

AUG 15 2023

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 88627

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) SCHENK LAND & CATTLE LP

Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 15 2023

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

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) SCHENK LAND & CATTLE LP Phone 208-862-9219
Mailing address 1380 S 50 W OAKLEY, ID 83346-8715 Email schencattle@gmail.com

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

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

☐ No Representative

Name of Representative Greg Sullivan Brockway Engineering PLLC Phone 208-736-8543
Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Dallas Schenk
Print Name and Title if applicable

8-14-2023
Date

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 § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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 **Part 1A.3**.
This transfer proposes to increase the amount of stockwater of water right 45-12444 from 0.5 cfs to 1.0 cfs by drying up 47.9 acres of irrigation. Water right 45-12450 will be reduced to 4.19 cfs and 2,045.7 AFA. The irrigation place of use of 45-12444, 45-703, 45-4013B, 45-12450 and 45-12447 will be 844.1 acres.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	45-12444	1.0/361.2	Stock/Commercial	1/01 to 12/31	Land Ranch Spring
☐ ☐		2.633/	Irrigation	3/01 to 12/15	Land Ranch Spring
☐ ☐		0.5/	Domestic	1/01 to 12/31	Land Ranch Spring
☐ ☒	45-12450	4.19/2045	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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

2. Total amount of water proposed to be transferred or changed 0.5 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 #
		SW	SW	NW	8	13S	23E	Cassia	Land Ranch Spring	
		SE	SE	SW	8	13S	23E	Cassia	Ground Water	No Change

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	
13S	22E	1	D																
12S	22E	25									S/C		S/C		S/C	S/C	S/C	S/C	
12S	22E	30													S/C	S/C	S/C	S/C	
12S	22E	36	39	35	38	35.2	40	33	34	37	37.8	30.9	26.1	36.2	33.8	35.1	34.8	29.2	555.1
12S	23E	31			1										3	35	36	35	110.0
13S	22E	1	10.9	40.1	19.7		33.7			16.6									121.0
13S	23E	6	29	29															58.0
Total Acres (for irrigation use)																			844.1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The diversion system has been updated over the last 60 years from a dirt ditch, cement ditch to piped from the spring to the feedlot. A flow of 1.0 cfs of water can flow continuously from the spring for 365 days out of the year to the feedlot.

- b. Who owns the property at the point(s) of diversion? Idaho Agri Investments LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
See the attached signed Statement of Consent

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☒ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: PACIFIC LIFE INSURANCE CO C/O EQUITABLE AGRIFINANCE LLC

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

47.9 acres of irrigation land will be dried up with this transfer. The allowed irrigation on this farm will be 842.0 acres after the transfer is approved.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

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

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Page _____ of _____

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

Current Water Right No.: 45-12444

Current Owner: SCHENK LAND & CATTLE LP

Priority Date: 4/1/1870

Origin: Water Right

Status: Active

Basis: Decreed

Source

LAND RANCH SPRING

Tributary

LAND CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

STOCKWATER 01/01 to 12/31

0.5 CFS

241 AF

DOMESTIC 01/01 to 12/31

0.5 CFS

IRRIGATION 03/01 to 12/15

3.133 CFS

Total Diversion

4.133 CFS

Location of Point(s) of Diversion

LAND RANCH SPRING

SE1/4SE1/4NE1/4

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

CASSIA County

Place of Use

Page _____ of _____

IRRIGATION Within CASSIA County

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

Total Acres: 892

STOCKWATER Within CASSIA County

T12S R22E S25		NESW		T12S R22E S25		SESW	
T12S R22E S25		NESE		T12S R22E S25		NWSE	
T12S R22E S25		SWSE		T12S R22E S25		SESE	
T12S R23E S30		NESE		T12S R23E S30	Lot 3	NWSE	
T12S R23E S30	Lot 4	SWSE		T12S R23E S30		SESE	

DOMESTIC Within CASSIA County

T13S R22E S1	Lot 1	NENE
--------------	-------	------

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. X27 This right is limited to the irrigation of 300 acres within the authorized place of use in a single irrigation season.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the place of use.
7. T19 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.
8. X35 Rights 45-703, 45-4013B, 45-12444, 45-12447 and 45-12450 when combined shall not exceed the irrigation of 892 acres.
9. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.

Decreed Date: 5/13/2005

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

Current Water Right No.: 45-12450

Current Owner: SCHENK LAND & CATTLE LP
Priority Date: 5/15/1955
Origin: Water Right
Status: Active
Basis: Decreed

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	4.43 CFS	2161.8 AF
	<u>Total Diversion</u>	4.43 CFS	2161.8 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4SE1/4SW1/4

Sec. 8, Twp 13S, Rge 23E B.M.

CASSIA County

Place of Use**IRRIGATION Within CASSIA County**

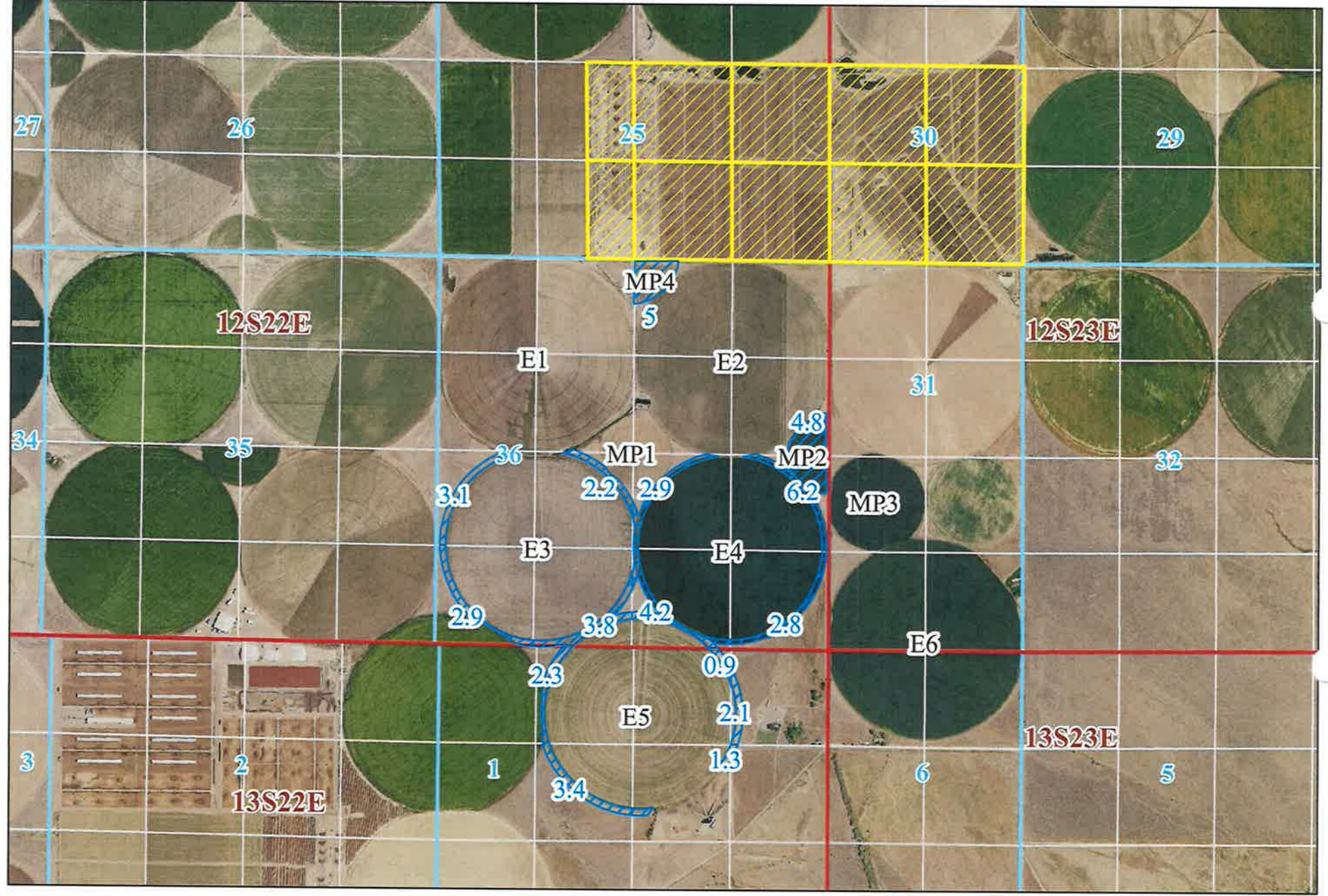
T12S R22E S36	NENE	39.00	T12S R22E S36	NWNE	40.00
T12S R22E S36	SWNE	38.00	T12S R22E S36	SENE	40.00
T12S R22E S36	NENW	40.00	T12S R22E S36	NWNW	33.00
T12S R22E S36	SWNW	34.00	T12S R22E S36	SENE	37.00
T12S R22E S36	NESW	40.00	T12S R22E S36	NWSW	34.00
T12S R22E S36	SWSW	29.00	T12S R22E S36	SESW	40.00
T12S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

Total Acres: 892

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. X35 Rights 45-4013B and 45-12450 when combined shall not exceed a total diversion rate of 5.31 cfs and a total annual maximum diversion volume of 2591.2 af at the field headgate.
3. X35 Rights 45-703, 45-4013B, 45-12444, 45-12447, and 45-12450 when combined shall not exceed the irrigation of 892 acres.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. R05 Use of water under this right will 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. 140.
10. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. 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 place of use.

