

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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) MMLH LLC
Mailing Address 101 E Main Street 202, Rexburg, ID 83440
Email* dan@moldenhauerinc.com Phone _____
Name of Representative (if any) Rocky Mountain Environmental Associates, Inc.
Mailing Address 482 Constitution Way Suite 303, Idaho Falls, ID 83402
Email* thane.rmea@gmail.com Phone (208) 524-2353

*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.

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.

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	
01S	32E	1									1.1								1.1

Total Irrigated Acres to be Changed: 1.1

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:

Applicant intends to construct a new gas station and convenience/hardware store. Alone, the transferred water right can provide the consumptive volume associated with the proposed commercial business. However, the diversion rate would be inadequate to satisfy peak instantaneous demand. Thus, it is paired with a new Application for Permit to obtain a reasonable diversion rate. Together, the rights will not exceed the rate of 0.3 cfs and a volume of 3.1 afa.

Ownership will be updated after approval of the applications.

90002

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
☐ ☐				to	
☒ ☐	35-7449B	0.02 cfs	Commercial	01/01 to 12/31	Groundwater
☐ ☐		3.1 afa		to	
☐ ☐				to	
☐ ☐				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: 0.02 cfs and/or _____ 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.

☐ 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
Y	12N	43E	17	8		SE	SW	Fremont	Groundwater	New

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	
12N	43E	17												C					
														(L8)					

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.

None

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

None

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 120. ☐ 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.

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.

None

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.

None

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.

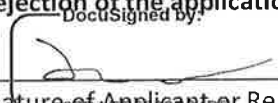
Applicant will construct pump capable of pumping the required rate. A meter will be included in the pump design.

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.

 Signature of Applicant or Representative*	Justin Taylor Print Name and Title, if applicable	Member 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>450.00</u>	Receipt #: <u>E051063</u>	Date: <u>8-11-25</u>	Received by: <u>M. Petter</u>
Add'l Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____

Date:
 To: Idaho Department of Water Resources
 From: MMLH, LLC, Justin Taylor (Member)
 Subject: Applications for Transfer of Water Right 35-7449B

MMLH, LLC has entered into a purchase agreement with Rocky Mountain Water Exchange, LLC for the above-described water right(s) in the amount of 1.1 acres, as shown in Figure 1. As a part of the agreement, a transfer application must be filed to amend the water right to cover property owned by us. We are submitting this application for transfer, with the understanding that title to the water right(s) can only be transferred upon execution and recording of a deed for the water right(s).

I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct. Idaho Code § 9-1406; Idaho Rule of Civil Procedure 2.7.

DocuSigned by:

