STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87631

This is to certify that: HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO, ID 83201-3300

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
35-2432D	WR/DECREED	8/17/1955	0.430 cfs	132.0 af	N/A	33.0	GROUND WATER
35-7208	WR/DECREED	2/4/1972	7.030 cfs	1570.0 af	N/A	392.5	GROUND WATER
35-7391D	WR/DECREED	3/13/1974	0.040 cfs	17.0 af	N/A	33.0	GROUND WATER
35-8636	WR/LICENSE	2/9/1987	4.000 cfs	960.0 af	240.0	290.0	GROUND WATER
35-8804B	WR/LICENSE	7/31/1989	1.060 cfs	200.0 af	50.0	290.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-2432D	NO	NO	YES	NO	NO	NO
35-7208	YES	YES	YES	NO	NO	NO
35-7391D	NO	NO	YES	NO	NO	NO
35-8636	NO	NO	YES	NO	NO	NO
35-8804B	NO	NO	YES	NO	NO	NO

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
35-2432D	35-2432D	0.430 cfs	132.0 af	33.0	344.0	N/A	N/A	N/A	N/A	N/A
35-7208	35-14824	0.370 cfs	84.0 af	21.0	344.0	35-7208	6.660 cfs	1486.0 af	N/A	371.5
35-7391D	35-7391D	0.040 cfs	17.0 af	33.0	344.0	N/A	N/A	N/A	N/A	N/A
35-8636	35-8636	4.000 cfs	960.0 af	240.0	344.0	N/A	N/A	N/A	N/A	N/A
35-8804B	35-8804B	1.060 cfs	200.0 af	50.0	344.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**5.900 cfs**	**1376.0 af**	**344.0**	**344.0**		**N/A**	**N/A**	**N/A**	**N/A**

SUPPORT DATA
IN FILE # 35-2432 D

SCANNED
MAY 12 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87631

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 11th day of May, 2023.

Regional Manager

SUPPORT DATA
IN FILE # 35-2432 D

SCANNED
MAY 12 2023

WATER RIGHT NO. 35-8636

As Modified by Transfer No. 87631

In accordance with the approval of Transfer No. 87631, Water Right No. 35-8636 is now described as follows:

Right Holder: HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO, ID 83201-3300

Priority Date: 2/9/1987

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	4/01	to 10/31	4.000 cfs	960.0 af
			4.000 cfs	960.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 25 Twp 07S Rge 29E POWER 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
07S	29E	25											34.0	40.0			19.0	18.0	111.0
07S	29E	36	39.0	39.0	10.0	10.0	40.0	40.0	27.5	27.5									233.0

Right Acre Limit: 240.0
POU Total Acres: 344.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 240 acres within the authorized place of use in a single irrigation season.
2. Rights 35-2432D, 35-7391D, 35-8636, 35-8804B, and 35-14824 when combined shall not exceed a total diversion rate of 5.90 cfs, a total annual maximum diversion volume of 1376 af at the field headgate, and the irrigation of 344 acres.
3. 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.
4. Prior to the diversion and use of water under Transfer approval 87631, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

SCANNED
MAY 12 2023

WATER RIGHT NO. 35-8636

As Modified by Transfer No. 87631

CONDITIONS OF APPROVAL

5. 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.

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED
MAY 12 2023

WATER RIGHT NO. 35-8804B

As Modified by Transfer No. 87631

In accordance with the approval of Transfer No. 87631, Water Right No. 35-8804B is now described as follows:

Right Holder: HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO, ID 83201-3300

Priority Date: 7/31/1989

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	4/01	to	10/31	1.060 cfs	200.0 af
				1.060 cfs	200.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 25 Twp 07S Rge 29E POWER 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
07S	29E	25											34.0	40.0			19.0	18.0	111.0
07S	29E	36	39.0	39.0	10.0	10.0	40.0	40.0	27.5	27.5									233.0

Right Acre Limit: 50.0
POU Total Acres: 344.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 50 acres within the authorized place of use in a single irrigation season.
2. Rights 35-2432D, 35-7391D, 35-8636, 35-8804B, and 35-14824 when combined shall not exceed a total diversion rate of 5.90 cfs, a total annual maximum diversion volume of 1376 af at the field headgate, and the irrigation of 344 acres.
3. 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.
4. Prior to the diversion and use of water under Transfer approval 87631, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

SCANNED
MAY 12 2023

WATER RIGHT NO. 35-8804B

As Modified by Transfer No. 87631

CONDITIONS OF APPROVAL

5. 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.

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED
MAY 12 2023

WATER RIGHT NO. 35-7208

As Modified by Transfer No. 87631

In accordance with the approval of Transfer No. 87631, Water Right No. 35-7208 is now described as follows:

Right Holder: HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO, ID 83201-3300

Priority Date: 2/4/1972

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	4/01	to 11/01	6.660 cfs	1486.0 af
			6.660 cfs	1486.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENWNW	Sec 30 Twp 07S Rge 30E POWER County
GROUND WATER	SWSW	Sec 30 Twp 07S Rge 30E POWER 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
07S	30E	30					39.0	33.5	40.0	40.0	40.0	40.0	40.0	40.0					312.5
07S	30E	31					19	40											59

POU Total Acres: 371.5

CONDITIONS OF APPROVAL

1. 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
MAY 12 2023

WATER RIGHT NO. 35-14824

As Modified by Transfer No. 87631

In accordance with the approval of Transfer No. 87631, Water Right No. 35-14824 is now described as follows:

Right Holder: HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO, ID 83201-3300

Priority Date: 2/4/1972

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	4/01	to 11/01	0.370 cfs	84.0 af
			0.370 cfs	84.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 25 Twp 07S Rge 29E POWER 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
07S	29E	25											34.0	40.0			19.0	18.0	111.0
07S	29E	36	39.0	39.0	10.0	10.0	40.0	40.0	27.5	27.5									233.0

Right Acre Limit: 21.0
POU Total Acres: 344.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 21 acres within the authorized place of use in a single irrigation season.
2. Rights 35-2432D, 35-7391D, 35-8636, 35-8804B, and 35-14824 when combined shall not exceed a total diversion rate of 5.90 cfs, a total annual maximum diversion volume of 1376 af at the field headgate, and the irrigation of 344 acres.
3. 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.
4. Prior to the diversion and use of water under Transfer approval 87631, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Transfer No. 87631

SCANNED
MAY 12 2023

WATER RIGHT NO. 35-14824

As Modified by Transfer No. 87631

CONDITIONS OF APPROVAL

5. 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.

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. 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
MAY 12 2023

WATER RIGHT NO. 35-2432D

As Modified by Transfer No. 87631

In accordance with the approval of Transfer No. 87631, Water Right No. 35-2432D is now described as follows:

Right Holder: HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO, ID 83201-3300

Priority Date: 8/17/1955

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	4/01	to	10/31	0.430 cfs	132.0 af
				0.430 cfs	132.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 25 Twp 07S Rge 29E POWER 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
07S	29E	25											34.0	40.0			19.0	18.0	111.0
07S	29E	36	39.0	39.0	10.0	10.0	40.0	40.0	27.5	27.5									233.0

Right Acre Limit: 33.0
POU Total Acres: 344.0

CONDITIONS OF APPROVAL

1. Rights 35-2432D and 35-7391D when combined shall not exceed a total annual maximum diversion volume of 132 af at the field headgate and the irrigation of 33 acres.
2. Rights 35-2432D, 35-7391D, 35-8636, 35-8804B, and 35-14824 when combined shall not exceed a total diversion rate of 5.90 cfs, a total annual maximum diversion volume of 1376 af at the field headgate, and the irrigation of 344 acres.
3. 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.
4. Prior to the diversion and use of water under Transfer approval 87631, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

SCANNED
MAY 12 2023

WATER RIGHT NO. 35-2432D

As Modified by Transfer No. 87631

CONDITIONS OF APPROVAL

5. 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.

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. 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
MAY 12 2023

WATER RIGHT NO. 35-7391D

As Modified by Transfer No. 87631

In accordance with the approval of Transfer No. 87631, Water Right No. 35-7391D is now described as follows:

Right Holder: HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO, ID 83201-3300

Priority Date: 3/13/1974

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	4/01	to	10/31	0.040 cfs	17.0 af
				0.040 cfs	17.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 25 Twp 07S Rge 29E POWER 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
07S	29E	25											34.0	40.0			19.0	18.0	111.0
07S	29E	36	39.0	39.0	10.0	10.0	40.0	40.0	27.5	27.5									233.0

Right Acre Limit: 33.0
POU Total Acres: 344.0

CONDITIONS OF APPROVAL

1. Rights 35-7391D and 35-2432D when combined shall not exceed a total annual maximum diversion volume of 132 af at the field headgate and the irrigation of 33 acres.
2. Rights 35-2432D, 35-7391D, 35-8636, 35-8804B, and 35-14824 when combined shall not exceed a total diversion rate of 5.90 cfs, a total annual maximum diversion volume of 1376 af at the field headgate, and the irrigation of 344 acres.
3. 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.
4. Prior to the diversion and use of water under Transfer approval 87631, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Transfer No. 87631

SCANNED
MAY 12 2023

WATER RIGHT NO. 35-7391D

As Modified by Transfer No. 87631

CONDITIONS OF APPROVAL

5. 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.

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

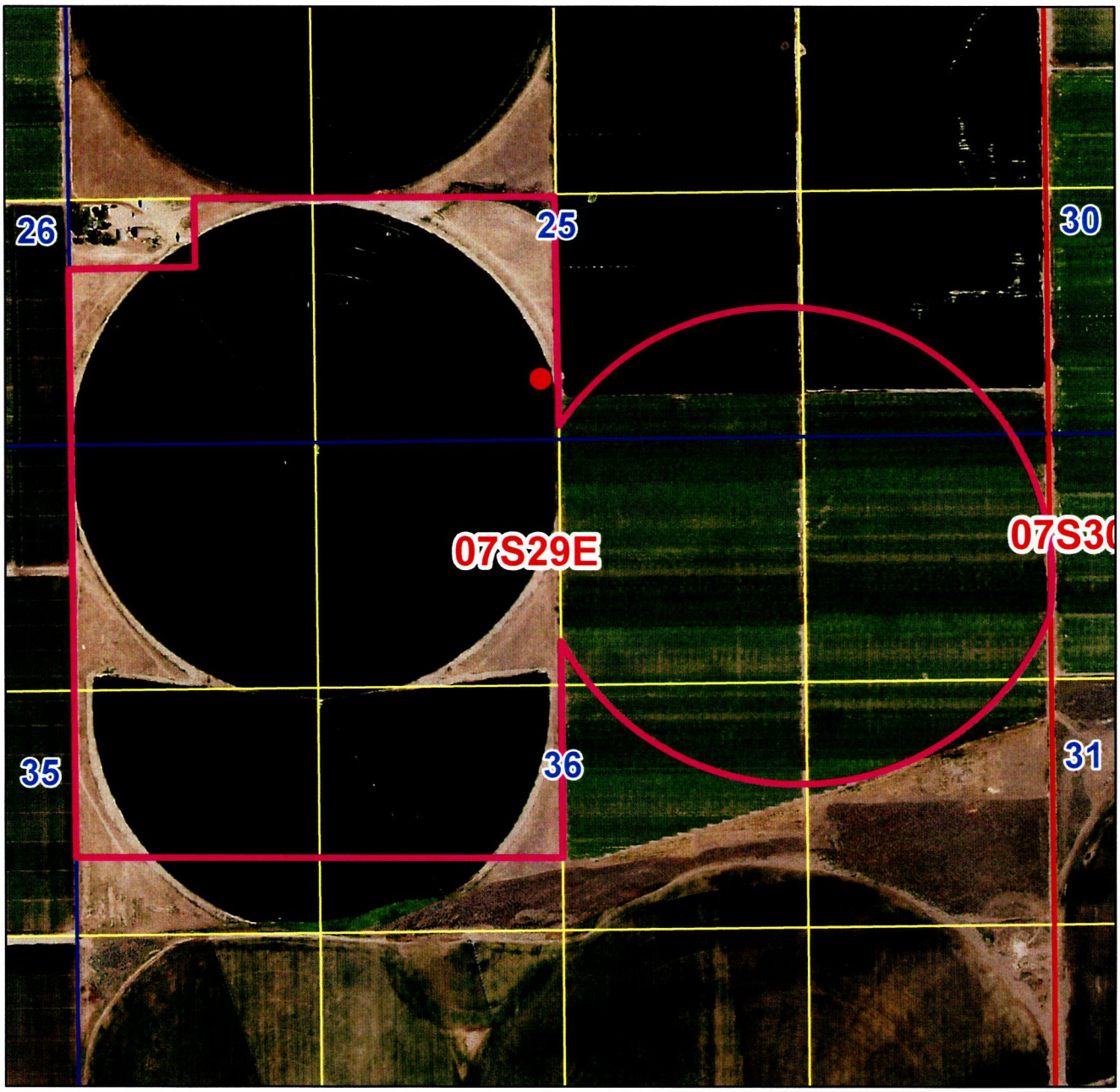
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. 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
MAY 12 2023

Attachment to Transfer Approval 87631

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

0 375 750 1,500 Feet

N
W E
S

SCANNED
MAY 12 2023

Date: 5/11/2023

RECEIVED
MAR 03 2023
Department of Water Resources
Eastern Region

Rev. 07/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 87631

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) Heritage Farms LLC

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, Part1.
- ☑ * 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: Partial lien release map of 21 acre transfer portion.

