STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87999

This is to certify that: PINGREE CELLARS LLC
C/O SHAWN THOMPSON
493 S 1200 W
PINGREE, ID 83262

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
35-7012A	WR/DECREED	1/16/1968	0.600 cfs	148.0 af	N/A	37.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-7012A	YES	YES	NO	NO	YES	YES

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-7012A	35-14841	0.020 cfs	2.7 af	N/A	N/A	35-7012A	0.580 cfs	144.0 af	N/A	36.0
COMBINED TOTALS		**0.020 cfs**	**2.7 af**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 21st day of July, 2023.

Regional Manager

SUPPORT DATA

Transfer No. 87999 IN FILE # 35-7012 A

SCANNED
JUL 24 2023

WATER RIGHT NO. 35-7012A

As Modified by Transfer No. 87999

In accordance with the approval of Transfer No. 87999, Water Right No. 35-7012A is now described as follows:

Right Holder: BRADLEY R HOGE
WENDY L HOGE
565 S 1400 W
PINGREE, ID 83262

Priority Date: 1/16/1968

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	4/01	to	10/15	0.580 cfs	144.0 af
				0.580 cfs	144.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNWSW Sec 35 Twp 03S Rge 33E BINGHAM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03S	33E	35										19.0	17.0						36.0

POU Total Acres: 36.0

CONDITIONS OF APPROVAL

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

3. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

4. USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.

Transfer No. 87999

SCANNED
JUL 24 2023

WATER RIGHT NO. 35-14841

As Modified by Transfer No. 87999

In accordance with the approval of Transfer No. 87999, Water Right No. 35-14841 is now described as follows:

Right Holder: PINGREE CELLARS LLC
C/O SHAWN THOMPSON
493 S 1200 W
PINGREE, ID 83262

Priority Date: 1/16/1968

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to	12/31	0.020 cfs	2.7 af
				0.020 cfs	2.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 35 Twp 03S Rge 33E BINGHAM County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03S	33E	35											X						0.0

CONDITIONS OF APPROVAL

1. 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.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. Commercial use is for potato storage cellars.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 87999

SCANNED
JUL 24 2023

WATER RIGHT NO. 35-14841

As Modified by Transfer No. 87999

CONDITIONS OF APPROVAL

7. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
JUL 24 2023

Attachment to Transfer Approval 87999

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 50 100 200 Feet

N
W E
S

Date: 7/21/2023

SCANNED
JUL 24 2023

Rev. 07/18

RECEIVED
JUN 01 2023
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Pingree Cellars LLC Phone (208) 604-1545

Mailing address 493 S 1200 W Pingree, ID 83262 Email IDpotato44@yahoo.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 _____ Phone _____

Mailing address _____ Email _____

☐ 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	Print Name and Title if applicable	Date
[signature]	Shawn Thompson Owner	6/1/23

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☑ Add diversion point(s) ☐ Change place of use
   ☑ Change nature of use ☑ Change period of use ☒ Other Change Ownership

2. 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 **Part1A.2**.

3. 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 **Part1A.3**.
   Building potato storages and drilling new well. Water Right 35-7012A will be split.

87999

SCANNED
JUN 08 2023

Rev. 07/18

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. All	Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐	☑	35-7012A	.02cfs/3af	Commercial	1/1 to 12/31	ground water
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights .02 cfs and/or 3 acre-feet.

2. Total amount of water proposed to be transferred or changed .02 cubic feet per second and/or 3 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 #
Y			SW	SW	35	03S	33E	Bingham	ground water	

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	
03S	33E	35											C						

Total Acres (for irrigation use)

87999

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JUN 08 2023

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:
New well with pump to potato cellars. Willing to install measuring device and lockable controlling works.

b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: No

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:
5 acres was purchased. There is an agreement to withhold 4 acres of water right. None of the 5 acres purchased will be irrigated.