Decreed Date: 5/13/2005



0 0.25 0.5 Miles

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 10/25/2022

88627

DALLAN SCHENK
47.9 TRANSFER ACRES
NAIP 2021 AERIAL

Legend

-  Transfer Stockwater To
-  Transfer Acres

N
↑

EXHIBIT A



0 0.25 0.5 Miles

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 10/25/2022

88627

SCHENK LAND & CATTLE LP
FIELD AND PROPERTY LOCATION
NAIP 2021 AERIAL

Legend

 Schenk Property
 Fields

N



Farm **4858**
Tract **9361**

Wetland Determination Identifiers
 ● Restricted Use ▼ Limited Restrictions
 ■ Exempt from Conservation Compliance Provisions

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

REPORT OF COMMODITIES

FARM AND TRACT DETAIL LISTING

Tract Number	CLU/Field	Crop/Commodity	Var/Type	Int Use	Act Use	Irr. Pr.	Org Stat	Nat. Sod	C/C Stat	Rpt Unit	Rpt Qty	Det Qty	Crop Land	Field ID	Official/Measured	Planting Date	Planting Period	End Date
243	7	GRASS	NAG	GZ		N	C	N	I	A	0.63		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
8		GRASS	NAG	GZ		N	C	N	I	A	5.10		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
9		GRASS	NAG	GZ		N	C	N	I	A	0.51		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
11		ALFAL		FG		I	C	N	I	A	15.24		Yes		N	03/25/2020	01	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
12		ALFAL		FG		I	C	N	I	A	102.32		Yes		N	03/25/2020	01	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
14		GRASS	NAG	GZ		N	C	N	I	A	0.60		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
15		GRASS	NAG	GZ		N	C	N	I	A	4.04		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
16		GRASS	NAG	GZ		N	C	N	I	A	0.31		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	

Tract 243 Summary

PP Cr/Co	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty	PP Cr/Co	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty	PP Cr/Co	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty
01 ALFAL		FG	I	A	117.56	21 GRASS	NAG	GZ	N	A	25.64	01 WHEAT	SWW	GR	I	A	104.10

Photo Number/Legal Description: M24 S5,8 T13 R22

Cropland: 247.30

Reported on Cropland: 247.30

Difference: 0.00

Reported on Non-Cropland: 0.00

9361	6	GRASS	NAG	GZ		N	C	N	I	A	4.38		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
MP 4	7	GRASS	NAG	GZ		N	C	N	I	A	5.61		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	

REPORT OF COMMODITIES

FARM AND TRACT DETAIL LISTING

Tract Number	CLU/Field	Crop/Commodity	Var/Type	Int Use	Act Use	Irr. Pr.	Org Stat	Nat. Sod	C/C Stat	Rpt Unit	Rpt Qty	Det Qty	Crop Land	Field ID	Official/Measured	Planting Date	Planting Period	End Date
9361	8	CORN	YEL	SG		I	C	N	I	A	134.75		Yes		N	05/31/2021	01	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
9		GRASS	NAG	GZ		N	C	N	I	A	12.76		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
11		ALFAL		FG		I	C	N	I	A	24.25		Yes		N	03/26/2021	01	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
12		ALFAL		FG		I	C	N	I	A	8.31		Yes		N	03/26/2021	01	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
13		GRASS	NAG	GZ		N	C	N	I	A	4.79		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
15		CORN	YEL	SG		I	C	N	I	A	129.49		Yes		N	05/31/2021	01	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
16		GRASS	NAG	GZ		N	C	N	I	A	0.49		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
17		GRASS	NAG	GZ		N	C	N	I	A	1.70		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
MP2 18		OATS	SPR	GR		I	C	N	I	A	11.02		Yes		N	05/15/2021	01	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
E3 19		CORN	YEL	SG		I	C	N	I	A	122.31		Yes		N	05/31/2021	01	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
20		GRASS	NAG	GZ		N	C	N	I	A	2.47		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
21		GRASS	NAG	GZ		N	C	N	I	A	3.69		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	

Farm Number: 4858

REPORT OF COMMODITIES

FARM AND TRACT DETAIL LISTING

PROGRAM YEAR: 2021

DATE: 08/11/2023

PAGE: 6

Tract Number	CLU/Field	Crop/Commodity	Var/Type	Int Use	Act Use	Irr. Pr.	Org Stat	Nat. Sod	C/C Stat	Rpt Unit	Rpt Qty	Det Qty	Crop Land	Field ID	Official/Measured	Planting Date	Planting Period	End Date
E4	9361	22	WHEAT	SWW	GR		I	C	N	I	A	124.32		Yes	N	10/08/2020	01	
			Producer PICKETT RANCH & SHEEP CO		Share 100.00		FSA Physical Location Cassia, Idaho								NAP Unit 410	Signature Date 01/11/2021		
	23	GRASS	NAG	GZ		N	C	N	I	A	6.01		Yes	N		21		
			Producer PICKETT RANCH & SHEEP CO		Share 100.00		FSA Physical Location Cassia, Idaho								NAP Unit 410	Signature Date 07/13/2021		
	24	WHEAT	SWW	GR		I	C	N	I	A	28.63		Yes	N	10/08/2020	01		
			Producer PICKETT RANCH & SHEEP CO		Share 100.00		FSA Physical Location Cassia, Idaho								NAP Unit 410	Signature Date 01/11/2021		
	26	GRASS	NAG	GZ		N	C	N	I	A	4.85		Yes	N		21		
			Producer PICKETT RANCH & SHEEP CO		Share 100.00		FSA Physical Location Cassia, Idaho								NAP Unit 410	Signature Date 07/13/2021		
	28	WHEAT	SWW	GR		I	C	N	I	A	133.68		Yes	N	10/08/2020	01		
			Producer PICKETT RANCH & SHEEP CO		Share 100.00		FSA Physical Location Cassia, Idaho								NAP Unit 410	Signature Date 01/11/2021		
	29	GRASS	NAG	GZ		N	C	N	I	A	10.72		Yes	N		21		
			Producer PICKETT RANCH & SHEEP CO		Share 100.00		FSA Physical Location Cassia, Idaho								NAP Unit 410	Signature Date 07/13/2021		
	30	GRASS	NAG	GZ		N	C	N	I	A	3.14		Yes	N		21		
			Producer PICKETT RANCH & SHEEP CO		Share 100.00		FSA Physical Location Cassia, Idaho								NAP Unit 410	Signature Date 07/13/2021		
	31	GRASS	NAG	GZ		N	C	N	I	A	5.66		Yes	N		21		
			Producer PICKETT RANCH & SHEEP CO		Share 100.00		FSA Physical Location Cassia, Idaho								NAP Unit 410	Signature Date 07/13/2021		
	32	GRASS	NAG	GZ		N	C	N	I	A	1.19		Yes	N		21		
			Producer PICKETT RANCH & SHEEP CO		Share 100.00		FSA Physical Location Cassia, Idaho								NAP Unit 410	Signature Date 07/13/2021		
	33	GRASS	NAG	GZ		N	C	N	I	A	10.29		Yes	N		21		
			Producer PICKETT RANCH & SHEEP CO		Share 100.00		FSA Physical Location Cassia, Idaho								NAP Unit 410	Signature Date 07/13/2021		
	34	GRASS	NAG	GZ		N	C	N	I	A	3.35		Yes	N		21		
			Producer PICKETT RANCH & SHEEP CO		Share 100.00		FSA Physical Location Cassia, Idaho								NAP Unit 410	Signature Date 07/13/2021		
E5		35	ALFAL	FG		I	C	N	I	A	133.94		Yes	N	03/26/2021	01		
			Producer PICKETT RANCH & SHEEP CO		Share 100.00		FSA Physical Location Cassia, Idaho								NAP Unit 410	Signature Date 07/13/2021		

REPORT OF COMMODITIES

FARM AND TRACT DETAIL LISTING

Tract Number	CLU/Field	Crop/Commodity	Var/Type	Int Use	Act Use	Irr. Pr.	Org Stat	Nat. Sod	C/C Stat	Rpt Unit	Rpt Qty	Det Qty	Crop Land	Field ID	Official/Measured	Planting Date	Planting Period	End Date
9361	37	GRASS	NAG	GZ		N	C	N	I	A	20.49		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
39		GRASS	NAG	GZ		N	C	N	I	A	12.87		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	
40		GRASS	NAG	GZ		N	C	N	I	A	3.20		Yes		N		21	
Producer PICKETT RANCH & SHEEP CO					Share 100.00	FSA Physical Location Cassia, Idaho										NAP Unit 410	Signature Date 07/13/2021	

Tract 9361 Summary

PP Cr/Co	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty	PP Cr/Co	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty	PP Cr/Co	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty
01 OATS	SPR	GR	I	A	11.02	01 ALFAL		FG	I	A	166.50	01 CORN	YEL	SG	I	A	386.55
21 GRASS	NAG	GZ	N	A	117.66	01 WHEAT	SWW	GR	I	A	286.63						