SCANNED
MAR 15 2023

Rev. 07/18

RECEIVED

MAR 0 3 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) Heritage Farms, LLC Phone 208-226-5235

Mailing address 2043 E. Center Street, Pocatello, Idaho 83201 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 Thomas J. Budge, Attorney Phone 208-232-6101

Mailing address P.O. Box 1391, Pocatello, Idaho 83204-1391 Email tj@racineolson.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	Print Name and Title if applicable	Date
	TJ Budge, Attorney	2.28.23
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date

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

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**.
   Modify current POU of #35-2432D, 35-7391D, 35-8386, and 35-8804 B, and change a 21 acre portion of 35-7208 to share the same POU and POD.

87631

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
☑	☐	35-8636	4.00 cfs	Irrigation	4/1 to 10/31	Ground water
☑	☐	35-2432D	0.43 cfs	Irrigation	4/1 to 10/31	Ground water
☑	☐	35-8804B	1.06 cfs	Irrigation	4/1 to 10/31	Ground water
☑	☐	35-7391D	0.04 cfs	Irrigation	4/1 to 10/31	Ground water
☐	☑	35-7208	0.37 cfs	Irrigation	4/1 to 11/01	Ground water
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 5.90 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.78 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 #
			SE	SW	25	7S	29E	Power	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	
7S	29E	25											34	40			19	18	111
7S	29E	36	39	39	10	10	40	40	27.5	27.5									233

Total Acres (for irrigation use) 344

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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:
Diversion system will remain unchanged. Ground water wells with measuring devices and locking controls pumping to irrigation lines.

b. Who owns the property at the point(s) of diversion? Heritage Farms LLC
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: Consent letter from Idaho Ag Credit FLCA (Mortgage on 35-8636, 35-2432D, 35-8804B, 35-7391D); and partial lien release from Rabo Agrifinance Inc. (Mortgage on 35-7208).
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:
Will be dried up.

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:
Upon approval of this application, water right nos. 35-2432, 35-7391D, 35-8636, 35-8804B, and the 21 acre portion of 35-7208 will all share the same POD and POU.

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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Part 2A
Water Right Reports

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IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

4/5/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-8636

Owner Type	Name and Address
Current Owner	HERITAGE FARMS LLC 2043 E CENTER ST POCATELLO, ID 83201-3300 2082265235
Security Interest	IDAHO AG CREDIT FLCA 2883 HIGHWAY 39 AMERICAN FLS, ID 83211-5347 2082265251

Priority Date: 02/09/1987

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	4 CFS	960 AFA
Total Diversion			4 CFS	960 AFA

Location of Point(s) of Diversion:

GROUND WATER	SESW	Sec. 25	Township 07S	Range 29E	POWER County

Licensed Diversion Capacity: 5.06

IRRIGATION Use:

Acre Limit: 240

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	29E	25		SWSW	24		SESW	24						
				SWSE	19		SESE	18						
		36		NENE	39		NWNE	39		SWNE	10		SENE	10
				NENW	37		NWNW	37		SWNW	8		SENW	25

Total Acres: 290

Conditions of Approval:

1.	R64	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2.	049	The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3.		Rights 35-08804B and 35-08636 when combined shall not exceed the irrigation of a total of 290 acres. This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season. Right 35-08804B is also diverted through the point(s) of diversion described above.
4.	048	The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Dates:

Licensed Date: 07/25/1998

Decreed Date:

Permit Proof Due Date: 1/1/1991

Permit Proof Made Date: 3/14/1990

Permit Approved Date: 12/22/1989

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 02/09/1987

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

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IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

4/5/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-8804B

Owner Type	Name and Address
Current Owner	HERITAGE FARMS LLC 2043 E CENTER ST POCATELLO, ID 83201-3300 2082265235
Security Interest	IDAHO AG CREDIT FLCA 2883 HIGHWAY 39 AMERICAN FLS, ID 83211-5347 2082265251

Priority Date: 07/31/1989

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	1.06 CFS	200 AFA
Total Diversion			1.06 CFS	200 AFA

Location of Point(s) of Diversion:

GROUND WATER	SESW	Sec. 25	Township 07S	Range 29E	POWER County

Licensed Diversion Capacity: 5.06

IRRIGATION Use:

Acre Limit: 50

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	29E	25		SWSW	24		SESW	24						
				SWSE	19		SESE	18						
		36		NENE	39		NWNE	39		SWNE	10		SENE	10
				NENW	37		NWNW	37		SWNW	8		SENW	25

Total Acres: 290

Conditions of Approval:

1.	049	The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
2.	048	The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3.	R64	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4.		Rights 35-08804B and 35-08636 when combined shall not exceed the irrigation of a total of 290 acres. This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season. Right 35-08636 is also diverted through the point(s) of diversion described above.

Dates:

Licensed Date: 07/24/1998

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 290

Combined Volume Limit:

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IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

4/5/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-2432D

Owner Type	Name and Address
Current Owner	HERITAGE FARMS LLC 2043 E CENTER ST POCATELLO, ID 83201-3300 2082265235
Original Owner	JOHN JAMES CHERRY BLACKFOOT, ID
Security Interest	IDAHO AG CREDIT FLCA 2883 HIGHWAY 39 AMERICAN FLS, ID 83211-5347 2082265251

Priority Date: 08/17/1955

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	0.43 CFS	132 AFA
Total Diversion			0.43 CFS	132 AFA

Location of Point(s) of Diversion:

GROUND WATER | SESW | Sec. 25 | Township 07S | Range 29E | POWER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres

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07S	29E	36		SWNW	26		SENW	7									

Total Acres: 33

Conditions of Approval:

1.	067	The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2.	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.
3.	E60	USE OF THIS RIGHT WITH RIGHT NO. 35-07391D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.47 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 132 AF.
4.	E55	USE OF THIS RIGHT WITH RIGHT NO. 35-07391D IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33 ACRES IN A SINGLE IRRIGATION SEASON.
5.	A04	THIS RIGHT INCLUDES A CHANGE IN USE APPROVED BY ADMINISTRATIVE ORDER OF IDWR. THE CHANGE IN USE SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE CHANGE.
6.	F06	RIGHT NO. 35-07391D IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 33

Combined Volume Limit: 132

Combined Rate Limit:

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IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

4/5/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-7391D

Owner Type	Name and Address
Current Owner	HERITAGE FARMS LLC 2043 E CENTER ST POCATELLO, ID 83201-3300 2082265235
Original Owner	LYNN BROADHEAD
Security Interest	IDAHO AG CREDIT FLCA 2883 HIGHWAY 39 AMERICAN FLS, ID 83211-5347 2082265251

Priority Date: 03/13/1974

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	0.04 CFS	17 AFA
Total Diversion			0.04 CFS	17 AFA

Location of Point(s) of Diversion:

GROUND WATER | SESW | Sec. 25 | Township 07S | Range 29E | POWER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	29E	36		SWNW	26		SENW	7						

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Total Acres: 33

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.	067	The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3.		USE OF THIS RIGHT WITH RIGHT NO. 35-02432D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.47 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 132 AF.
4.		USE OF THIS RIGHT WITH RIGHT NO. 35-02432D IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33 ACRES IN A SINGLE IRRIGATION SEASON.
5.	A04	THIS RIGHT INCLUDES A CHANGE IN USE APPROVED BY ADMINISTRATIVE ORDER OF IDWR. THE CHANGE IN USE SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE CHANGE.
6.	A06	FAILURE TO COMPLY WITH THE CONDITIONS OF THE ADMINISTRATIVE ORDER IS CAUSE FOR IDWR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
7.		RIGHT NO. 35-02432D IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates:

Licensed Date:

Decreed Date: 04/01/2003

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 33

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Combined Volume Limit: 132

Combined Rate Limit: 0.47

Civil Case Number:

Old Case Number:

Decree Plantiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

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Water Right Report

WATER RIGHT NO. 35-7208

Owner Type	Name and Address
Current Owner	DRISCOLL BROTHERS PARTNERSHIP 2990 W 2000 S ABERDEEN, ID 83210 2083977222
Original Owner	ZIMMERMAN BROTHERS C/O LEROY ZIMMERMAN RT 1 AMERICAN FALLS, ID 83211
Security Interest	RABO AGRIFINANCE LLC 14767 N OUTER 40 RD STE 400 CHESTERFIELD, MO 63017

Priority Date: 02/04/1972

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	7.13 CFS	1592 AFA
Total Diversion			7.13 CFS	1592 AFA

Location of Point(s) of Diversion:

GROUND WATER	SENWNW	Sec. 30	Township 07S	Range 30E	POWER County
GROUND WATER	SWSW	Sec. 30	Township 07S	Range 30E	POWER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	30E	30		NENW	39	1	NWNW	39	2	SWNW	40		SENW	40
				NESW	40	3	NWSW	40	4	SWSW	40		SESW	40
		31		NENW	40	1	NWNW	40						

Total Acres: 398

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.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plantiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

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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: 35-7208

1. amount 0.37/83.9 (cfs/ac-ft) for Irrigation purposes from 04/01 to 11/01
   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	
7S	30E	31					21												21

Total Acres (for irrigation use) 21

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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 $680.00 Date 3/3/23 Receipted by CAH Receipt # E048945

Add'l fee paid_____ Date_____ Receipted by_____ Receipt # _____

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

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Attachment #2b
Water right ownership documentation for
WR# 35-7208

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Instrument # 204499
POWER COUNTY, IDAHO
7-1-2013 04:24:16 No. of Pages: 27
Recorded for : MERRILL & MERRILL
CHRISTINE STIMILICHT Fee: 88.00
Ex-Officio Recorder Deputy

QUITCLAIM DEED

For Value Received,

Driscoll Brothers Partnership, an Idaho partnership ("Transferor"),

does hereby convey, release, remise and forever quit claim unto

Heritage Farms, LLC ("Transferee"),

all of the undersigned's rights, title and interest in those parcels of land located in Power County as described in the attached Exhibits A – L, but excepting therefrom those parcels described in Exhibits M – U.

Transferee's current address is as follows:

Heritage Farms, LLC
P. O. Box 10
American Falls, ID 83211

Driscoll Brothers Partnership

Dated: 6-28-13

By: Loraine A Driscoll

STATE OF IDAHO)
:ss
COUNTY OF Bannock)

On this 28 day of June, 2013, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Loraine Driscoll, known or identified to me to be one of the Partners in the partnership of **Driscoll Brothers Partnership**, and the partner who subscribed said partnership name to the foregoing instrument and acknowledged to me that such partnership executed the same in said partnership name.

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

DAVID GALLAGHER NOTARY PUBLIC STATE OF IDAHO

(SEAL)

NOTARY PUBLIC STATE OF IDAHO
Residing at: Pocatello
Commission expires: 7/20/18

SCANNED
MAR 15 2023

EXHIBIT

A

A parcel of land in the American Falls Reclamation Addition in the SE¼SE¼ of Section 20, Township 7 South, Range 31 East of the Boise Meridian described as follows:

Commencing at the point of intersection of the centerlines of Madison Street and Oregon Trail;

Thence, N 21°54'58" E, along said centerline of Oregon Trail, 260.00 feet;

Thence, N 68°05'02" W, 50.00 feet to a point on the W'ly right-of-way line of Oregon Trail, said point being the most S'ly corner of Tax #69 and marked with a ½" rebar and plastic cap stamped PLS 843, the TRUE POINT OF BEGINNING;

Thence, N 68°05'02" W, along the SW'ly line of said Tax #69, a distance of 125.15 feet to the most W'ly corner of said Tax #69 and marked with a ½" rebar and plastic cap stamped PLS 843;

Thence, N 21°54'58" E, along the NW'ly line of said Tax #69, a distance of 881.96 feet;

Thence, continuing along said line, along a curve to the left, having a radius of 764.49 feet, through a central angle of 18°38'59", for an arc length of 248.84 feet to a large nail in the center of the track;

Thence, continuing along said line, N 3°15'58" E to the most N'ly corner of said Tax #69 and marked by a large spike;

Thence, along the NE'ly line of said Tax #69, from a tangent bearing S 3°15'58" W, along a curve to the left, having a radius of 729.28 feet, through a central angle of 27°02'43", for an arc length of 241.04 feet to the most N'ly corner of Tax #130;

Thence, S 22°01'43" W, along the NW'ly line of said Tax #130, a distance of 547.73 feet to the most W'ly corner of said Tax #130;

Thence, S 68°05'02" E, along the SW'ly line of said Tax #130, a distance of 79.81 feet to the W'ly right-of-way line of Oregon Trail;

~~Thence, S 21°54'58" W, along said right-of-way line, 445.67 feet to the TRUE PIONT OF~~ BEGINNING and containing 1.94 Acres more or less.

