

RECEIVED

FEB 24 2025

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) H & E Holdings, LLCMailing Address 1249 S Highway 27, Oakley, ID 83346-9755

Email* _____ Phone _____

Name of Representative (if any) Luke H. Marchant (Attorney)Mailing Address PO Box 536, Rupert, ID 83350Email* luke@waterlawidaho.com Phone 208-944-9310

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

Transfer No. 89618 Page 1

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☒ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

Attachment No. 2A
Water Right Reports

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

1/27/2025

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 45-586

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	H & E HOLDINGS LLC 1249 S HIGHWAY 27 OAKLEY, ID 83346-9755 2088623261
Directors Report Owner	ANDERSON FARMS 271 W HWY 30 BURLEY, ID 83318 2086784314
Original Owner	H & E INC C/O ROBERT BEDKE RT 1 OAKLEY, ID 83346 2088623475
Security Interest	METROPOLITAN LIFE INSURANCE COMPANY AGRICULTURAL INVESTMENTS 10801 MASTIN ST STE 930 OVERLAND PARK, KS 66210-1677 9132172986
Security Interest	METROPOLITAN LIFE INSURANCE CO C/O METLIFE INVESTMENT MANAGEMENT LLC 10801 MASTIN ST STE 700 OVERLAND PARK, KS 66210-1673 9132172986

Priority Date: 12/31/1879

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	
SPRING CREEK	MILL CREEK

89618

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.6 CFS	
STOCKWATER	01/01	12/31	0.12 CFS	6.7 AFA
STOCKWATER STORAGE	01/01	12/31	0.12 CFS	11 AFA
Total Diversion			1.6 CFS	6.7 AFA

Location of Point(s) of Diversion:

SPRING CREEK NESWSE Sec. 03 Township 14S Range 23E CASSIA County
 SPRING CREEK NWNENE Lt 1 Sec. 04 Township 14S Range 23E CASSIA County
 MILL CREEK SWSENE Sec. 10 Township 14S Range 23E CASSIA County

IRRIGATION Use:

Acre Limit: 175

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	23E	20		SENE	32									
				SESW	35									
				NESE	32		NWSE	35		SWSE	32			
		21		SWNW	40									
				NWSW	40		SWSW	40						
		28		NWNE	34		SWNE	33						
				NENW	33		NWNW	11		SWNW	5.5		SENE	34
				NESW	38		NWSW	29		SWSW	35		SESW	35
				NWSE	36									
		29		NENE	4.4		NWNE	35		SWNE	39		SENE	38
				NENW	34		SENE	35						
				NESW	35									
				NESE	40		NWSE	36						

Place of Use Legal Description: STOCKWATER CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	23E	28		NWSE			SWSE							

Place of Use Legal Description: STOCKWATER STORAGE CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	23E	28		NWSE			SWSE							

Total Acres: 905.9

Conditions of Approval:

1. Rights 45-586, 45-587, and 45-588 when combined shall not exceed the irrigation of 166.2 acres.
2. X35 Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed a total diversion rate of 3.83 cfs.
3. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed the irrigation of 527.2 acres.
4. 206 Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
5. K01 Right 45-12929 is an enlargement of Rights 45-14216, 45-586, 45-587, & 45-588 pursuant to Section 42-1426, Idaho Code.
6. 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. 45A.
7. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. C21 During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
9. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

10. 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.
11. 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.
12. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. 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.
15. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
16. The use of this right is subject to the Amended Order Amending Transfer Approval dated July 20, 2010 with additional conditions as follows: (Continued) 2. Failure to adhere to the conditions of use and timelines set forth on the IRRIGATION PLAN shall be cause for this amended approval to be revoked with prejudice and the transfers to revert back to the approval established in the orders dated December 2, 2009.
17. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
18. Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed the irrigation of 289.2 acres.
19. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed a total diversion rate of 6.93 cfs.

20. The use of this right is subject to the Amended Order Amending Transfer Approval dated July 20, 2010 with additional conditions as follows: 1. The use of water is subject to the attached IRRIGATION PLAN. 1.1 Prior to August 31, 2010 the applicant shall report directly to the Department and the watermaster of Water District 140 the location of the 527.2 acres initially irrigated from March 15, 2010 to August 31, 2010. The applicant shall also report that portion of the 527.2 acres intended to be dried up (defined as A acres under the plan) in exchange for irrigation of other lands between September 1 and November 15 of 2010 (defined as B acres under the plan) necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. 1.2 Beginning in 2011 and for each successive year, the applicant shall report directly to the Department and the watermaster of Water District 140 prior to May 1, the location of the 527.2 acres of crops that will be irrigated between March 15 and August 31. The applicant shall also report prior to August 31, the location and number of the A acres (that portion of the 527.2 acres to be dried up on or before August 31), and the number and location of the B acres (the acres to be irrigated in the fall between September 1 and November 15). 1.3 Identification or reporting to the Department and the Water District 140 watermaster of the 527.2 cropped acres, the A acres, and the B acres shall be in the form of a land list and a map sufficiently detailed to allow creation of an electronic shape file. 1.4 The total number of B acres shall not exceed the number of A acres in any irrigation season. 1.5 Application of water to B acres in the fall is limited to water necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. Application of water to B acres shall not provide water to irrigate crops for harvest in the same fall. 1.6 The B acres identified for fall irrigation in any year shall be included in the 527.2 cropped acres for the subsequent season. 1.7 The watermaster of Water District 140 shall monitor the place of use and regulate the use of water under the approved transfers pursuant to these conditions of approval. The watermaster of Water District 140 shall coordinate delivery and regulation with the watermaster of Water District 45-A of the surface water rights covered by transfer No. 66133. 1.8 Original conditions of approval associated with transfer No. 66132 and transfer No. 66133 that are in the standard form of: "This right is limited to the irrigation of ### acres within the place of use described above in a single irrigation season", shall be amended to the form of: "This right is limited to the irrigation of ### acres within the place of use described above in accordance with the attached Irrigation Plan."

Dates:

Licensed Date:

Decreed Date: 10/29/2010

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: 45A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 527.2

Combined Volume Limit:

Combined Rate Limit:

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

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

2/4/2025

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 45-708

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	E EUGENE MATTHEWS
Current Owner	HEIDI F MATTHEWS 1249 S HIGHWAY 27 OAKLEY, ID 83346-9755 2084313260
Directors Report Owner	RAY C BEDKE PO BOX 283 OAKLEY, ID 83346 2088623252

Priority Date: 07/01/1908

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CEDAR HOLLOW SPRING	BIG CEDAR CANYON

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.2 CFS	
STOCKWATER	03/15	11/15	0.02 CFS	
Total Diversion			1.2 CFS	

Location of Point(s) of Diversion:

CEDAR HOLLOW SPRING|SWSWSW|Sec. 14|Township 13S|Range 23E|CASSIA County

IRRIGATION Use:

Acre Limit: 60

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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89618

13S | 23E | 21 | | NENE | 40 | | NENE | 40 | | | | | | |

Total Acres: 80

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. D08 The amount of water diverted under this water right may constitute up to the entire flow of Cedar Hollow Spring at the point of diversion described below at any given time in the irrigation season. This water right shall not provide more than .02 cubic feet per second per acre irrigated at any time.
4. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
7. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates:

Licensed Date:

Decreed Date: 05/06/2005

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: AND

Water District Number: 140

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

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

1/27/2025

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 45-14216

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	H & E HOLDINGS LLC 1249 S HIGHWAY 27 OAKLEY, ID 83346-9755 2088623261
Original Owner	H & E INC C/O ROBERT BEDKE RT 1 OAKLEY, ID 83346 2088623475
Security Interest	METROPOLITAN LIFE INSURANCE COMPANY AGRICULTURAL INVESTMENTS 10801 MASTIN ST STE 930 OVERLAND PARK, KS 66210-1677 9132172986
Security Interest	METROPOLITAN LIFE INSURANCE CO C/O METLIFE INVESTMENT MANAGEMENT LLC 10801 MASTIN ST STE 700 OVERLAND PARK, KS 66210-1673 9132172986

Priority Date: 08/12/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BEDKE SPRING	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.33 CFS	
STOCKWATER	01/01	12/31	0.1 CFS	5.6 AFA
DOMESTIC	01/01	12/31	0.04 CFS	1.6 AFA

Total Diversion | 0.33 CFS | 5.6 AFA

Location of Point(s) of Diversion:

BEDKE SPRING | SWSE | Sec. 27 | Township 13S | Range 23E | CASSIA County

IRRIGATION Use:

Acre Limit: 31.7

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	23E	20		SENE	32									
				SESW	35									
				NESE	32		NWSE	35		SWSE	32			
		21		SWNW	40									
				NWSW	40		SWSW	40						
		28		NWNE	34		SWNE	33						
				NENW	33		NWNW	11		SWNW	5.5		SENE	34
				NESW	38		NWSW	29		SWSW	35		SESW	35
				NWSE	36									
		29		NENE	4.4		NWNE	35		SWNE	39		SENE	38
				NENW	34		SENE	35						
				NESW	35									
				NESE	40		NWSE	36						

Place of Use Legal Description: STOCKWATER CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	23E	28		SWNW										
				NESW			NWSW			SWSW				
		29		SWNE			SENE							
				SENE										
				NESW										
				NESE			NWSE							

Place of Use Legal Description: DOMESTIC CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	23E	28		NWSW										

Total Acres: 905.9

Conditions of Approval:

1. X27 This right is limited to the irrigation of 31.2 acres within the place of use described above in a single irrigation season.

2. X35 Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed a total diversion rate of 3.83 cfs.
3. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed the irrigation of 527.2 acres.
4. 206 Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
5. K01 Right 45-12929 is an enlargement of Rights 45-14216, 45-586, 45-587, & 45-588 pursuant to Section 42-1426, Idaho Code.
6. 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. 45A.
7. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. C21 During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
9. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
10. 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.