Photo Number/Legal Description: O22 P22 S1,6 T13 R23 S25,36 T12 R22 S31 T12 R23

Cropland: 968.36

Reported on Cropland: 968.36

Difference: 0.00

Reported on Non-Cropland: 0.00

Stockwater Component

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

Age	consumption	lbs/animal	GPD	CFS	Ac-Ft/year
1 month	1.7 gal/day	90	0	0.000	0.00
2 month	2.4 gal/day	152	0	0.000	0.00
3 month	3.2 gal/day	214	0	0.000	0.00
4 month	4.0 gal/day	276	0	0.000	0.00
5 month	4.8 gal/day	338	0	0.000	0.00
6 month	5.6 gal/day	400	0	0.000	0.00
7 month	6.4 gal/day	456	10728	0.017	12.02
8 month	7.2 gal/day	511	12058	0.019	13.51
9 month	8.0 gal/day	567	13388	0.021	15.00
10 month	8.8 gal/day	622	14717	0.023	16.49
11 month	9.6 gal/day	678	16047	0.025	17.98
12 month	10.4 gal/day	733	17377	0.027	19.47
13 month	11.2 gal/day	789	18707	0.029	20.96
14 month	12.0 gal/day	844	20036	0.031	22.44
15 month	12.8 gal/day	900	21366	0.033	23.93
16 month	13.6 gal/day	956	22696	0.035	25.42
17 month	14.4 gal/day	1,011	24025	0.037	26.91
18 month	15.2 gal/day	1,067	25355	0.039	28.40
19 month	16.0 gal/day	1,122	26685	0.041	29.89
20 month	16.8 gal/day	1,178	28014	0.043	31.38
21 month	17.6 gal/day	1,233	29344	0.045	32.87
22 month	18.4 gal/day	1,289	0	0.000	0.00
23 month	19.2 gal/day	1,344	0	0.000	0.00
24 month	20.0 gal/day	1,400	0	0.000	0.00

	GPD	CFS	Ac-Ft/year
Drinking water requirement	300,543	0.46	336.7
Waste Milk	0	0	0.00
Milk Concentrate	0	0	0.00
TOTAL STOCKWATER COMPONENT	300,543	0.46	336.7

Commercial Component

Milk Cart Washings	0 gal/day 0.0 ac-ft/year	General Washing and Cleaning	20 gpm 2 hour per day 2400 gal/day 2.7 ac-ft/year
Dust Control	20 gpm 3 hour per day 3600 gal/day 5 months 1.7 ac-ft/year	Duration	

TOTAL COMMERCIAL COMPONENT	4.37 ac-ft/year
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Summary

Drinking Water	
Replacement herd (calves, heifers, beef cows)	336.7 ac-ft/year
Total drinking water volume	336.7 ac-ft/year

Commercial	
Waste Milk-Drinking water offset	0.00 ac-ft/year
Milk Concentrate-Drinking water offset	0.00 ac-ft/year
Milk Cart Washing	0.00 ac-ft/year
Dust Control	1.68 ac-ft/year
General Washing and Cleaning	2.69 ac-ft/year
Total commercial volume	4.4 ac-ft/year

Volume Needed

341.0 AC-FT/YR

Current Allowed Volume

241.0 AC-FT/YR

Field	Acres	2021 Crop	Pdef	AF	AFA
E3	9.2	corn	657	2.16	19.8
E4	10	barley	612	2.01	20.1
E5	13	alfalfa	981	3.22	41.8
MP2	9.7	barley	612	2.01	19.5
MP4	6	grass	965	3.17	19.0
Total	47.9				120.2

University of Idaho Kimberly Research and Extension Center
ET Idaho 2017 Burley FAA AP

Volume Provided by Transfer

120.2 AC-FT/YR

Total Stock and Commercial Water After Transfer Approval

361.2 AC-FT/YR

Livestock Confinement Operations

Water Requirements

Brockway Engineering, PLLC

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

COMPLETE BLUE HIGHLIGHTED SECTIONS ONLY

Prepared for: Dallen Schenk
Schenk Feedlot

Remarks:

Herd Information - User Input

	Current	Additional
Stock and Commercial Water Rights	241.0 AFA	
Total Number of Animals at CAFO	0	25,000

Number of Animal Units	0	21,111
------------------------	---	--------

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

Calves at age:

1 month
2 month
3 month
4 month
5 month
6 month
7 month
8 month
9 month
10 month
11 month
12 month
13 month
14 month
15 month
16 month
17 month
18 month
19 month
20 month
21 month
22 month
23 month
24 month

	Current	Additional
1 month		
2 month		
3 month		
4 month		
5 month		
6 month		
7 month		1667
8 month		1667
9 month		1667
10 month		1667
11 month		1667
12 month		1667
13 month		1667
14 month		1667
15 month		1667
16 month		1667
17 month		1667
18 month		1667
19 month		1667
20 month		1667
21 month		1667
22 month		
23 month		
24 month		
Total	0	25,000
Total		25,000

lbs/animal	lbs	lbs
90	0	0
152	0	0
214	0	0
276	0	0
338	0	0
400	0	0
456	0	759259
511	0	851852
567	0	944444
622	0	1037037
678	0	1129630
733	0	1222222
789	0	1314815
844	0	1407407
900	0	1500000
956	0	1592593
1011	0	1685185
1067	0	1777778
1122	0	1870370
1178	0	1962963
1233	0	2055556
1289	0	0
1344	0	0
1400	0	0
Total	0	21,111,111 lbs
Total		21,111,111 lbs

Commercial Component

Waste Milk 0 per day
Milk Concentrate 0 per day

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

Dust Control
Application Rate 20 gpm
Duration 3 hours per day
How Many Months/Year 5 months

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



0004318423

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

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

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

File #: 0004318423

Date Filed: 6/16/2021 8:44:50 AM

B0619-2070 06/16/2021 8:44 AM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address:	
Entity Name:	SCHENK LAND & CATTLE L.P.
The file number of this entity on the records of the Idaho Secretary of State is:	0000023214
Address	1380 S 50 W OAKLEY, ID 83346-8715
Entity Details:	
Entity Status	Active-Current
This entity is organized under the laws of:	IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	L3802
The registered agent on record is:	
Registered Agent	DALLAN SCHENK Registered Agent Physical Address 1380 SOUTH 50 WEST OAKLEY, ID 83346 Mailing Address
Limited Partnership General Partners	
Name	Business Address
Robert Schenk Feedlot, Inc	1380 S 50 W OAKLEY, ID 83346
The annual report must be signed by an authorized signer of the entity.	
Job Title: Partner	
<i>Dallan Schenk</i>	<i>06/16/2021</i>
Sign Here	Date

STATEMENT OF CONSENT

To Whom It May Concern,

IDAHO AGRI INVESTMENTS LLC, owns several parcels in Cassia County, Idaho in the area of Township 12S Range 22E Section 25 and Township 12S Range 22E Section 30. The property parcel numbers are: RP12S23E307201, RP12S22E257205, RP12S22E257825 and RP12S22E254801. Water rights currently associated with these parcels are 45-12444 and 45-4258B.

IDAHO AGRI INVESTMENTS LLC and SCHENK LAND & CATTLE LP have entered into a private agreement that will allow water rights owned by SCHENK LAND & CATTLE LP to be transferred to property owned by IDAHO AGRI INVESTMENTS LLC. The ownership of the transferred portions of the water rights will be updated after the proposed water transfers are approved by the Idaho Department of Water Resources.

IDAHO AGRI INVESTMENTS LLC

Name:

Patsy Anne Larson

Date:

8/9/22



0004850283

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***AMENDMENT TO CERTIFICATE OF
ORGANIZATION OF LIMITED LIABILITY COMPANY**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$30.00

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

File #: 0004850283

Date Filed: 8/8/2022 8:51:54 AM

B0730-1791 08/08/2022 8:51 AM Received by ID Secretary of State Lawrence Denney

Amendment to Certificate of Organization of Limited Liability Company

Select one: Standard, Expedited or Same Day Service (see descriptions below)

Same Day Service (+\$100; filing fee \$130)

The current name of the limited liability company is:

IDAHO AGRI INVESTMENTS LLC

The file number of this entity on the records of the Idaho Secretary of State is:

0000393718

Entity Type:

Limited Liability Company

Entity Subtype:

Limited Liability Company

The date the certificate of organization was originally filed:

2013-08-29 12:00:00.000

Limited Liability Company Name

Entity name

IDAHO AGRI INVESTMENTS LLC

2. The complete street address of the principal office is amended to:

Principal Office Address

127 CONLEY DR.
CHESTERTOWN, MD 21620

3. The mailing address of the principal office is amended to:

Mailing Address

PO BOX 342
CLARION, IA 50525-0342

4. Managers and Members

Name	Title	Address
☒ Wayne E Cummings	Manager	127 CONLEY DR. Apo (Us)
☒ PATSY ANNE LARSON	Manager	PO BOX 342 CLARION, IA 50525-0342

Signature of Authorized Person:

Wayne E. Cummings

Sign Here

08/08/2022

Date

September 1, 2022

To: Idaho Department of Water Resources

From: Pacific Life Insurance Company

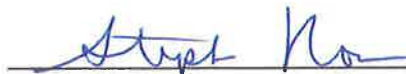
Subject: Consent to Transfer 47.9 acres of Water Rights Owned by Schenk Land & Cattle, L.P. (Water Right No. 45-12444).