SCANNED
MAR 15 2023

EXHIBIT
B

SE¼, E½NE¼, E½SW¼, Section 32, Township 6 South, Range 30 East of the Boise Meridian, Power County, Idaho.

Excepting therefrom:
A parcel of land in the SE ¼ of Section 32, Township 6 South, Range 30 East of the Boise Meridian, Power County, Idaho, Described as follows:

Commencing at the closing corner common to Sections 32 and 33, monumented with a 5/8" iron pin with aluminum cap marked PLS 843, and also being a point on the centerline of North Pleasant Valley Road,
Thence South 89°54'44" West along said centerline 1523.59 feet;
Thence North 00°05'16" West leaving said centerline, 30.00 feet, to a point on the Northerly right of way of said North Pleasant Valley Road, monumented with a ½" rebar with plastic cap marked PLS 843, said Point being the True Point of Beginning;
Thence North 00°05'16" West 291.83 feet, to a ½" rebar with plastic cap marked PLS 843;
Thence North 89°54'44" East 186.10 feet, to a ½" rebar with plastic cap marked PLS 843;
Thence South 00°05'16" East 137.00 feet, to a ½" rebar with plastic cap marked PLS 843;
Thence North 89°54'44" East 49.56 feet, to a ½" rebar with plastic cap marked PLS 843;
Thence South 00°05'16" East 154.82 feet, to a ½" rebar with plastic cap marked PLS 843, said point also being a point on said Northerly right of way of a ½" rebar with plastic cap marked PLS 843 said North Pleasant Valley Road;
Thence South 89°54'44" West along said Northerly right of way, 235.66 feet to the True Point of Beginning.

SCANNED
MAR 15 2023

EXHIBIT

C

Township 6 South, Range 30 E.B.M., Bingham County, Idaho
Section 28: S½SW¼, EXCEPT: Road right-of-way on the S and W sides thereof.

Township 6 South, Range 30 E.B.M., Power County, Idaho
Section 33: NW¼

SCANNED
MAR 15 2023

EXHIBIT
D

A PARCEL OF LAND IN THE S½SW¼ OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, MONUMENTED WITH A 5/8" REBAR WITH ALUMINUM CAP; THENCE SOUTH 89°58'01" EAST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 2029.42 FEET; THENCE NORTH 00°01'59" EAST, LEAVING SAID SOUTH LINE, 231.70 FEET, TO THE TRUE POINT OF BEGINNING, MONUMENTED WITH A ½" REBAR WITH PLASTIC CAP STAMPED PLS 843;

THENCE NORTH 89°58'01" WEST, 688.31 FEET, TO A ½" REBAR WITH PLASTIC CAP STAMPED PLS 843; THENCE NORTH 00°01'59" EAST, 111.44 FEET; THENCE SOUTH 89°58'01" EAST, 688.31 FEET; THENCE SOUTH 00°01'59" WEST, 111.44 FEET, TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR ACCESS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, MONUMENTED WITH A 5/8" REBAR WITH ALUMINUM CAP; THENCE SOUTH 89°58'01" EAST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 1914.69 FEET, TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°01'59" EAST, LEAVING SAID SOUTH LINE, 231.70 FEET, TO A POINT ON THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH 89°58'01" EAST, ALONG SAID SOUTH LINE, 114.73 FEET; THENCE SOUTH 00°01'59" WEST, 231.70 FEET, TO A POINT ON THE SOUTH LINE OF SAID SECTION 33; THENCE NORTH 89°58'01" WEST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 114.73 FEET, TO THE TRUE POINT OF BEGINNING.

SCANNED
MAR 15 2023

EXHIBIT
E

A tract of land in the SE¼SW¼ of Section 33, Township 6 South, Range 30 East of the Boise Meridian, Power County, Idaho, described as follows:

Commencing at the Southeast corner of said SE¼SW¼ (S¼ corner) of said Section 33, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 00°13'42" E, along the North-South centerline of said Section, 30.00 feet to a point on the N'ly right-of-way line of North Pleasant Valley Road, said point being marked with a ½" rebar and plastic cap stamped PLS 843 the TRUE POINT OF BEGINNING;

Thence, N 89°58'01" W, along said N'ly right-of-way line, 609.16 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 00°01'59" E, leaving said N'ly line, 313.14 feet to ½" rebar and plastic cap stamped PLS 843, said point being the Northeast corner of Quitclaim Deed Inst. No. 192404;

Thence, S 89°58'01" E, 610.22 feet to a point on the North-South centerline of said Section, said point being marked with a ½" rebar and plastic cap stamped PLS 843;

Thence, S 00°13'42" W, along said North-South centerline, 313.14 feet to the TRUE POINT OF BEGINNING, said tract containing 4.38 acres more or less.

SCANNED
MAR 15 2023

EXHIBIT

F

A PARCEL OF LAND IN THE NW¼NW¼ OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 29 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW SECTION CORNER OF SAID SECTION 10, MONUMENTED WITH AN IDAHO TRANSPORTATION DEPARTMENT BRASS CAP IN MONUMENT WELL; THENCE NORTH 89°56'23" EAST ALONG THE NORTH LINE OF SAID SECTION 10, A DISTANCE OF 361.50 FEET; THENCE SOUTH 44°58'55" WEST, LEAVING SAID NORTH LINE, 511.61 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 10; THENCE NORTH 00°01'26" ALONG SAID WEST LINE, 361.50 FEET TO THE TRUE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT FOR ROAD RIGHT-OF-WAY 30.00 FEET IN WIDTH, PARALLEL AND ALONG WITH THE WESTERLY AND NORTHERLY LINES OF ABOVE DESCRIBED PARCEL.

SCANNED
MAR 15 2023

EXHIBIT G

Parcel 1:
Section 14, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho: Southwest ¼ of the Southwest ¼ and the Southeast ¼ and the East ½ of the Southwest ¼ and the following described tract, known as Tax 2: COMMENCING at the Northeast corner of the Northwest ¼ of the Southwest ¼ of Section 14, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho: Thence West a distance of 1025 feet; Thence South a distance of 295 feet; Thence West a distance of 295 feet; Thence South a distance of 1025 feet; Thence East a distance of 1320 feet; Thence North a distance of 1320 feet, to the POINT OF BEGINNING. Except Therefrom: A parcel of land in the Southwest ¼ of the Southwest ¼ of Section 14, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho, described as follows: COMMENCING at the Southwest corner of said Section 14, being monumented with a 5/8" rebar and aluminum cap PLS 843; Thence North 00°03'24" East, along the West line of said Section, a distance of 195.80 feet to the TRUE POINT OF BEGINNING. Thence North 00°03'24" East, continuing along said West line, a distance of 258.81 feet; Thence South 89°56'36" East, leaving said West line, a distance of 168.31 feet to a ½" rebar and plastic cap PLS 2341; Thence South 00°03'24" West, a distance of 258.81 feet to a ½" rebar and plastic cap PLS 2341; Thence North 89°56'36" West, a distance of 168.31 feet to the TRUE POINT OF BEGINNING. Subject to an easement 30.00 feet in width along the West line of the above described parcel for County Road (Breding Road) purposes.

Parcel 2:
Southeast ¼ of Section 15, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho. Excepting therefrom the following described parcel: A parcel of land located in the Southeast ¼ of the Southeast ¼ of Section 15, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho, more particularly described as follows: BEGINNING at the Southeast corner of said Section 15; Thence North 165.00 feet along the East Section line; Thence West, and running parallel to the South Section line, a distance of 380.00 feet; Thence South a distance of 165.00 feet, to the South Section line; and Thence East along the South Section line a distance of 380.00 feet, to the POINT OF BEGINNING. Also Except Therefrom: A parcel of property located in the Southeast ¼ of the Southeast ¼ of Section 15, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho, more particularly described as follows: BEGINNING at the Southeast corner of said Section 15; Thence North 165.00 feet along the East Section line to the TRUE POINT OF BEGINNING; Thence North 100.00 feet; Thence West 480 feet; Thence South 100 feet; Thence East 480 feet to the POINT OF BEGINNING. Also Excepting Therefrom: A parcel of property located in the Southeast ¼ of Section 15, more particularly described as follows: BEGINNING at the Southeast corner of the said Section 15 and running; Thence North along the East Section line 265.00 feet to the TRUE POINT OF BEGINNING; Thence West 265.00 feet; Thence North 350.00 feet; Thence East 265.00 feet to the East Section line; Thence South 350.00 feet to the TRUE POINT OF BEGINNING.

Parcel 3:
Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho. Section 23: North ½ of the North ½. Parcel 4: Township 7 South, Range 29 East, Boise Meridian, Power County Idaho. Section 25: East ½.

Parcel 5:
Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho. Section 36: North ½ of the Northeast ¼ and the South ½ of the North ½.

SCANNED
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Parcel 6:
Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho. Section 36: North ½ of the Northwest ¼. Section 25: South ½ of the Southwest ¼ save and except, a tract in the Northwest corner of the South ½ of the Southwest ¼ of said Section 25, more particularly described as follows: COMMENCING at the Southwest corner of said Section: Thence North 00°10'40" East, along the West line of said Section, 475.55 feet to a ½" rebar and plastic cap stamped PLS 843, said point being the TRUE POINT OF BEGINNING; Thence North 00°10'40" East continuing along the West line of said Section , 843.08 feet to a 5/8" rebar and aluminum cap stamped PLS 843; Thence North 89°58'46" East, 490.19 feet to a ½" rebar and plastic cap stamped PLS 843; Thence South 00°48'02" West, 108.73 feet to a ½" rebar and plastic cap stamped PLS 843; Thence South 87°26'12" East, 166.47 feet to a ½" rebar and plastic cap stamped PLS 843; Thence South 00°47'02" East, 119.79 feet to a ½" rebar and plastic cap stamped PLS 843; Thence South 89°42'07" West, 172.95 feet to a ½" rebar and plastic cap stamped PLS 843; Thence South 00°47'02" East, 14.43 feet to a ½" rebar and plastic cap stamped PLS 843; Thence from a tangent bearing South 53°11'56" West, along a curve to the left having a radius of 1404.10 feet, through a central angle of 30°55'05", for an arc length of 757.69 feet to a ½" rebar and plastic cap stamped PLS 843; Thence South 89°55'02" West, 28.32 feet to the TRUE POINT OF BEGINNING.

Parcel 7:
Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho.
Section 16: Northwest 1/4

Parcel 8:
Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho. Section 22: Part of the Northeast ¼ of the Southeast ¼ described as follows: COMMENCING at the Southeast corner of said Section 22; Thence North 0°02' East along the East line of Section, 1968.00 feet; Thence North 89°58' West, 25.0 feet to the West right of way line of an existing County Road; Thence North 0°02' East 495.0 feet to the TRUE POINT OF BEGINNING; Thence North 89°58' West, 130.0 feet; Thence North 0°02' East, 167.5 feet; Thence South 89°58' East, 130.0 feet; Thence South 0°02' West, along the West right of way line of the aforementioned County Road 167.5 feet to the TRUE POINT OF BEGINNING.

Parcel 9:
The South ½ of the South ½ of the North ½ of Section 22, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho and North ½ of the South ½ of Section 22, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho. Excepting Therefrom: Part of the Northeast ¼ of the Southeast ¼ of Section 22, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho, described as follows: COMMENCING at the Southeast corner of said Section 22; Thence North 0°02' East along the East line of Section 1968.0 feet; Thence North 89°58' West 25.0 feet to the West right of way line of an existing County Road; Thence North 0°02' East 495.0 feet to the TRUE POINT OF BEGINNING; Thence North 89°58' West 130.0 feet; Thence North 0°02' East 167.5 feet;Thence South 89°58' East 130.0 feet; Thence South 0°02' West along the West right of way line of the aforementioned County Road 167.5 feet to the TRUE POINT OF BEGINNING. Also Excepting Therefrom: A parcel of land in the Northeast ¼ of the Southeast ¼ of Section 22, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho, described as follows: COMMENCING at the Southeast corner of said Section 22; Thence North 0°02' East along the East line of said Section a distance of 1968.0 feet; Thence North 89°58' West 25.0 feet to the West right of way of an existing County Road, the TRUE POINT OF BEGINNING; Thence North 89°58' West 220.0 feet; Thence North 0°02' East 495.0 feet; Thence South 89°58' East 220.0 feet to

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the West right of way of said County Road; Thence South 0°02' West along said West right of way 495.0 feet to the TRUE POINT OF BEGINNING. Also Excepting Therefrom: A tract of land in the Northeast ¼ of the Southeast ¼ of Section 22, Township 7 South, Range 29 East, Boise Meridian, Power county, Idaho described as follows: COMMENCING at the Southeast corner of said Section 22; Thence North 0°02'00" East, along the East line of said Section, a distance of 1968.00 feet; Thence North 89°58'00" West 245.00 feet to a ½" rebar and plastic cap stamped PLS 843, said point being the Southwest corner of a parcel of land shown on Record of Survey Instrument No. 185407, the TRUE POINT OF BEGINNING. Thence North 89°58'00" West, 88.00 feet to a ½" rebar and plastic cap stamped PLS 843; Thence North 0°02'00" East, 495.00 feet to a ½" rebar and plastic cap stamped PLS 843; Thence South 89°58'00" East 88.00 feet to a ½" rebar and plastic cap stamped PLS 843, said point being the Northwest corner of the aforementioned Record of Survey; Thence South 0°02'00" West, along said right-of-way, 495.00 feet to the TRUE POINT OF BEGINNING.
Also Including:
The North ¾ of the North ½ of Section 22, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho.