 Justin Taylor
 MMLH, LLC

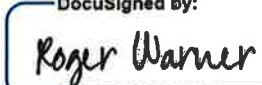
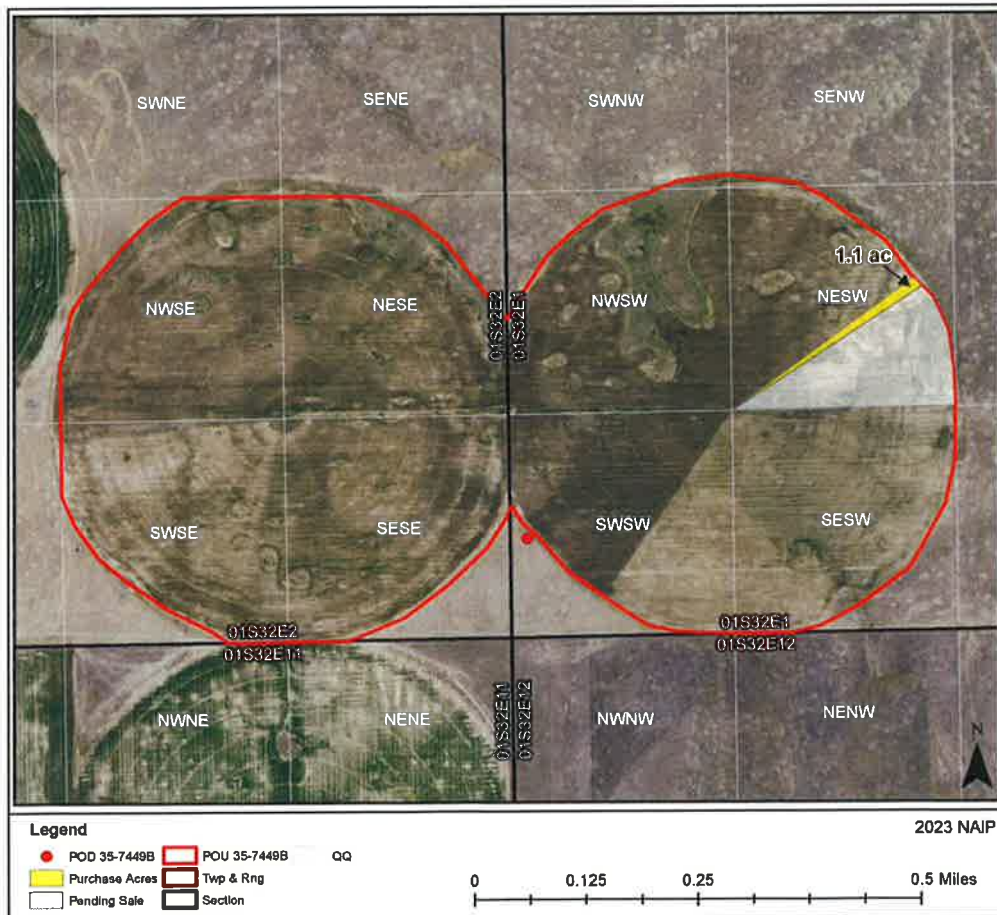
DocuSigned by:

 W. Roger Warner, Managing Member
 Rocky Mountain Water Exchange, LLC

Figure 1. Map of Water Right for Purchase



MEMORANDUM OF OPTION AGREEMENT

THIS MEMORANDUM OF OPTION AGREEMENT is entered into this 27th day of March, 2025, (the "Effective Date") by and between the following parties:

1. **Phillips Brothers Farm & Livestock, LLC**, an Idaho limited liability company, whose address is 1851 W 600 N, Blackfoot, ID 83221 (hereinafter "Seller"); and
 2. **Rocky Mountain Water Exchange, LLC**, an Idaho limited liability company, whose address is 482 Constitution Way, Suite 303, Idaho Falls, Idaho 83402 (hereinafter "Buyer")
-
- A. Seller owns Water Right No. 35-7449B (the "Water Right"), which was decreed on January 31, 2002 in the Snake River Basin Adjudication by the District Court for the Fifth Judicial District of Idaho for irrigation purposes with a priority date of October 15, 1974.
 - B. Pursuant to a certain Option Agreement for Purchase and Sale of Water Right ("Option Agreement"), Seller has granted Buyer an exclusive option and right to purchase 138 acres of the Water Right, which acres are illustrated in Attachment 1.

NOW, THEREFORE, in order to provide public notice thereof, Seller and Buyer recite as follows:

1. Buyer and Seller acknowledge and agree that the Water Right is subject to Buyer's exclusive right to purchase under the terms and conditions of the Option Agreement.
2. Buyer and Seller acknowledge and agree that the Water Right is subject to Buyer's exclusive right to purchase under the terms and conditions of the Option Agreement.
3. Buyer and Seller agree that Buyer may submit Applications for Transfer of portions of the Water Right to accomplish changes necessary for the sale of the Water Right.

IN WITNESS WHEREOF, the undersigned have duly executed this Memorandum of Option Agreement effective as of the Effective Date.