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

Lender is aware that Schenk Land & Cattle L.P., an Idaho limited partnership, intends to transfer 47.9 acres of water rights under water right 45-12444. The transfer will increase the amount of stock water from 0.5 CFS to 1.0 CFS and reduce the amount of irrigation to a diversion rate of 2.633 CFS of Water Right No. 45-12444 once a transfer application is approved. Lender, by and through the undersigned authorized representative of Lender, hereby consents to processing and approval of the transfer application by the Idaho Department of Water Resources.

PACIFIC LIFE INSURANCE COMPANY

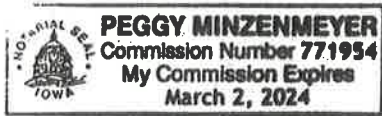
**By: Equitable AgriFinance, LLC, its
Authorize Signatory**


By: Stephen Noonan, CEO

[NOTARY SIGNATURE BLOCK ON NEXT PAGE]

STATE OF IOWA)
) ss.
COUNTY OF LINN)

This record was acknowledged before me on this 1st day of September, 2022, by
STEPHEN NOONAN, CEO of Equitable AgriFinance, LLC, authorized signatory for
PACIFIC LIFE INSURANCE COMPANY, a Nebraska corporation.




NOTARY PUBLIC FOR STATE OF IOWA
My commission expires: 3/2/2024

EXHIBIT A

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

Section 36: ALL

EXCEPTING THEREFROM the following described tract:

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

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

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

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

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

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

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

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

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

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

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

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

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

EXCEPTING THEREFROM the following described tracts:

Tract No. 1:

The South 503 feet of the following described property:

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

Thence running West 330 feet;

Thence running North 229 feet;

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

Thence East 187.23 feet;

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

Thence South 229 feet to the Point of Beginning.

Tract No. 2:

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

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

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

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

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

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

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

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

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

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

Tract No. 3:

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

Tract No. 4:

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

Tract No. 5:

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

SAVE AND EXCEPT the following described:

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

Section 12: E¼SE¼

Section 13: NE¼NE¼

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

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

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

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

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

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

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

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

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

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

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

Tract No. 1:

Beginning at the Southwest corner of Lot 2 of said Section 6, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 00°12'25" East along the West section line for a distance of 254.14 feet;
Thence South 87°52'46" East for a distance of 56.65 feet to a $\frac{1}{4}$ inch rebar;
Thence South 87°52'46" East for a distance of 778.95 feet to a $\frac{1}{2}$ inch rebar;
Thence South 00°12'25" West for a distance of 219.59 feet to a $\frac{1}{2}$ inch rebar on the South line of Lot 2;
Thence South 89°45'03" West along said line for a distance of 835.16 feet to the Point of Beginning.

Tract No. 2:

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

Section 7: Lots 1, 2, 3, 4, NE 1/4 NE 1/4, E 1/4 SE 1/4

Section 18: Lot 1

PARCEL NO. 4:

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

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

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

PARCEL NO. 5:

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

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

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

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

PARCEL NO. 6:

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

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

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

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

PARCEL NO. 7:

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

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

Section 1: Part of the E $\frac{1}{2}$ NE $\frac{1}{4}$, more particularly described as follows:

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

PARCEL NO. 8:

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

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

PARCEL NO. 9:

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

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

PARCEL NO. 10:

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

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

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

PARCEL NO. 11:

INTENTIONALLY DELETED

PARCEL NO. 12:

INTENTIONALLY DELETED

PARCEL NO. 13:

INTENTIONALLY DELETED

PARCEL NO. 14:

INTENTIONALLY DELETED

CONSENT TO WATER RIGHT TRANSFER

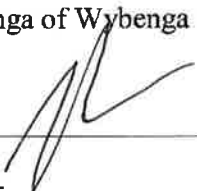
To Whom It May Concern,

I, Steve Wybenga, understand that Schenk Land & Cattle LP has submitting to the Idaho Department of Water Resources a water right transfer that will change a 0.5 cfs portion of water right 45-12444 from a beneficial use of irrigation to a beneficial use of stock and commercial use. The stock and commercial use will have a year round beneficial use period. The source of water for 45-12444 is Land Ranch Spring.

Water right 45-10407 is owned by Wybenga Dairy LLC and has a source of water of Land Ranch Springs. I am a registered agent for Wybenga Dairy LLC. Attached to this letter are the Idaho Department of Water Resources water right report and aerial map for 45-10407.

I formally give my consent to the proposed transfer of water right 45-12444 and have no objections to the transfer and will not protest the transfer that Schenk Land & Cattle LP has prepared and submitted to the Idaho Department of Water Resources.

Steve Wybenga of Wybenga Dairy LLC:



Title: Partner

Date: 5-12-2023

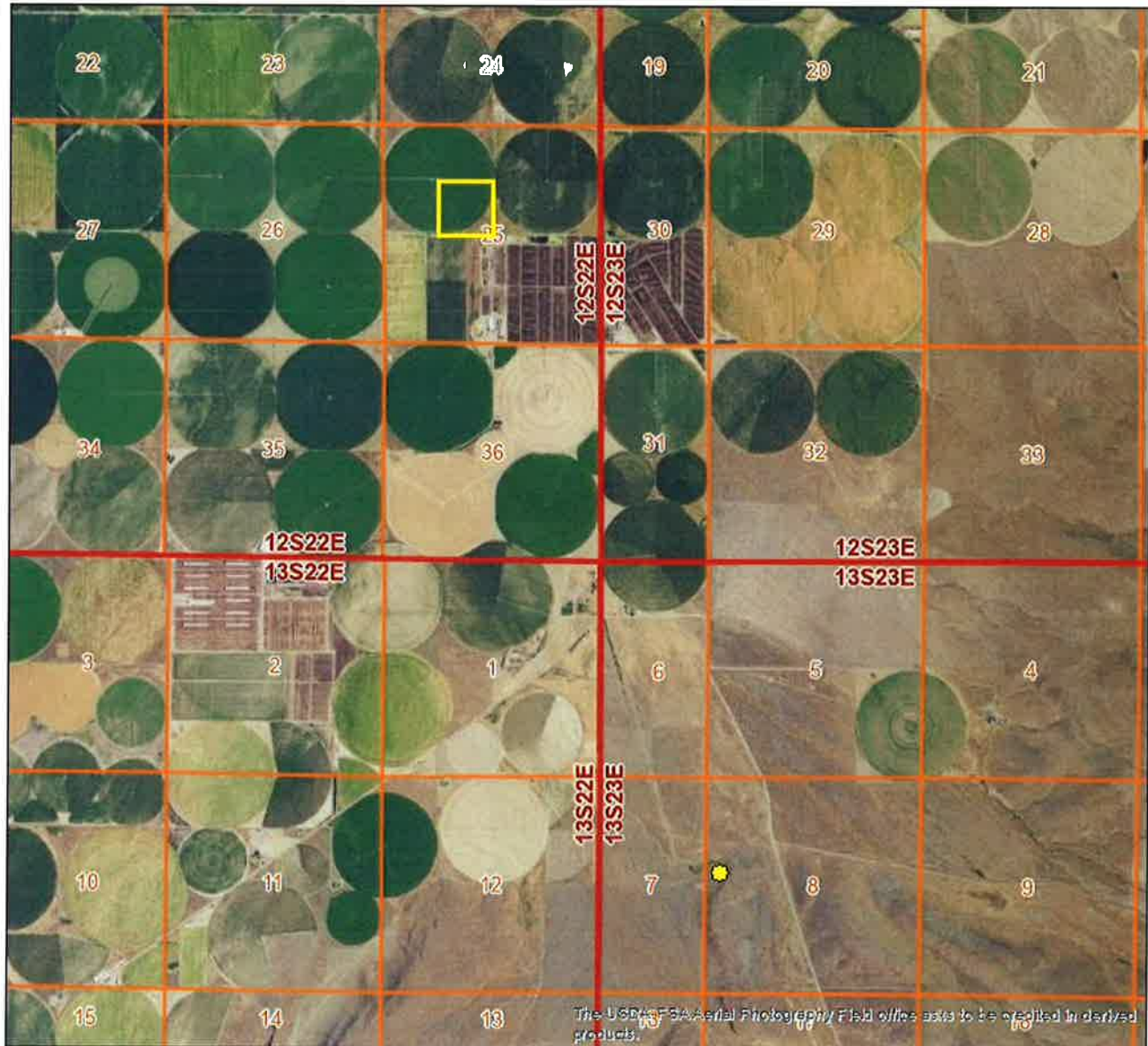
State of Idaho
Department of Water Resources

Water Right

45-10407

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 4/24/2023



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections



[illegible]

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. 12S22E252400 STOCKWATER, 55 BEEF

Dates:

Licensed Date:

Decreed Date: 07/24/1998

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: EXC

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



0005055813

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

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

File #: 0005055813

Date Filed: 1/6/2023 10:45:34 AM

Entity Name and Mailing Address:								
Entity Name:	WYBENGA DAIRY, LLC							
The file number of this entity on the records of the Idaho Secretary of State is:	0000099676							
Address	PO BOX 459 BURLEY, ID 83318-0459							
Entity Details:								
Entity Status	Active-Existing							
This entity is organized under the laws of:	IDAHO							
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	W28870							
The registered agent on record is:								
Registered Agent	STEVE WYBENGA Registered Agent Physical Address 2508 CANYON GATE PL TWIN FALLS, ID 83301 Mailing Address PO BOX 459 BURLEY, ID 83318-0459							
Limited Liability Company Managers and Members								
<table><thead><tr><th>Name</th><th>Title</th><th>Business Address</th></tr></thead><tbody><tr><td>Steve Wybenga</td><td>Member</td><td>PO BOX 459 BURLEY, ID 83318</td></tr></tbody></table>			Name	Title	Business Address	Steve Wybenga	Member	PO BOX 459 BURLEY, ID 83318
Name	Title	Business Address						
Steve Wybenga	Member	PO BOX 459 BURLEY, ID 83318						
The annual report must be signed by an authorized signer of the entity.								
Job Title: Attorney for Company								
<i>Robert E. Williams</i>		<i>01/06/2023</i>						
Sign Here		Date						

B0767-6149 01/06/2023 10:45 AM Received by Office of the Idaho Secretary of State

RECEIVED

SEP 08 2022

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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) SCHENK LAND & CATTLE LPCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

Name of Applicant(s) SCHENK LAND & CATTLE LP Phone 208-862-9219
Mailing address 1380 S 50 W OAKLEY, ID 83346-8715 Email schenkcastle@gmail.com

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

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

☐ No Representative

Name of Representative Greg Sullivan Phone 208-736-8543
Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

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

OR

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

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Dallon Schenk
Signature of Applicant or Authorized Representative

Dallon Schenk
Print Name and Title if applicable

7-29-2022
Date

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 **Part 1A.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 **Part 1A.3**.