Parcel 10:
A parcel of land in the Southwest ¼ of the Southwest ¼ of Section 14, Township 7 South, Range 29 East, Boise Meridian, Idaho, described as follows: COMMENCING at the Southwest corner of said Section 14, being monumented with a 5/8" rebar and aluminum cap PLS 843;
Thence North 00°03'24" East, along the West line of said Section, a distance of 195.80 feet to the TRUE POINT OF BEGINNING; Thence North 00°03'24" East, continuing along said West line, a distance of 258.81 feet; Thence South 89°56'36" East, leaving said West line, a distance of 168.31 feet to a ½" rebar and plastic cap PLS 2341; Thence South 00°03'24" West, a distance of 258.81 feet to a ½" rebar and plastic cap PLS 2341; Thence North 89°56'36" West, a distance of 168.31 feet to the TRUE POINT OF BEGINNING. Subject to an easement 30.00 feet in width along the West line of the above described parcel for County Road (Breding Road) purposes.

Parcel 11:
A parcel of land located in the Southeast ¼ of the Southeast ¼ of Section 15, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho, more particularly described as follows: BEGINNING at the Southeast corner of said Section 15 and running Thence North 165.00 feet to a point on the East Section line, the TRUE POINT OF BEGINNING; Thence North 100.00 feet; Thence West 480.00 feet; Thence South 100.00 feet; Thence East 480.00 feet to the POINT OF BEGINNING.

Parcel 12:
Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho. Section 15: A parcel of property located in the Southeast ¼ more particularly described as follows: BEGINNING at the Southeast corner of the said Section 15 and running; Thence North along the East Section line 265.00 feet to the TRUE POINT OF BEGINNING; Thence West 265.00 feet; Thence North 350.00 feet; Thence East 265.00 feet, to the East Section line; Thence South 350.00 feet to the TRUE POINT OF BEGINNING.

Parcel 13:
A parcel of property located in the Southeast ¼ of the Southeast ¼ of Section 15, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho, more particularly described as follows: BEGINNING at the Southeast corner of said Section 15; Thence North 165.00 feet along the East Section line; Thence West and running parallel to the South Section line for 380.00 feet;

SCANNED
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Thence South 165.00 feet to the South Section line; and Thence East along the South Section line for a distance of 380.00 feet to the POINT OF BEGINNING.

Parcel 14:
Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho. Section 26: South ½ of the Southeast ¼ and the East ½ of the Southeast ¼ of Southwest ¼. Section 35: East ½ of the East ½ of the Northwest ¼ and Northeast ¼.

Parcel 15:
Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho. Section 7: Northeast ¼. Section 8: South ½.

Parcel 16:
The Southeast ¼ of Section 9, Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho. The Southwest ¼ of Section 10, Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho.

Parcel 17:
Lot 1 of Breding/Lagis Minor Subdivision, Power County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Power county, Idaho, as Instrument No.: 182413.

Parcel 18:
A tract of land in the Northwest ¼ of the Northeast ¼ of Section 21, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho, described as follows: BEGINNING at the Northwest corner of said Northwest ¼ of the Northeast ¼; Thence South 0°01' West along the West line of said Northwest ¼ of the Northeast ¼, 250.00 feet; Thence South 89°57' East, parallel to the North line, 800.00 feet; Thence North 0°01' East, 250.00 feet, to the North line of said Section; Thence North 89°57' West, along said North line, 800.00 feet, to the POINT OF BEGINNING. Excepting Therefrom: A tract of land in the Northeast ¼ of Section 21, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho, described as follows: COMMENCING at the North ¼ corner of said Section 21; Thence North 89°58'14" East along the North line of said Section, 41.00 feet to the TRUE POINT OF BEGINNING; Thence continuing along the North line of said Section, North 89°58'14" East 296.00 feet; Thence South 0°01'46" East 173.67 feet; Thence South 88°53'41" West 296.03 feet, to the North-South ¼ Section line; Thence North 0°02'09" West 179.23 feet, to the POINT OF BEGINNING. Also Excepting Therefrom: A parcel of land in the Northeast ¼ of Section 21, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho, described as follows: COMMENCING at the North ¼ corner of said Section 21; Thence North 89°58'14" East along the North line of said Section, 626.00 feet, to the TRUE POINT OF BEGINNING; Thence continuing North 89°58'14" East along the said North line, 438.94 feet; Thence South 0°01'13" East, 160.00 feet; Thence South 88°53'41" West, 438.99 feet; Thence North 0°01'46" West, 168.24 feet, to the TRUE POINT OF BEGINNING. Subject to the existing right-of-way of a County Road. Also Excepting Therefrom: A tract of land in the Northeast ¼ of Section 21, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho, described as follows: COMMENCING at the North ¼ corner of said Section 21; Thence North 89°58'14" East, along the North line of said Section, 337.00 feet to the TRUE POINT OF BEGINNING; Thence continuing North 89°58'14" East along said North line, 289.00 feet; Thence South 0°01'46" East, 168.24 feet; Thence South 88°53'41" West, 289.05 feet; Thence North 0°01'46" West, 173.67 feet, to the TRUE POINT OF BEGINNING. Subject to the existing right-of-way of a County Road.

SCANNED
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Parcel 19:

A parcel of land in the Northeast ¼ of Section 21, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho, described as follows: COMMENCING at the North ¼ corner of said Section 21; Thence North 89°58'14" East along the North line of said Section, 626.00 feet, to the TRUE POINT OF BEGINNING; Thence continuing North 89°58'14" East along the said North line, 438.94 feet; Thence South 0°01'13" East, 160.00 feet; Thence South 88°53'41" West, 438.99 feet; Thence North 0°01'46" West, 168.24 feet, to the TRUE POINT OF BEGINNING. Subject to the existing right-of-way of a County Road. Also: A tract of land in the Northeast ¼ of Section 21, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho, described as follows: COMMENCING at the North ¼ corner of said Section 21; Thence North 89°58'14" East, along the North line of said Section, 337.00 feet to the TRUE POINT OF BEGINNING; Thence continuing North 89°58'14" East along said North line, 289.00 feet; Thence South 0°01'46" East, 168.24 feet; Thence South 88°53'41" West, 289.05 feet; Thence North 0°01'46" West, 173.67 feet, to the TRUE POINT OF BEGINNING. Subject to the existing right-of-way of a County Road.

Parcel 20:

Lot 3, 4, East ½ of the Southwest ¼, and the Southeast ¼ of Section 7, Towhship 7 South, Range 29 East, Boise Meridian, Power County, Idaho.

SCANNED
MAR 15 2023

EXHIBIT

H

A tract of land in the NW¼ NE¼ of Section 21, Township 7 South, Range 29 East of the Boise Meridian, Power County, Idaho, described as follows:

Commencing at the NW corner of said NW¼ NE¼; thence South 0°01' West along the west line of said NW¼NE¼, 250.00 feet; thence South 89°57' East, parallel to the north line, 800.00 feet; thence North 0°01' East 250.00 feet to the north line of said section; thence North 89°57' West, along said north line, 800.00 feet, to the point of beginning.

A tract of land in the NE¼ of Section 21, Township 7 South, Range 29 East of the Boise Meridian, Power County, Idaho, described as follows:

Commencing at the north quarter corner of said section 21; thence North 89°58'14" East along the north line of said section, 626.00 feet to the point of beginning; thence continuing North 89°58'14" East, along the said north line, 438.94 feet; thence South 0°01'13" East 160.00 feet; thence south 88°53'41" West, 438.99 feet; thence North 0°01'45" West, 168.24 feet, to the point of beginning.

A tract of land in the NE¼ of Section 21, Township 7 South, Range 29 East of the Boise Meridian, Power County, Idaho, described as follows:

Commencing at the north quarter corner of said section 21; thence North 89°58'14" East along the north line of said section, 337.90 feet to the point of beginning; thence continuing North 89°58'14" East, along the said north line, 289.00 feet; thence South 0°01'46" East 168.24 feet; thence South 88°53'41" West, 289.05 feet; thence North 0°01'46" West, 173.67 feet, to the point of beginning.

Subject to the existing right-of-way for a County Road;

AND EXCEPTING THEREFROM a tract of land in the NE ¼ of Section 21, Township 7 South, Range 29, East of the Boise Meridian described as follows:

> Commencing at the North quarter corner of said Section 21; thence North 89°58'14" East along the North line of said section, 41.00 feet to the true point of beginning; thence continuing along the north line of said section, North 89°58'14" East 296.00 feet; thence South 0°01'46" East 173.67 feet; thence South 88°53'41" West 296.03 feet, to the North-South quarter section line; thence North 0°02'09" West 179.23 feet, to the point of beginning.

SCANNED
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EXHIBIT

I

N 1/2 NW 1/4 Section 20, Township 7 South, Range 30 E.B.M., Power County, Idaho and all of Section 19, Township 7 South, Range 30 E.B.M., Power County, Idaho.

SCANNED
MAR 15 2023

EXHIBIT
J

TOWNSHIP 7 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO:

SECTION 20: SW1/4 NW1/4

EXCEPTING THEREFROM:

A PARCEL OF LAND IN THE SW1/4 NW1/4 OF SECTION 20, TOWNSHIP 7 SOUTH, RANGE 3(EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20, MARKED WITH A 5/8" REBAR AND ALUMINUM CAP STAMPED PLS 843; THENCE SOUTH 00°03'05" EAST, ALONG THE WEST LINE OF SAID SECTION, 1320.22 FEET TO THE TRUE POINT OF BEGINNING.

THENCE SOUTH 89°53'54" EAST, LEAVING SAID WEST LINE, 660.00 FEET TO A 1/2" REBAR AND PLASTIC CAP STAMPED PLS 843; THENCE SOUTH 00°03'05" EAST, 330.00 FEET TO A 1/2" REBAR AND PLASTIC CAP STAMPED PLS 843; THENCE NORTH 89°53'54" WEST, 660.0 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 20;

THENCE NORTH 00°03'05" WEST, ALONG SAID WEST LINE, 330.00 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT
K

A parcel of land located in the SW1/4 NW1/4 of Section 20, Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho, more particularly described as follows:
Beginning at the southwest corner of the SW1/4 NW1/4 of said Section 20;
Thence East 660 Feet;
Thence North 330 Feet;
Thence West 660 Feet;
Thence South 330 feet, more or less, the point of beginning.
Also know as Tax #173

87631

SCANNED
MAR 15 2023

EXHIBIT
L

Township 7 South, Range 30 E.B.M., Power County, Idaho, Section 30: W½, EXCEPT: Beginning at a point on the West boundary of said Section 30, which point bears North 33°02' West, 4839.1 feet from the South Quarter corner of said Section 30; thence North 0°00'30" West, 208 feet along said West boundary; thence North 89°59'30" East 208 feet; thence South 00°00'30" East, 208 feet; thence South 89°59'30" West 208 feet to the point of beginning; ALSO EXCEPT: Beginning at a point on the West boundary of said Section 30, which bears North 33°2' West 4839.1 feet from the South Quarter corner of said Section 30; thence North 0°0'30" West 208.0 feet along the said West boundary to the true point of beginning; thence North 89°59'30" East, 208.0 feet; thence North approximately 950.0 feet to the North boundary of said Section 30; thence West approximately 208.0 feet to the Northwest corner of said Section 30; thence South approximately 950.0 feet along the West boundary of said Section 30 to the true point of beginning.

Section 31: N½NW¼

SCANNED
MAR 15 2023

EXHIBIT
M

PARCEL 1:

Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho.
Section 21: E½SE¼
Section 22: SW¼

SCANNED
MAR 15 2023

EXHIBIT
N

A parcel of land in the SE¼ SE¼ of Section 31, Township 6 South, Range 31 East, Boise Meridian, Power County, Idaho, described as follows;

Commencing at the southeast corner of said Section 31; thence West along the South line of said section and the center line of North Pleasant Valley Road, 361.21 feet; thence North 25.00 feet to a ½" rebar and plastic cap stamped PLS 843 on the Northerly right of way line of said road, said point being the true point of beginning; thence North leaving said road right of way line, 280.72 feet to a ½" rebar and plastic cap stamped PLS 843; thence North 89°59'54" East 308.91 feet to a point on the Westerly right of way line of Fairview Road, said point being a ½" rebar and plastic cap stamped PLS 843, said point also being the most Northerly corner of a parcel shown on Record of Survey Instrument No. 156821;

thence South 04°09'22" East, along said Westerly right of way line and the East boundary line of said Record of Survey, 187.19 feet to a ½" rebar and plastic cap stamped PLS 843; thence West leaving said road right of way and continuing along said boundary line, 147.63 feet to a ½" rebar and plastic cap stamped PLS 4473; thence South 70°27'15" West, continuing along said boundary line, 66.66 feet to a ½" rebar and plastic cap stamped PLS 4473; thence South 02°15'10" East, continuing along said boundary line, 71.79 feet to a point on the Northerly right of way line of North Pleasant Valley Road and monumented with a ½" rebar and plastic cap stamped PLS 4473; thence West, along said Northerly road right of way line, 114.85 feet to the true point of beginning.

