

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

88172

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) Knife River Corp Mountain West

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

SEP 11 2023

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

Department of Water Resources
Eastern Region

Name of Applicant(s) Knife River Corp Mountain West

Phone _____

Mailing address 5450 W Gowen Rd.

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

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

☐ No Representative

Name of Representative Rocky Mountain Environmental Associates, Inc

Phone 208-524-2353

Mailing address 482 Constitution Way Ste 303

Email thane.rmea@gmail.com

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

OR

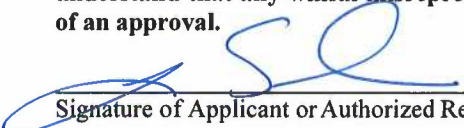
☒ Send original correspondence to the applicant and copies to the representative.

☒ 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.


Signature of Applicant or Authorized Representative

Joseph Smith, Regional Environmental Manager
Print Name and Title if applicable

September 5, 2023
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 requires water for a new gravel washing plant. Transferred water right was obtained for growth at applicant's Idaho Falls batch plant facility. It is not currently being used at the existing facility and a portion will benefit the applicant for use at the new facility. Water will be used for dust abatement and pond evaporation.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 27 2023

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources
Eastern Region

Name of Applicant(s) Knife River Corp Mountain West Phone _____
Mailing address 5450 W Gowen Rd., Idaho 83709-5625 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

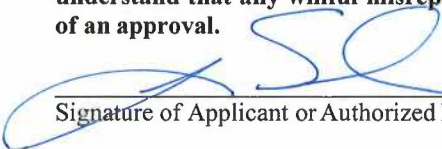
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Rocky Mountain Environmental Associates, Inc Phone 208-524-2353
Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email thane.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.


Signature of Applicant or Authorized Representative _____ Joseph Smith, Regional Environmental Manager _____ June 21, 2023 _____
Print Name and Title if applicable _____ 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**.
Applicant requires water for a new gravel washing plant. Transferred water right was obtained for growth at the applicant's Idaho Falls batch plant facility. It is not currently being used at the existing facility and a portion will benefit the applicant for use at the new facility. The transferred portion will be mitigation by non-use for companion permit application.

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	25-14499	0.02 cfs	Industrial	01/01 to 12/31	Ground water
☐ ☐		6.1 afa	Industrial	01/01 to 12/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.02 cfs and/or _____ acre-feet.

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

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			SE	SW	5	03N	38E	Bonneville	Groundwater	

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	
03N	38E	5								I	I			I					
Total Acres (for irrigation use)																			0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

AMENDED

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:
Applicant will construct a new well with pump and a measuring device can be installed at development. The well will connect to the gravel washing facility via a mainline and deliver water to the pond after passing through the gravel washing facility.
- b. Who owns the property at the point(s) of diversion? Applicant; See narrative
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
NA
- 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: NA
- 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:
NA
- 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:
Proposed POD/POU: Companion Permit Application and Burgess Canal (which previously irrigated lands)
Existing POD/POU: Other industrial rights for Knife River 25-14344, 25-14498, and 25-13979 (from Sunnyside Park Utilities).
- 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:

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:
Applicant will construct a new well with pump and a measuring device can be installed at
development. The well will connect to the gravel washing facility via a mainline. Water will also be
recirculated from the pond for washing.
- b. Who owns the property at the point(s) of diversion? Applicant; See narrative
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
NA
- 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: NA
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Sunnyside Park Utilities).
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☐ ☒ 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:

Close

Water Right Report : 25-14499(License/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	KNIFE RIVER CORPORATION MOUNTAIN WEST	5450 W GOWEN RD	BOISE	ID	83709-5625
Original Owner	KETTLE BUTTE FARMS LTD	C/O WILLIAM PUGH 6062 ADAMS RD	TALENT	OR	97540
Previous Owner	WAYNE PROPERTIES LLC	PO BOX 2906	IDAHO FALLS	ID	83403-2906

Water Right Status

Priority Date : 1/14/1983
Basis : License
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	02N	37E	36	0				NE SW BONNEVILLE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
INDUSTRIAL	01/01	12/31	0.07 CFS	17.10 AFA
TOTAL			0.07 CFS	17.10 CFS

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : INDUSTRIAL (BONNEVILLE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
02N	37E	36			SW	NW	
02N	37E	36			SE	NW	
02N	37E	36			NE	SW	
02N	37E	36			NW	SW	
02N	37E	36			SW	SW	
02N	37E	36			SE	SW	

Conditions

Code Conditions

- 205 The approval of transfer 85192 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
- 933 This right is for the use of trust water, and it is subject to review 20 years after its initial approval (10/18/1990) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

- SF2 This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.
- R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
- 212 Prior to diversion and use of water under Transfer approval 85192, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
- 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
- X06 Industrial use is for a concrete mixing facility.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- 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.

Dates

Licensed Date :
 Decreed Date :
 Permit Proof Due Date :
 Permit Proof Made Date :
 Permit Approved Date :
 Permit Moratorium Expiration Date :
 Enlargement Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date:
 Protest Deadline Date:

Other Information

State or Federal :
 Water District Number : 120
 Generic Max Rate Per Acre : 0
 Generic Max Volume Per Acre : 0
 Civil Case Number :
 Decree Plaintiff :
 Decree Defendant :
 Swan Falls Trust or Nontrust :
 Swan Falls Dismissed :
 DLE Act Number :
 Cary Act Number :
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

5/18/2023

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 has a slight shadow on the right side, suggesting it's resting on a surface.

88 17 2



Mountain West
5450 W. Gowen Road
Boise, ID 83709
(208) 362-6152
(208) 362-6199 FAX

June 14, 2023

Re: Appointment of Agents - Power of Attorney

To Whom It May Concern:

Pursuant to a Board resolution adopted by the Board of Directors of Knife River Corporation – Mountain West, I am authorized, as President, to designate certain individuals as agents of Knife River Corporation – Mountain West who shall be authorized, in the name and on behalf of Knife River Corporation – Mountain West, to execute and deliver construction contracts, subcontracts, agreements, documents, and other instruments with governmental authorities (federal, state, county, or local), with general contractors or subcontractors, and with private parties.