This transfer proposes to increase the amount of stockwater of water right 45-12444 from 0.5 cfs to 1.0 cfs by drying up 47.9 acres of irrigation. The allowed irrigation acres under 45-12444 will be reduced to 252.1 acres and a diversion rate of 2.633 cfs. The permissible place of use will remain unchanged irrigation POU will be 844.1 acres.

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☒	45-12444	1.0/384.9	Stock/Commercial	1/01 to 12/31	Land Ranch Spring
☐ ☐		2.973/	Irrigation	3/01 to 12/15	Land Ranch Spring
☐ ☐		0.5/	Domestic	1/01 to 12/31	Land Ranch Spring
☐ ☒	45-12450	0.24/143.9	Stock/Commercial	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 8.563 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.5 cubic feet per second and/or 384.9 acre-feet per year.

3. Point(s) of Diversion:

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

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

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
The irrigation permissible place of use will remain unchanged. The allowed irrigation acres within the PPU will be reduced to 844.1 acres after this transfer is approved.																			
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The diversion system has been updated over the last 60 years from a dirt ditch, cement ditch to piped from the spring to the feedlot. A flow of 1.0 cfs of water can flow continuously from the spring for 365 days out of the year to the feedlot.

- b. Who owns the property at the point(s) of diversion? Idaho Agri Investments LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
See the attached signed Statement of Consent

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☒ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: PACIFIC LIFE INSURANCE CO C/O EQUITABLE AGRIFINANCE LLC

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

47.9 acres of irrigation land will be dried up with this transfer. The allowed irrigation on this farm will be 842.0 acres after the transfer is approved.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

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

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No.: 45-12444

Current Owner: SCHENK LAND & CATTLE LP
Priority Date: 4/1/1870
Origin: Water Right
Status: Active
Basis: Decreed

Source

LAND RANCH SPRING

Tributary

LAND CREEK

<u>Beneficial Use</u>	<u>From To</u>
STOCKWATER	01/01 to 12/31
DOMESTIC	01/01 to 12/31
IRRIGATION	03/01 to 12/15
	<u>Total Diversion</u>

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.5 CFS	241 AF
0.5 CFS	
3.133 CFS	
4.133 CFS	

Location of Point(s) of Diversion

LAND RANCH SPRING
CASSIA County

SE1/4SE1/4NE1/4 Sec. 7, Twp 13S, Rge 23E B.M.

Place of Use

IRRIGATION Within CASSIA County

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

Total Acres: 892

STOCKWATER Within CASSIA County

T12S R22E S25		NESW		T12S R22E S25		SESW	
T12S R22E S25		NESE		T12S R22E S25		NWSE	
T12S R22E S25		SWSE		T12S R22E S25		SESE	
T12S R23E S30		NESE		T12S R23E S30	Lot 3	NWSE	
T12S R23E S30	Lot 4	SWSE		T12S R23E S30		SESE	

DOMESTIC Within CASSIA County

T13S R22E S1	Lot 1	NENE
--------------	-------	------

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. X27 This right is limited to the irrigation of 300 acres within the authorized place of use in a single irrigation season.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the place of use.
7. T19 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.
8. X35 Rights 45-703, 45-4013B, 45-12444, 45-12447 and 45-12450 when combined shall not exceed the irrigation of 892 acres.
9. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.

Decreed Date: 5/13/2005

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

Current Water Right No.: 45-12450

Current Owner: SCHENK LAND & CATTLE LP
Priority Date: 5/15/1955
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 03/15 to 11/15
Total Diversion

4.43 CFS 2161.8 AF
4.43 CFS 2161.8 AF

Location of Point(s) of Diversion

GROUND WATER
CASSIA County

SE1/4SE1/4SW1/4 Sec. 8, Twp 13S, Rge 23E B.M.

Place of Use

IRRIGATION Within CASSIA County

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

Total Acres: 892

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. X35 Rights 45-4013B and 45-12450 when combined shall not exceed a total diversion rate of 5.31 cfs and a total annual maximum diversion volume of 2591.2 af at the field headgate.
3. X35 Rights 45-703, 45-4013B, 45-12444, 45-12447, and 45-12450 when combined shall not exceed the irrigation of 892 acres.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. R05 Use of water under this right will 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. 140.
10. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. 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 place of use.

Decreed Date: 5/13/2005

RECEIVED

SEP 08 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

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 right(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:

This image shows a single page from a notebook or ledger. It features ten evenly spaced, horizontal blue lines across its entire width. The lines are thin and consistent in color. There is no handwriting, printed text, or other markings on the page.**FOR DEPARTMENT USE ONLY**

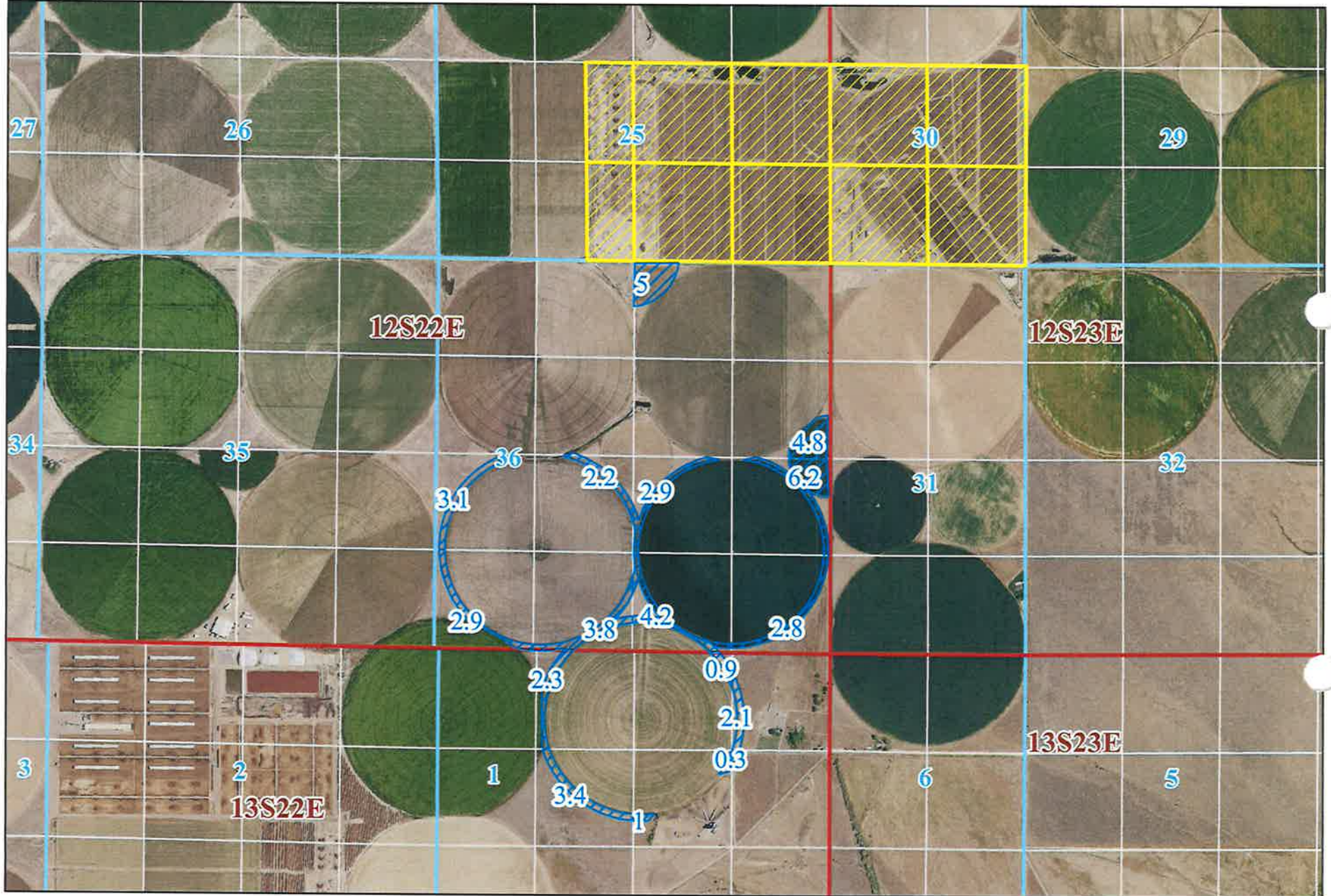
Transfer contains 1 pages and 0 attachments.