11. 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.
12. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. 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.
15. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
16. The use of this right is subject to the Amended Order Amending Transfer Approval dated July 20, 2010 with additional conditions as follows: (Continued) 2. Failure to adhere to the conditions of use and timelines set forth on the IRRIGATION PLAN shall be cause for this amended approval to be revoked with prejudice and the transfers to revert back to the approval established in the orders dated December 2, 2009.
17. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
18. Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed the irrigation of 289.2 acres.
19. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed a total diversion rate of 6.93 cfs.

20. The use of this right is subject to the Amended Order Amending Transfer Approval dated July 20, 2010 with additional conditions as follows: 1. The use of water is subject to the attached IRRIGATION PLAN. 1.1 Prior to August 31, 2010 the applicant shall report directly to the Department and the watermaster of Water District 140 the location of the 527.2 acres initially irrigated from March 15, 2010 to August 31, 2010. The applicant shall also report that portion of the 527.2 acres intended to be dried up (defined as A acres under the plan) in exchange for irrigation of other lands between September 1 and November 15 of 2010 (defined as B acres under the plan) necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. 1.2 Beginning in 2011 and for each successive year, the applicant shall report directly to the Department and the watermaster of Water District 140 prior to May 1, the location of the 527.2 acres of crops that will be irrigated between March 15 and August 31. The applicant shall also report prior to August 31, the location and number of the A acres (that portion of the 527.2 acres to be dried up on or before August 31), and the number and location of the B acres (the acres to be irrigated in the fall between September 1 and November 15). 1.3 Identification or reporting to the Department and the Water District 140 watermaster of the 527.2 cropped acres, the A acres, and the B acres shall be in the form of a land list and a map sufficiently detailed to allow creation of an electronic shape file. 1.4 The total number of B acres shall not exceed the number of A acres in any irrigation season. 1.5 Application of water to B acres in the fall is limited to water necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. Application of water to B acres shall not provide water to irrigate crops for harvest in the same fall. 1.6 The B acres identified for fall irrigation in any year shall be included in the 527.2 cropped acres for the subsequent season. 1.7 The watermaster of Water District 140 shall monitor the place of use and regulate the use of water under the approved transfers pursuant to these conditions of approval. The watermaster of Water District 140 shall coordinate delivery and regulation with the watermaster of Water District 45-A of the surface water rights covered by transfer No. 66133. 1.8 Original conditions of approval associated with transfer No. 66132 and transfer No. 66133 that are in the standard form of: "This right is limited to the irrigation of ### acres within the place of use described above in a single irrigation season", shall be amended to the form of: "This right is limited to the irrigation of ### acres within the place of use described above in accordance with the attached Irrigation Plan."

Dates:

Licensed Date:

Decreed Date: 10/29/2010

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

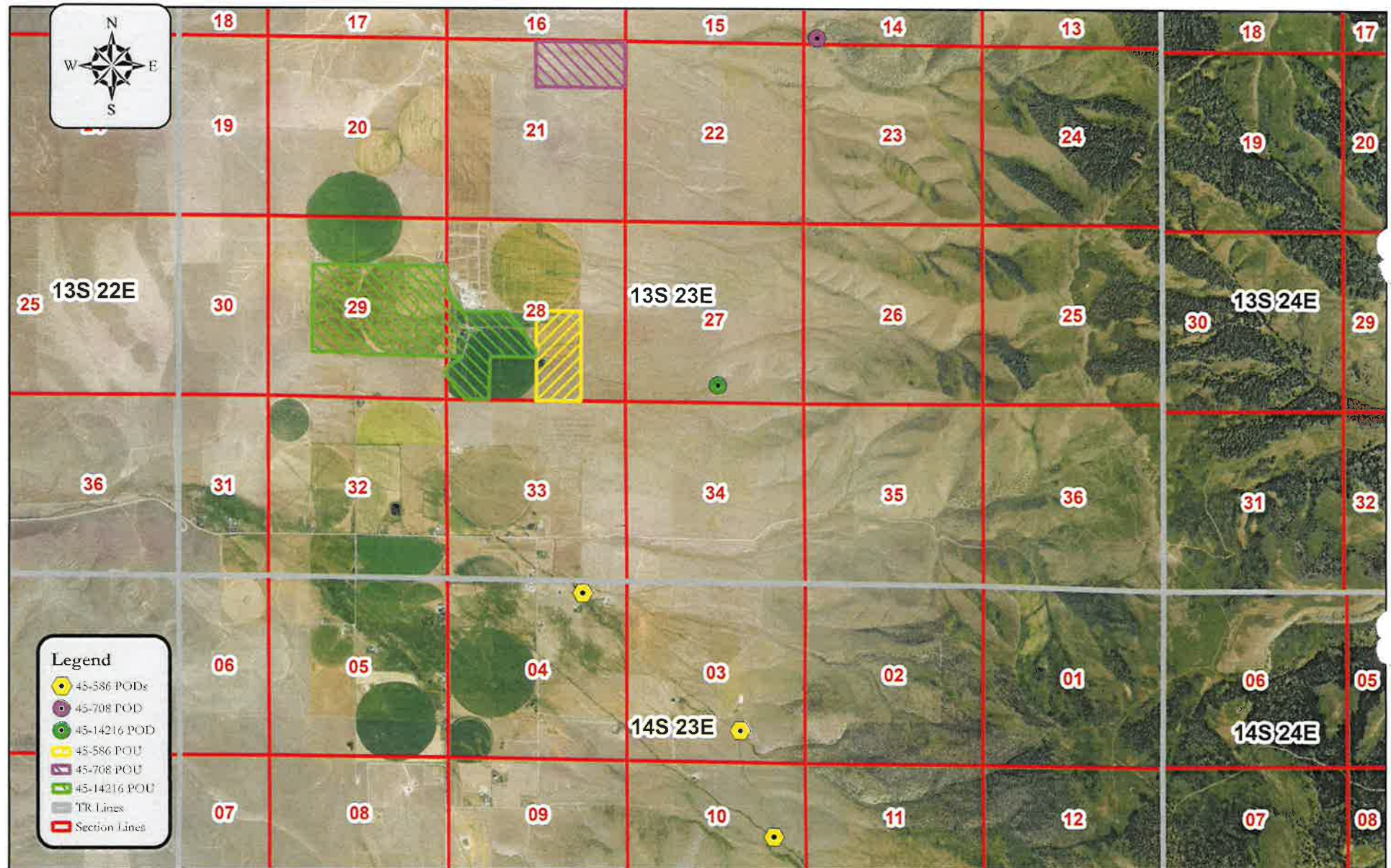
Other Information:

State or Federal:

Owner Name Connector: AND
Water District Number: 45A
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 527.2
Combined Volume Limit:
Combined Rate Limit:
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

Attachment No. 2B
Map of Current System

CURRENT PLACES OF USE AND POINTS OF DIVERSION



2023 NAIP Photo

89618



Prepared by:
Luke H. Marchant
01/29/2025

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☒ **N/A.** This application does not propose to change the place of use or nature of use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

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	

Total Irrigated Acres to be Changed: _____

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

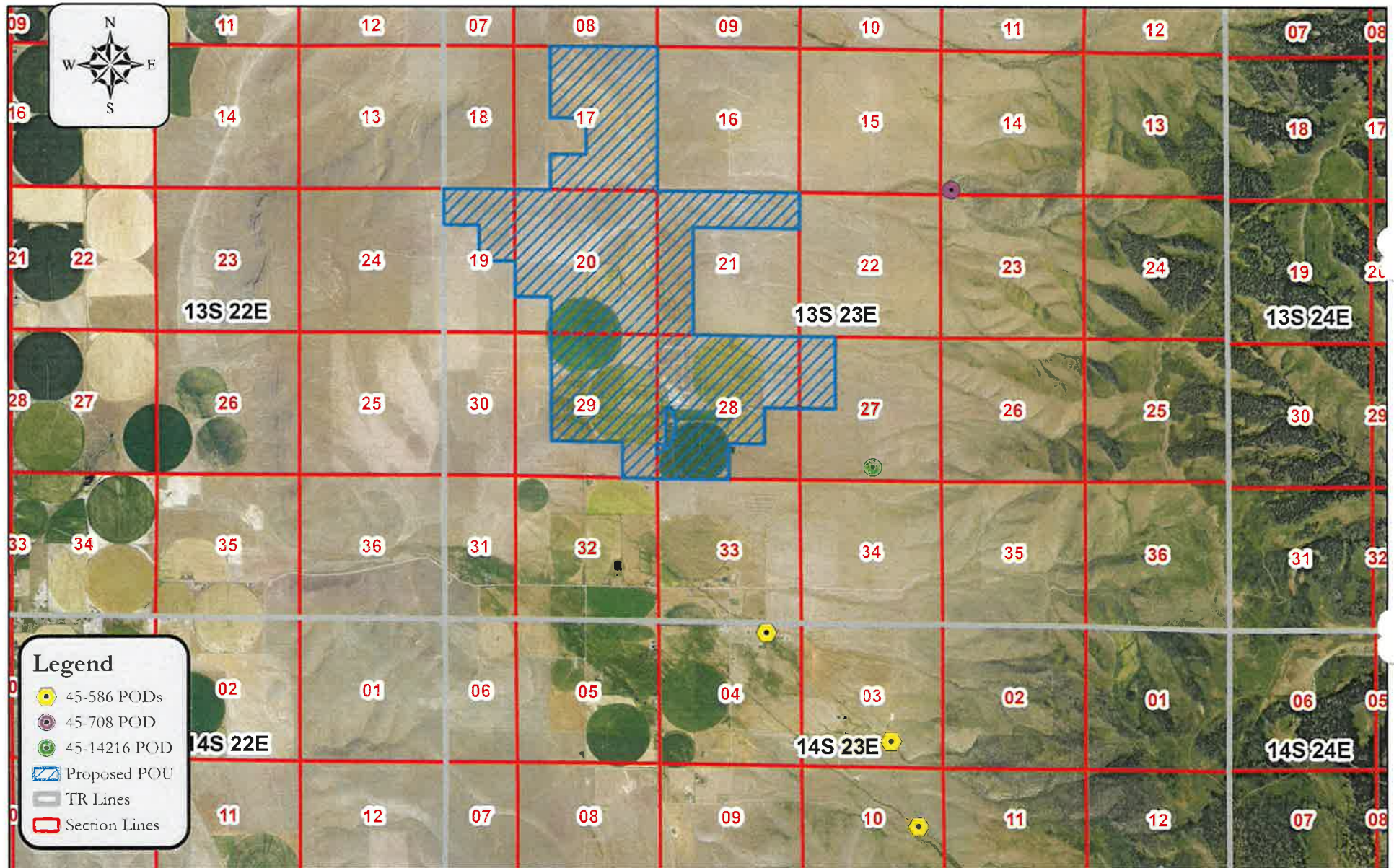
- | | |
|---|--|
| ☐ Change point(s) of diversion | ☒ Change place of use |
| ☐ Add point(s) of diversion | ☐ Change period of use |
| ☐ Change nature of use | ☒ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