I hereby designate each of the following individual(s) an agent of Knife River Corporation – Mountain West, and each of them is authorized and empowered to execute and deliver documents, including but limited to, construction contracts, subcontracts, prime contractor proposals, subcontractor proposals, competitive bids for projects, price quotations or bids for materials, lien releases, and other related agreements, documents, and instruments with governmental authorities (federal, state, county, or local), with general contractors or subcontractors, and with private parties, in the name and on behalf of Knife River Corporation – Mountain West:

Matt Abrams
Mike Berg
Mike Cole
Will Haigh
Drew Harris
Bret Olson
Dustin Park
Bret Gant
Joseph Smith

This authorization letter is effective and in full force and effect, until modified.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Lauteren".

Jim Lauteren
President

Knife River Corporation – Mountain West



Mountain West
5450 W. Gowen Road
Boise, ID 83709
(208) 362-6152
(208) 362-6199 FAX

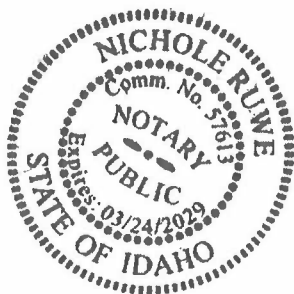
STATE OF IDAHO

COUNTY OF ADA

Jim Lauteren, being first duly sworn, deposes and says that he is the President for Knife River Corporation – Mountain West; that the execution of this instrument is the act and deed of the Corporation, that he has read the foregoing document and knows the contents thereof, and that the statements herein are true.

Jim Lauteren
President
Knife River Corporation – Mountain West

Subscribed and sworn to before me on June 14, 2023.



Boise, Idaho, Notary Public

Ada County, Idaho

My commission expires: 3/24/2029

CERTIFICATE

I, Karl A. Liepitz, hereby certify that I am the duly elected and qualified Assistant Secretary of Knife River Corporation – Mountain West, a Delaware corporation; and I further certify that, pursuant to a resolution adopted by Written Consent of the Board of Directors dated September 2, 2020, the persons named below have been duly elected, have qualified and are officers of the Company holding the offices set forth opposite their respective names:

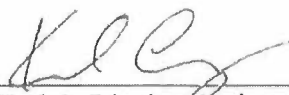
David C. Barney	Chair of the Board and Chief Executive Officer
James L. Lauteren	President
Justin W. Rosin	Vice President – Operations
Nancy K. Christenson	Treasurer and Chief Financial Officer
Daniel S. Kuntz	General Counsel and Secretary
Calvin R. DeWall	Region Controller and Assistant Secretary
Karl A. Liepitz	Assistant Secretary

* * * * *

I further certify that the following is a true and correct copy of Section 5.13 of the Bylaws of Knife River Corporation – Mountain West, which sets forth the powers of the officers to execute documents; and that said Bylaw Section is presently in full force and effect:

5.13 Execution of Instruments. All deeds, bonds, mortgages, notes, contracts and other instruments shall be executed on behalf of the Corporation by the Chairman of the Board, the Chief Executive Officer, the President, any Vice President or Assistant Vice President, the General Counsel, any other officer who performs a policy-making function (such as administration, operations, accounting, or finance) or such other officer or agent of the Corporation as shall be duly authorized by the Board of Directors. Any officer or agent executing any such documents on behalf of the Corporation may do so (except as otherwise required by applicable law) either under or without the seal of the Corporation and either individually or with an attestation, according to the requirements of the form of the instrument. If an attestation is required, the document shall be attested by the Secretary or an Assistant Secretary or by the Treasurer or an Assistant Treasurer or any other officer or agent authorized by the Board of Directors. When authorized by the Board of Directors, the signature of any officer or agent of the Corporation may be a facsimile.

IN WITNESS WHEREOF, I have hereunto set my hand on September 2, 2020.


 Karl A. Liepitz, Assistant Secretary

September 1, 2020

Re: Appointment of Agents - Power of Attorney

To Whom It May Concern:

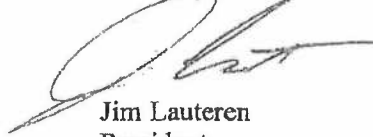
Pursuant to a Board resolution adopted by the Board of Directors of Knife River Corporation – Mountain West, I am authorized, as President, to designate certain individuals as agents of Knife River Corporation – Mountain West who shall be authorized, in the name and on behalf of Knife River Corporation – Mountain West, to execute and deliver construction contracts, subcontracts, agreements, documents, and other instruments with governmental authorities (federal, state, county, or local), with general contractors or subcontractors, and with private parties.

I hereby designate each of the following individual(s) an agent of Knife River Corporation – Mountain West, and each of them is authorized and empowered to execute and deliver documents, including but limited to, construction contracts, subcontracts, prime contractor proposals, subcontractor proposals, competitive bids for projects, price quotations or bids for materials, lien releases, and other related agreements, documents, and instruments with governmental authorities (federal, state, county, or local), with general contractors or subcontractors, and with private parties, in the name and on behalf of Knife River Corporation – Mountain West:

Norm Avery
Jim Madden
Justin Tietz
Bret Olson
Josh Smith

This authorization letter is effective and in full force and effect, until modified.

Sincerely,

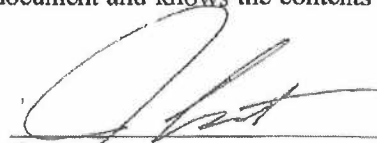


Jim Lauteren
President
Knife River Corporation – Mountain West

STATE OF IDAHO

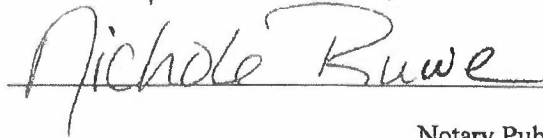
COUNTY OF ADA

Jim Lauteren, being first duly sworn, deposes and says that he is the President for Knife River Corporation – Mountain West; that the execution of this instrument is the act and deed of the Corporation, that he has read the foregoing document and knows the contents thereof, and that the statements herein are true.



Jim Lauteren
President
Knife River Corporation – Mountain West

Subscribed and sworn to before me on September 1, 2020.

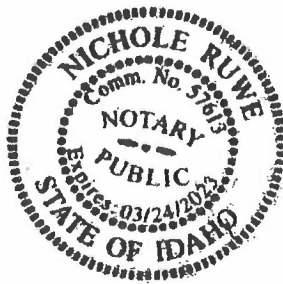


, Notary Public

Ada

County, Idaho

My commission expires: March 24, 2023



Attachment #5: Eastern Snake Plain Aquifer Modeling Analysis

The Applicant requires transfer of water for industrial purposes from water right 25-14499. The location of the existing well that serves as the POD for water right 25-14499, the estimated location of a new well, and ESPAM Grid Cells used for modeling are shown in Figure 1.