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:
None

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:

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JUN 08 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 35-7012A

1. amount .02cfs/3af (cfs/ac-ft) for irrigation purposes from 4/1 to 10/15
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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	
03S	33E	35											1						1

Total Acres (for irrigation use) 1

87999

SCANNED
JUN 08 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
☐ 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. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains_____ pages and_____ attachments.

Received by_____ Date_____ Preliminary check by_____ Date_____

Fee paid 550.00 Date 6-1-23 Receipted by M. Pettis Receipt # E049240

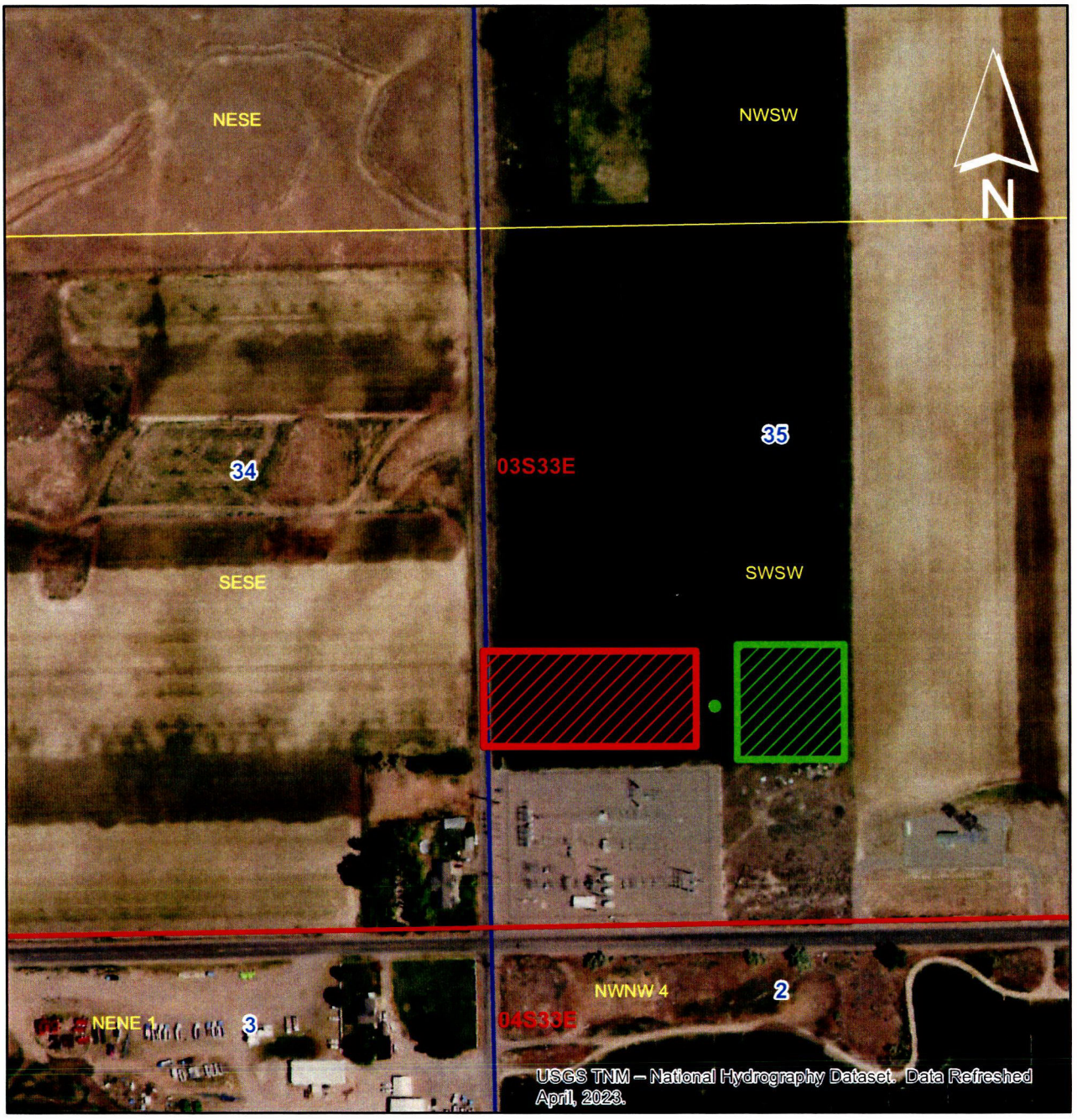
Add'l fee paid_____ Date_____ Receipted by_____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/orW-9 ☐ (originals to state office)