This Application for Transfer proposes to change the stockwater place of use for Water Right Nos. 45-586, 45-708, and 45-14216. There will be no change to the irrigation place of use or the points of diversion of either of these water rights. This change will incorporate areas where stockwater has historically been used as well as add new areas where Applicant plans to install additional water troughs. This Application also proposes to correct a clerical/data entry error on the total diversion volume of Water Right No. 45-586. It currently shows 6.7 AFA. This number should be 17.7 AFA.

Attachment No. 3C
Map of Proposed System
(GIS Shapefiles Available
Upon Request)

PROPOSED PLACE OF USE AND POINTS OF DIVERSION



2023 NAIP Photo

89618



Prepared by:
Luke H. Marchant
02/04/2025

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☐ ☒	45-586	0.12/6.7	Stockwater	01/01 to 12/31	Mill/Spring Creek
☐ ☒	45-586	17.7	Stockwater/StW Storage	01/01 to 12/31	Mill/Spring Creek
☐ ☒	45-708	0.02	Stockwater	03/15 to 11/15	Cedar Hollow Spring
☐ ☒	45-14216	0.1/5.6	Stockwater	01/01 to 12/31	Bedke Spring
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 0.24 cfs and/or 23.3 af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

RECEIVED

MAR 07 2025

DEPT OF WATER RESOURCES
SOUTHERN REGION☒ N/A. This application does not propose to add or change any points of diversion.**Proposed Points of Diversion**

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change the place of use.**Proposed Place of Use**

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	23E	17	S	S	S	S	S			S				S	S	S	S	S	
		19	S	L1/S		S													
		20	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	
		21	S	S			S	S	S			S	S						
		27						S	S										
		28	S	S	S	S	S	S	S	S	S	S	S			S			
		29	S	S	S	S	S			S	S				S	S		S	

Total Irrigated Acres: _____

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

☒ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change the place of use.

Proposed Place of Use

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	23E	17	S	S	S	S	S			S				S	S	S	S	S	
		19	S	1/4 S															
		20	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
		21	S	S			S	S	S			S	S						
		27						S	S										
		28	S	S	S	S	S	S	S	S	S	S	S		S				
		29	S	S	S	S	S			S	S			S	S	S		S	

Total Irrigated Acres: _____

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

See attached page (4B-1).

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

No change is proposed to the points of diversion. See Attachment 4B-1.

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 45A. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☒ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

Attachment No. 4B-1
Other Water Rights at Current
POD

WRs with same POD as 45-586	WRs with same POD as 45-708	WRs with same POD as 45-14216
--	--	--

45-540	45-2766	45-12590
45-541		45-12929
45-542		45-13575
45-543		43-14217
45-564A		
45-564B		
45-565		
45-566A		
45-566B		
45-567A		
45-567B		
45-568		
45-569		
45-574		
45-576		
45-577A		
45-577B		
45-578B		
45-579A		
45-579B		
45-580A		
45-580B		
45-581B		
45-581C		
45-582C		
45-584		
45-585		
45-587		
45-588		
45-685		
45-7746		
45-12927		
45-12929		

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

Multiple irrigation water rights cover the current place of use. There will be no change to the irrigation component of any of these water rights.

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

Multiple irrigation water rights cover the proposed place of use. There will be no change to the irrigation component of any of these water rights.

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☐ No. The place of use for the portion to be changed will no longer be irrigated.

☒ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes No

☐

☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov).

Label the Form as Attachment 4C-7.

☐

☒

currently used in a mitigation plan limiting the use of water under the right?

☐

☒

subject to an agreement not to divert (CREP)?

☐

☒

currently enrolled in a federal set-aside program (CRP)?

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

Water is diverted from multiple surface water sources into pipelines that carry the water
to the place of use.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

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.

	<u>Luke H. Marchant, Attorney</u>	<u>February 4, 2025</u>
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$ <u>#525-</u>	Receipt #: <u>5040532</u>	Date: <u>2-24-2025</u>	Received by: <u>SG</u>
Add'l Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____

Instrument # 2021001457

BURLEY, CASSIA, IDAHO

3-18-2021 10:27:22 AM No. of Pages: 12

Recorded for : FLETCHER LAW OFFICE

JOSEPH LARSEN

Fee: 16.00

Ex-Officio Recorder Deputy

Index to: DEED

EV

QUITCLAIM DEED

For value received, **E. EUGENE MATTHEWS, also known as EUGENE MATTHEWS, also known as ENNIS EUGENE MATTHEWS, and HEIDI F. MATTHEWS, also known as HEIDI MATTHEWS, also known as HEIDI FRANKS MATTHEWS, husband and wife**, whose address is 1249 South Highway 27, Oakley, Idaho 83346 (Grantor) remise, release and forever quitclaim to **H & E HOLDINGS, LLC, an Idaho limited liability company**, whose address is 1249 South Highway 27, Oakley, Idaho 83346 (Grantee), all of Grantor's interest of every kind and nature in the premises in Cassia County, Idaho, more particularly described as follows:

SEE EXHIBIT A ATTACHED.

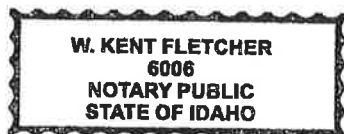
To have and to hold the said premises, with their appurtenances unto said Grantee, and the Grantee's heirs and assigns forever.

DATED: March 17, 2021.

E. Eugene Matthews
E. Eugene Matthews
Heidi F. Matthews
Heidi F. Matthews

STATE OF IDAHO)
County of Cassia) ss

On this 17 day of March, in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared **E. EUGENE MATTHEWS and HEIDI F. MATTHEWS**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



W. Kent Fletcher
Notary Public for Idaho
Residing at Burley
My commission expires on 3-22

EUGENE MATTHEWS LEGAL DESCRIPTION

PARCEL NO. 1:

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

Section 17: E½, E¼NW¼, SE¼SW¼

EXCEPTING THEREFROM that portion deed for highway purposes

Section 19: NE¼NE¼

Section 20: N½N½, S½NW¼, SW¼NE¼

Section 21: N½NW¼, N½NE¼

PARCEL NO. 2:

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

Section 19: Lot 1 (NW¼NE¼) and the SE¼NE¼

Section 20: SE¼NE¼; SE¼, N½SW¼ and the SE¼SW¼

Section 21: SW¼NW¼; W½SW¼

Section 28: N½; SW¼ and the NW¼SE¼ EXCEPT the following described tracts:

Tract No. 1:

Beginning at the Northwest corner of the SW¼SW¼ of said Section 28, said point marked by a 5/8 inch rebar; thence South 0°02' East (Basis of Bearing) along section line for 10.70 feet to a ½ inch rebar which shall be the Point of Beginning; Thence South 88°40'47" East for 490.61 feet to a ½ inch rebar on centerline of a county road; Thence South 54°52'09" West along said county road centerline for 599.47 feet to a ½ inch rebar on section line; Thence North 0°02' West along said section line for 356.36 feet to the Point of Beginning.

Tract No. 2:

Beginning at the Southwest corner of said Section 28, said corner marked by a 5/8 inch rebar; Thence North 0°02'00" West along section line for 1316.56 feet to a ½ inch rebar, said rebar lying South 0°02'00" East for 10.70 feet from the Northwest corner of the SW¼SW¼; Thence South 88°40'07" East for 313.96 feet to a ½ inch rebar which shall be the Point of Beginning; Thence North 00°37'13" East for a distance of 1348.96 feet to a ½ inch rebar; Thence South 89°27'28" East for a distance of 183.99 feet to a ½ inch rebar on the approximate centerline of a county road; Thence South 21°47'38" East along the approximate centerline of said county road for a distance of 324.41 feet to a ½ inch rebar; Thence South 11°13'53" East along the approximate centerline of said county road for a distance of 217.58 feet to a ½ inch rebar; Thence South 01°32'50" East along the approximate centerline of said county road for a distance of 123.16 feet to a ½ inch rebar; Thence South 13°07'24" West along the approximate centerline of said county road for a distance of 614.48 feet to a ½ inch rebar; Thence South 22°54'21" West along the approximate centerline of said county road for a distance of 124.91 feet to a ½ inch rebar; Thence North 88°40'07" West for a distance of 176.65 feet to the Point of Beginning.