Input data are shown in Figure 2 as beginning in the winter of 1982 to match the priority date of water right 25-14499. For the purposes of modeling, the transfer is assumed to occur in the spring of 2024 with a rate of 6.1 afa that continues throughout the modeling period.

As shown in Figures 3 and 4, the affects do not exceed the threshold of 2.0 af/trimester. Thus, **no mitigation is required**.

Figure 1. ESPA Model Grid Locations

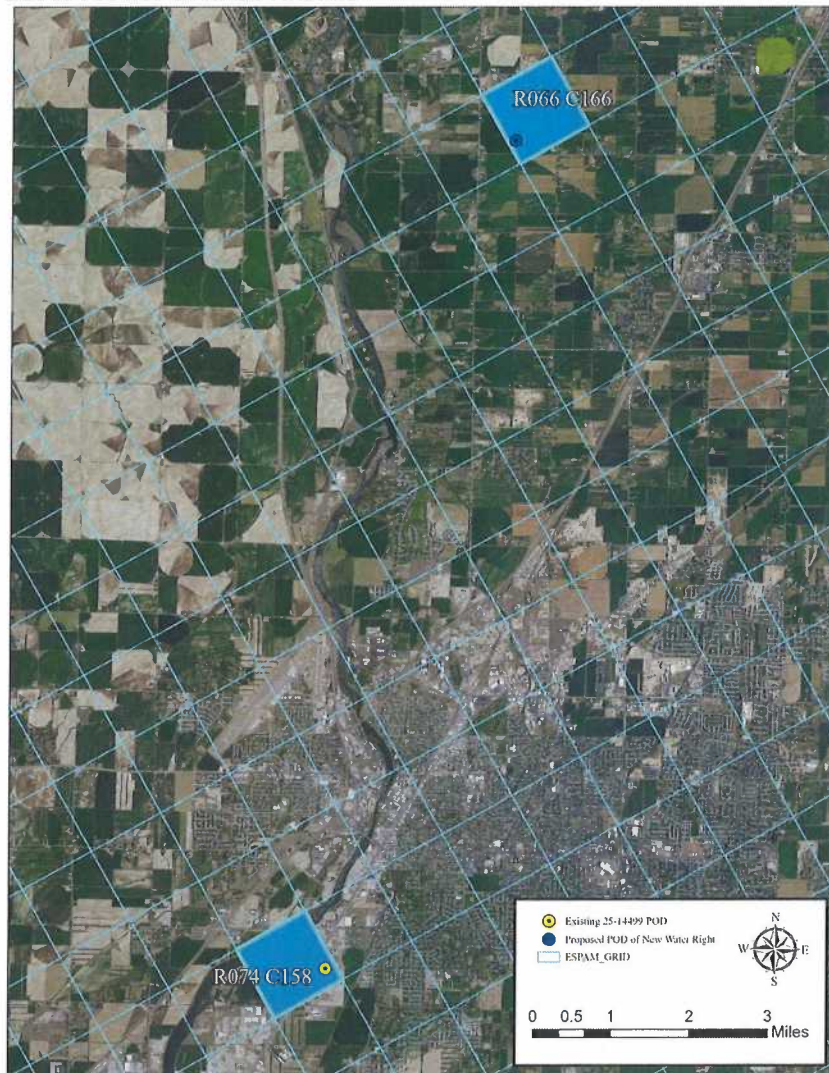


Figure 2. Data Entry

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: TRANSFER NO:

SEASON: TRANSFER NAME:

UPDATE DATES

RUN MODEL

GET OUTPUT

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	TO' CELL	FROM1' CELL	FROM2' CELL	FROM3' CELL
ROW	66	74	0	0
COLUMN	166	158	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 1982	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SPR 1983	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SUM 1983	0.00	2.03	2.03	0.00	0.00	0.00	0.00
WIN 1983	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SPR 1984	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SUM 1984	0.00	2.03	2.03	0.00	0.00	0.00	0.00
WIN 1984	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SPR 1985	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SUM 1985	0.00	2.03	2.03	0.00	0.00	0.00	0.00
WIN 1985	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SPR 1986	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SUM 1986	0.00	2.03	2.03	0.00	0.00	0.00	0.00
WIN 1986	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SPR 1987	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SUM 1987	0.00	2.03	2.03	0.00	0.00	0.00	0.00
WIN 1987	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SPR 1988	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SUM 1988	0.00	2.03	2.03	0.00	0.00	0.00	0.00
WIN 1988	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SPR 1989	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SUM 1989	0.00	2.03	2.03	0.00	0.00	0.00	0.00
WIN 1989	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SPR 1990	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SUM 1990	0.00	2.03	2.03	0.00	0.00	0.00	0.00
WIN 1990	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SPR 1991	0.00	2.03	2.03	0.00	0.00	0.00	0.00
SUM 1991	0.00	2.03	2.03	0.00	0.00	0.00	0.00
WIN 1991	0.00	2.03	2.03	0.00	0.00	0.00	0.00