SCANNED
MAR 15 2023

EXHIBIT

D

A tract of land in Lot 2, Section 1, Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho, described as follows:
Beginning at the intersection of the South line of said Lot 2 and the Easterly right of way of State Highway 39 (Project No. S-1721 (4);
Thence North 27°43'58" East along said Easterly right of way, 1151.96 feet to the South right of way of North Pleasant Valley Road;
Thence North 89°52'21" East along said South right of way, 220.40 feet to the East line of said Lot 2;
Thence South 0°12'00" West, along said East line, 1020.59 feet to the Southeast corner of said Lot 2;
Thence North 89°57'37" West, along the South line of said Lot, 752.96 feet to the Point of Beginning.

This description is intended to describe that certain real property described in Sheriff's Deed filed as No. 145246 in the Power County Recorder's Office, and incorporates corrections to courses and distance as shown on record of Survey in Book 2, at page 45 in said office.

SCANNED
MAR 15 2023

EXHIBIT
P

A tract of land in the SE¼SE¼ of Section 31, Township 6 South, Range 31 East of the Boise Meridian, Power County, Idaho, described as follows:

Beginning at a point on the East line of said Section which bears N 03°01'19" W, 948.81 feet from the Southeast corner of said Section which is a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 86°58'41" W, leaving said East line, 280.00 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 03°01'19" W, 379.48 feet to a ½" rebar and plastic cap stamped PLS 843

Thence, S 89°03'12" E, 280.67 feet to a point on the East line of said Section;

Thence S 03°01'19" E, along the East line of said Section, 365.05 feet to the TRUE POINT OF BEGINNING, said tract containing 2.40 acres more or less;

Subject to a 30.00 foot easement for the West side of Fairview Road and described as the E'ly 30.00 feet of the above described tract.

SCANNED
MAR 15 2023

EXHIBIT
G

A tract of land in the SE¼ SE¼ of Section 31, Township 6 South, Range 31 East of the Boise Meridian, Power County, Idaho, described as follows:

Beginning at a point on the East line of said Section which bears N 03°01'19" W, 948.81 feet from the Southeast corner of said Section which is 5/8" rebar and aluminum cap stamped PLS 843;

Thence S 03°01'19" E, along the East line of said Section, 350.00 feet;

Thence, S 86°58'41" W, leaving said East line, 280.00 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 03°01'19" W, 350.00 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 86°58'41" E, 280.00 feet to the TRUE POINT OF BEGINNING, said tract containing 2.25 acres more or less.

Subject to a 30.00 foot easement for the West side of Fairview Road and described as the E'ly 30.00 feet of the above described tract

SCANNED
MAR 15 2023

EXHIBIT
Exhibit
R

Lot 3, 4, East ½ of the Southwest ¼, and the Southeast ¼ of Section 7, Township 7 South, Range 29 East, Boise Meridian, Power County, Idaho.

SCANNED
MAR 15 2023

EXHIBIT
S

Parcel 1:

Lot 1, Breding/Lagis Minor Subdivision, Power County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Power County, Idaho, as Instrument No. 182413.

Excepting therefrom:

A tract of land being a part of Lot 1, of the Breding-Lagis Minor Subdivision in Section 12, Township 8 South, Range 30 East, Boise Meridian, Power County, Idaho, described as follows:

BEGINNING at the Southwest corner of said Lot 1, said point also being the Southeast corner of Lot 7, Block 3, of the Snake River on the Falls Subdivision, which is marked with a 5/8" rebar and aluminum cap stamped PLS 843;
Thence North 00°03'55" East, along the West line of said Lot 1, a distance of 417.52 feet to a point on the South line of Lot 6, Block 3, of the Snake River on the Falls Subdivision and being the Northwest corner of the Breding-Legis Minor Subdivision, said point being marked with a 5/8" rebar and plastic cap stamped PLS 843;
Thence South 89°48'27" East, along said South line, 21.90 feet to a ½" rebar and plastic cap stamped PLS 843;
Thence South 00°03'55" West, leaving said South line of Lot 6, a distance of 417.50 feet to a point on the South line of said Lot 1, point being marked with a ½" rebar and plastic cap stamped PLS 843;
Thence North 89°51'30" West, along said South line, 21.90 feet to the TRUE POINT OF BEGINNING.

Parcel 2:

A tract of land being a part of Lot 6, Block 3, of the Snake River on the Falls Subdivision in Section 12, Township 8 South, Range 30 East, Boise Meridian, Power County, Idaho, described as follows:

BEGINNING at the Southeast corner of said Lot 6, which is marked with a 5/8" rebar and plastic cap stamped PLS 843:
Thence North 89°48'27" West, along the South line of said Lot, 260.06 feet to a ½" rebar and plastic cap stamped PLS 843;
Thence North 00°03'55" East, leaving said South line, 34.32 feet to a ½" rebar and plastic cap stamped PLS 843;
Thence South 89°48'27" East, 264.61 feet to a point on the East line of said Lot 6, said point being marked with a ½" rebar and plastic cap stamped PLS 843;
Thence South 07°37'18" West, along said East line, 34.61 feet to the TRUE POINT OF BEGINNING.

SCANNED
MAR 15 2023

EXHIBIT

T

A tract of land being a part of Lot 1, of the Breding-Lagis Minor Subdivision in Section 12, Township 8 South, Range 30 East of the Boise Meridian, Power County, Idaho, described as follows:

Beginning at the Southwest corner of said Lot 1 said point also being the Southeast corner of Lot 7 Block 3 of the Snake River on the Falls Subdivision, which is marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 00°03'55"E, along the West line of said Lot 1, a distance of 417.52 feet to a point on the South line of Lot 6 Block 3 of the Snake River on the Falls Subdivision and being the Northwest corner of the Breding-Lagis Minor Subdivision, said point being marked with a 5/8" rebar and plastic cap stamped PLS 843;

Thence, S 89°48'27" E, along said South line, 21.90 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, S 00°03'55" W, leaving said South line of Lot 6, a distance of 417.50 feet to a point on the South line of said Lot 1, point being marked with a ½" rebar and plastic cap stamped PLS 843;

Thence, N 89°51'30" W, along said South line, 21.90 feet to the TRUE POINT OF BEGINNING, said tract containing 0.21 acre more or less.

SCANNED
MAR 15 2023

EXHIBIT

A

Township 6 South, Range 31 East, Boise Meridian, Power County, Idaho.

Section 31: The South ½ of the Southeast ¼.

Excepting therefrom:

BEGINNING at a point 113 feet North and 177 feet West of the Southeast corner of Section 31, Township 6 South, Range 31 East, Boise Meridian, Power County, Idaho;
Thence East 177 feet;
Thence South 113 feet;
Thence West 242 feet;
Thence North 92 feet;
Thence in a Northeasterly direction 66 feet to the POINT OF BEGINNING.

Also excepting therefrom:

A tract of land in the Southeast ¼ of the Southeast ¼ of Section 31, Township 6 South, Range 31 East of the Boise Meridian, Power County, Idaho described as follows:

Beginning at a point on the East line of said Section which bears North 03°01'19" West, 948.81 feet from the Southeast corner of said Section which is 5/8" rebar and aluminum cap stamped PLS 843;
Thence South 03°01'19" East along the East line of said Section 350.00 feet;
Thence South 86°58'41" West, leaving said East line, 280.00 feet to a ½" rebar and plastic cap stamped PLS 843;
Thence North 03°01'19" West 350.00 feet ot a ½" rebar and plastic cap stamped PLS 843;
Thence North 86°58'41" East 280.00 feet to the TRUE POINT OF BEGINNING.

Also excepting therefrom:

A tract of land in the South ½ of the Southeast ¼ of Section 31, Township 6 South, Range 31 East, Boise Meridian, Power County, Idaho, described as follows:

COMMENCING at the South ¼ corner of Section 31, Township 6 South, Range 31 East, Boise Meridian, Power County, Idaho, said point marked by a 5/8" iron pin with aluminum cap marked "SRLS PLS 843";
Thence North 1°01'39" West 25.00 feet along the North-South ¼ Section line to a ½" iron pin with plastic cap marked "SRLS PLS 843" said point being the TRUE POINT OF BEGINNING;

Thence continuing along the North-South ¼ Section line North 1°01'39" West 555.67 feet to a ½" iron pin with plastic cap marked "SRLS PLS 843";
Thence South 46°58'01" East 28.61 feet to a ½" iron pin with plastic cap marked "SRLS PLS 843" at an existing fence angle point;

SCANNED
MAR 15 2023

Thence South 40°10'35" East 701.60 feet to a ½" iron pin with plastic cap marked "SRLS PLS 843" at the North right of way line of North Pleasant Valley Road;
Thence West along said right of way line 463.57 feet to the TRUE POINT OF BEGINNING.

Also excepting therefrom:

A parcel of land in the Southeast ¼ of the Southeast ¼ of Section 31, Township 6 South, Range 31 East, Boise Meridian, Power County, Idaho, described as follows:

COMMENCING at the Southeast corner of Section 31;
Thence West along the South line of said Section 31 and the centerline of North Pleasant Valley Road, 361.21 feet;
Thence North 25.00 feet to a ½" rebar and plastic cap stamped "PLS 843" on the Northerly right of way line of North Pleasant Valley Road and being the TRUE POINT OF BEGINNING.

Thence North leaving said road right of way, 280.72 feet to a ½" rebar and plastic cap stamped "PLS 843";
Thence North 89°59'54" East 308.91 feet to a point on the Westerly right of way line of Fairview Road, said point being a ½" rebar and plastic cap stamped "PLS 843", said point also being the most Northerly corner of parcel shown on record of survey Instrument No. 156821;
Thence South 04°09'32" East, along said Westerly right of way line and the East boundary of said record of survey, 187.19 feet to a ½" rebar and plastic cap stamped "PLS 843"
Thence West leaving said road right of way and continuing along said boundary line, 147.63 feet to a ½" rebar and plastic cap stamped "PLS 4473";
Thence South 70°27'15" West, continuing along said boundary line, 66.66 feet to a ½" rebar and plastic cap stamped "PLS 4473";
Thence South 02°15'10" East, continuing along said boundary line, 71.79 feet to a point on the Northerly right of way line of North Pleasant Valley Road and monumented with a ½" rebar and plastic cap stamped "PLS 4473";
Thence West along said Northerly road right of way line, 114.85 feet to the TRUE POINT OF BEGINNING.

Also excepting:

A tract of land in the Southeast ¼ of the Southeast ¼ of Section 31, Township 6 South, Range 31 East, Boise Meridian, Power County, Idaho, described as follows:

BEGINNING at a point on the East line of said Section which bears North 03°01'19" West, 306.54 feet from the Southeast corner of said Section which is a 5/8" rebar and aluminum cap stamped "PLS 843", said point being the Northeast corner of a parcel of land shown on Record of Survey Instrument No. 181412;
Thence North 88°51'53" West, leaving said East line and along the North line of said parcel, 280.74 feet to a ½" rebar and plastic cap stamped "PLS 843";
Thence North 03°01'19" West, leaving the North line of said parcel, 271.91 feet to a ½" rebar and plastic cap stamped "PLS 843", said point also being the Southwest corner of a parcel of land shown on record of survey Instrument No. 198437;
Thence North 86°58'41" East, along the South line of said Instrument No. 198437, a distance of 280.00 feet to a point on the East line of said Section;
Thence South 03°01'19" East, leaving the South line of said parcel and along the East line of said Section 292.27 feet to the TRUE POINT OF BEGINNING.

Also excepting:

A tract of land in the Southeast ¼ of the Southeast ¼ of Section 31, Township 6 South, Range 31 East of the Boise Meridian, Power County, Idaho, described as follows:

Beginning at a point on the East line of said Section which bears North 03°01'19" West, 948.81 feet from the Southeast corner of said Section which is a 5/8" rebar and aluminum cap stamped PLS 843;
Thence South 86°58'41" West leaving said East line 280.00 feet to a 1/2" rebar and plastic cap stamped PLS 843;
Thence North 03°01'19" West 379.48 feet to a ½" rebar and plastic cap stamped PLS 843;
Thence South 89°03'12" East 280.67 feet to a point on the East line of said Section;
Thence South 03°01'19" East along the East line of said Section 365.05 feet to the TRUE POINT OF BEGINNING.