Section 29: NE¼, N½SE¼, E½NW¼ and the NE¼SW¼

Section 27: W½NW¼

Attachment No. 1F
Lienholder Consent



Western Regional Office
Agricultural Finance
MetLife Investment Management
205 E. River Park Circle, Ste. 430
Fresno, CA 93720

Leonides A. Moreno
Managing Director
Phone: (559) 470-6450
Email: lmoreno@metlife.com

Robert Frudden
Senior Director
Phone: (559)-470-6448
Email: robert.frudden@metlife.com

Rainer Telles
Senior Director
Phone: (559)-470-6457
Email: rainer.telles@metlife.com

February 19, 2025

E Eugene Matthews
Heid Franks Matthews
H and E Holdings, LLC
Three Bar Cattle Company, LLC
Matthews Land & Cattle, LLC
1249 S Highway 27
Oakley, ID 83346-9755

Re : Metropolitan Life Insurance Company, a New York Corporation ("Lender") Loan Nos. 201817 and 202848 – E. Eugene Matthews, Heidi Matthew, H & E Holdings, LLC, an Idaho limited liability company, Three Bar Cattle Company, LLC an Idaho limited liability company and Matthews Land & Cattle, LLC an Idaho limited liability company (collectively, the "Borrower")

Ladies and Gentlemen,

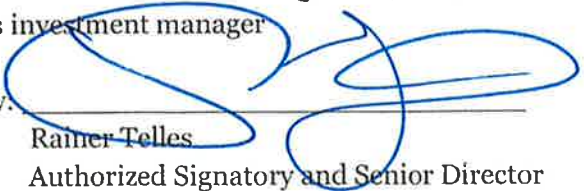
Lender holds a security interest in certain water right numbers (the "Water Rights") in Cassia County, Idaho in connection with the above referenced loans. You have requested that Lender consent to the transfer of certain Water Rights as described in the State of Idaho Department of Water Resources Application for Transfer of Water Rights ("Application").

This letter serves as written acknowledgement and consent to the transfer of 23.3 acre-feet to stock and commercial water under the Water Rights as identified in the Application to be filed by the Borrower for the Water Right listed therein and as follows:

Water Right: 45-586, 45-708 and 45-14216

Metropolitan Life Insurance Company,
a New York Corporation

By: MetLife Investment Management, LLC,
its investment manager

By: 
Rainer Telles
Authorized Signatory and Senior Director

cc: Scott Spiro
Clear Creek Land and Mortgage

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Fresno

On February 19, 2025, before me, Leonela Alvarado, a Notary Public, personally appeared Rainer Telles, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

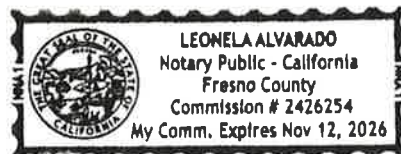
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Leonela Alvarado

Signature

This area for official notarial seal.



Attachment No. 1G
Legal Access

CONSENT TO WATER RIGHTS TRANSFER

We, the undersigned have reviewed the Application for Transfer which is being submitted to the Idaho Department of Water Resources which involves H & E Holdings, LLC's ("H&E") water rights numbered 45-586, 45-708, and 45-14216. Matthews Land & Cattle, LLC ("ML&C") owns approximately 40 acres within the proposed place of use. H&E and ML&C are both owned by Eugene and Heidi Matthews. ML&C consents to the movement of a portion of these water rights upon our property as requested in the transfer application.

Matthews Land & Cattle, LLC


By: E. Eugene Matthews
Its: Manager
Date: 2/4/25

Attachment No. 1G.2
Legal Access
(Easements from POD to POU)

153543

EASEMENT FOR WELL, DITCH, AND/OR PIPELINE

AGREEMENT, made this 17th day of July, 1983, by and between HOWARD McINTOSH, contracting as and with his sole and separate property, of Oakley, Idaho, whose wife's name is Alta McIntosh, herein called "McIntosh", and H & E, INC., an Idaho Corporation, with principal place of business at Oakley, Idaho, herein called "H & E".

1. RECITALS: The parties recite and declare:

(a) Marion McIntosh and Howard McIntosh and Herschel Bedke and Ethel Bedke entered into a certain Easement for Ditch and Well Site July 6, 1961. That easement for ditch and well site was not recorded in Cassia County, Idaho as it affected the SW1/4 of Section 28, Township 13 South, Range 23 East Boise Meridian.

(b) Howard McIntosh and Alta McIntosh and Herschel Bedke and Ethel Bedke entered into an easement for a pipeline on September 13, 1966. That easement is recorded as instrument number 31571 on Film 44 in the office of the County Recorder of the County of Cassia, State of Idaho, as evidenced by its recording on September 14, 1966.

(c) McIntosh and H & E are the successors in interest of the parties that executed or were the beneficiaries of those easements described in subparagraphs (a) and (b) hereof.

(d) McIntosh and H & E desire to revoke said easements and to execute this Easement agreement in place and stead of the revoked easements.

PARSONS, SMITH, STONE & FLETCHER
ATTORNEYS
BURLEY, IDAHO

1 In consideration of the recitals and of the covenants
2 and agreements herein contained it is agreed:

3 2. REVOCATION: The pipeline easements more particularly
4 described in paragraph 1(a) and (b) are hereby revoked and this
5 agreement is executed in their place and stead.

6 3. WELL: The irrigation well located in the SW1/4 of
7 Section 28, Township 14 South, Range 23 East Boise Meridian,
8 together with the pump, motor, panel, and all apparatus and
9 equipment attached or appurtenant thereto, as well as the water
10 pumped therefrom is owned by H & E.

11 4. MAINTENANCE: H & E is solely obligated and respon-
12 sible for all of the cost of maintaining and repairing the well,
13 pump, motor and all apparatus and equipment appurtenant to the
14 well. Additionally H & E shall be responsible for the maintenance
15 and repair of all the lands of McIntosh made necessary by the use
16 of the easement.

17 5. DURATION: This agreement is perpetual so long as
18 the well produces water or until such time as the parties or
19 their successors in interest shall execute a document in writing
20 cancelling this agreement and which agreement, if any, shall be
21 recorded in the office of the County Recorder of the County of
22 Cassia, State of Idaho, PROVIDED, HOWEVER, no cancellation shall
23 occur prior to the satisfaction of a Federal Land Bank Mortgage
24 dated the 14 day of April, 1983, PROVIDED, FURTHER, in the
25 event of a foreclosure of the Mortgage of the Federal Land Bank,
26 any purchaser at the foreclosure sale shall have a continuing

1 right to the use of the easement and the access or the facility
2 for which this agreement is executed.

3 6. EASEMENT: McIntosh hereby grants to H & E a
4 perpetual easement on, under, and across the following lands in
5 Cassia County, particularly in Section 28, Township 13 south, Range
6 23 East, Boise Meridian:

7 A parcel of land formed with a radius of 20 feet
8 with the center thereof being the well owned
9 by H & E and together with a strip of land
10 30 feet in width from said well North to the
11 North boundary line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28,
and extending South to the South boundary line of
said Section 28. The well site and strips of land are
all in the said Section 28, Township 13 South, Range
23 East, Boise Meridian.

12 for the purpose of pumping and conveying the water from the well
13 to the lands of H & E. Giving unto H & E the right of ingress and
14 egress thereto for the purpose of maintaining, repairing, and/ or
15 replacing the well, equipment, pipeline and appurtenances thereto.
16 H & E will at its own expense restore the premises of McIntosh to
17 the condition that it was at the time of the commencement of any
18 maintenance, repair, and/or replacement of the water system as
19 previously described.

20 7. COVENANT RUNNING WITH THE LAND: This agreement and
21 the easement granted hereby is deemed a covenant running with the
22 land and it is for the benefit of lands owned by H & E described
23 as follows:

24 Township 13 South, Range 23 East of the Boise Meridian
25 Section 19: Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the SE $\frac{1}{4}$ NE $\frac{1}{4}$.
26 Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$.
 Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.
 Section 28: W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$,
EXCEPT the following described parcel: Beginning
at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section

28, said point marked by a 5/8 inch rebar; thence South 0°02' East (Basis of Bearing) along section line for 10.70 feet to a 1/2 inch rebar which shall be the Point of Beginning; thence South 88°40'47" East for 490.61 feet to a 1/2 inch rebar on centerline of a county road; thence South 54°52'09" West along said county road centerline for 599.47 feet to a 1/2 inch rebar on section line; thence North 0°02' West along said section line for 356.36 feet to the Point of Beginning.

Section 29: NE 1/4, N 1/2 SE 1/4, E 1/2 NW 1/4 and the NE 1/4 SW 1/4.
and any other lands of H & E which may utilize the water as part of its farming unit in the vicinity of said lands.

8. BINDING EFFECT: This agreement shall be binding upon the parties, their heirs, successors and assigns and of the owners of the respective lands herein described.

9. WELL CAPACITY: H & E shall be entitled to all of the water from the well for purpose of irrigation of lands of H & E herein described.

10. ELECTRIC LINE: McIntosh expressly grants to H & E the right to erect within the easement or such other place or places on the Southwest Quarter Southeast Quarter (SW 1/4 SE 1/4) of Section 28, Township 13 South, Range 23 East, Boise Meridian as may be designated the right to erect or have erected all necessary electrical poles and lines for the delivery of electric energy to the well site. It is recognized that the location of electrical lines and apparatus may from time to time, during the continuation of this easement, be altered for one reason or another and it is the express purpose of this paragraph to grant the easement on said Southwest Quarter Southeast Quarter (SW 1/4 SE 1/4) of Section 28, Township 13 South, Range 23 East, Boise Meridian, without pre-

1 properly defined the location which shall be within the discretion
2 of McIntosh to purchase and assign, or the utility delivering
3 electrical energy.

4 IN WITNESS WHEREOF, the parties have executed this
5 agreement the day and year first above written.

6 Howard McIntosh
7 Howard McIntosh

8 Alta McIntosh
9 Alta McIntosh

10 H & A, Inc.

11 BY Robert L. Beck
12 Pres.

13 ATTEST:

14 Secretary

15 STATE OF IDAHO)

16 County of Cassia) ss

17 On this 27 day of July, 1983, before me, the under-
18 signed, a Notary Public in and for said State, personally appeared
19 HOWARD MCINTOSH and ALTA MCINTOSH, husband and wife, known to me
20 to be the persons whose names are subscribed to the within
21 instrument, and acknowledged to me that they executed the same.