Figure 3. Net Transfer Graphs

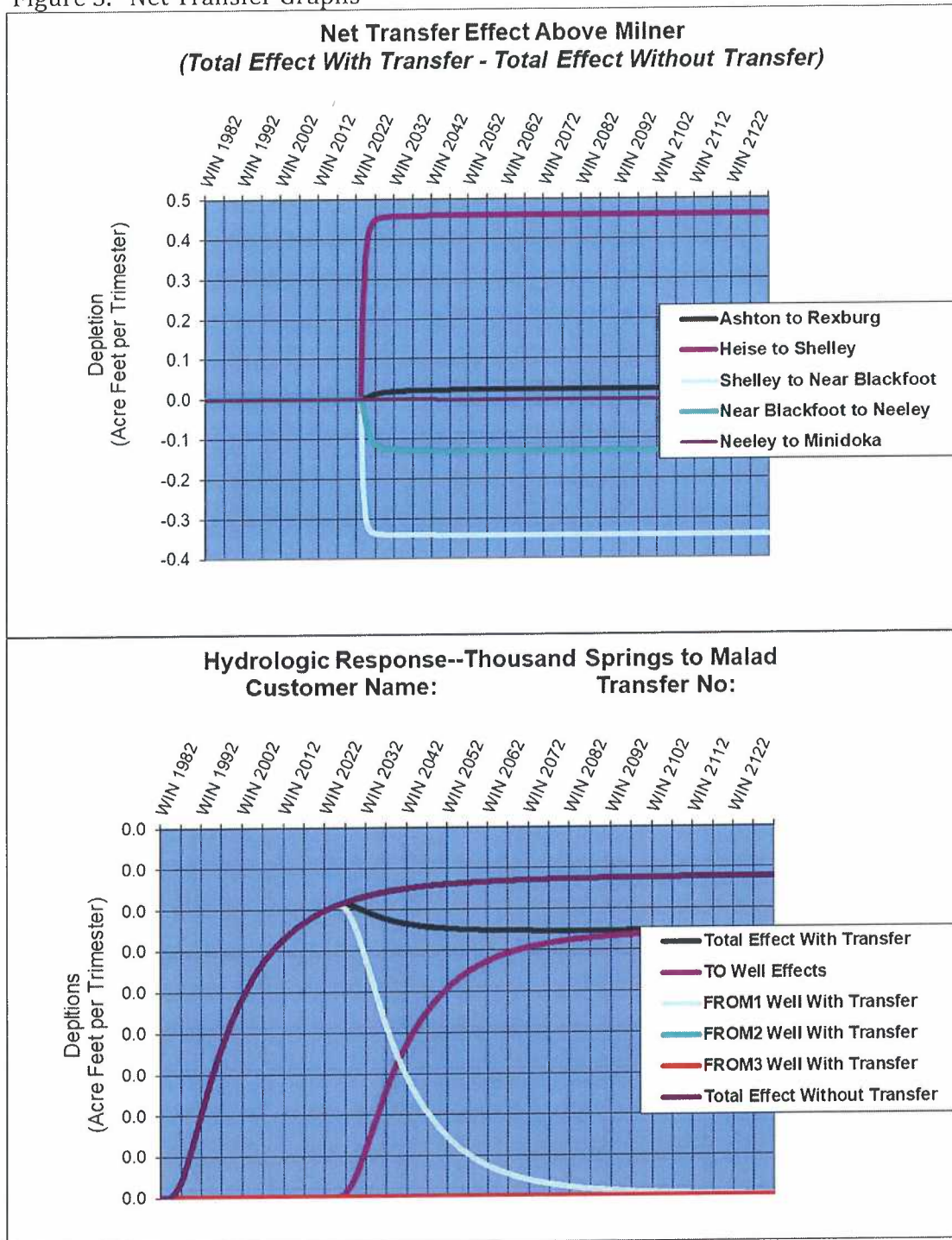


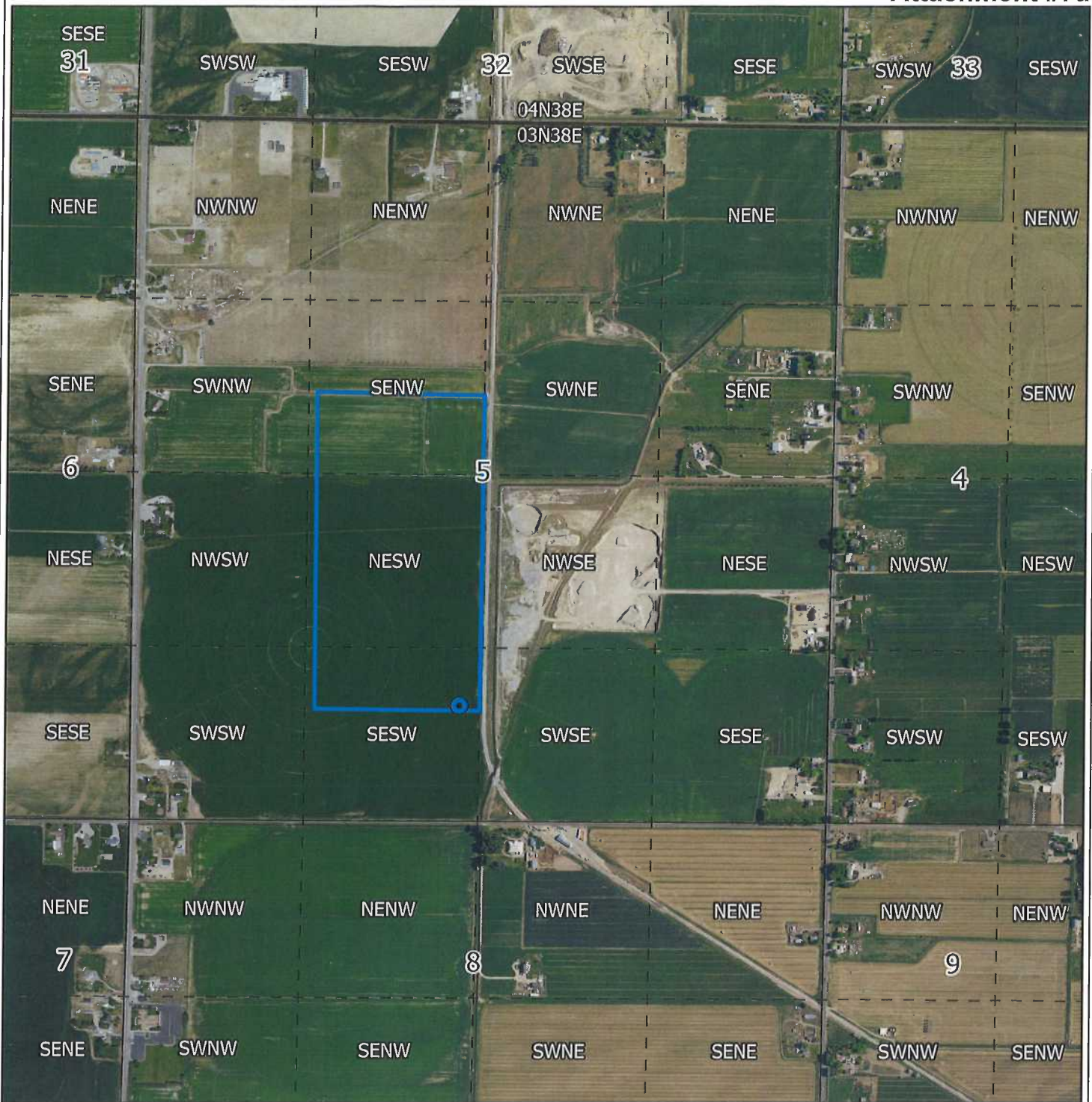
Figure 4. Calculated Effects and Mitigation Analysis Tool