SCANNED
MAR 15 2023

RECORDED AT THE REQUEST OF:

Thomas J. Budge
Racine Olson, PLLP
201 E. Center St.
Pocatello, ID 83201

Instrument # 221472
POWER COUNTY, IDAHO
02-24-2023 10:38:39 AM No. of Pages: 2
Recorded for: RACINE OLSON, PLLP
SHAREE SPRAGUE Fee: $15.00
Ex-Officio Recorder Deputy: Cathy Miles
Electronically Recorded by Simplifile

(Space Above For Recorder's Use)

QUITCLAIM DEED

Grantor: Rio Properties, LLC
4670 Kim Dr.
Pocatello, ID 83204

Grantee: Heritage Farms, LLC
2043 E. Center St.
Pocatello, ID 83201

For value received, Grantor does hereby release and forever quitclaim unto Grantee and its successors and assigns forever, all right, title and interest which Grantor now has in the real property in Power County, Idaho, described in **Exhibit A** hereto (the "Property"), together with all fixtures, improvements, appurtenances, rents, issues, and profits that relate or pertain to the Property, to have and to hold the same unto Grantee and its successors and assigns forever.

Rio Properties, LLC

Jody Breding, Manager

DATE: 2/23/23

STATE OF IDAHO)
: ss.
COUNTY OF Power)

This record was acknowledged before me on this 23 day of February 23, 2023, by Jody Breding, as manager of Rio Properties, LLC.

AARON MEADOWS
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 20205004
MY COMMISSION EXPIRES 12-21-2026

NOTARY PUBLIC FOR IDAHO
My Commission Expires: 12-21-26

SCANNED
MAR 15 2023

87631

EXHIBIT A

Legal Description of the Property

Part of the S.W. ¼ of the S.W. ¼ of

Section 25, T7S, R29E B.M.

Power County, Idaho

Parcel 2 of the Record of Survey of Driscoll Brothers, Commencing at the Southwest Corner of said section 25 a found 5/8 inch rebar with aluminum cap marked CP&F Inst. No. 195430; Thence N00-10-40 E along the west line of said section 25 (also being the Basis of Bearing) a distance of 2637.26 feet to the West ¼ corner of said section 25 a set ½ inch iron rod marked PLS 12223 CP&F Inst. No. 205755; Thence from the southwest corner of said section 25 along the west line of said section 25 N 00-10-40 E a distance of 933.63 feet to the Point of Beginning; Thence leaving the west line of said section 25 N89-58-48E a distance of 330.98 feet to a nontangent curve who's center bears S45-08-06 E; Thence southwesterly along said curve a distance of 553.45 feet (curve data, Radius 1404.10 feet, Delta 22-35-03,Cord S33-34-23 W 549.88 feet); Thence leaving said curve S 89-55-02 W a distance of 28.32 feet to the west line of said section 25; Thence along the west line of said section 25 N 00-10-40 E a distance of 458.08 feet to the Point of Beginning.

SCANNED
MAR 15 2023

RECORDED AT THE REQUEST OF:

Thomas J. Budge
Racine Olson, PLLP
201 E. Center St.
Pocatello, ID 83201

Instrument # 221471
POWER COUNTY, IDAHO
02-24-2023 10:38:39 AM No. of Pages: 2
Recorded for: RACINE OLSON, PLLP
SHAREE SPRAGUE Fee: $15.00
Ex-Officio Recorder Deputy: Cathy Miles
Electronically Recorded by Simplifile

(Space Above For Recorder's Use)

QUITCLAIM DEED

Grantor: Heritage Farms, LLC
2043 E. Center St.
Pocatello, ID 83201

Grantee: Rio Properties, LLC
4670 Kim Dr.
Pocatello, ID 83204

For value received, Grantor does hereby release and forever quitclaim unto Grantee and its successors and assigns forever, all right, title and interest which Grantor now has in the real property in Power County, Idaho, described in ***Exhibit A*** hereto (the "Property"), together with all fixtures, improvements, appurtenances, rents, issues, and profits that relate or pertain to the Property, to hold the same unto Grantee and its successors and assigns forever, except that Grantor expressly reserves all water rights appurtenant to the Property.

Heritage Farms, LLC

Dirk Driscoll

Dirk Driscoll, Chief Executive Officer

Date: 11-18-2022

STATE OF IDAHO)
: ss.
COUNTY OF BANNOCK)

This record was acknowledged before me on this 18 day of November, 2022, by Dirk Driscoll as Chief Executive Officer of Heritage Farms, LLC.

CARRIE L. CASTILLO NOTARY PUBLIC Comm. No. 49842 STATE OF IDAHO

Carrie L. Castillo

NOTARY PUBLIC FOR IDAHO
My Commission Expires: 5/1/2025

87631

SCANNED
MAR 15 2023

EXHIBIT A

Legal Description of the Property

Part of the S.W. Quarter of the S. W. Quarter of

Section 25, T7S, R29E, Boise Meridian

Power County, Idaho

Parcel 1 of the record of survey of Driscoll Brothers, Commencing at the southwest corner of said section 25 a found 5/8 inch rebar with aluminum cap marked CP&F Inst. No. 195430; Thence N 00-10-40 E along the west line of said section 25 (also being the Basis of Bearing) a distance of 2637.26 feet to the West Quarter Corner of said section 25 Set ½ inch iron bar marked PLS 12223 CP&F Inst. No. 205755; Thence from the S.W. Corner of said section 25 along the west line of said section 25 N 00-10-40 E a distance of 1318.63 feet to the Point of beginning; Thence leaving the west line of said section 25 N89-58-48 E a distance of 680.00 feet; thence S 00-10-40 W a distance of 385.00 feet; Thence S 89-58-48 W a distance of 349.02 feet; Thence S 89-58- 48 W a distance of 330.98 feet to the west line of said section 25; Thence N 00-10-40 E a distance of 385.00 to the Point of beginning.

SCANNED
MAR 15 2023

Attachment #4
Power of Attorney

87631

SCANNED
MAR 15 2023

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

Heritage Farms, LLC, an Idaho limited liability company (the "Company"), hereby appoints the law firm of Racine Olson, PLLP, 201 E. Center Street, P.O. Box 1391, Pocatello, Idaho 83204 (the "Firm"), its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights. The Company allows the Firm to receive all information, opinions, and records regarding its water rights, and to sign and submit applications and other filings on its behalf. This Power of Attorney shall be in effect until the earlier to occur of (a) five years after the date of execution, or (b) the Company revokes this Power of Attorney in writing.

DATED this 18 day of November, 2022.

Heritage Farms, LLC, an Idaho limited liability company

By: Dirk Driscoll
Dirk Driscoll, Chief Executive Officer

STATE OF IDAHO)
: ss.
County of Bannock)

This record was acknowledged before me on this 18 day of November, 2022, by Dirk Driscoll as Chief Executive Officer of Heritage Farms, LLC, an Idaho limited liability company.

Carrie L. Castillo
NOTARY PUBLIC FOR IDAHO
My Commission Expires: 5/1/2025

CARRIE L. CASTILLO NOTARY PUBLIC Comm. No. 49642 STATE OF IDAHO

87631

SCANNED
MAR 15 2023

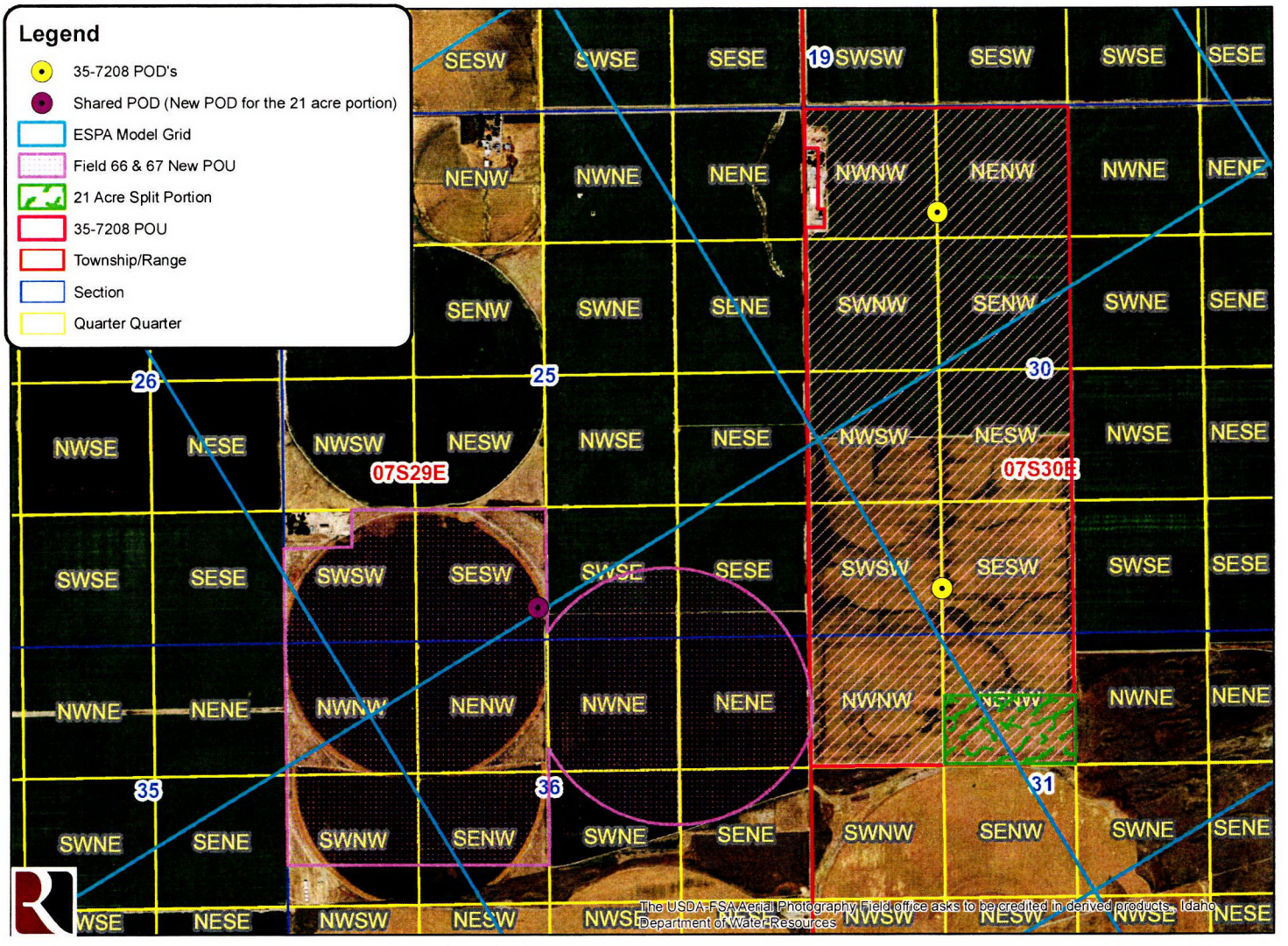
Attachment #5 ESPA Grid Map

Although the transfer does propose a change of POD within the ESPA, no modeling or mitigation plan is required as the transfer is within adjacent cells.
Old POD in cell: FID 4080, Integer 1091094
New POD in cell: FID 4125, Integer 1090093

87631

SCANNED
MAR 15 2023

Heritage Farms LLC - Attachment 5, ESPA Model Grid Overlay Map



SCANNED
MAR 15 2023

Attachment #6
Notarized Statement of
Agreement from Lien Holders

87631

SCANNED
MAR 15 2023

Idaho AgCredit
Helping you grow

2883 Highway 39
American Falls, Idaho 83211
208.226.5251 or 800.831.5143
Fax: 208.226.5063
www.idahoagcredit.com

Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Heritage Farms, LLC, Application for Transfer

To whom it may concern:

Idaho Ag Credit FLCA is the mortgagee in the Mortgage recorded in Power County as Instrument No. 194528 on August 15, 2008. The Mortgage was granted for Loan No. 231-007-0005214211-5570360-101. The Mortgage lists several Idaho water rights as part of the collateral securing the loan.

The Mortgagor, Heritage Farms, LLC, has requested a notarized statement on official letterhead signed by an authorized representative of Idaho Ag Credit FLCA, approving a change in the place of use of water right nos. 35-2432, 35-7391D, 35-8636, and 35-8804B within Sections 25 and 26, Township 7 South, Range 29 East, Boise Meridian. Idaho Ag Credit, FLCA has been provided with a copy of the transfer application and hereby consents to the proposed change. Please consider this letter as Idaho Ag Credit FLCA's statement of approval and consent.

Signed: _____ Date: 11-9-2022

Print: Adam C Jensen

Title: Chief Credit Officer

STATE OF Idaho)
: ss.
COUNTY OF Power)

This document was acknowledged before me on this 9th day of November, 2022, by Adam C. Jensen, as an authorized representative of Idaho Ag Credit FLCA.