SCANNED
JUN 08 2023

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Pingree Cellars Transfer Application



- POD
- Acre to be Dried
- POU
- Township/Range
- Sections
- QQ

0 0.0325 0.065 0.13 Miles

SCANNED
JUN 08 2023

87999

IDAHO DEPARTMENT OF WATER RESOURCES **6/6/2023**

Proof Report

Water Right 35-7012A

Owner Type	**Name and Address**
Current Owner	BRADLEY R HOGE 565 S 1400 W PINGREE, ID 83262 (208) 684-4010
Current Owner	WENDY L HOGE 565 S 1400 W PINGREE, ID 83262 (208) 684-4010

Priority Date: 1/16/1968
Basis: Decreed
Status: Active

Source	**Tributary**
GROUND WATER	

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	4/01	10/15	0.600 CFS	148.0 AF
	Total Diversion		0.600 CFS	148.0 AF

Source and Point(s) of Diversion:

GROUND WATER	NWNWSW	Sec. 35, Twp 03S, Rge 33E, BINGHAM County

Place Of Use:
IRRIGATION within BINGHAM County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03S	33E	35										19.0	18.0						37.0

POU Total Acres: 37.0

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE

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SCANNED
JUN 08 2023

		AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3.	M01	A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
4.	E02	USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.

Dates and Other Information:
Decreed Date: 1/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Mitigation Plan: False

Combined Use Limits:
N/A

SubCase:
SubCaseNumber: 35-7012A
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 6/2/1999
Objection Status: Active

Water Supply Bank:

N/A

87999

SCANNED
JUN 08 2023

RECORDING REQUESTED BY
Flying S Title and Escrow of Idaho, Inc.

AND WHEN RECORDED MAIL TO:
Flying S Title and Escrow of Idaho, Inc.
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

E-RECORDED simplifile
ID: 75357
County: Bingham
Date: 5-12-23 Time: 10:14 am

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **1093205-B (tr)**

Date: **May 11, 2023**

For Value Received, **James Bradley Hoge and Jocelyn Hoge, husband and wife as community property with right of survivorship**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Pingree Cellars, LLC., an Idaho limited liability company**, hereinafter called the Grantee, whose current address is **493 South 1200 West, Pingree, ID 83262**, the following described premises, situated in **Bingham** County, **Idaho,** to-wit:

Part of the W½ W½ SW¼ of Section 35, Township 3 South, Range 33 East Boise Meridian, Bingham County, Idaho, described as:
Commencing at the Southwest corner of Section 35; thence N00°22'06"E 374.39 feet along the West line of Section 35 to the POINT OF BEGINNING; thence continuing N00°22'06"E 330.75 feet; thence S89°44'27"E 688.50 feet to a point on the East line of Deed Inst. No. 729494; thence S00°22'06"W 680.59 feet along said West line; thence N89°40'36"W 29.55 feet; thence N00°19'24"E 213.00 feet; thence N89°48'55"W 150.00 feet; thence N00°34'07"E 137.00 feet; thence N89°44'27"W 509.26 feet to the POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

SCANNED
JUN 08 2023

87999

RECORDING REQUESTED BY
Flying S Title and Escrow of Idaho, Inc.