Enter First Time Step of Transfer: **SPR 2024**

Match:	125	Match:	456										
	AtR	HtS	StNB	NBtN	NtM	DWtB	BtTS	TS	TStM	M	MtB	Total	
Preexisting Effects @ SS (Last Time Step):	0.08	0.30	0.84	0.77	0.01	0.01	0.01	0.00	0.00	0.00	0.00	2.03	Total Effect
Steady State - Value of Dep. @ Last Time Step:	0.10	0.76	0.50	0.64	0.01	0.01	0.01	0.00	0.00	0.00	0.00	2.03	Total Effect
isting Effects @ Transient State (Max Value Timestep):	0.08	0.30	0.84	0.77	0.01	0.01	0.01	0.00	0.00	0.00	0.00	2.03	Total Effect
Transient State - Max. Value of Dep. After Transfer:	0.10	0.76	0.72	0.76	0.01	0.01	0.01	0.00	0.00	0.00	0.00	2.37	Total Effect
Steady State Change:	0.02	0.46	-0.34	-0.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
Transient State Change:	0.02	0.46	-0.12	-0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00		

MAT

POD Location	Dedicated Vol. AFA/ AFT	Model Node	Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bickft	Nr Bickft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
s following Transfer													
8S26E-3	275.6	91.9	SP082075	0.08	0.30	0.84	0.77	0.01	0.01	0.01	0.00	0.00	0.00
8S26E-3	275.6	91.9	SP068066	0.10	0.76	0.50	0.64	0.01	0.01	0.01	0.00	0.00	0.00
pacts following Transfer													
8S26E-3	275.6	91.9	SP082075	0.08	0.30	0.84	0.77	0.01	0.01	0.01	0.00	0.00	0.00
8S26E-3	275.6	91.9	SP068066	0.10	0.76	0.72	0.76	0.01	0.01	0.01	0.00	0.00	0.00
eady State Analysis	Mitigation Check 1 - >10% of Historical:			30.6%	153.5%	-40.7%	-17.1%	-16.9%	-16.7%	-16.7%	-16.7%	-16.7%	-16.7%
	Mitigation Check 2: > 6 AF/A:			0.0	0.5	-0.3	-0.1	0.0	0.0	0.0	0.0	0.0	0.0
	Mitigation Check 3 - >10% of Total:			4.8%	37.3%	24.5%	31.5%	0.4%	0.5%	0.4%	0.2%	0.2%	0.0%
	Mitigation Required?:			NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	Mitigation Vol. Req'd (ac-ft):			0.0	0.5	-0.3	-0.1	0.0	0.0	0.0	0.0	0.0	0.0
sient State Analysis	Mitigation Check 1 - >10% of Historical:			30.6%	153.5%	-14.7%	-1.7%	-4.8%	-8.2%	-8.2%	-8.2%	-8.3%	-9.3%
	Mitigation Check 2: > 6 AF/A:			0.0	0.5	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Mitigation Required?:			NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	Mitigation Vol. Req'd (ac-ft):			0.0	0.5	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0



2021 NAIP

- Proposed POD of New Water Right
- Proposed POU of New Water Right
- Township and Range
- Section
- QQ



Proposed Water Right

Knife River Corp

Project #: 21-0063

Drawn by: TK

Date: 5/19/2023





0 0.13 0.25 0.5 0.75 1 Miles

2021 NAIP

- Existing 25-14499 POD
- Existing 25-14499 POU
- Township and Range
- Section
- QQ



Existing Water Right Location

Knife River Corp

Project #: 21-0063

Drawn by: TK

Date: 5/19/2023



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

SEP 11 2023

Department of Water Resources
Eastern Region

August 30, 2023

RMEA Project 21-0063

Idaho Department of Water Resources
900 N Skyline Dr. A,
Idaho Falls, ID 83402

AMENDED

Re: Narrative for Application for Permit and Application for Transfer submitted on behalf of Knife River Corp. Mountain West Updated as per Request

Dear Idaho Department of Water Resources (IDWR) Representatives:

On June 5, 2023, Rocky Mountain Environmental Associates (RMEA) submitted an *Application for Permit* and an *Application for Transfer of Water Right* on behalf of the Knife River Corporation Mountain West (Applicant). The purpose of these documents was to grant the Applicant water for a new gravel washing facility that will be built in T03N, R38E, Sec. 5, in Bonneville County. At the request of IDWR staff, RMEA has amended the documents. The remainder of this letter describes some of the nuances of the attached applications.

Application Package Overview

The Applicant intends to divert water from a well they will construct to a covered gravel washing facility. The facility will be covered to reduce water loss due to evaporation. After gravel washing, the dirty water will be stored in the first of two holding ponds where suspended sediment will sink. Once water is clear of suspended sediment, it will be circulated through the gravel washing again. When water is no longer needed it will be stored in a second holding pond where it will be allowed to sink back into the aquifer. RMEA anticipates that this process will require 2.00 cfs for eight hours each day of operation. Assuming 150 days of operation, the process will require a total of **198 acre-feet annually** ($2.00 \text{ cfs} \times 1.9835 \times 8 \text{ hrs/day} \times 150 \text{ days} = 198 \text{ afa}$). Of that annual requirement, **6.1 acre-feet annually is expected to be consumptive** and the remaining **192 acre-feet annually are expected to be non-consumptive**.

The holding ponds used in this process are expected to be 15 feet deep with the first one having a surface area of one acre and the second having a surface area of $\frac{1}{2}$ acre. Assuming a "V" shaped pond, the volume of the larger holding pond will be six acre-feet ($6 \text{ af} = 1 \text{ ac.} \times 15 \text{ ft} \times 0.4$), and the volume of the smaller holding pond will be three acre-feet ($3 \text{ af} = 0.5 \text{ ac.} \times 15 \text{ ft} \times 0.4$) for a total of nine (9) acre-feet. As water from the holding ponds will be evaporated, circulated through the gravel washing process, and/or allowed to sink back into the aquifer, the ponds will need to be refilled periodically by fresh wash water delivered from the well through the gravel washing plant. Therefore, the total storage volume anticipated throughout the year represents multiple fills of the ponds, not to exceed the total water diverted for Industrial purposes.

The Applicant is the current owner of the proposed place of use (RP03N38E054538) as demonstrated by the attached deed. However, the online Bonneville County Parcel Viewer has not yet been updated to reflect the purchase.