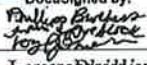
[SIGNATURES ON FOLLOWING PAGE]

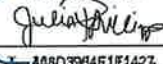
“SELLER”

**PHILLIPS BROTHERS FARM & LIVESTOCK
LLC**

DocuSigned by:

By: Nathan Phillips, Member

DocuSigned by:

By: Jesse Phillips, Member

DocuSigned by:

By: Julia Phillips, Member

Signed by:

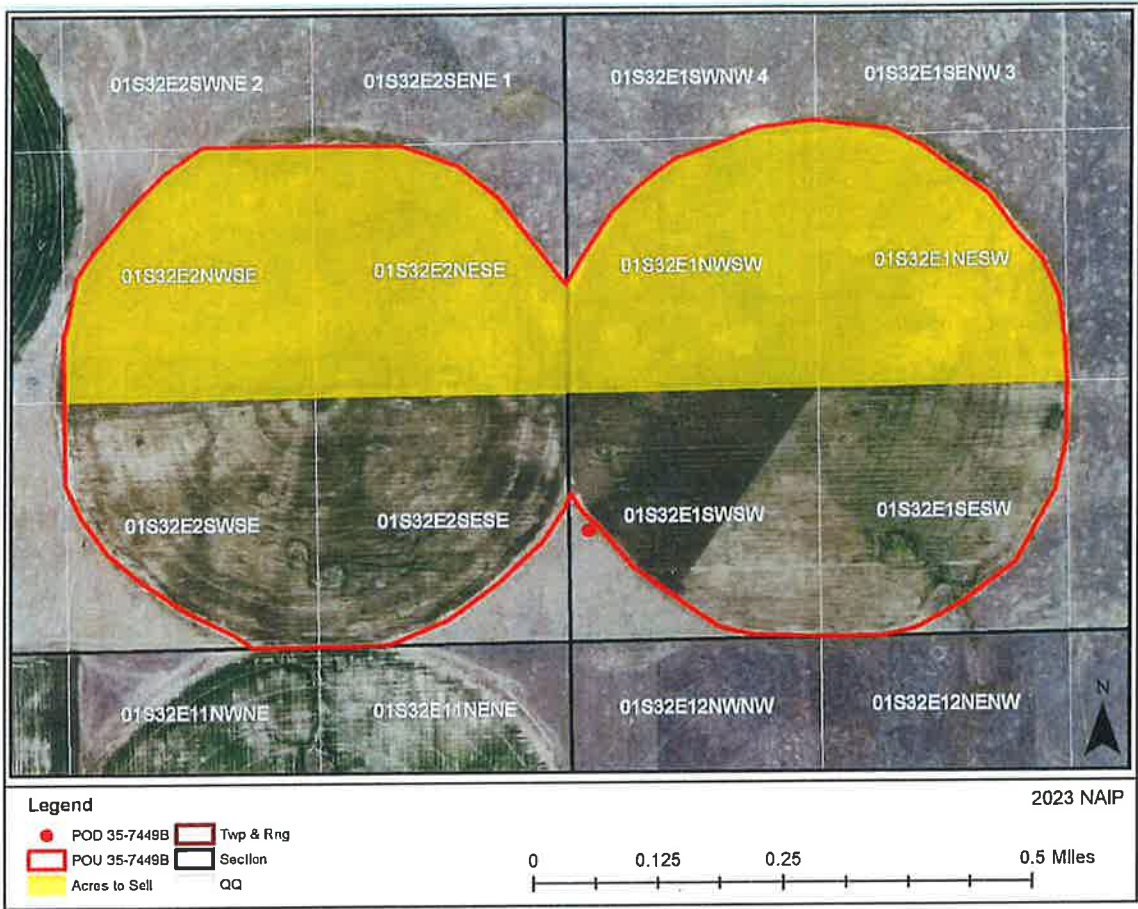
By: Lori Phillips, Member

“BUYER”