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

25 Notary Public for Idaho
26 Residing at Idaho

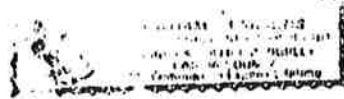
27 STATE OF IDAHO)

28 County of Cassia) ss

29 On this 28 day of July, 1983, before me, the
30 undersigned, a Notary Public in and for said State, personally

1 appeared ROBERT L. BEDKE and CAROL L. BEDKE, known to me to be
2 the President and Secretary of H & E, INC., the Corporation that
3 executed the foregoing instrument, and acknowledged to me that
4 such corporation executed the same.

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



Robert L. Bedke
Notary Public for
Residing at

RECORDED AT THE REQUEST OF
PRM *155*
JUL 20 4 37 PM '83
CASSIA C. W. T. IOANO
FRANK S. AARNS
RECORDED
FEE *1.00*

153543

153546

EASEMENT FOR PIPELINE

AGREEMENT, made this 12 day of July, 1983, by and between LEROY FAIRCHILD, a single man, and RUTH FAIRCHILD, a widow, both of Oakley, Idaho, (herein "Fairchild"), and H & E, INC., an Idaho corporation, with principal place of business at Oakley, Idaho, (herein "H & E").

1. RECITALS: The parties recite and declare:

(a) Kenneth Fairchild and Leroy Fairchild granted to Herschel Bedke and Ethel Bedke an easement dated September 13, 1966, and which easement was recorded as instrument number 31572 on film 44, records of Cassia County, Idaho, on September 16, 1966.

(b) Fairchild and H & E are successors in interest of certain lands in Cassia County to Kenneth Fairchild and Leroy Fairchild and Herschel Bedke and Ethel Bedke.

(c) Fairchild and H & E desire to revoke the easement described in paragraph 1(a) and to execute this easement agreement in the place and stead of the revoked easement.

In consideration of the Recitals and of the covenants and agreements herein contained it is agreed:

2. REVOCATION: The easement for pipeline more particularly described in paragraph 1(a) is hereby revoked and this easement is executed in its place and stead.

3. DURATION: This easement is perpetual so long as the pipeline is used by H & E or until such time as the parties or their successors in interest shall execute a document in writing cancelling this easement and which agreement, if any,

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

1 shall be recorded in the office of the County Recorder of the
2 County of Cassia, State of Idaho, provided, however, no cancellation
3 shall occur prior to the satisfaction of a Federal Land Bank
4 Mortgage dated the 14 day of April, 1983, and provided,
5 further in the event of a foreclosure of the Mortgage of the
6 Federal Land Bank, any purchaser at the foreclosure sale shall
7 have a continuing right to the use of the easement and access to
8 the facility for which this easement is executed.

9 4. EASEMENT: Fairchild hereby grants to H & E a
10 perpetual easement on, under, and across the following lands in
11 Cassia County: The Southeast Quarter Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
12 of Section 28, Township 13 South, Range 23 E.B.M. AND
13 the Northwest Quarter of the Northeast Quarter
14 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), the Southwest Quarter of the Northeast
15 Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), The Northwest Quarter of
16 the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33,
17 Township 13 South, Range 23 East, Boise Meridian.

18 for the purpose of installing, maintaining, repairing and/or
19 replacing a pipeline for the purpose of conveying water from a
20 certain well located in the Northwest Quarter Southeast Quarter
21 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, Township 14 South, Range 23 East, Boise
22 Meridian. Giving unto H & E the right of ingress and egress
23 thereto for the purpose of installing, maintaining, repairing
24 and/or replacing the pipeline for the conveyance of such water.

25 5. COVENANT RUNNING WITH THE LAND: This easement is
26 deemed a covenant running with the land and it is for the benefit
27 of lands owned by H & E described as follows:

28 Township 13 South, Range 23 East of the Boise
29 Meridian
30 Section 19: Lot 1 (NW $\frac{1}{4}$ NE) and the SE $\frac{1}{4}$ NE $\frac{1}{4}$

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

1 Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$.
2 Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.
3 Section 28: W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$,
4 EXCEPT the following described parcel: Beginning
5 at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section
6 28, said point marked by a 5/8 inch rebar; thence
7 South 0°02' East (Basis of Bearing) along section
8 line for 10.70 feet to a 1/2 inch rebar which shall be
9 the Point of Beginning; thence South 88°40'47" East
10 for 490.61 feet to a 1/2 inch rebar on centerline
11 of a county road; thence South 54°52'09" West along
12 said county road centerline for 599.47 feet to a
13 1/2 inch rebar on section line; thence North 0°02'
14 West along said section line for 356.36 feet to the
15 Point of Beginning.
16 Section 29: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$.

17 and any other lands of H & E which may utilize the water as part
18 of its farming unit in the vicinity of said lands.

19 6. BINDING EFFECT: This agreement shall be binding
20 upon the parties, their heirs, successors and assigns and of the
21 owners of the respective lands herein described.

22 7. MAINTENANCE: H & E is solely obligated and
23 responsible for all costs of installing, maintaining and repairing
24 the pipeline. Additionally H & E will be responsible for the
25 maintenance and repair of all lands of Fairchild made necessary
26 by the use of this easement.

27 IN WITNESS WHEREOF, the parties have executed this
28 easement the day and year first above written.

29 LeRoy Fairchild
30 Leroy Fairchild

31 Ruth Fairchild
32 Ruth Fairchild

33 H & E INC.

34 BY Robert Bedke
35 President

153546

RECORDED AT THE REQUEST OF
Kassia County, Idaho
JUL 20 4 10 PM '83
CASSIA COUNTY, IDAHO
FRANK E. KERRANS
RECEIVED
FEE \$11.00

1 STATE OF IDAHO)
2 County of Cassia) ss

3 On this 11 day of July, 1983, before me, the
undersigned, a Notary Public in and for said State, personally
4 appeared LEROY FAIRCHILD known to me to be the person whose name
is subscribed to the within instrument, and acknowledged to me
5 that said person executed the same.

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

Cliff Hunter
Notary Public for Idaho
Residing at Cobley, Idaho

10 STATE OF IDAHO)
11 County of Cassia) ss

12 On this 12 day of July, 1983, before me, the
undersigned, a Notary Public in and for said State, personally
13 appeared RUTH FAIRCHILD, known to me to be the person whose name
is subscribed to the within instrument, and acknowledged to me
14 that said person executed the same.

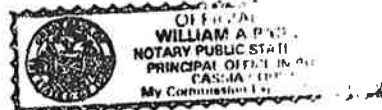
15 IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal, the day and year in this certificate
16 first above written.

Cliff Hunter
Notary Public for Idaho
Residing at Cobley, Idaho

19 STATE OF IDAHO)
20 County of Cassia) ss

21 On this 20 day of July, 1983, before me, the
undersigned, a Notary Public in and for said State, personally
22 appeared ROBERT L. BEDKE, known to me to be the President of H &
E, INC., the Corporation that executed the foregoing instrument,
and acknowledged to me that such corporation executed the same.

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



William A. Piro
Notary Public for Idaho
Residing at

FARSONS, SMITH, STONE & FLETCHER
LAWYERS
BOISE, IDAHO

153544

JOINT USE, OPERATION AND MAINTENANCE AGREEMENT

AGREEMENT, made this 12 day of July, 1983, by and between TOMMY C. GORRINGE, a married man, contracting with his sole and separate property, and CARL GORRINGE & SONS, a Partnership, of Oakley, Idaho, herein called "Gorringer" and H & E, INC., an Idaho corporation, whose principal place of business is at Oakley, Idaho, herein called "H & E."

1. RECITALS: The parties recite and declare:

(a) Gorringer and the predecessors in interest of certain lands of H & E, Inc. entered into an agreement dated December 18, 1951, concerning a well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 14 South, Range 23 East, Boise Meridian, and

(b) It is the intent and purpose of the parties by this agreement to revoke said agreement and to execute this agreement relative to the rights of the parties in and to said well, its operation and maintenance and the ingress and egress thereto.

(c) Gorringer is the successor in interest of the affected land to Wilfred W. Sagers and Ruth Sagers under that agreement dated December 18, 1951.

In consideration of the recitals and the covenants and agreements herein contained the parties agree:

2. REVOCATION: That certain agreement dated December 18, 1951 between Ed Gorringer and Marian Gorringer, on the one hand and Herschel Bedke and Ethel Bedke (predecessors in interest to H & E) is hereby revoked and this agreement is executed in its

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

1 place and stead.

2 3. WELL: The irrigation well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of
3 Section 3, Township 14 South, Range 23 East, Boise Meridian,
4 together with the pump, motor, panel and all apparatus and
5 equipment attached thereto, as well as the water pumped therefrom
6 are owned jointly by Gorringe and H & E equally as tenants in
7 common. This is the same well that was drilled and has been
8 owned by Gorringe and the predecessors in interest of H & E and
9 Gorringe does hereby acknowledge the ownerships of H & E in and
10 to said well in the place of its predecessors in interest. The
11 parties shall continue to jointly use said well, pump, motor, and
12 apparatus for supplying irrigation water to their respective
13 lands.

14 4. MAINTENANCE: The parties shall be and are hereby
15 obligated and responsible for one-half (1/2) each of the cost of
16 maintaining and repairing the well, pump, motor, and all apparatus
17 and equipment concerning the same. Such obligation shall include
18 the replacement of the well, pump, motor and apparatus appurtenant
19 thereto. The obligations in this paragraph shall not be construed
20 as requiring Gorringe to pay any of the costs of the pipeline
21 taking the water to the land of H & E nor to obligate H & E for
22 any delivery device to the Gorringe land and it is the express
23 intent and purpose of this agreement to only include the well,
24 pump, motor and its attendant apparatus.