Application for Transfer of Water Right 25-14499

AMENDED

Because water will be allowed to sink back into the aquifer at the end of the process, the majority of water use is non-consumptive. RMEA expects the following components of the gravel washing processes to be consumptive for a total of **6.1 acre-feet annually**:

- Water Retention. The gravel will be shipped wet from the site after washing. Thus, water retained by the gravel can be considered consumptive. Assuming a median gravel size of 10 millimeters, RMEA predicts the gravel will have a specific retention of one percent (Stephens et al., 1997; see Figure 1). Assuming 150,000 tons (which translates to 107,143 cubic yards) of gravel are processed each year, **0.66 acre-feet annually** will be retained by the gravel.
- Pond Evaporation. A portion of the water stored in the holding ponds will evaporate before it is either circulated back into the gravel washing process or sinks back into the aquifer. To assist in quantifying evaporation, IDWR has developed the Pond Loss Calculation Spreadsheet (Spreadsheet), which uses data from ET Idaho. Using IDWR's Pond Loss Calculation Spreadsheet and ET Idaho's data from the Idaho Falls Airport station, RMEA predicts that **3.2 acre-feet annually** will be lost due to evaporation from the two ponds with a total surface area of 1.5 acres (Figure 2). This is a conservative estimate because even though the ponds will only be filled for 150 days per year, the Spreadsheet assumes that the ponds are year-round, and thus overestimates yearly evaporation.
- Dust Abatement. Dust abatement will be required approximately 80 of the 150 days that the process is in operation per year, estimating three 3,000 gallon water trucks per day, resulting in a need for 720,000 gallons or **2.2 acre-feet annually** of water.

Water right 25-14499 was purchased by the Applicant for expansion at their existing facility in Idaho Falls. It was converted from an irrigation right for the purposes of mixing concrete when it was originally transferred and the authorized volume is fully consumptive. The facility expansion no longer requires the entirety of water right 25-14499 at the existing site location. It is proposed to transfer 6.1 afa of this right to the new facility location for consumptive use at the new facility.

Application for Permit

The Application for Permit is intended to obtain water for the non-consumptive uses which can be summarized in four (4) purposes:

1. Industrial: It is expected that **2.00 cfs** will be required at the new gravel washing facility.
2. Divert to Storage: All non-consumptive water will be diverted to storage in the holding ponds after the gravel is washed.

3. Industrial Storage: Storage in the holding ponds is determined based on the total volume diverted from the well each year, less the consumptive uses (6.1 afa). Total Industrial Storage under this permit application is anticipated to be **192 afa**.
4. Total Industrial from Storage: All water could be rediverted from the pond back into the gravel washing facility. Total volume with a potential for recirculation is **192 afa**.

RMEA appreciates the opportunity to submit these applications. Please feel free to contact us if there are questions or if refinement of the applications is required.

Thanks,



Thane Kindred
Staff Geologist
Rocky Mountain Environmental

AMENDED

Figures:

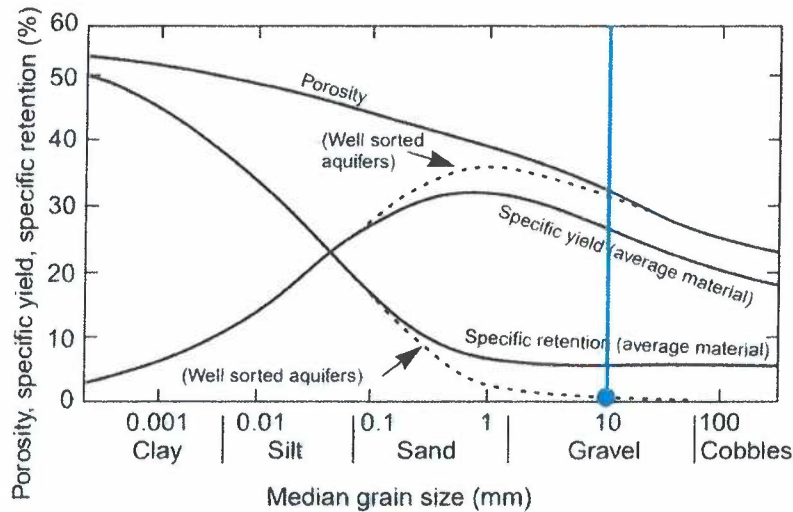


Figure 1: Graph showing typical values for porosity, specific yield, and specific retention as functions of grain size. The blue vertical line indicates the expected gravel size of gravel washed on site and the blue dot represents the expected specific yield used in calculations. Graph taken from Stephens et al., 1998.

Precipitation Deficit			
Station: Idaho Falls FAA Arpt (NWS -- USW00024145)			
Month	mm/day ¹	Days per month	mm/Month
Jan	-0.12	31	0.00
Feb	0.11	28	3.08
March	0.95	31	29.45
April	2.08	30	62.40
May	2.50	31	77.50
June	3.66	30	109.80
July	4.17	31	129.27
August	3.76	31	116.56
September	2.50	30	75.00
October	1.36	31	42.16
November	0.09	30	2.70
December	-0.26	31	0.00
Total mm/year =			647.92

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit. To properly estimate the annual volume of water needed to refill a pond due to evaporation losses, the table automatically enters a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

[(mm/yr) + (convert to feet)] X (Surface area of pond, in acres) = Evaporation Loss in Acre Feet

(647.92 ÷ 304.8) X 1.50 = 3.2 AFA

Figure 2: Excerpt of the Pond Loss Calculation Spreadsheet used to estimate evaporation in the two holding ponds on site.

Sources Cited:

Stephens, Daniel B.; Hsu, Kuo-Chin; Prieksat Mark A.; Ankeny Mark D.; Blandford, Neil; Roth, Tracy L.; Kelsey, James A.; Witworth, Julia R.; 1998. *A comparison of estimated and calculated effective porosity. Hydrogeology Journal. Hydrogeology Journal 6:156-165.*

AMENDED

JUN 27 2023

Department of Water Resources
Eastern Region

June 5, 2023

RMEA Project 21-0063

Idaho Department of Water Resources
900 N Skyline Dr. A,
Idaho Falls, ID 83402

SUPERCEDED

Re: Narrative for Application for Permit and Application for Transfer submitted on behalf of
Knife River Corp. Mountain West

Dear Idaho Department of Water Resources (IDWR) Representatives:

Attached to this letter is an *Application for Permit* and an *Application for Transfer of Water Right* submitted by Rocky Mountain Environmental Associates (RMEA) on behalf of the Knife River Corporation Mountain West (Applicant). The purpose of these documents is to grant the Applicant water for a new gravel washing plant that will be built in T03N, R38E, Sec. 5, in Bonneville County. The remainder of this letter will address the nuances in attached documents that require explanation.