Received by SG Date 9/8/2022 Preliminary check by _____ Date _____

Fee paid \$600.00 Date 9/8/2022 Received by SG Receipt # 5039425

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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



0 0.25 0.5 Miles

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 7/28/2022

DALLAN SCHENK
47.9 TRANSFER ACRES
NAIP 2019 AERIAL

Legend

- Transfer Stockwater To
- Transfer Acres





0 0.25 0.5 Miles

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 12/30/2021

DALLAN SCHENK
844.1 ACRE IRRIGATION POU
892.0 ACRE PPU
NAIP 2019 AERIAL

Legend
Transfer Stockwater To
PPU
Irrigation POU

N
↑

1300 South

Silage

Gravel Pit

Truck Wash

MP4 5 acres

Fuel Office

100 West

130 acres

E1

Pump 2
Power 1,2,3,4

127 acres

E2

MP1

14 acres

9 acres

MP2

32 acres

MP3

128 acres

E3

120 acres

E4

125 acres

E6

131 acres

E5

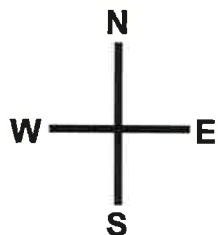
50 West

Small Pond
Pump 1

Power 5 6

1425 South

Continue
South to Well
#1, #2



Schenk East Farm

Schenk Crop Report

Field	Year	2021	2020	2019	2018
E1 (130 acres)		corn	alfalfa	alfalfa	corn
E2 (127 acres)		corn	alfalfa	alfalfa	corn
E3 (128 acres)		corn	barley/dry	corn	alfalfa
E4 (120 acres)		wheat/dry	corn	barley /dry	alfalfa
E5 (131 acres)		alfalfa	alfalfa	corn	barley/dry
E6 (125 acres)		wheat/dry	barley/dry	triticale/dry	corn
MP 1 (14 acres)		alfalfa	alfalfa	alfalfa	barley/dry
MP 2 (9 acres)		wheat/dry	barley/dry	corn	barley/dry
MP3 (32 acres)		wheat/dry	corn	barley /dry	alfalfa
MP 4 (5 acres)		alfalfa	alfalfa	alfalfa	alfalfa

821 Total Acres

Water Requirements

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

COMPLETE BLUE HIGHLIGHTED SECTIONS ONLY

Prepared for: Jay Watkins
Schenk Feedlot

Remarks:

Stock and Commercial Water Rights
Total Number of Animals at CAFO

Current	Additional
241.0 AFA	
0	25,000

Number of Animal Units

0	21.111
---	--------

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

Calves at age:

1 month	
2 month	
3 month	
4 month	
5 month	
6 month	
7 month	1667
8 month	1667
9 month	1667
10 month	1667
11 month	1667
12 month	1667
13 month	1667
14 month	1667
15 month	1667
16 month	1667
17 month	1667
18 month	1667
19 month	1667
20 month	1667
21 month	1667
22 month	
23 month	
24 month	

Total	0	25,000
Total	25,000	

lbs/animal	lbs	lbs
90	0	0
152	0	0
214	0	0
276	0	0
338	0	0
400	0	0
456	0	759259
511	0	851852
567	0	944444
622	0	1037037
678	0	1129630
733	0	1222222
789	0	1314815
844	0	1407407
900	0	1500000
956	0	1592593
1011	0	1685185
1067	0	1777778
1122	0	1870370
1178	0	1962963
1233	0	2055556
1289	0	0
1344	0	0
1400	0	0
Total	0	21,111,111
Total	21,111,111	lbs

Waste Milk	0	per day
Milk Concentrate	0	per day

Dust Control

Application Rate	20	gpm
Duration	3	hours per day
any Months/Year	5	months

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

General Washing and Cleaning

Application Rate	5	gpm
Duration	12	hours per day

Stockwater Component

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

Age	consumption	lbs/animal	GPD	CFS	Ac-Ft/year
1 month	1.7 gal/day	90	0	0.000	0.00
2 month	2.4 gal/day	152	0	0.000	0.00
3 month	3.2 gal/day	214	0	0.000	0.00
4 month	4.0 gal/day	276	0	0.000	0.00
5 month	4.8 gal/day	338	0	0.000	0.00
6 month	5.6 gal/day	400	0	0.000	0.00
7 month	6.4 gal/day	456	10728	0.017	12.02
8 month	7.2 gal/day	511	12058	0.019	13.51
9 month	8.0 gal/day	567	13388	0.021	15.00
10 month	8.8 gal/day	622	14717	0.023	16.49
11 month	9.6 gal/day	678	16047	0.025	17.98
12 month	10.4 gal/day	733	17377	0.027	19.47
13 month	11.2 gal/day	789	18707	0.029	20.96
14 month	12.0 gal/day	844	20036	0.031	22.44
15 month	12.8 gal/day	900	21366	0.033	23.93
16 month	13.6 gal/day	956	22696	0.035	25.42
17 month	14.4 gal/day	1,011	24025	0.037	26.91
18 month	15.2 gal/day	1,067	25355	0.039	28.40
19 month	16.0 gal/day	1,122	26685	0.041	29.89
20 month	16.8 gal/day	1,178	28014	0.043	31.38
21 month	17.6 gal/day	1,233	29344	0.045	32.87
22 month	18.4 gal/day	1,289	0	0.000	0.00
23 month	19.2 gal/day	1,344	0	0.000	0.00
24 month	20.0 gal/day	1,400	0	0.000	0.00

	GPD	CFS	Ac-Ft/year
Drinking water requirement	300,543	0.46	336.7
Waste Milk	0	0	0.00
Milk Concentrate	0	0	0.00
TOTAL STOCKWATER COMPONENT	300,543	0.46	336.7

Commercial Component

Milk Cart Washings	0 gal/day 0.0 ac-ft/year	General Washing and Cleaning	20 gpm 2 hour per day
Dust Control	20 gpm 3 hour per day 3600 gal/day 5 months 1.7 ac-ft/year	Duration	2400 gal/day 2.7 ac-ft/year

TOTAL COMMERCIAL COMPONENT	4.37 ac-ft/year
-----------------------------------	------------------------

Summary

Drinking Water

Replacement herd (calves, heifers, beef cows)	336.7 ac-ft/year
Total drinking water volume	336.7 ac-ft/year

Commercial

Waste Milk-Drinking water offset	0.00 ac-ft/year
Milk Concentrate-Drinking water offset	0.00 ac-ft/year
Milk Cart Washing	0.00 ac-ft/year
Dust Control	1.68 ac-ft/year
General Washing and Cleaning	2.69 ac-ft/year
Total commercial volume	4.4 ac-ft/year

Total Current Allowed Volume

241.0 AC-FT/YR

Total Volume Needed to Transfer

100.0 AC-FT/YR

Field	Acres	Crop	Pdef	AF	AFA
E3	9.2	alfalfa 2018	981	3.22	29.6
E4	10	alfalfa 2018	981	3.22	32.2
E5	13	alfalfa 2021	981	3.22	41.8
MP2	9.7	corn 2019	657	2.16	20.9
MP4	6	alfalfa 2021	981	3.22	19.3
Total	47.9				143.9

University of Idaho Kimberly Research and Extension Center
ET_{Idaho} 2017 Burley FAA AP

Volume Provided by Transfer

143.9 AC-FT/YR

Total Stock and Commercial Water After Transfer Approval

384.9 AC-FT/YR



0004318423

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

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

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

File #: 0004318423

Date Filed: 6/16/2021 8:44:50 AM

B0619-2070 06/16/2021 8:44 AM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address:

Entity Name: SCHENK LAND & CATTLE L.P.

The file number of this entity on the records of the Idaho Secretary of State is: 0000023214

Address: 1380 S 50 W
OAKLEY, ID 83346-8715

Entity Details:

Entity Status: Active-Current

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: L3802

The registered agent on record is:

Registered Agent: DALLAN SCHENK
Registered Agent
Physical Address
1380 SOUTH 50 WEST
OAKLEY, ID 83346
Mailing Address

Limited Partnership General Partners

Name	Business Address
Robert Schenk Feedlot, Inc	1380 S 50 W OAKLEY, ID 83346

The annual report must be signed by an authorized signer of the entity.

Job Title: Partner

*Dallan Schenk**06/16/2021*

Sign Here

Date

STATEMENT OF CONSENT

To Whom It May Concern,

IDAHO AGRI INVESTMENTS LLC, owns several parcels in Cassia County, Idaho in the area of Township 12S Range 22E Section 25 and Township 12S Range 22E Section 30. The property parcel numbers are: RP12S23E307201, RP12S22E257205, RP12S22E257825 and RP12S22E254801. Water rights currently associated with these parcels are 45-12444 and 45-4258B.

IDAHO AGRI INVESTMENTS LLC and SCHENK LAND & CATTLE LP have entered into a private agreement that will allow water rights owned by SCHENK LAND & CATTLE LP to be transferred to property owned by IDAHO AGRI INVESTMENTS LLC. The ownership of the transferred portions of the water rights will be updated after the proposed water transfers are approved by the Idaho Department of Water Resources.