AND WHEN RECORDED MAIL TO:
Flying S Title and Escrow of Idaho, Inc.
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

Instrument # 754357
BINGHAM COUNTY, IDAHO
2023-05-12 10:14:44 AM No. of Pages: 2
Recorded for: FLYING S TITLE AND ESCROW - BL
PAMELA W. ECKHARDT Fee: $15.00
Ex-Officio Recorder Deputy JPulley
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **1093205-B (tr)**

Date: **May 11, 2023**

For Value Received, **James Bradley Hoge and Jocelyn Hoge, husband and wife as community property with right of survivorship**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Pingree Cellars, LLC., an Idaho limited liability company**, hereinafter called the Grantee, whose current address is **493 South 1200 West, Pingree, ID 83262**, the following described premises, situated in **Bingham** County, **Idaho**, to-wit:

Part of the W½ W½ SW¼ of Section 35, Township 3 South, Range 33 East Boise Meridian, Bingham County, Idaho, described as:
Commencing at the Southwest corner of Section 35; thence N00°22'06"E 374.39 feet along the West line of Section 35 to the POINT OF BEGINNING; thence continuing N00°22'06"E 330.75 feet; thence S89°44'27"E 688.50 feet to a point on the East line of Deed Inst. No. 729494; thence S00°22'06"W 680.59 feet along said West line; thence N89°40'36"W 29.55 feet; thence N00°19'24"E 213.00 feet; thence N89°48'55"W 150.00 feet; thence N00°34'07"E 137.00 feet; thence N89°44'27"W 509.26 feet to the POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

87999

SCANNED
JUN 08 2023

Date: **05/10/2023**

Warranty Deed
- continued

File No.: **1093205-B (tr)**

James Bradley Hoge

Jocelyn Hoge

STATE OF Idaho)
ss.
COUNTY OF Bingham)

On this **Twelfth day of May, 2023**, before me, a Notary Public in and for said State, personally appeared **James Bradley Hoge**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

L MICHELLE REAY
COMMISSION NO. 136236
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for the State of Idaho
Residing at: Blackfoot, ID
My Commission Expires: 09/04/2024

STATE OF Idaho)
ss.
COUNTY OF Bingham)

On this **Twelfth day of May, 2023**, before me, a Notary Public in and for said State, personally appeared **Jocelyn Hoge**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

L MICHELLE REAY
COMMISSION NO. 136236
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for the State of Idaho
Residing at: Blackfoot, ID
My Commission Expires: 09/04/2024

87999

SCANNED
JUN 08 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 Gary Spackman**

July 21, 2023

PINGREE CELLARS LLC
C/O SHAWN THOMPSON
493 S 1200 W
PINGREE ID 83262

Re: Transfer No: 87999
Water Right No(s).: 35-7012A

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
JUL 24 2023

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure
CC:

WENDY L HOGE
BRADLEY R HOGE
565 S 1400 W
PINGREE ID 83262

SCANNED
JUL 24 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87999
Water Right No(s).: 35-7012A

PINGREE CELLARS LLC
C/O SHAWN THOMPSON
493 S 1200 W
PINGREE ID 83262

WENDY L HOGE
BRADLEY R HOGE
565 S 1400 W
PINGREE ID 83262

Christina Henman
Administrative Assistant

SCANNED
JUL 24 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

SCANNED
JUL 24 2023

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

SCANNED
JUL 24 2023

MEMORANDUM

Date: July 12, 2023

To: Transfer 87999

From: Thomas Lafortune

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change a point of diversion and change the nature of use from irrigation to commercial for a 1-acre portion of water right 35-7012A. The applicant purchased a 5-acre parcel from James and Jocelyn Hoge in May, 2023 and plans to build potato storage cellars and drill a new well. None of the 5 acres purchased will be irrigated with 35-7012A anymore. According to the applicant, there was a verbal agreement that 4 acres of the right was withheld in the sale. The 1-acre portion in this transfer will be split upon approval and assigned water right no. 35-14841.

Authority to File: The applicant, Pingree Cellars, LLC, is the current owner of this portion of the right according to a deed provided with the transfer application. The application was signed by Shawn Thompson, a registered agent of Pingree Cellars, LLC according to the Idaho Secretary of State website.