Application for Permit

The Applicant intends to divert water from a well they will construct to a covered gravel washing facility. The facility will be covered to reduce water loss due to evaporation. After gravel washing, the dirty water will be stored in the first of two holding ponds where suspended sediment will sink. Once water is clear of suspended sediment, it will be circulated through the gravel washing again. When water is no longer needed it will be stored in a second holding pond where it will be allowed to sink back into the aquifer. RMEA anticipates that this process will require 2.00 cfs for eight hours each day of operation. Assuming 150 days of operation, the process will require a total of **198 acre-feet annually** (2 cfs x 1.9835 x 8 hrs/day x 150 days = 198 afa).

The holding ponds used in this process are expected to be 15 feet deep with the first one having a surface area of one acre and the second having a surface area of ½ acre. Assuming a "V" shaped pond, the volume of the larger holding pond will be six acre-feet (6 AF = 1 AF x 15 ft x 0.4), and the volume of the smaller holding pond will be three acre-feet (3 AF = 0.5 AF x 15 ft x 0.4) for a total of nine (9) acre-feet. As water from the holding ponds will be evaporated, circulated through the gravel washing process, and/or allowed to sink back into the aquifer, the ponds will need to be refilled periodically by fresh wash water delivered from the well through the gravel washing plant. Therefore, the total storage volume anticipated throughout the year represents multiple fills of the ponds, not to exceed the total water diverted for Industrial purposes.

Because water will be allowed to sink back into the aquifer at the end of the process, the majority of water use is non-consumptive. RMEA expects the following components of the gravel washing processes to be consumptive for a total of **6.1 acre-feet annually**:

- Water Retention. The gravel will be shipped wet from the site after washing. Thus, water retained by the gravel can be considered consumptive. Assuming a median gravel size of 10 millimeters RMEA predicts the gravel will have a specific retention of one percent (Stephens et al., 1997; see Figure 1). Assuming 150,000 tons (which translates to 107,143 cubic yards) of gravel are processed each year, **0.66 acre-feet annually** will be retained by the gravel.
- Pond Evaporation. A portion of the water stored in the holding ponds will evaporate before it is either circulated back into the gravel washing process or sinks back into the aquifer. To assist in quantifying evaporation, IDWR has developed the Pond Loss Calculation Spreadsheet (Spreadsheet), which uses data from ET Idaho. Using IDWR's Pond Loss Calculation Spreadsheet and ET Idaho's data from the Idaho Falls Airport station, RMEA predicts that **3.2 acre-feet annually** will be lost due to evaporation from the two ponds with a total surface area of 1.5 acres (Figure 2). This is a conservative estimate because even though the ponds will only be filled for 150 days per year, the Spreadsheet assumes that the ponds are year-round, and thus overestimates yearly evaporation.
- Dust Abatement. Dust abatement will be required approximately 80 of the 150 days that the process is in operation per year, estimating three 3,000 gallon water trucks per day, resulting in a need for 720,000 gallons or **2.2 acre-feet annually** of water.

Total Industrial Storage volume is determined based on the total volume diverted from the well each year, less the water retained in the washed gravel and the volume diverted for dust abatement ($198 \text{ afa} - 0.66 \text{ afa} - 2.2 \text{ afa} = 195.1 \text{ afa}$).

Total Industrial from Storage volume is determined based on the Industrial Storage volume, less pond evaporation ($195.1 \text{ afa} - 3.2 \text{ afa} = 191.9 \text{ afa}$).

Mitigation of the 6.1 afa of consumption will be provided through a companion transfer application of water right 25-14499, an industrial right from another facility owned by the Applicant.

Application for Transfer of Water Right 25-14499

Water right 25-14499 was purchased by the Applicant for expansion at their existing facility in Idaho Falls. It was converted from an irrigation right for the purposes of mixing concrete when it was originally transferred and the authorized volume is fully consumptive. The facility expansion no longer requires the entirety of water right 25-14499 at the existing site location. It is proposed to transfer 6.1 afa of this right to the new facility location to *mitigate by non-use* for the consumptive components under the companion Application for Permit.

The Applicant is the current owner of the proposed place of use (RP03N38E054538) as demonstrated by the attached deed. However, the online Bonneville County Parcel Viewer has not yet been updated to reflect the purchase.

RMEA appreciates the opportunity to submit these applications. Please feel free to contact us if there are questions or if refinement of the applications is required.

Thanks,



Thane Kindred
Staff Geologist
Rocky Mountain Environmental

SUPERCEDED

Figures:

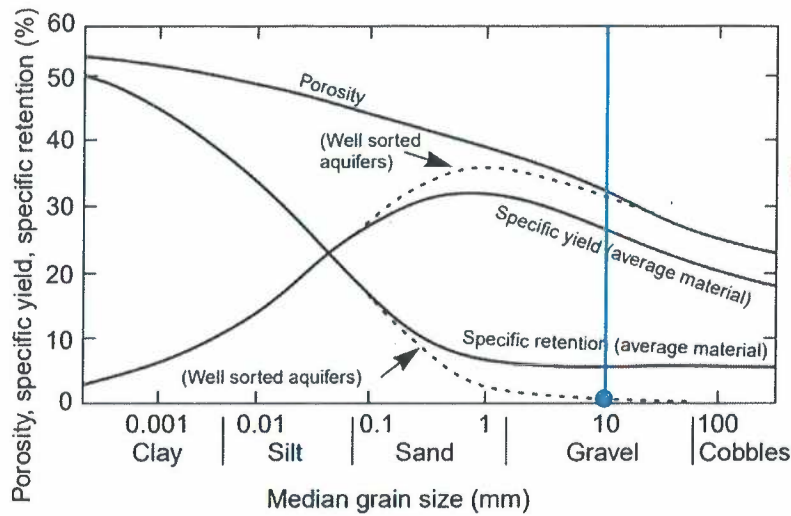


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June	3.66	30	109.80
July	4.17	31	129.27
August	3.76	31	116.56
September	2.50	30	75.00
October	1.36	31	42.16
November	0.09	30	2.70
December	-0.26	31	0.00
Total mm/year =			647.92
[(mm/yr) ÷ (convert to feet)] X (Surface area of pond, in acres) = Evaporation Loss in Acre Feet			
(647.92)	÷	304.8	) X 1.50 = 3.2 AFA

1. Do not use the seasonal average for precipitation. It should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wet months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit. To properly estimate the annual volume of water needed to refill a pond due to evaporation losses, the table automatically enters a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

Figure 2: Excerpt of the Pond Loss Calculation Spreadsheet used to estimate evaporation in the two holding ponds on site.