IDAHO AGRI INVESTMENTS LLC

Name:

Patsy Anne Larson

Date:

8/9/22



0004850283

**STATE OF IDAHO**

Office of the secretary of state, Lawrence Denney

**AMENDMENT TO CERTIFICATE OF
ORGANIZATION OF LIMITED LIABILITY COMPANY**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$30.00

For Office Use Only

-FILED-

File #: 0004850283

Date Filed: 8/8/2022 8:51:54 AM

B0730-1791 08/08/2022 8:51 AM Received by ID Secretary of State Lawrence Denney

Amendment to Certificate of Organization of Limited Liability Company											
Select one: Standard, Expedited or Same Day Service (see descriptions below)											
Same Day Service (+\$100; filing fee \$130)											
The current name of the limited liability company is:											
IDAHO AGRI INVESTMENTS LLC											
The file number of this entity on the records of the Idaho Secretary of State is:											
0000393718											
Entity Type:											
Limited Liability Company											
Entity Subtype:											
Limited Liability Company											
The date the certificate of organization was originally filed:											
2013-08-29 12:00:00.000											
Limited Liability Company Name											
Entity name											
IDAHO AGRI INVESTMENTS LLC											
2. The complete street address of the principal office is amended to:											
Principal Office Address											
127 CONLEY DR. CHESTERTOWN, MD 21620											
3. The mailing address of the principal office is amended to:											
Mailing Address											
PO BOX 342 CLARION, IA 50525-0342											
4. Managers and Members											
<table border="1"><thead><tr><th>Name</th><th>Title</th><th>Address</th></tr></thead><tbody><tr><td>☒ Wayne E Cummings</td><td>Manager</td><td>127 CONLEY DR. Apo (Us)</td></tr><tr><td>☒ PATSY ANNE LARSON</td><td>Manager</td><td>PO BOX 342 CLARION, IA 50525-0342</td></tr></tbody></table>			Name	Title	Address	☒ Wayne E Cummings	Manager	127 CONLEY DR. Apo (Us)	☒ PATSY ANNE LARSON	Manager	PO BOX 342 CLARION, IA 50525-0342
Name	Title	Address									
☒ Wayne E Cummings	Manager	127 CONLEY DR. Apo (Us)									
☒ PATSY ANNE LARSON	Manager	PO BOX 342 CLARION, IA 50525-0342									
Signature of Authorized Person:											
Wayne E. Cummings											
08/08/2022											
Sign Here											
Date											

September 1, 2022

To: Idaho Department of Water Resources

From: Pacific Life Insurance Company

Subject: Consent to Transfer 47.9 acres of Water Rights Owned by Schenk Land & Cattle, L.P. (Water Right No. 45-12444).

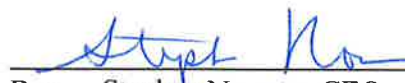
Pacific Life Insurance Company ("Lender") holds a Mortgage, Security Agreement, Assignment of Rents and Fixture Filing recorded as Instrument No. 2020-006355 in the records of Cassia County, Idaho (the "Mortgage"), which encumbers certain farm ground and its appurtenances (including all water rights)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

Lender is aware that Schenk Land & Cattle L.P., an Idaho limited partnership, intends to transfer 47.9 acres of water rights under water right 45-12444. The transfer will increase the amount of stock water from 0.5 CFS to 1.0 CFS and reduce the amount of irrigation to a diversion rate of 2.633 CFS of Water Right No. 45-12444 once a transfer application is approved. Lender, by and through the undersigned authorized representative of Lender, hereby consents to processing and approval of the transfer application by the Idaho Department of Water Resources.

PACIFIC LIFE INSURANCE COMPANY

By: Equitable AgriFinance, LLC, its

Authorize Signatory


By: Stephen Noonan, CEO

[NOTARY SIGNATURE BLOCK ON NEXT PAGE]

STATE OF IOWA)
) ss.
COUNTY OF LINN)

This record was acknowledged before me on this 1st day of September, 2022, by
STEPHEN NOONAN, CEO of Equitable AgriFinance, LLC, authorized signatory for
PACIFIC LIFE INSURANCE COMPANY, a Nebraska corporation.




NOTARY PUBLIC FOR STATE OF IOWA
My commission expires: 3/2/2024

EXHIBIT A

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

Section 36: ALL

EXCEPTING THEREFROM the following described tract:

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

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

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

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

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

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

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

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

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

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

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

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

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

EXCEPTING THEREFROM the following described tracts:

Tract No. 1:

The South 503 feet of the following described property:

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

Thence running West 330 feet;

Thence running North 229 feet;

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

Thence East 187.23 feet;

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

Thence South 229 feet to the Point of Beginning.

Tract No. 2:

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

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

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

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

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

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

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

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

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

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

Tract No. 3:

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

Tract No. 4:

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

Tract No. 5:

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

SAVE AND EXCEPT the following described:

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

Section 12: E¼SE¼

Section 13: NE¼NE¼

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

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

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

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

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

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

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

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

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

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

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

Tract No. 1:

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

Tract No. 2:

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

Section 7: Lots 1, 2, 3, 4, NE 1/4 NE 1/4, E 1/2 SE 1/4

Section 18: Lot 1

PARCEL NO. 4:

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

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

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

PARCEL NO. 5:

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

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

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

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

PARCEL NO. 6:

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

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

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

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

PARCEL NO. 7:

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

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

Section 1: Part of the E $\frac{1}{2}$ NE $\frac{1}{4}$, more particularly described as follows:

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

PARCEL NO. 8:

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

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

PARCEL NO. 9:

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

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

PARCEL NO. 10:

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

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

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

PARCEL NO. 11:

INTENTIONALLY DELETED

PARCEL NO. 12:

INTENTIONALLY DELETED

PARCEL NO. 13:

INTENTIONALLY DELETED

PARCEL NO. 14:

INTENTIONALLY DELETED

Maline, Denise

From: Maline, Denise
Sent: Friday, December 1, 2023 9:51 AM
To: Jaxon Higgs
Subject: Comment Letters for Transfer 88627 (Schenk) & 88629 (MVCP, Searle et al)
Attachments: Comment letter to WD140 for 88627 & 88629.docx; Application for transfer 88627 (Schenk).pdf; Application for transfer 88629 (MVCP, Searle et al).pdf

Hi Jaxon,

Attached are (2) applications for transfer currently being processed by the department. Please review the applications and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact our office and one of our agents can assist you.

Thank you in advance & have a good weekend,

Denise @ IDWR Twin Falls



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



IDAHO DEPARTMENT OF

WATER RESOURCES

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

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

Governor Brad Little

Director Mathew Weaver

December 1, 2023

JAXON HIGGS
WATER DISTRICT 140
355 W 500 S
BURLEY ID 83318-5229

Re: Transfer No(s). 88627 (Schenk Land & Cattle LP)
Re: Transfer No(s). 88629 (MVCP LLC, Searle, et al)

Dear Jaxon:

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 146914

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	AFFIDAVIT
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	270.34
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	270.34
Fax			
Section	Legals	Start/End Dates	12/07/2023 - 12/14/2023
SubSection		Insertions	2
Category	50 Legal	Size	159
Ad Key	146914-1	Salesperson(s)	Legal Notices
Keywords	Change of Water Rights Notice	Taken By	James Meadows - NWI
Notes			

Ad Proof

Proof of legal notice received from Times News 11-30-2023 (2 pgs)

✓ OK dm 11/30/2023

Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 146914

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 87728

C BAR CATTLE CO, C/O CHRISTOPHER F ROBINSON, PO BOX 540478, N SALT LAKE, UT 84054-0478; CONSTRUCTION INC, PO BOX 540478, N SALT LAKE, UT 84054-0478 has filed Application No. 87728 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10573, 43-13900, 43-2097C, 43-4085, 43-4236, 43-7216. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the place of use, nature of use and period of use for an 11.8 acre portion (0.1 cfs) of irrigation water right from Six Mile Creek to allow for diversion and use in a new interconnected stockwater system. Application also proposes changing the place of use for 0.71 cfs of one groundwater stockwater right, one Six Mile Creek stockwater right, one Mortenson Spring stockwater right, one Hutchey Spring stockwater right and one stockwater right from springs tributary to Meadow Creek. In total, 0.87 cfs will be diverted into the interconnected stockwater system that will provide stockwater to 124 tracts of private ground along an interconnected pipeline located generally along the west and north sides of the Black Pine Mountain within Township 13 South, Range 28 East; Township 13 South, Range 29 East; Township 14 South, Range 28 East; Township 14 South, Range 29 East; Township 15 South, Range 27 East; Township 15 South, Range 28 East.

TRANSFER NO. 88627

SCHENK LAND & CATTLE LP, 1380 S 50 W, OAKLEY, ID 83346-8715 has filed Application No. 88627 for changes to the following water rights within CASSIA County(s): Right No(s). 45-12444, 45-12450. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the nature of use, period of use, and place of use for a 47.9 acre (0.50 cfs) portion of irrigation water right 45-12444 from a farm located 5.5 to 7.0 miles north and 2.5 to 4.0 miles east of Oakley to stockwater and commercial use at an existing feedlot located approximately 7.0 to 7.5 miles north and 2.8 to 4.0 miles east of Oakley. The application also proposes to change the recorded location of the point of diversion of water right 45-12444 to reflect the actual location of Land Ranch Spring (approximately 4.5 miles north and 4.1 miles east of Oakley).