Water Right Validity: Water right 35-7012A was decreed in the SRBA in 2002. Aerial imagery shows consistent use of the majority of the right since the right was decreed. There may be forfeiture concerns on about 2 acres at the southern edge of the authorized place of use if the Hoges attempt to transfer that in the future. For the 1-acre involved in this transfer, forfeiture is not an issue.

Injury to Other Water Rights: Water right 35-7012A is included in and administered by Water District 120. The watermaster does not oppose approval of this transfer. The transfer was advertised without protest. While this is a groundwater transfer within the ESPA, a model run was not required because the current point of diversion and proposed point of diversion are within the same cell. There is no apparent injury to other water rights.

Enlargement of Use: Water right 35-7012A will be reduced by 1 acre, 0.02 cfs, and 4 af. The applicant stated that alfalfa has been grown at the place of use for many years. This is supported by USDA National Agricultural Statistics Service data. This layer shows alfalfa grown at the site since at least 2018. Using the ETIdaho tool from the University of Idaho, and the pond loss spreadsheet, the consumptive volume of 1 acre of alfalfa at this site is 2.7 afa. The application was for a volume of 3 afa. I have reduced the volume to 2.7 af to avoid enlargement.

Local Public interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified.

Effect on Economy the Local Area: No issues identified.

Effect on Agricultural Base of the Local Area: No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED
JUL 24 2023

EMPOWERING THE COMMUNITY SINCE 1890
IDAHO STATE JOURNAL
PR Post Register
Local • Proven • Essential

PROOF OF PUBLICATION

Idaho State Journal and Post Register

RECEIVED
JUN 23 2023
Department of Water Resource
Eastern Region

State of Idaho
County of Bingham

I, ~~Dawn Giannini, or~~ Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager, or~~ Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Idaho State Journal and Post Register, a newspaper of general circulation, published 4 days, Tuesday, Wednesday, Friday and Saturday, at Pocatello and Idaho Falls, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Idaho State Journal and Post Register for 2 day(s), first publication having been made on 06/14/2023 last publication having been made on 06/21/2023, and that the said notice was published in the regular and entire issue of said papers on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Collins Crapo

Subscribed and sworn to before me, on this 21st day of June, 2023

Vera J Powell

VERA J POWELL
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 20222624
MY COMMISSION EXPIRES 5-31-2028

Notary Public
My commission expires:

_____ attached jurat _____

STATE OF IDAHO

ss.

COUNTY OF BINGHAM

On this 21st day of June, 2023 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini or~~ Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

VERA J POWELL
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 20222624
MY COMMISSION EXPIRES 5-31-2028

Vera J Powell

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

383488

SCANNED
JUL 13 2023

AD# 383488AD#

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 88002

ABERDEEN SPRINGFIELD CANAL CO, PO BOX 857, ABERDEEN, ID 83210-0857 has filed Application No. 88002 for changes to the following water rights within BINGHAM, POWER County(s): Right No(s). 35-2543, 35-4246; 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: add points of diversion. Proposed points of diversion are in NWNESW Sec 11 T05S R31E, SWNW Sec 4 T06S R31E and NWNW Sec 26 T07S R30E for 8.44 cfs from ground water.

TRANSFER NO. 87987

CITY OF HEYBURN, 941 18TH ST, HEYBURN, ID 83336-4902 has filed Application No. 87987 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-8550, 36-8738; 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 points of diversion, place of use, nature of use and period of use. Proposed points of diversion are in NENW Sec 21 and NENWNW Sec 22, T03S R33E for 4.15 cfs from ground water. Proposed place of use in N1/2 Sec 21 and N1/2 Sec 22, T03S R33E for 281.7 acres. Proposed nature of use is irrigation with a period of use of 4/1 to 10/31.