Sources Cited:

Stephens, Daniel B.; Hsu, Kuo-Chin; Prieksat Mark A.; Ankeny Mark D.; Blandford, Neil; Roth, Tracy L.; Kelsey, James A.; Witworth, Julia R.; 1998. *A comparison of estimated and calculated effective porosity. Hydrogeology Journal. Hydrogeology Journal 6:156-165.*

SUPERCEDED



WARRANTY DEED

Alliance Title & Escrow, LLC Order No.:610326

FOR VALUE RECEIVED

Dusty R Stibal and Lisa Stibal, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Knife River Corporation-Mountain West, a Delaware corporation

whose current address is

**5450 W. Gowen Rd
Boise, ID 83709**

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

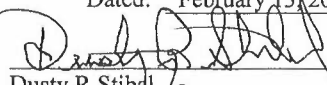
A parcel of land being part of the West half of Section 5, Township 3 North, Range 38, East of the Boise Meridian, Bonneville County, Idaho, more particularly described as follows:

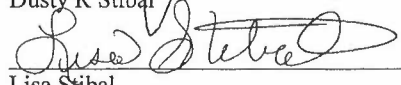
**Commencing at the West quarter corner of said Section 5 from which the Southwest corner of said Section 5 bears South 00°02'12" East 2654.55 feet;
thence North 89°47'11" East 1348.07 feet along the East-West center section line of said Section 5 to the True Point of Beginning;
thence leaving said line North 00°01'10" West 628.69 feet;
thence South 89°24'18" East 1268.45 feet to the West right of way of the Eastern Idaho Railroad;
thence along said right of way the following three (3) courses;
(1) South 00°05'36" West 610.79 feet;
(2) South 00°08'13" West 1848.45 feet to a point of curvature to the left having a radius of 1,206.91 feet, a delta angle of 15°07'37" and a chord bearing South 0°6'40'58" East 317.72 feet;
(3) along said curve to the left 318.64 feet to the North-South center section line of said Section 5;
thence leaving said right of way along said section line South 00°00'09" East 491.83 feet to the South quarter corner of said Section 5;
thence along the South line of said Section 5, South 89°49'00" West 100.00 feet;
thence leaving said line North 00°00'09" West 479.90 feet to a point of curvature to the right having a radius of 1,306.91 feet;
a delta angle of 14°32'22" and a chord bearing North 06°25'05" West 330.75 feet;
Thence along said curve to the right 331.61 feet;
thence North 00°08'13" East 57.46 feet;
thence South 89°47'11" West 1162.29 feet;
thence North 00°01'10" West 1789.72 feet to the True Point of Beginning.**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: February 13, 2023


Dusty R Stibal


Lisa Stibal

State of Idaho } ss
County of Bonneville }

On this 13th day of Feb., 2023, before me, the undersigned, a Notary Public in and for said state, personally appeared Dusty R Stibal and Lisa Stibal, known or identified to me to be the persons whose names are subscribed to the within Instrument.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for the State of Idaho
Commission Expires:

TAMMY K. LONG
COMMISSION #18424
NOTARY PUBLIC
STATE OF IDAHO

Resides at Blackfoot, ID
Commission Expires: April 30, 2023.



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 13, 2023

KNIFE RIVER CORPORATION MOUNTAIN WEST
5450 W GOWEN RD
BOISE, ID 83709-5625

RE: Transfer No. 88172
Water Right No(s). 25-14499

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 POST REGISTER on 9/20/2023 and 9/27/2023. 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 ASSOCIATES INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, September 13, 2023 10:25 AM
To: legalnotices@postregister.com
Subject: Legal Notice for Post Register
Attachments: 25-14529, 88172 Post Register.docx

LEGAL NOTICE DEPARTMENT
POST REGISTER
PO BOX 1800
IDAHO FALLS, ID 83403-1800

RE: Application for Permit No. 25-14529, Transfer 88172

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 10/10/2023. 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

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

25-14529

KNIFE RIVER CORPORATION MOUNTAIN WEST, 5450 W GOWEN RD, BOISE, ID 83709-5625

Point of Diversion SESW S5 T03N R38E BONNEVILLE County

Source GROUND WATER Tributary

Use: INDUSTRIAL

01/01 to 12/31

2 CFS

Use: DIVERSION TO STORAGE

01/01 to 12/31

2 CFS

Use: INDUSTRIAL STORAGE

01/01 to 12/31

192 AF

Use: INDUSTRIAL FROM STORAGE

01/01 to 12/31

192 AF

Total Diversion:

2 CFS

192 AF

Date Filed: 06-27-2023

Place Of Use: INDUSTRIAL, INDUSTRIAL FROM STORAGE

T03N R38E S5

SENW, NESW, SESW

Place Of Use: INDUSTRIAL STORAGE

T03N R38E S5

SENW

Mitigation is proposed for consumptive use.

This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>.

Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. 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 10/10/2023. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 88172

KNIFE RIVER CORPORATION MOUNTAIN WEST, 5450 W GOWEN RD, BOISE, ID 83709-5625 has filed Application No. 88172 for changes to the following water rights within BONNEVILLE County(s): Right No(s). 25-14499; 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 point of diversion and place of use. Proposed point of diversion is in SESW Sec 5 T03N R38E for 0.02 cfs from ground water. Proposed place of use is in SENW, NESW, and SESW Sec 5 T03N R38E for industrial use.

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 10/10/2023. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 9/20/2023 and 9/27/2023

Lafortune, Thomas

From: Lafortune, Thomas
Sent: Tuesday, July 11, 2023 1:59 PM
To: thane.rmea@gmail.com
Subject: Knife River Corporation Applications

Thane,

I have reviewed the permit and transfer applications you have prepared for Knife River Corporation Mountain West. You showed that the mitigation plan proposed does not reach the 2 af per trimester threshold requiring mitigation for a transfer, however in the case of an application for permit for a new water use, impacts to each reach of the Snake River must be completely offset.

Could you please update the applications to account for this?

Thomas Lafortune
Water Resource Agent
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402