TRANSFER NO. 88629

MVCP LLC, SHAROL SEARLE, RAYMOND C SEARLE, CLOYD R SEARLE FAMILY TRUST, 474 E 550 S, BURLEY, ID 83318-5634; KENT SEARLE FAMILY TRUST, 476 E 600 S, BURLEY, ID 83318-5636; CRAIG SEARLE FAMILY TRUST, 522 E 600 S, BURLEY, ID 83318-5636; CLIFFORD SEARLE FAMILY TRUST, 498 S 450 E, BURLEY, ID 83318-5642; KELLY SEARLE FAMILY TRUST, 739 S 50 W, BURLEY, ID 83318-5702 have filed Application No. 88629 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13904, 45-13981, 45-13982, 45-14412, 45-14413, 45-14414, 45-14415, 45-14416, 45-14417, 45-14418, 45-2383, 45-7004, 45-7118, 45-7125, 45-7186A, 45-7317. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes drilling a new well and adding it as a new point of diversion (POD) to sixteen ground water irrigation rights. POD will be limited to the diversion of 3 cfs. Proposed well will be located approximately 7.1 miles south and 3.5 miles east of the intersection of Overland Ave and Main St in Burley.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov>. 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, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before December 26, 2023. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Publish: December 7, 14, 2023

✓ DM



IDAHO DEPARTMENT OF

WATER RESOURCES

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

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

Governor Brad Little

Director Mathew Weaver

November 30, 2023

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

RE: Transfer No. 88627
Water Right No(s). 45-12444, 45-12450

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 12/7/2023 and 12/14/2023**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **December 26, 2023**.

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

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

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

Sincerely,

Denise Maline
Administrative Assistant

c: Brockway Engineering PLLC
Pacific Life Insurance Co, c/o Equitable AgriFinance LLC, Cedar Rapids IA

Maline, Denise

From: Maline, Denise
Sent: Thursday, November 30, 2023 8:49 AM
To: Times News
Subject: LEGAL NOTICE - Account No. 164-60002276
Attachments: Times News cover letter.docx; Times News ad.docx

Good morning,

Attached please find **(1)** legal notice being submitted for publication on December 7th & 14th, 2023. This publication is for Idaho Dept of Water Resources in Twin Falls, Idaho, under Account No. 164-60002276.

Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls, Idaho



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



IDAHO DEPARTMENT OF
WATER RESOURCES

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

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

Governor Brad Little

Director Mathew Weaver

November 30, 2023

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 87728

Water Right No(s). 43-10573, 43-13900, 43-2097C, 43-4085, 43-4236, 43-7216

RE: Transfer No. 88627

Water Right No(s). 45-12444, 45-12450

RE: Transfer No. 88629

Water Right No(s). 45-13904, 45-13981, 45-13982, 45-14412, 45-14413, 45-14414, 45-14415, 45-14416, 45-14417, 45-14418, 45-2383, 45-7004, 45-7118, 45-7125, 45-7186A, 45-7317

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 December 26, 2023. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87728**

C BAR CATTLE CO, C/O CHRISTOPHER F ROBINSON, PO BOX 540478, N SALT LAKE, UT 84054-0478; CONSTRUCTION INC, PO BOX 540478, N SALT LAKE, UT 84054-0478 has filed Application No. 87728 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10573, 43-13900, 43-2097C, 43-4085, 43-4236, 43-7216. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the place of use, nature of use and period of use for an 11.8 acre portion (0.1 cfs) of irrigation water right from Six Mile Creek to allow for diversion and use in a new interconnected stockwater system. Application also proposes changing the place of use for 0.71 cfs of one groundwater stockwater right, one Six Mile Creek stockwater right, one Mortenson Spring stockwater right, one Hutchey Spring stockwater right and one stockwater right from springs tributary to Meadow Creek. In total, 0.87 cfs will be diverted into the interconnected stockwater system that will provide stockwater to 124 tracts of private ground along an interconnected pipeline located generally along the west and north sides of the Black Pine Mountain within Township 13 South, Range 28 East; Township 13 South, Range 29 East; Township 14 South, Range 28 East; Township 14 South, Range 29 East; Township 15 South, Range 27 East; Township 15 South, Range 28 East.

TRANSFER NO. 88627

SCHENK LAND & CATTLE LP, 1380 S 50 W, OAKLEY, ID 83346-8715 has filed Application No. 88627 for changes to the following water rights within CASSIA County(s): Right No(s). 45-12444, 45-12450. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the nature of use, period of use, and place of use for a 47.9 acre (0.50 cfs) portion of irrigation water right 45-12444 from a farm located 5.5 to 7.0 miles north and 2.5 to 4.0 miles east of Oakley to stockwater and commercial use at an existing feedlot located approximately 7.0 to 7.5 miles north and 2.8 to 4.0 miles east of Oakley. The application also proposes to change the recorded location of the point of diversion of water right 45-12444 to reflect the actual location of Land Ranch Spring (approximately 4.5 miles north and 4.1 miles east of Oakley).

TRANSFER NO. 88629

MVCP LLC, SHAROL SEARLE, RAYMOND C SEARLE, CLOYD R SEARLE FAMILY TRUST, 474 E 550 S, BURLEY, ID 83318-5634; KENT SEARLE FAMILY TRUST, 476 E 600 S, BURLEY, ID 83318-5636; CRAIG SEARLE FAMILY TRUST, 522 E 600 S, BURLEY, ID 83318-5636; CLIFFORD SEARLE FAMILY TRUST, 498 S 450 E, BURLEY, ID 83318-5642; KELLY SEARLE FAMILY TRUST, 739 S 50 W, BURLEY, ID 83318-5702 have filed Application No. 88629 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13904, 45-13981, 45-13982, 45-14412, 45-14413, 45-14414, 45-14415, 45-14416, 45-14417, 45-14418, 45-2383, 45-7004, 45-7118, 45-7125, 45-7186A, 45-7317. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes drilling a new well and adding it as a new point of diversion (POD) to sixteen ground water irrigation rights. POD will be limited to the diversion of 3 cfs. Proposed well will be located approximately 7.1 miles south and 3.5 miles east of the intersection of Overland Ave and Main St in Burley.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov>. 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, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **December 26, 2023**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Published on December 7th & 14th, 2023

TRANSFER SYNOPSIS

Date: November 24, 2023
To: Transfer #88627, Schenk Land & Cattle LP Transfer file
From: Corey Skinner
Re: Summary of transfer

Application for transfer proposes to change the nature of use, period of use, and place of use for a 47.9-acre (0.50 cfs) portion of irrigation water right 45-12444 from a farm located 5.5 – 7.0 miles north and 2.5 – 4.0 miles east of Oakley to stockwater and commercial use at an existing feedlot located approximately 7.0 - 7.5 miles north and 2.8 – 4.0 miles east of Oakley. The application also proposes to change the recorded location of the point of diversion of water right 45-12444 to reflect the actual location of Land Ranch Spring (approximately 4.5 miles north and 4.1 miles east of Oakley).

The transfer is in Water District 140 so Watermaster comments will be solicited. The transfer will be advertised and subject to public protest.

FEE MEMORANDUM

Date: November 24, 2023
To: Schenk Land & Cattle LP Transfer #88627 File
From: Corey Skinner
Re: Receipting/disposition of fees paid

This transfer was originally filed on September 8, 2022, and later amended on August 15, 2023. Its primary purpose is to change the nature of use of a portion of water right 45-12444. To prevent enlargement, a portion of right 45-12450 will be reduced. The flow rate and a change in nature of use fee was the basis of the fee. The fee was paid by check #17106 and check # 17107 from Brockway Engineering at the time of original filing. The IDWR receipt numbers are S039425 and S039427.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

SEP 08 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

September 7, 2022

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

Re: Schenk Land & Cattle LP 45-12444

Dear Mr. Skinner:

Schenk Land & Cattle LP desires to move the 0.5 cfs and 143.9 acre feet of irrigation water from 45-12444 and 45-12450 to an existing CAFO facility. The transfer will require that 47.9 acres of irrigation ground to be dried up.

The CAFO facility is owned by Idaho Agri Investments LLC. Idaho Agri Investments LLC has signed a statement of consent to the transfer. The ownership of the portion of water moved to the CAFO facility will be updated after the transfer is completed.

Water right 45-12444 currently is authorized 0.5 cfs and 241.0 acre feet for stockwater use. This transfer would increase the stockwater beneficial use to 1.0 cfs and 384.9 acre feet.

Water right 45-12450 is currently an irrigation water rights. The 47.9 acres of irrigation that will be dried up will provide 0.24 cfs and 143.9 acre feet of stock and commercial water use.

Total allowed stock and commercial water use after the transfer will be 1.0 cfs (0.5 cfs existing + 0.5 cfs new) and 384.9 acre feet (241.0 af existing + 143.9 af new).

Please contact me if you have any questions.

Sincerely,


Greg Sullivan, M.S., Engineer

Cc: Dallan Schenk, Jay Watkins

Enc: Transfer Application, Farm Field Map, Crop Records, Aerial Map, Statement of Consent, CAFO Water Requirements, Annual Reports, Brockway Engineering Check # 17106 for \$600.00

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506