25 5. DURATION: This agreement is perpetual so long as
26 the well produces water or until such time as the parties or

1 their successors in interest shall execute a document in writing
2 cancelling the agreement and which agreement shall be recorded in
3 the office of the County Recorder of the County of Cassia, State
4 of Idaho, PROVIDED, HOWEVER, no cancellation shall occur prior to
5 the satisfaction of a Federal Land Bank Mortgage dated the 14th
6 day of April, 1983, PROVIDED, FURTHER, in the event of a
7 foreclosure of the Mortgage of the Federal Land Bank, any purchaser
8 at the foreclosure sale shall have a continuing right to the use
9 of the easement and the access or the facility for which this
10 agreement is executed.

11 6. EASEMENT: Gorringer hereby grants to H & E a
12 perpetual easement on, under, and across the following lands in
13 Cassia County:

14 TOWNSHIP 13 SOUTH, RANGE 23 EAST, BOISE MERIDIAN

15 Section 33: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

16 TOWNSHIP 14 SOUTH, RANGE 23 EAST, BOISE MERIDIAN

17 Section 3: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

18 Section 4: NE $\frac{1}{4}$ NE $\frac{1}{4}$.

19 for the purpose of conveying water from the well located in said
20 Section 3 to lands of H & E, Inc. This easement is illustrated
21 on Exhibit A attached to this agreement with the express under-
22 standing that the attachment is for illustration only and is not
23 intended to be a representation of the precise location of the
24 easement or the conveyance of water but only as an aid to the
25 parties and to the public to demonstrate the general location of
26 the apparatus and the easement for the delivery of the water to

1 the H & E land. It is the express purpose of this easement to
2 enable H & E, Inc. to place, keep and maintain a water line for
3 carrying water from the well to the H & E lands and Gorringe
4 expressly gives to H & E, Inc. the right and authority to enter
5 in and upon the premises for the purpose of maintaining, repairing,
6 and/or replacing the water line and the well apparatus. All
7 costs of maintaining, repairing, and/or replacing the water line
8 will be at the expense of H & E, Inc. except to the extent of any
9 repalcement, repair, and maintenance of the well as hereinbefore
10 provided. H & E will, at its cost and expense, upon the
11 completion of the maintenance, repair or replacement, restore the
12 premises of Gorringe to the condition that it was at the time of
13 commencement of the maintenance, repair or replacement.

14 7. COVENANT RUNNING WITH THE LAND: This agreement and
15 the easement granted hereby is deemed a covenant running with the
16 land and it is for the benefit of lands owned by H & E in Section
17 28, Township 13 South, Range 23 East, Boise Meridian, particularly
18 the W $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and any other land of H
19 & E which may utilize the water as part of its farming unit in
20 the vicinity of said Section 28, as well as the lands described
21 on Exhibit B

22 8. FIRST REFUSAL: Should Gorringe or H & E either
23 decide to sell their respective ownership interest in the well,
24 pump, motor and other apparatus, the selling party shall offer
25 the same first to the other party and the offerree shall have a
26 period of ten (10) days within which to accept the offer. If the

1 offer is not accepted then in such event the offeror may sell
2 the same to such other person or persons as may be desired.

3 9. BINDING EFFECT: This agreement shall be binding
4 upon the parties, their heirs, successors and assigns and of the
5 owners of the respective lands herein described.

6 10. CAPACITY: Each party shall be entitled to one-
7 half (1/2) of the proceeds of the water pumped from the well.
8 Each party shall share an appropriate reduction in the amount of
9 water should the same reduce its productivity over the years of
10 use.

11 11. ATTORNEY FEES: If either party is required to
12 engage an attorney for the enforcement of this agreement or the
13 defense of a claim under this agreement, the prevailing party
14 shall be entitled to reasonable attorney fees in addition to all
15 other costs and damages or other relief as may be awarded by the
16 court.

17 12. ARBITRATION: If the parties cannot otherwise
18 agree on matters pertaining to this agreement, such as but not
19 limited to whether or not a pump must be repaired or other
20 improvements to the well are needed the parties shall submit the
21 same to arbitration in accordance with the Uniform Arbitration
22 Act as being Idaho Code 7-901- 7-922.

23 13. MISCELLANEOUS: Gorringer executes this Joint Use,
24 Operation, and Maintenance Agreement as the respective interests
25 of Gorringer appear of record and by executing this agreement
26 Gorringer intends only to bond those parcels of which the

1 respective entities or entity or individual has a vested interest.

2 IN WITNESS WHEREOF, the parties have executed this
3 agreement the day and year first above written.

4 Tommy C. Gorringer
5 Tommy C. Gorringer

6 CARL GORRINGER & SONS

7 BY Carl Gorringer
8 General Partner

9 H & E, INC.

10 BY Robert L. Bedke
11 President

12 ATTEST:

13 Robert L. Bedke

14 Secretary

15 STATE OF IDAHO)
16) ss
17 County of Cassia)

18 On this 12 day of July, 1983, before me, the
19 undersigned, a Notary Public in and for said State, personally
20 appeared TOMMY C. GORRINGER, known to me to be the person whose
21 name is subscribed to the within instrument, and acknowledged to
22 me that said person executed the same.

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

26 Carl Gorringer
Notary Public for Idaho
Residing at Burley, Idaho

27 STATE OF IDAHO)
28) ss
29 County of Cassia)

30 On this 12 day of July, 1983, before me, the

1 undersigned, a Notary Public in and for said State, personally
2 appeared Carl Gorringer known to me to be one of the
3 general Partners in the Partnership of CARL GORRINGE & SONS,
4 and the Partner who subscribed said Partnership name to the
5 foregoing instrument, and acknowledged to me that he executed the
6 same in said Partnership name.

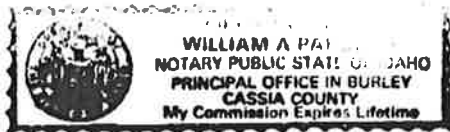
7
8 IN WITNESS WHEREOF, I have hereunto set my hand and
9 affixed my official seal, the day and year in this certificate
10 first above written.

11
12 Carl Gorringer
13 Notary Public for Idaho
14 Residing at Burley, Idaho

15 STATE OF IDAHO)
16) ss
17 County of Cassia)

18 On this 20 day of June, 1983, before me, the
19 undersigned, a Notary Public in and for said State, personally
20 appeared ROBERT L. BEDKE and CAROL L. BEDKE, known to me to be
21 the President and Secretary of H & E, INC. the Corporation that
22 executed the foregoing instrument, and acknowledged to me that
23 such corporation executed the same.

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



William A. Payne
Notary Public for _____
Residing at _____

EXHIBIT A

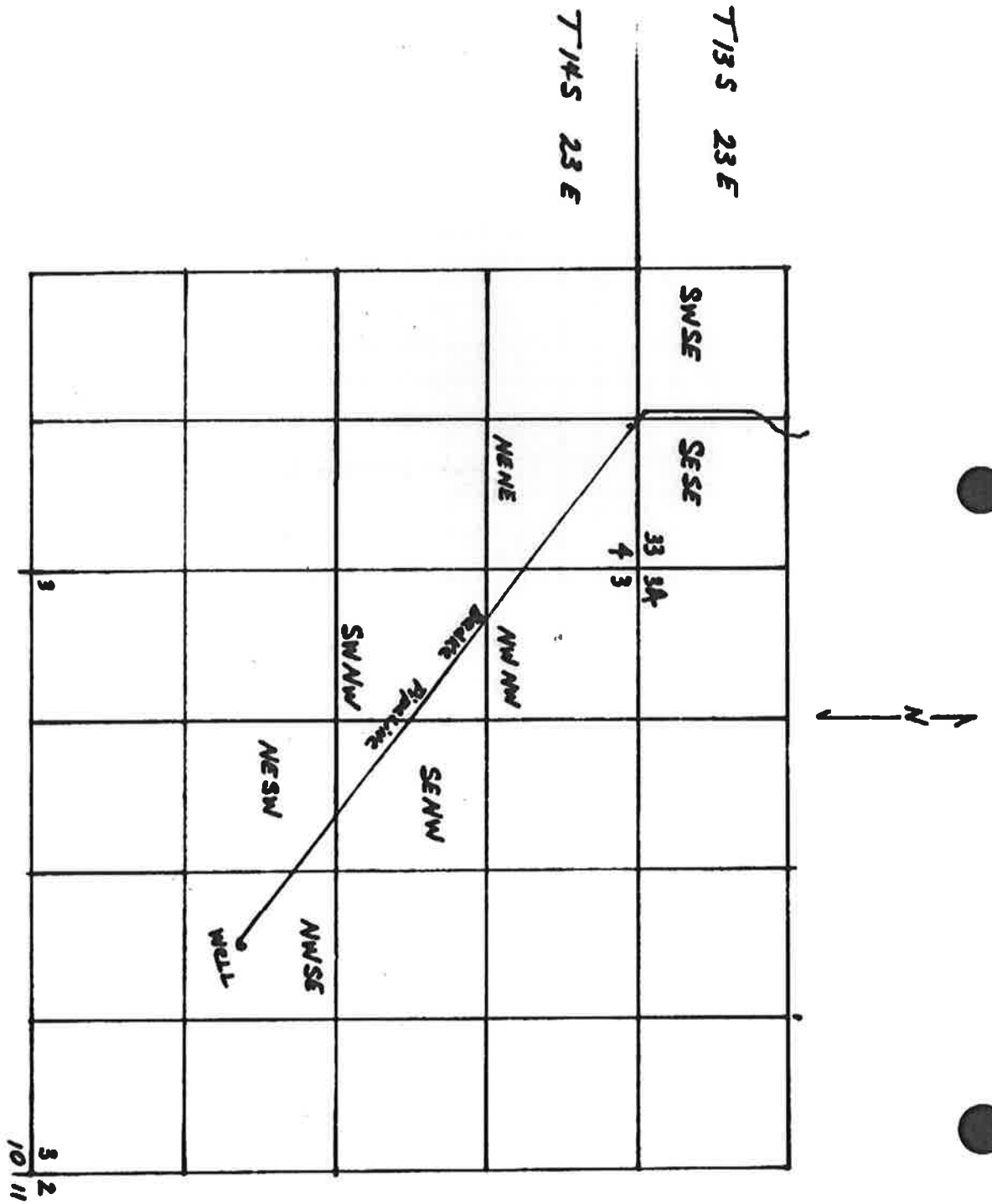


EXHIBIT B

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE
MERIDIAN.

