. E-MAIL CONTACT AT FILER (optional) cjames@aegonam.com
C. SEND ACKNOWLEDGMENT TO: (Name and Address) Christine James Equitable Financial Life Insurance Company c/o Equitable AgriFinance, LLC 6300 C Street SW, MS 3B-CR Cedar Rapids, Iowa 52499

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE NUMBER
20202013161 dated 12/17/2020

1b. ☐ This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS
Filer: attach Amendment Addendum (Form UCC3Ad) and provide Debtor's name in item 13

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to the security interest(s) of Secured Party authorizing this Termination Statement

3. ☐ ASSIGNMENT (full or partial): Provide name of Assignee in item 7a or 7b, and address of Assignee in item 7c and name of Assignor in item 9
For partial assignment, complete items 7 and 9 and also indicate affected collateral in item 8

4. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to the security interest(s) of Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law

5. ☐ PARTY INFORMATION CHANGE:

Check one of these two boxes:

AND Check one of these three boxes to:

This Change affects ☐ Debtor or ☐ Secured Party of record ☐ CHANGE name and/or address: Complete item 6a or 6b; and item 7a or 7b and item 7c ☐ ADD name: Complete item 7a or 7b, and item 7c ☐ DELETE name: Give record name to be deleted in item 6a or 6b

6. CURRENT RECORD INFORMATION: Complete for Party Information Change - provide only one name (6a or 5b)

6a. ORGANIZATION'S NAME

Pacific Life Insurance Company

OR

6b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S)

SUFFIX

7. CHANGED OR ADDED INFORMATION: Complete for Assignment or Party Information Change - provide only one name (7a or 7b) (use exact, full name, do not omit, modify, or abbreviate any part of the Debtor's name)

7a. ORGANIZATION'S NAME

OR

7b. INDIVIDUAL'S SURNAME

INDIVIDUAL'S FIRST PERSONAL NAME

INDIVIDUAL'S ADDITIONAL NAME(S)/INITIAL(S)

SUFFIX

7c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

8. ☒ COLLATERAL CHANGE: Also check one of these four boxes: ☐ ADD collateral ☒ DELETE collateral ☐ RESTATE covered collateral ☐ ASSIGN collateral

Indicate collateral:

Lender is only releasing its interest in 0.5 CFS of stock water rights of Water Right No. 45-12444.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT: Provide only one name (9a or 9b) (name of Assignor, if this is an Assignment)

If this is an Amendment authorized by a DEBTOR, check here ☐ and provide name of authorizing Debtor

9a. ORGANIZATION'S NAME

Pacific Life Insurance Company

OR

9b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S)

SUFFIX

10. OPTIONAL FILER REFERENCE DATA:

Schenk



0003890358

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003890358

Date Filed: 6/3/2020 10:28:16 AM

Entity Name and Mailing Address:					
Entity Name:	SCHENK LAND & CATTLE L.P.				
The file number of this entity on the records of the Idaho Secretary of State is:	0000023214				
Address	1380 S 50 W OAKLEY, ID 83346-8715				
Entity Details:					
Entity Status	Active - Current				
This entity is organized under the laws of:	IDAHO				
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	L3802				
The registered agent on record is:					
Registered Agent	DALLAN SCHENK Registered Agent Physical Address 1380 SOUTH 50 WEST OAKLEY, ID 83346 Mailing Address				
Limited Partnership General Partners					
<table border="1"><thead><tr><th>Name</th><th>Business Address</th></tr></thead><tbody><tr><td>+ Robert Schenk Feedlot, Inc</td><td>1380 S 50 W OAKLEY, ID 83346</td></tr></tbody></table>		Name	Business Address	+ Robert Schenk Feedlot, Inc	1380 S 50 W OAKLEY, ID 83346
Name	Business Address				
+ Robert Schenk Feedlot, Inc	1380 S 50 W OAKLEY, ID 83346				
The annual report must be signed by an authorized signer of the entity.					
<u>Dallan Schenk</u> Sign Here	<u>06/03/2020</u> Date				
Job Title: Partner					

B0514-5679 06/03/2020 10:28 AM Received by ID Secretary of State Lawrence Denney

Customer Ad Proof

60003161 IDAHO DEPT OF WATER RESOURCES

Order Nbr 117994

Publication

Times News

Contact

IDAHO DEPT OF WATER RESOURCES

Address 1

2735 AIRPORT WAY

Address 2

City St Zip

BOISE ID 83705

Phone

2083342190

Fax

Section

Legals

SubSection

Category

50 Legal

Ad Key

117994-1 85172

Keywords

3 TRANSFER NO. 85056, 58172, 85190

Notes

PO Number

Rate

Legal Notice

Order Price

235.98

Amount Paid

0.00

Amount Due

235.98

Start/End Dates

08/19/2021 - 08/26/2021

Insertions

2

Size

156

Salesperson(s)