TRANSFER NO. 87999

PINGREE CELLARS LLC, C/O SHAWN THOMPSON, 493 S 1200 W, PINGREE, ID 83262 has filed Application No. 87999 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-7012A; 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 nature of use, period of use, and point of diversion. Proposed nature of use is commercial from 1/1 to 12/31. Proposed point of diversion is in SWSW Sec 35 T03S R33E for 0.02 cfs from ground water.

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 7/3/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: June 14, 21, 2023 (PR/ISJ2497-383488)

SCANNED
JUL 13 2023

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RE: Transfer No. 87999

Transfer Applicant's Name: PINGREE CELLARS LLC
C/O SHAWN THOMPSON
493 S 1200 W
PINGREE, ID 83262

Watermaster's Recommendation:

a) _X_ I do not oppose approval of this application.

b) _____ I do not oppose approval of this application if it is conditioned as follows:

c) _____ I oppose approval of this application for the following reasons:

d) _____ Additional comments:

Dated this 2nd day of June 2023.

Blake Jordan
Watermaster's Signature
WD120

SCANNED
JUL 13 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 Gary Spackman

June 7, 2023

PINGREE CELLARS LLC
C/O SHAWN THOMPSON
493 S 1200 W
PINGREE, ID 83262

RE: Transfer No. 87999
Water Right No(s). 35-7012A

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 BINGHAM NEWS CHRONICLE on 6/16/2023 and 6/23/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

SCANNED
JUN 08 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 7, 2023 3:39 PM
To: legalnotices@postregister.com
Subject: RE: Legal Notice for News Chronicle
Attachments: 88002, 87987, 87999, Bingham News Chronicle.docx

Hello,

My apologies. I just realized that the system glitched and set a protest end date of 2/1/2023. Attached is a corrected version- the ONLY change made is in the final paragraph to update the date to 7/3/2023 (highlighted below.)Please replace the existing notice with this corrected one.

> 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 7/3/2023. The protestant must also send a copy of the protest to the applicant.

The affidavit and bill should be sent to this office by 7/3/2021 as well.

Thank You,

Christina Henman
Administrative Assistant

From: Henman, Christina
Sent: Wednesday, June 7, 2023 3:06 PM
To: legalnotices@postregister.com
Subject: Legal Notice for News Chronicle

LEGAL NOTICE DEPARTMENT
BINGHAM NEWS CHRONICLE
PO BOX 70
BLACKFOOT, ID 83221-0070

RE: Transfer No. 88002, 87987, 87999

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 7/3/2023. Your cooperation is appreciated.

Thank You,

SCANNED
JUN 08 2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88002
ABERDEEN SPRINGFIELD CANAL CO, PO BOX 857, ABERDEEN, ID 83210-0857 has filed Application No. 88002 for changes to the following water rights within BINGHAM, POWER County(s): Right No(s). 35-2543, 35-4246; 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: add points of diversion. Proposed points of diversion are in NWNESW Sec 11 T05S R31E, SWNW Sec 4 T06S R31E and NWNW Sec 26 T07S R30E for 8.44 cfs from ground water.
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GARY SPACKMAN, Director Published on 6/14/2023 and 6/21/2023

SCANNED
JUN 08 2023

Lafortune, Thomas

From: Shawn Thompson <idpotato44@yahoo.com>
Sent: Tuesday, June 6, 2023 3:19 PM
To: Lafortune, Thomas
Subject: Re: Water Right Transfer Application

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Thank you! And yes you have my permission to fix it thanks again!
Shawn Thompson

Sent from my iPhone

> On Jun 6, 2023, at 9:53 AM, Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov> wrote:
>
> Shawn,
>
> On page 1 of your application, we mistakenly checked the box to add a point of diversion instead of change the point of diversion. Do I have your permission to fix this?
>
> Thank you,
>
> **Thomas Lafortune**
> Water Resource Agent
> 900 N Skyline Dr, Ste A
> Idaho Falls, ID 83402
> <image001.png>

SCANNED
JUN 08 2023