Section 19: Lot 1 ($NW\frac{1}{4}NE\frac{1}{4}$) and the $SE\frac{1}{4}NE\frac{1}{4}$.

Section 20: $SE\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$ and the $SE\frac{1}{4}SW\frac{1}{4}$.

Section 21: $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$.

EXCEPT the following described parcel: Beginning
at the Northwest corner of the $SW\frac{1}{4}SW\frac{1}{4}$ of Section 28,
said point marked by a 5/8 inch rebar; thence
South $0^{\circ}02'$ East (Basis of Bearing) along section
line for 10.70 feet to a $\frac{1}{2}$ inch rebar which shall
be the Point of Beginning; thence South $88^{\circ}40'07''$
East for 490.61 feet to a $\frac{1}{2}$ inch rebar on centerline
of a county road; thence South $54^{\circ}52'09''$ West along
said county road centerline for 599.47 feet to a
 $\frac{1}{2}$ inch rebar on section line; thence North $0^{\circ}02'$
West along said section line for 356.36 feet to the
Point of Beginning.

Section 29: $NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$ and the $NE\frac{1}{4}SW\frac{1}{4}$.

RECORDED AT THE REQUEST OF
Parsons Smith
JUN 20 4 38 PM '83
SAGSIA COUNTY, IDAHO
FRANK A. KEARNS
RECORDER
FOR L. G. FULTON

153544

153545

EASEMENT

OAKLEY HIGHWAY DISTRICT, a highway district organized and existing under the laws of the State of Idaho, does hereby grant and convey to H & E, INC., an Idaho Corporation, Oakley, Idaho, 83346, a permanent and perpetual easement and right of way in which to construct, reconstruct, operate, remove, repair and maintain an underground irrigation pipeline for the conveyance of water in, over, across, and through the following described real property, situated, lying and being in the County of Cassia, State of Idaho, to-wit:

(a) A thirty (30) foot strip of ground extending East and West across the public road that exists or that may exist between the Northeast Quarter Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 29, Township 13 South, Range 23 East, Boise Meridian, and the Northwest Quarter Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 29, Township 13 South, Range 23 East, Boise Meridian.

(b) A Thirty (30) foot strip of ground extending North and South across the public road that exists or may exist in the Southwest Quarter Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, Township 13 South, Range 23 East Boise Meridian.

Giving unto the Grantee the right of ingress and egress thereto for the purpose of utilizing this easement.

Grantor reserves the right at all times to enter upon and occupy the real property that is subject to the easement or any part thereof and make proper use thereof so long as said occupancy does not infringe upon, hinder, or limit the right herein granted.

The Grantee, by the acceptance of this easement, agrees

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

1 that it shall indemnify and save and keep harmless the Oakley
2 Highway District from any and all claims for damages to real and
3 personal property and injuries to or death suffered by a person
4 or persons by reason of the construction, reconstruction, opera-
5 tion, repair and maintenance of the pipeline within or about the
6 easement herein granted.

7 This easement shall be binding upon the Grantor and
8 the Grantee and their successors and assigns.

9 The Grantee, and its successors and assigns, shall
10 repair and maintain the road to the extent made necessary by the
11 acts of the Grantee in the utilization of the easement herein
12 granted.

13 This easement shall be deemed an easement running with
14 the land and shall be for the benefit of lands owned by the
15 Grantee in Section 28, Township 13 South, Range 23 East Boise
16 Meridian, and particularly the West Half Northwest Quarter
17 ($W\frac{1}{2}NW\frac{1}{4}$); West Half Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}$); Northeast Quarter
18 Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$); and the Northwest Quarter Southeast
19 Quarter ($NW\frac{1}{4}SE\frac{1}{4}$) and any other land of the Grantee contiguous
20 and adjacent thereto as involved in the common irrigation system
21 of the Grantee.

22 IN WITNESS WHEREOF, this Easement has been executed by
23 the Chairman of the Board of Commissioners of the Oakley Highway
24 District and attested by its Secretary this 17th day of July,
25 1983.
26 -----

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

OAKLEY HIGHWAY DISTRICT

BY Willard Cranney
Chairman of the Board of
Commissioners

ATTEST:

Alta Hunter
Secretary

STATE OF IDAHO)
County of Cassia) ss

On this 27th day of June, 1983, before me, the under-
signed, a Notary Public in and for said State, personally appeared
WILLARD CRANNEY, JR., and ALTA HUNTER, known to me to be the
Chairman of the Board of Commissioners and Secretary of the
Board of Commissioners of OAKLEY HIGHWAY DISTRICT, the Corporation
that executed the foregoing instrument, and acknowledged to me
that such corporation executed the same.

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

Helma L. Clark
Notary Public for Idaho
Residing at Oakley, Idaho

ACCEPTANCE

H & E, INC., does hereby accept the foregoing Easement
and agrees to perform those covenants therein contained for which
it is obligated.

DATED this 20 day of July, 1983.

H & E, INC.

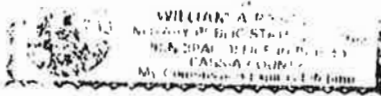
BY Robert L. Beck
President

1 STATE OF IDAHO)
2 County of Cassia) ss

3 On this 11 day of July, 1983, before me, the under-
4 signed, a Notary Public in and for said State, personally appeared
5 ROBERT L. BEDKE, known to me to be the President of H & P, INC.,
6 the Corporation that executed the foregoing instrument, and
7 acknowledged to me that such corporation executed the same.

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

10 William A. Bedke
11 Notary Public for
12 Residing at _____



RECORDED AT THE REQUEST OF
FILM _____
JUL 20 4 30 PM '83
CASSIA COUNTY, IDAHO
FRANK L. EARNES
RECORDER
FEE \$ _____

153545

STONE & FLETCHER
ANYERS
-BY, IDAHO



0006001111

**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 #: 0006001111

Date Filed: 12/3/2024 10:11:02 AM

Entity Name and Mailing Address:

Entity Name: H & E HOLDINGS, LLC
The file number of this entity on the records of the Idaho Secretary of State is: 0000485955
Address: 1249 S HIGHWAY 27
OAKLEY, ID 83346-9755

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: W160064

The registered agent on record is:

Registered Agent: E EUGENE MATTHEWS
Registered Agent
Physical Address
1249 S HWY 27
OAKLEY, ID 83346
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
HEIDI F. MATTHEWS	Member	1249 S. HIGHWAY 27 OAKLEY, ID 83346
E EUGENE MATTHEWS	Manager	1249 S. HIGHWAY 27 OAKLEY, ID 83346

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

Job Title: Member

Heidi Matthews

Sign Here

12/03/2024

Date

BUYER-0901 12/03/2024 10:11 AM RECEIVED BY OFFICE OF THE IDAHO SECRETARY OF STATE



OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Magic Valley Times-News** on the dates indicated below. If changes are needed, please contact us prior to deadline at help@column.us

Notice ID: AB054KMcGol2VTTSWdeb | **Proof Updated: Mar. 13, 2025 at 09:46am MDT**
Notice Name: Legal Notice 89596, 89618, 89621 | Publisher ID: COL-NV-1627

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

ID DEPARTMENT OF WATER
RESOURCES Southern Region
denise.maline@idwr.idaho.gov
(208) 736-3033

FILING FOR

Magic Valley
Times-News

Columns Wide: 2

Ad
Class: Legals

03/20/2025: General Legal Notice	108.64
03/27/2025: General Legal Notice	95.06
Affidavit Fee	9.00

Total \$212.70

Proof of legal notice received from Times News 3/13/2025

✓ DM 3/13/2025

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89596**

MOUNTAIN VIEW LAND LLC, 695 N 700 E, RUPERT, ID 83350-8407 has filed Application No. 89596 for changes to the following water rights within LINCOLN & MINIDOKA County(s): Right No(s). 36-13610, 36-13611, 36-16376, 36-17192, 36-7273B, 36-7460L, 36-7646. The purpose of the transfer is to change a portion of the above rights as follows: The application proposes to transfer a 0.20 cfs & 99 acre-foot portion of a water right from an existing feedlot located approximately 2 miles north and 15.5 to 16.5 miles west of Minidoka to an existing dairy facility located approximately 2.5 miles south and 1.75 to 2.5 miles west of Minidoka. The application also proposes to modify the existing water rights (2.92 cfs & 528 acre-feet) at the dairy facility to allow for the drilling of two new wells at the dairy.

TRANSFER NO. 89618

H & E HOLDINGS LLC, 1249 S HIGHWAY 27, OAKLEY, ID 83346-9755 has filed Application No. 89618 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14216, 45-586, 45-708. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing a stockwater place of use (POU) for the stockwater portions of three surface water rights (0.24 cfs) to add new grounds to the POU. There will be no changes to points of diversion or irrigation portions of the water rights. Current POUs and proposed POU are located approximately 3.5 to 6.3 miles east and 1.0 to 4.0 miles north of Oakley.