Jenny Green - Legals

Taken By

Sherri Davis

Ad Proof

*Proof of legal notice received
from Times News 8/12/2021 (2 pgs)*

✓ Dm 8-13-2021

Customer Ad Proof

60003161 IDAHO DEPT OF WATER RESOURCES

Order Nbr 117994

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

45-14539

ALBION 12 INVESTMENTS LLC
7595 E MCDONALD DR STE 130
SCOTTSDALE, AZ 85250-6081

Point of Diversion SWNWSE S16 T12S R25E CASSIA County
Source UNNAMED STREAM Tributary SUMMIT CREEK

Point of Diversion SENENW S21 T12S R25E CASSIA County
Source SPRING CREEK Tributary HOWELL CREEK

Point of Diversion SENENW S21 T12S R25E CASSIA County
Source SPRING CREEK Tributary HOWELL CREEK

Use: AESTHETIC STORAGE 0101 to 12%1 7.5 AF

Use: WILDLIFE STORAGE 0101 to 12%1 7.5 AF

Total Diversion: 7.5 AF

Date Filed: 07-27-2021

Place Of Use: AESTHETIC STORAGE, WILDLIFE STORAGE

T12S R25E S16 NWSE

T12S R25E S21 NENW

Application for permit proposes the appropriation of 3.6 af from Spring Creek and 3.9 af from an unnamed stream (total for both 7.5 af) for uses associated with 3 on-stream ponds. A mitigation plan was submitted with application to account for evaporative losses and initial fill of ponds. Two ponds on Spring Creek are located approximately 1.9 miles east and 2.7 miles to 2.8 miles south of Albion. The pond on unnamed stream is located approximately 2 miles east and 2.4 to 2.5 miles south of Albion.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85056

GARY DE MOSS and HELEN DE MOSS, PO BOX 61, BLISS, ID 83314 has filed Application No. 85056 for changes to the following water rights within GOODING County(s): Right No(s). 37-22168. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and point of diversion (POD) for a 6.0 acre (0.12 cfs) portion of ground water irrigation right 37-22168 which is currently appurtenant to land located approximately 9.7 to 11.0 miles west and 4.5 to 7.0 miles north of the intersection of State Highway 46 and U.S. Highway 26 in Gooding. The proposed POU is located approximately 4.5 miles west and 2.2 miles north of Gooding. A new well and an existing well located within the proposed POU will be utilized as PODs for the transferred portion.

TRANSFER NO. 85172

ALBION 12 INVESTMENTS LLC, 7595 E MCDONALD DR STE 130, SCOTTSDALE, AZ 85250-6081 has filed Application No. 85172 for changes to the following water rights within CASSIA County(s): Right No(s). 45-517D. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a new point of diversion to a 0.2 cfs Spring Creek irrigation water right that is located approximately 1.9 miles east and 2.8 miles south of Albion. Application also proposes removing a currently authorized point of diversion from the same water right.

TRANSFER NO. 85190

SCHENK LAND & CATTLE LP, 1380 S 50 W, OAKLEY, ID 83346-8715 has filed Application No. 85190 for changes to the following water rights within CASSIA County(s): Right No(s). 45-12444. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the recorded place of use of an existing Land Ranch Spring water right (0.50 cfs) to reflect actual water use for stock water purposes at a feedlot facility located approximately 3.4 miles east and 7.2 miles north of Oakley.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights & proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **September 7, 2021**. The protestant must also send a copy of the protest to the applicant.

Published 19, 26 August, 2021

✓ dm 8-13-2021



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 12, 2021

SCHENK LAND & CATTLE LP
1380 S 50 W
OAKLEY, ID 83346-8715

RE: Transfer No. 85190
Water Right No(s). 45-12444

Dear Applicant(s):

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 **TIMES NEWS on 8/19/2021 and 8/26/2021**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **September 7, 2021**.

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,

Denise Maline

Denise Maline
Administrative Assistant

c: Brockway Engineering PLLC
Pacific Life Insurance Co. c/o Equitable AgriFinance LLC

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 12, 2021 4:46 PM
To: Adam Mc Coy (WD140)
Subject: Comment Letter for Transfer 85190 Schenk Land & Cattle
Attachments: Transfer 85190 Schenk Land & Cattle.pdf; Comment letter to WD140 for 85190.docx

Good afternoon Adam,

Attached is an application for transfer currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Water Resource Agent Kent Aasa at (208) 736-3033.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 12, 2021

WATER DISTRICT 140
ADAM MC COY
355 W 500 S
BURLEY ID 83318-5229

RE: Transfer No. 85190 (Schenk Land & Cattle LP)

Dear Adam:

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

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

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 12, 2021 11:07 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.docx

Attached please find (1) legal notice being submitted for publication on August 19th & 26th, 2021. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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Governor Brad Little

Director Gary Spackman

August 12, 2021

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 45-14539

RE: Transfer No. 85172
Water Right No(s). 45-517D

RE: Transfer No. 85056
Water Right No(s). 37-22168

RE: Transfer No. 85190
Water Right No(s). 45-12444

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 September 7, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

45-14539

ALBION 12 INVESTMENTS LLC
7595 E MCDONALD DR STE 130
SCOTTSDALE, AZ 85250-6081

Point of Diversion SWNWSE S16 T12S R25E CASSIA County Source UNNAMED STREAM Tributary SUMMIT CREEK