DANA WOOD NOTARY PUBLIC Comm No. 53435 STATE OF IDAHO

_____
NOTARY PUBLIC FOR IDAHO
My Commission Expires: October 23, 2026

SCANNED
MAR 15 2023

87631

Instrument # 221121
POWER COUNTY, IDAHO
11-17-2022 04:22:55 PM No. of Pages: 2
Recorded for: RACINE OLSON, PLLP
SHAREE SPRAGUE Fee: $15.00
Ex-Officio Recorder Deputy: Cathy Miles
Electronically Recorded by Simplifile

DEED OF PARTIAL RELEASE
(IDAHO)

Real Estate Term Loan: 10246600
Line of Credit: 10247000

WHEREAS, to secure the payment of indebtedness, Driscoll Brothers Partnership, an Idaho general partnership, executed a certain mortgage (the "Mortgage") dated May 18, 2011, to Rabo AgriFinance LLC, a Delaware limited liability company, formerly Rabo Agrifinance, Inc. (the "Mortgagee") recorded in the Office of the County Clerk of Power County, Idaho, on June 2, 2011 as Instrument #200384; and in the Office of the County Clerk of Bingham County, Idaho, on June 2, 2011 as Instrument #628959.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the Mortgagee, for valuable consideration, the receipt whereof is hereby acknowledged, by these presents does remise, release and quitclaim unto the owner or owners thereof, the following described real property located in Power County, Idaho:

A 21-acre portion of Idaho water right no. 35-7208 appurtenant to the south 21 acres of the NE¼NW¼, Section 31, Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho.

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

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

THIS DEED OF PARTIAL RELEASE shall be recorded against the following described parcel of real property located in Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho:

Section 31: NW ¼

IN WITNESS WHEREOF, the Mortgagee has caused this instrument to be signed by its duly authorized officer this 10 day of November, 2022.

Rabo AgriFinance LLC, a Delaware limited liability company

By: _____
Name: Marcus Christensen
Title: VP

SCANNED
MAR 15 2023

STATE OF IDAHO)
)
COUNTY OF Bonneville)

On the 10 day of November 2022, before me, a Notary Public in and for the State of Idaho, personally appeared Monica Christensen, V.P. of Rabo AgriFinance LLC, known to me to be the person who executed the within instrument on behalf of said company and acknowledged to me that he/she executed the same for the purposes therein stated.

In witness whereof, I hereunto set my hand and official seal.

(SEAL)

JAKE KUNZ
COMM NO. 57611
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 04/24/24

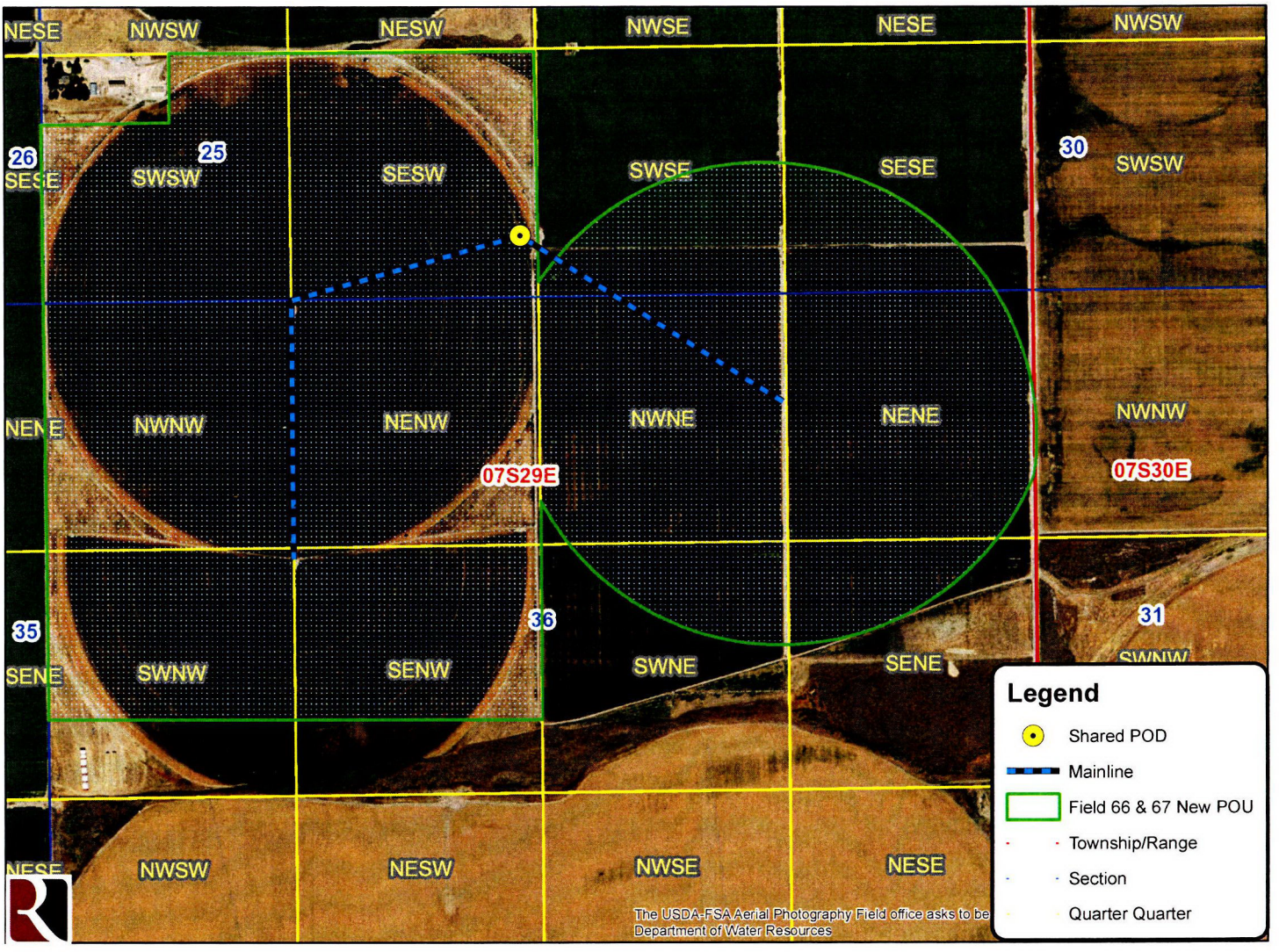
Jake Kunz
[name printed]
Notary Public, State of Idaho

My commission expires:

4/24/24

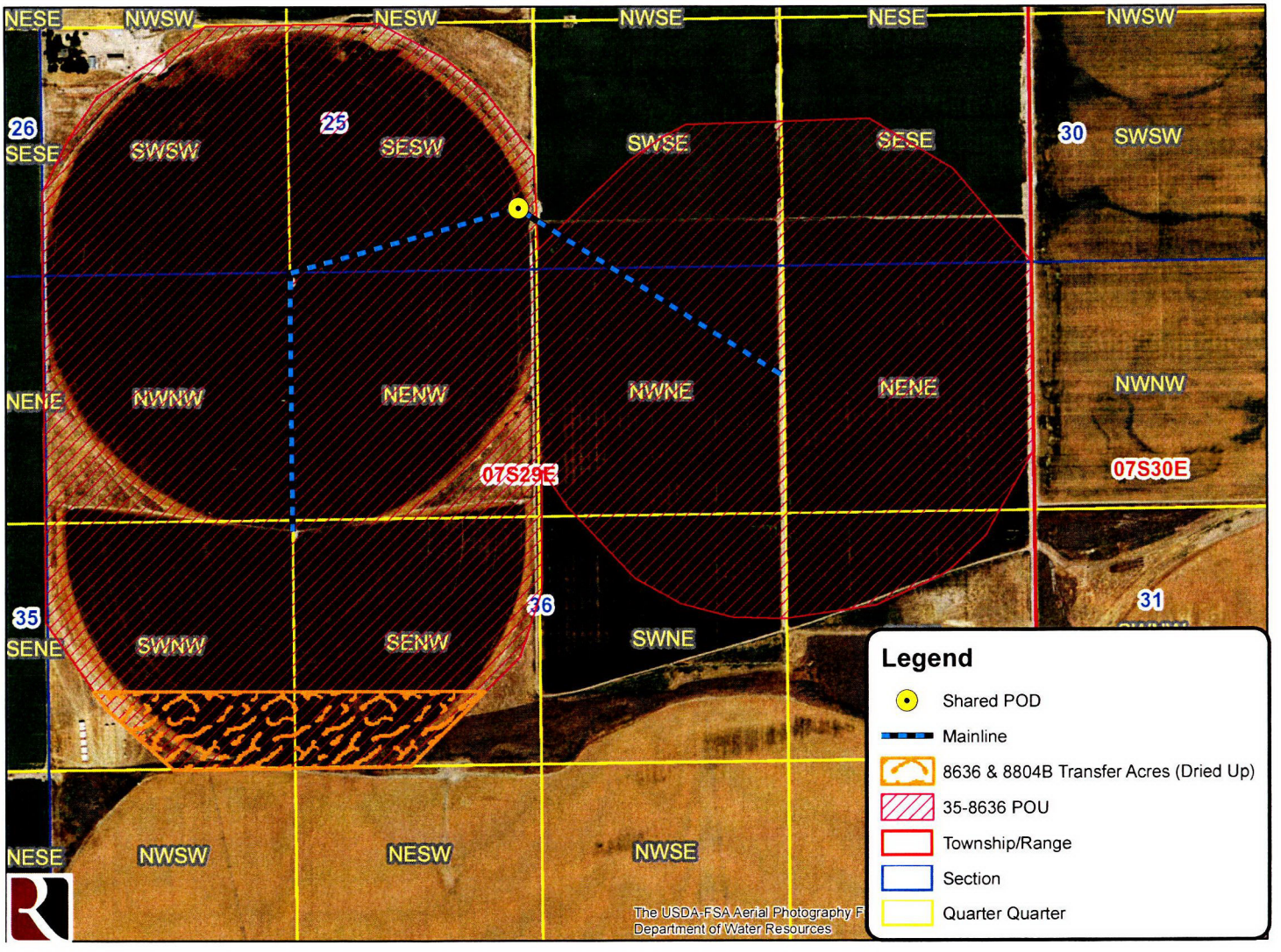
SCANNED
MAR 15 2023

Heritage Farms LLC - Attachment #7a, New POU



SCANNED
MAR 15 2023

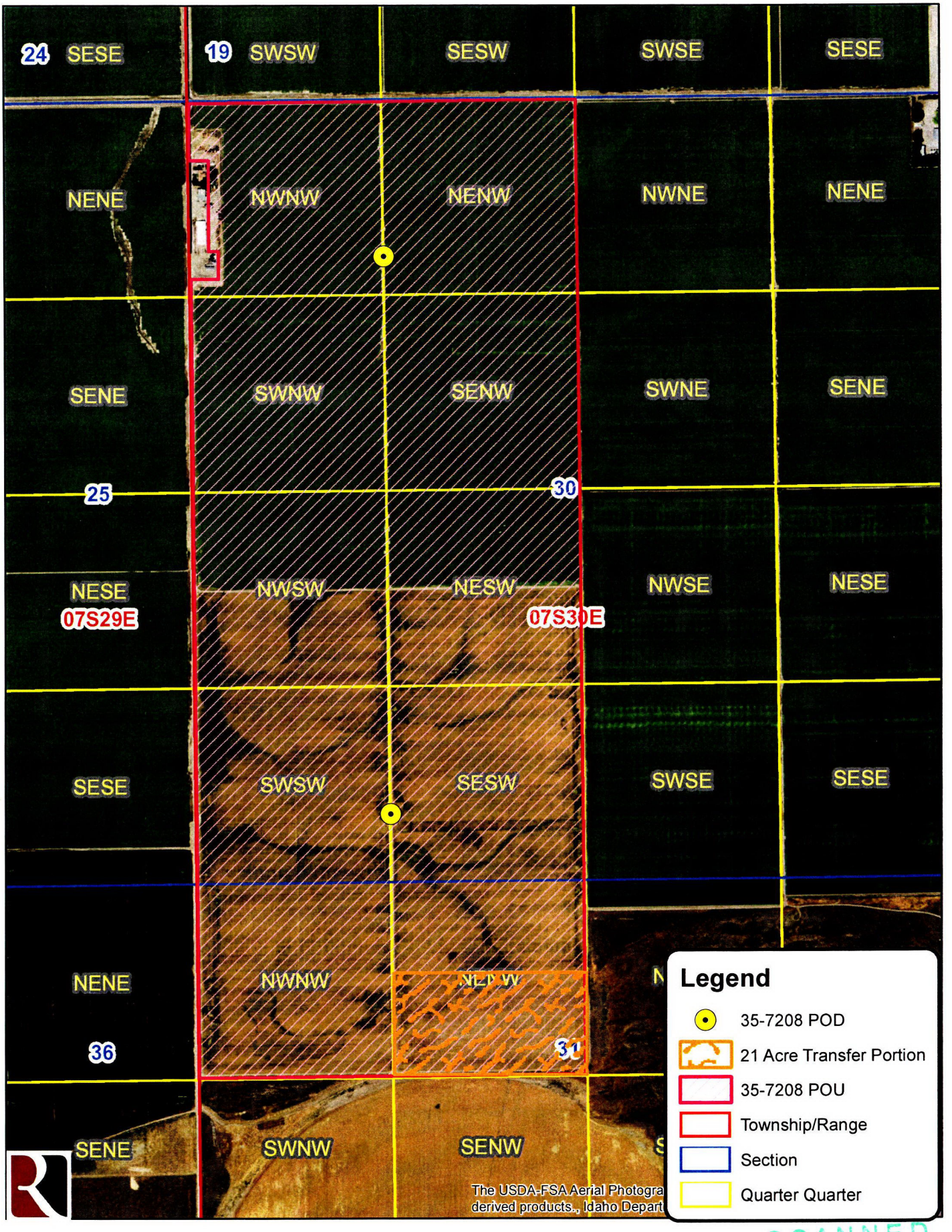
Heritage Farms LLC - Attachment #7b1, POU Change to 8636 & 8804B