TRANSFER NO. 89621

GLOBAL AG PROPERTIES II USA LLC, 2004 FOX DR STE L, CHAMPAIGN, IL 61820-7346 has filed Application No. 89621 for changes to the following water rights within LINCOLN & MINIDOKA County(s): Right No(s). 36-11290, 36-11340, 36-15366B, 36-15366C, 36-15366D, 36-15456A, 36-15456B, 36-15567, 36-15613, 36-15615, 36-15617, 36-15619, 36-15621, 36-15623, 36-16351, 36-16352, 36-16353, 36-16366, 36-16386, 36-16387, 36-16454, 36-16456, 36-16475, 36-16582, 36-16690, 36-16691, 36-16815, 36-2058B, 36-2058C, 36-2058D, 36-2075B, 36-2075D, 36-2075E, 36-2075F, 36-2191, 36-2193, 36-2233D, 36-2233G, 36-2410B, 36-2410C, 36-2410D, 36-2454B, 36-2530A, 36-2530B, 36-2591, 36-2619, 36-2620, 36-2653B, 36-2653N, 36-2653P, 36-2653Q, 36-4006, 36-7007B, 36-7021A, 36-7021C, 36-7041, 36-7391, 36-7580B, 36-7580C, 36-7580D, 36-7611B, 36-7795A, 36-7795B, 36-7830B, 36-8068B, 36-8068D, 36-8068E, 36-8068F, 36-8069N, 36-8069P, 36-8069Q, 36-8274A, 36-8274B, 36-8275B, 36-8404, 36-8475, 36-8777, 36-8778. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a point of diversion (POD) to 78 irrigation water rights with a combined Permissible Place of Use of 11,002.5 acres located northwest of the town of Minidoka. The new POD will be an existing well currently located on land owned by the applicant and will be limited to a flow rate of 6.7 cfs. The well is located approximately 6.6 miles north and 6.2 miles west from the town of Minidoka.

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 April 7, 2025. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Publish: March 20, 27, 2025
COL-NV-1627

✓ 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

March 13, 2025

H & E HOLDINGS LLC
1249 S HIGHWAY 27
OAKLEY, ID 83346-9755

RE: Transfer No. 89618
Water Right No(s). 45-14216, 45-586, 45-708

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 3/20/2025 and 3/27/2025**. 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 **April 7, 2025**.

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: Luke Marchant, attorney
Metropolitan Life Insurance Co., Overland Park, KS (Loan #'s 201817 & 196513)

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 13, 2025 12:58 PM
To: Jaxon Higgs (WD140)
Subject: Comment Letter for Transfer #89618 - H & E Holdings LLC
Attachments: Comment letter to WD140 for 89618.docx; Transfer 89618 (H & E Holdings).pdf

Good afternoon Jaxon,

Attached is an application for transfer located within WD140 currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this information, please feel free to contact Bill Mills at our office.

Thank you in advance,

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

March 13, 2025

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

Re: Transfer No. 89618 (H & E Holdings LLC)
Water Right No(s). 45-586, 45-708 & 45-14216

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)



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

March 13, 2025

WENDY WELLS
WATER DISTRICT 45A
2066 S 50 E
OAKLEY ID 83346-8705

Re: Transfer No. 89618 (H & E Holdings LLC)
Water Right No(s). 45-586, 45-708 & 45-14216

Dear Wendy:

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
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 13, 2025 1:01 PM
To: Dawson,Bradley
Subject: Comment Letter for Transfer #89618 - H & E Holdings LLC
Attachments: Comment letter to F&G for 89618.docx; Transfer 89618 (H & E Holdings).pdf

Hi Bradley,

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

If you have any questions regarding this information, please feel free to contact Bill Mills at our office.

Thank you in advance,

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

March 13, 2025

IDAHO DEPT OF FISH & GAME
BRADLEY DAWSON
324 S 417 E STE 1
JEROME ID 83338-6206

Re: Transfer No. 89618 (H & E Holdings LLC)
Water Right No(s). 45-586, 45-708 & 45-14216

Dear Mr. Dawson:

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

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**on or before April 7, 2025**).

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)



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

March 13, 2025

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

Submitted online via Column.us

RE: Transfer No. 89596
Water Right No(s). 36-13610, 36-13611, 36-16376, 36-17192, 36-7273B,
36-7460L, 36-7646

RE: Transfer No. 89618
Water Right No(s). 45-14216, 45-586, 45-708

RE: Transfer No. 89621
Water Right No(s). 36-2058B, etc.

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 **April 7, 2025**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89596**

MOUNTAIN VIEW LAND LLC, 695 N 700 E, RUPERT, ID 83350-8407 has filed Application No. 89596 for changes to the following water rights within LINCOLN & MINIDOKA County(s): Right No(s). 36-13610, 36-13611, 36-16376, 36-17192, 36-7273B, 36-7460L, 36-7646. The purpose of the transfer is to change a portion of the above rights as follows: The application proposes to transfer a 0.20 cfs & 99 acre-foot portion of a water right from an existing feedlot located approximately 2 miles north and 15.5 to 16.5 miles west of Minidoka to an existing dairy facility located approximately 2.5 miles south and 1.75 to 2.5 miles west of Minidoka. The application also proposes to modify the existing water rights (2.92 cfs & 528 acre-feet) at the dairy facility to allow for the drilling of two new wells at the dairy.

TRANSFER NO. 89618

H & E HOLDINGS LLC, 1249 S HIGHWAY 27, OAKLEY, ID 83346-9755 has filed Application No. 89618 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14216, 45-586, 45-708. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing a stockwater place of use (POU) for the stockwater portions of three surface water rights (0.24 cfs) to add new grounds to the POU. There will be no changes to points of diversion or irrigation portions of the water rights. Current POUs and proposed POU are located approximately 3.5 to 6.3 miles east and 1.0 to 4.0 miles north of Oakley.

TRANSFER NO. 89621

GLOBAL AG PROPERTIES II USA LLC, 2004 FOX DR STE L, CHAMPAIGN, IL 61820-7346 has filed Application No. 89621 for changes to the following water rights within LINCOLN & MINIDOKA County(s): Right No(s). 36-11290, 36-11340, 36-15366B, 36-15366C, 36-15366D, 36-15456A, 36-15456B, 36-15567, 36-15613, 36-15615, 36-15617, 36-15619, 36-15621, 36-15623, 36-16351, 36-16352, 36-16353, 36-16366, 36-16386, 36-16387, 36-16454, 36-16456, 36-16475, 36-16582, 36-16690, 36-16691, 36-16815, 36-2058B, 36-2058C, 36-2058D, 36-2075B, 36-2075D, 36-2075E, 36-2075F, 36-2191, 36-2193, 36-2233D, 36-2233G, 36-2410B, 36-2410C, 36-2410D, 36-2454B, 36-2530A, 36-2530B, 36-2591, 36-2619, 36-2620, 36-2653B, 36-2653N, 36-2653P, 36-2653Q, 36-4006, 36-7007B, 36-7021A, 36-7021C, 36-7041, 36-7391, 36-7580B, 36-7580C, 36-7580D, 36-7611B, 36-7795A, 36-7795B, 36-7830B, 36-8068B, 36-8068D, 36-8068E, 36-8068F, 36-8069N, 36-8069P, 36-8069Q, 36-8274A, 36-8274B, 36-8275B, 36-8404, 36-8475, 36-8777, 36-8778. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a point of diversion (POD) to 78 irrigation water rights with a combined Permissible Place of Use of 11,002.5 acres located northwest of the town of Minidoka. The new POD will be an existing well currently located on land owned by the applicant and will be limited to a flow rate of 6.7 cfs. The well is located approximately 6.6 miles north and 6.2 miles west from the town of Minidoka.

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 **April 7, 2025**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Published on March 20th & 27th, 2025

Mills, Bill

From: luke@waterlawidaho.com
Sent: Friday, March 7, 2025 11:01 AM
To: Mills, Bill
Subject: RE: H & E Holdings Transfer Application #89618
Attachments: POU Page_Transfer Application #89618.pdf

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

Bill,

The map is correct. I have attached a corrected version of the grid page from the transfer.

Thank you!



Confidentiality Notice: The information contained in this e-mail and any accompanying attachments, all of which may be confidential and/or privileged, is intended only for use by the person or entity to whom it is addressed. If you are not the intended recipient, any unauthorized use, disclosure, or copying of this e-mail and its contents is strictly prohibited and may be unlawful. If you are not the intended recipient, please immediately notify me by return email and delete the original message and all copies from your system. Thank you.

From: Mills, Bill <Bill.Mills@idwr.idaho.gov>
Sent: Friday, March 7, 2025 9:35 AM
To: luke@waterlawidaho.com
Subject: FW: H & E Holdings Transfer Application #89618

Here's an attachment I meant to send with the last email,
Bill

From: Mills, Bill
Sent: Friday, March 7, 2025 8:04 AM
To: luke@waterlawidaho.com
Subject: H & E Holdings Transfer Application #89618

Luke,
I found one discrepancy with the transfer application for H & E Holdings, LLC (#89618). The place of use (POU) grid indicates that the SESW1/4 in Section 29 is part of the POU, while it isn't part of the proposed POU on the map. The

parcel layer in ArcMap indicates that quarter-quarter is owned by Jared Bedke. So, I'm guessing the map is correct? If it's the grid that's incorrect, an email indicating that is the case will suffice. If the map is wrong, then a corrected map is needed.

Thanks,



Bill Mills

Sr Water Resource Agent

Idaho Dept. of Water Resources, Southern Region

650 Addison Ave W Ste 500

Twin Falls ID 83301-5858

(208) 736-3033

bill.mills@idwr.idaho.gov

MEMORANDUM

Date: March 6, 2025
To: Transfer 89618
From: William Mills
Re: Transfer Proposal

Application proposes changing a stockwater place of use (POU) for the stockwater portions of three surface water rights (0.24 cfs) to add new grounds to the POU. There will be no changes to points of diversion or irrigation portions of the water rights. Current POUs and proposed POU are located approximately 3.5 to 6.3 miles east and 1.0 to 4.0 miles north of Oakley.

Points of diversion (PODs) are located in Water Districts 45A and 140, Watermaster comments will be solicited.

MEMORANDUM

Date: March 6, 2025
To: Transfer 89618
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #89618 were based on the current transfer fee schedule and included \$500.00 for the 0.24 cfs being transferred in the application (Receipt No.S040532).