Point of Diversion SENENW S21 T12S R25E CASSIA County Source SPRING CREEK Tributary HOWELL CREEK

Point of Diversion SENENW S21 T12S R25E CASSIA County Source SPRING CREEK Tributary HOWELL CREEK

Use: AESTHETIC STORAGE 01/01 to 12/31 7.5 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 7.5 AF

Total Diversion: 7.5 AF

Date Filed: 07-27-2021

Place Of Use: AESTHETIC STORAGE, WILDLIFE STORAGE

T12S R25E S16 NWSE

T12S R25E S21 NENW

Application for permit proposes the appropriation of 3.6 af from Spring Creek and 3.9 af from an unnamed stream (total for both 7.5 af) for uses associated with 3 on-stream ponds. A mitigation plan was submitted with application to account for evaporative losses and initial fill of ponds. Two ponds on Spring Creek are located approximately 1.9 miles east and 2.7 miles to 2.8 miles south of Albion. The pond on unnamed stream is located approximately 2 miles east and 2.4 to 2.5 miles south of Albion.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 85056

GARY DE MOSS and HELEN DE MOSS, PO BOX 61, BLISS, ID 83314 has filed Application No. 85056 for changes to the following water rights within GOODING County(s): Right No(s). 37-22168. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and point of diversion (POD) for a 6.0 acre (0.12 cfs) portion of ground water irrigation right 37-22168 which is currently appurtenant to land located approximately 9.7 to 11.0 miles west and 4.5 to 7.0 miles north of the intersection of State Highway 46 and U.S. Highway 26 in Gooding. The proposed POU is located approximately 4.5 miles west and 2.2 miles north of Gooding. A new well and an existing well located within the proposed POU will be utilized as PODs for the transferred portion.

TRANSFER NO. 85172

ALBION 12 INVESTMENTS LLC, 7595 E MCDONALD DR STE 130, SCOTTSDALE, AZ 85250-6081 has filed Application No. 85172 for changes to the following water rights within CASSIA County(s): Right No(s). 45-517D. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a new point of diversion to a 0.2 cfs Spring Creek irrigation water right that is located approximately 1.9 miles east and 2.8 miles south of Albion. Application also proposes removing a currently authorized point of diversion from the same water right.

TRANSFER NO. 85190

SCHENK LAND & CATTLE LP, 1380 S 50 W, OAKLEY, ID 83346-8715 has filed Application No. 85190 for changes to the following water rights within CASSIA County(s): Right No(s). 45-12444. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the recorded place of use of an existing Land Ranch Spring water right (0.50 cfs) to reflect actual water use for stock water purposes at a feedlot facility located approximately 3.4 miles east and 7.2 miles north of Oakley.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **September 7, 2021**. The protestant must also send a copy of the protest to the applicant.

MEMORANDUM

Date: August 11, 2021

To: Transfer 85190

From: Kent Aasa

Re: Synopsis Memo

Synopsis Memo
8/11/2021

Application proposes to change the recorded place of use of an existing Land Ranch Spring water right (0.50 cfs) to reflect actual water use for stock water purposes at a feedlot facility located approximately 3.4 miles east and 7.2 miles north of Oakley. The feedlot facility and the point of diversion are located in Water District 140 so water master comments will be solicited.

MEMORANDUM

Date: August 6, 2021
To: Transfer 85190
From: Kent Aasa
Re: Fee Memo

Fee Memo
8/6/2021

The above transfer was filed on July 06, 2021 in the name of Schenk Land & Livestock LP with a check from Brockway Engineering (representative) for \$500.00 (check #16504). The transfer intends to change the place (POU) of use for the stock water portion of 45-12444 (0.50 cfs). The fee for the POU change for water right 45-12444 (0.5 cfs total) is \$500.00.

The transfer (85190) will simply update the POU on the water right to reflect the actual water use at a feedlot facility.

The total transfer fee is \$500.00, which was paid in full, IDWR receipt S038690 dated 07/06/2021.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUL 06 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

July 6, 2021

Corey Skinner
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

Re: Schenk Land & Cattle LP 45-12444

Dear Mr. Skinner:

Schenk Land & Cattle LP desires to move the 0.5 cfs and 362.0 acre feet of stockwater from water right 45-12444 to a new place of use. This 0.5 cfs portion of 45-12444 has been used at this feedlot for the past 60 years providing sufficient water to the facility to process 25,000 head of cattle each year. This transfer will update the place of use to match the spring water has historically been beneficially used.

The diversion and delivery system has been update through the years from a dirt ditch, cement ditch and then to underground piping. Flowmeters have been installed on the delivery pipe. No change to the diversion or delivery system will occur from this transfer.

The ownership, beneficial use, period of use and authorized point of diversion will not be changing. No ESPA model analysis is required for this transfer because water right 45-12444 is a surface water right.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Dallan Schenk

Enc: Transfer Application, Aerial Map, CAFO Water Requirements, Annual Report, Historical Annual Animal Records, Consent Letter from AXA Equitable Life Insurance Company, Idaho Deed of Partial Release, Brockway Engineering Check # 16504 for \$500.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506