87631

SCANNED
MAR 15 2023

Heritage Farms LLC - Attachment #7b2, POU Change to 7208



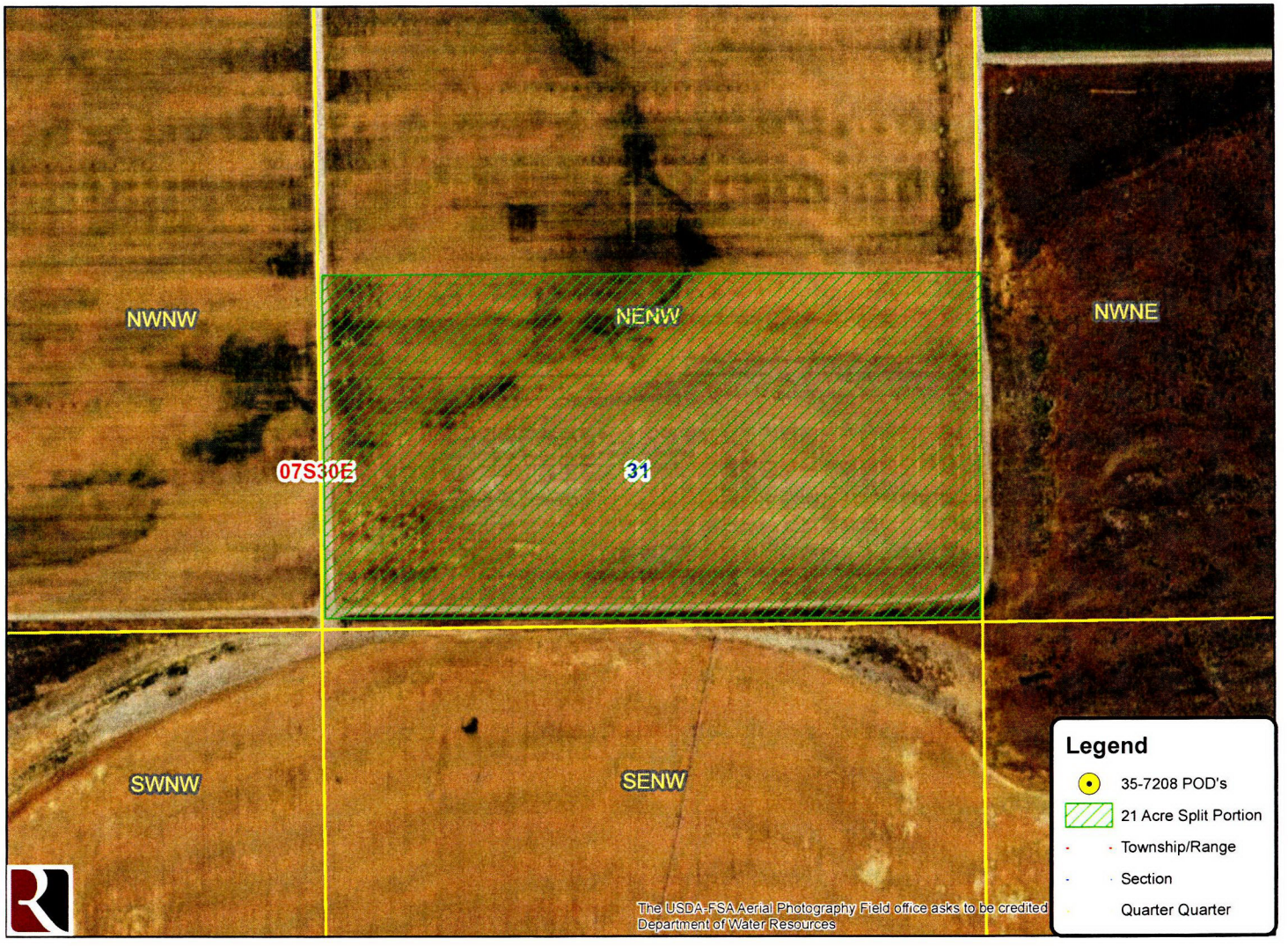
SCANNED
MAR 15 2023

Attachment #10
Rabo Partial Lien Release Map for 21 acre portion of WR# 35-7208

87631

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MAR 15 2023

Heritage Farms LLC - 21 Acre Area of Rabo Partial Lien Release



SCANNED
MAR 15 2023

RACINE OLSON
ATTORNEYS | PROBLEM SOLVED

February 28, 2023

Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED
MAR 03 2023
Department of Water Resources
Eastern Region

Re: Application for Transfer

To whom it may concern:

Enclosed please find the original and an extra copy of page 1 of an Application for Transfer of Water Right filed on behalf of Heritage Farms, LLC, together with a check in the amount of $680 for the filing fee.

This Application does three things: (1) rearranges the place of use of water right nos. 35-2432, 35-7391D, 35-8636, and 35-8804B; (2) moves a 21-acre portion of water right no. 35-7208 to share the same point of diversion and place of use as water right nos. 35-2432, 35-7391D, 35-8636, and 35-8804B; and (3) changes ownership of water right no. 35-7208 from Driscoll Brothers Partnership to Heritage Farms, LLC. Currently, water right nos. 35-2432, 35-7391D, 35-8636, and 35-8804B collectively authorize the irrigation of 323 acres. Adding 21 acres from water right no. 35-7208 will allow the irrigation of 344 acres.

An ESPA analysis not required for the point of diversion change for water right no. 35-7208 because the old point of diversion is in a ESPA Model cell (FID 4080, Integer 1091094) which is immediately adjacent to the ESPA Model cell of the new point of diversion (FID 4125, Integer 1090093).

Thank you for your assistance. If you have any questions, please feel free to contact me.

Sincerely,

Thomas J. Budge

THOMAS J. BUDGE

Enclosures
c: Dirk Driscoll

SCANNED
MAR 15 2023

201 E. Center St. | P.O Box 1391 | Pocatello, ID 83204
P: (208) 232-6101 | F: (208) 232-6109 | racineolson.com

87631

Offices in Boise and Pocatello

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**

May 11, 2023

HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO ID 83201-3300

Re: Transfer No: 87631
Water Right No(s).: 35-2432D , 35-7208, 35-7391D , 35-8636, 35-8804B

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
MAY 12 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:

THOMAS J BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO ID 83204-1391

RABO AGRIFINANCE LLC
14767 NORTH OUTER 40 RD STE 400
CHESTERFIELD MO 63017-2003

IDAHO AG CREDIT FLCA
2883 HIGHWAY 39
AMERICAN FLS ID 83211-5347

SCANNED
MAY 12 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 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.: 87631
Water Right No(s).: 35-2432D , 35-7208, 35-7391D , 35-8636, 35-8804B

HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO ID 83201-3300

THOMAS J BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO ID 83204-1391

RABO AGRIFINANCE LLC
14767 NORTH OUTER 40 RD STE 400
CHESTERFIELD MO 63017-2003

IDAHO AG CREDIT FLCA
2883 HIGHWAY 39
AMERICAN FLS ID 83211-5347

Christina Henman
Administrative Assistant

SCANNED
MAY 12 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
MAY 12 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
MAY 12 2023

MEMORANDUM

Date: April 21, 2023

To: Transfer 87631

From: Thomas Lafortune

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to create a combined place of use for rights 35-8636, 35-2432D, 35-8804B, 35-7391D, and a 21-acre portion of 35-7208. The 21-acre portion being split (new water right number 35-14824), will also be changing the point of diversion to share the same point as the other 4 rights in the transfer. Water right 35-7208 was also split prior to this transfer being processed. Heritage Farms updated ownership, but did not provide evidence of ownership to 5.5-acre portion that became 35-14823. This left a 392.5-acre place of use for water right 35-7208 to be split again in this transfer.

Authority to File: The applicant, Heritage Farms LLC, is the current owner of rights 35-8636, 35-2432D, 35-8804B, and 35-7391D according to department records. As part of this transfer, ownership of right 35-7208 was updated from Driscoll Brothers Partnership to Heritage Farms LLC, excluding a 5.5-acre portion located on land not owned by Heritage Farms.

Water Right Validity: Rights 35-8636 and 35-8804B were licensed in 1998. Rights 35-2432D, 35-7391D, and 35-7208 were decreed in the Snake River Basin Adjudication. Aerial imagery shows consistent use since the license and decree dates. Forfeiture is not an issue.

Injury to Other Water Rights: This transfer was advertised without protest. The rights are included in, and administered by Water District 120. The water master did not oppose this transfer. Although this transfer proposes a change in point of diversion within the Eastern Snake Plain Aquifer, an ESPA model run was not required because the points are in adjacent cells. There is no injury to other water rights.

Enlargement of Use: Prior to this transfer, rights 35-8636 and 35-8804B had a combined use limit of 290 acres; and rights 35-2432D and 35-7391D had a combined use limit of 33 acres. Adding in the 21-acre portion of 35-7208, all of these rights when combined are limited to the irrigation of 344 acres. The total diversion rate will be limited to 5.90 cfs and the total headgate volume will be limited to 1376 af, the sum of all of the rights. Water right 35-7208 will be reduced by 21 acres, 0.37 cfs, and 84 af to account for the portion being split off. There is no enlargement.

Local Public interest: No issues identified.

Beneficial Use/Conservation of Water Resources: 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
MAY 12 2023

SCANNED
SCANNED
APR 24 2023
MAY 12 2023

Affidavit of Publication

State of Idaho

County of Power

Brett Crompton being first duly sworn on oath, states:

That he is the Publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 22nd day of March 2023 and the date of the last publication being the 29th day of March 2023

Signed

Brett Crompton

State of Idaho

County of Power

On this 29th day of March in the year of 2023, before me, a Notary Public, personally appeared Brett Crompton, known or identified to me to be the person whose name is 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 executed the same.

DEBBIE CROMPTON NOTARY PUBLIC Comm. No. 42502 STATE OF IDAHO

Debbie Crompton

Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: July 25, 2028

Proposed change of water right

Published in The Power County Press March 22, 29, 2023.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 87631

HERITAGE FARMS LLC, 2043 E CENTER ST, POCATELLO, ID 83201-3300 has filed Application No. 87631 for changes to the following water rights within POWER County(s): Right No(s). 35-2432D, 35-7208, 35-7391D, 35-8636, 35-8804B; 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 25 T07S R29E for 5.90 cfs from ground water. Proposed place of use is in Sec 25 and 36 T07S R29E for 344 acres.

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 4/10/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/22/2023 and 3/29/2023

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

RE: Transfer No. 87631

Transfer Applicant's Name: HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO, ID 83201-3300

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 16th day of March 2023.

Blake Jordan
Watermaster's Signature
WD120

SCANNED
APR 24 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 15, 2023 2:54 PM
To: Jordan, Blake
Subject: Application for Transfer No. 87631
Attachments: tmpBC6.docx

Watermaster:

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

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

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

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

SCANNED
APR 24 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**

March 15, 2023

HERITAGE FARMS LLC
2043 E CENTER ST
POCATELLO, ID 83201-3300

RE: Transfer No. 87631
Water Right No(s). 35-2432D, 35-7208, 35-7391D, 35-8636, 35-8804B

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 POWER COUNTY PRESS on 3/22/2023 and 3/29/2023. 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:
THOMAS J BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204

SCANNED

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 15, 2023 1:58 PM
To: press1@press-times.com
Subject: Legal Notice for Power County Press
Attachments: 87631 Power County Press.docx

LEGAL NOTICE DEPARTMENT
POWER COUNTY PRESS
PO BOX 547
AMERICAN FALLS, ID 83211

RE: Transfer No. 87631
Water Right No(s). 35-2432D, 35-7208, 35-7391D, 35-8636, 35-8804B

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 4/10/2023. Your cooperation is appreciated.

Thank You,

IDAHO DEPARTMENT OF WATER RESOURCES

Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

SCANNED
Mar 15 2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87631

HERITAGE FARMS LLC, 2043 E CENTER ST, POCATELLO, ID 83201-3300 has filed Application No. 87631 for changes to the following water rights within POWER County(s): Right No(s). 35-2432D, 35-7208, 35-7391D, 35-8636, 35-8804B; 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 25 T07S R29E for 5.90 cfs from ground water. Proposed place of use is in Sec 25 and 36 T07S R29E for 344 acres.

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 4/10/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/22/2023 and 3/29/2023

SCANNED
MAR 15 2023