**ROCKY MOUNTAIN WATER EXCHANGE,
LLC**


By: W. Roger Warner
Its: Managing Member

Attachment 1
Map of the 138-acre Water Right





6300 C Street SW, MS 3B-CR
Cedar Rapids, IA 52499

August 7, 2025

Attn: Kristin Moore
Idaho Department of Water Resources
482 Constitution Way, Suite 303
Idaho Falls, Idaho 83402
E-mail: Kristin.rmea@gmail.com

RE: Loan Nos.: 60724129 and 60716228
Water Right No.: 35-7449B

Dear Ms. Moore:

Phillips' Brothers Farm & Livestock, LLC, an Idaho limited liability company (the "**Borrower**") requested that AXA Equitable Life Insurance Company n/k/a Equitable Financial Life Insurance Company, a New York corporation ("**Lender**") consent to the Idaho Department of Water Resources consideration of the sale and transfer of 138 acres of Water Right No. 35-7449B. Lender holds a Notice of Security interest in a Water Right for said Water Right, receipted on July 18, 2016 and approved on July 27, 2016, by the Idaho Department of Water Resource, and is further represented by a certain Mortgage, Security Agreement, Assignment of Rents and Fixture Filing, dated and recorded in the records of Bingham County, Idaho, on July 13, 2016, as Instrument No. 678010, as modified by that certain Modification Agreement dated April 29, 2024, recorded on May 2, 2024, as Instrument No. 762082, and a Mortgage, Security Agreement, Assignment of Rents and Fixture Filing dated and recorded in the records of Bingham County, Idaho on April 29, 2024, as Instrument No. 762013 (the "**Mortgages**") securing payment of the indebtedness evidenced by certain Fixed Interest Rate Promissory Notes from Borrower to Lender dated July 13, 2016 and April 29, 2024, in the aggregate original principal amount of Two Million Five Hundred Thousand and No/100 Dollars (\$2,500,000.00) (the "**Notes**").

This letter is to advise you that the Lender hereby consents to the sale and transfer of 138 acres of Water Right 35-7449B. This consent is for this request only and does not constitute a consent for future requests. The Lender specifically reserves the right to insist on strict compliance with all provisions set forth in the original loan documents.

Please contact this office if you have any questions regarding this matter.

Very truly,

EQUITABLE FINANCIAL LIFE INSURANCE COMPANY

By: Ken Hibbard
Ken Hibbard, Investment Officer

cc: Lance Bethke

Water Right Report : 35-7449-B (Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	PHILLIPS BROTHERS FARM & LIVESTOCK	1851 W 600 N	BLACKFOOT	ID	83221-5056
Original Owner	KEITH WILCOX & SONS INC	4891 S HWY 191	REXBURG	ID	83440
Previous Owner	MAX DEAN M D RETIREMENT TRUST	PO BOX 962	BOISE	ID	83701
Security Interest	AXA EQUITABLE LIFE INSURANCE CO	C/O AXA EQUITABLE AGRIFINANCE LLC 6300 C ST SW	CEDAR RAPIDS	IA	52404-7470
Security Interest	THE BANK OF COMMERCE	PO BOX 1046	BLACKFOOT	ID	83221-1046

Water Right Status

Priority Date : 10/15/1974
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	01S	32E	1	0				SW SW BINGHAM	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	3.76 CFS	1093.20 AFA
TOTAL			3.76 CFS	1093.20 AFA

Places of Use



Place of Use Legal Description : IRRIGATION (BINGHAM county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01S	32E	1	4	SW	NW	0.5	
01S	32E	1	3	SE	NW	0.5	
01S	32E	1		NE	SW	34.0	
01S	32E	1		NW	SW	34.0	
01S	32E	1		SW	SW	33.0	
01S	32E	1		SE	SW	33.0	
01S	32E	1		SW	SE	0.3	
01S	32E	2		NE	SE	34.0	
01S	32E	2		NW	SE	35.0	
01S	32E	2		SW	SE	35.0	
01S	32E	2		SE	SE	34.0	

Irrigation Totals

Total Acres Acre Limit
273.30

Conditions

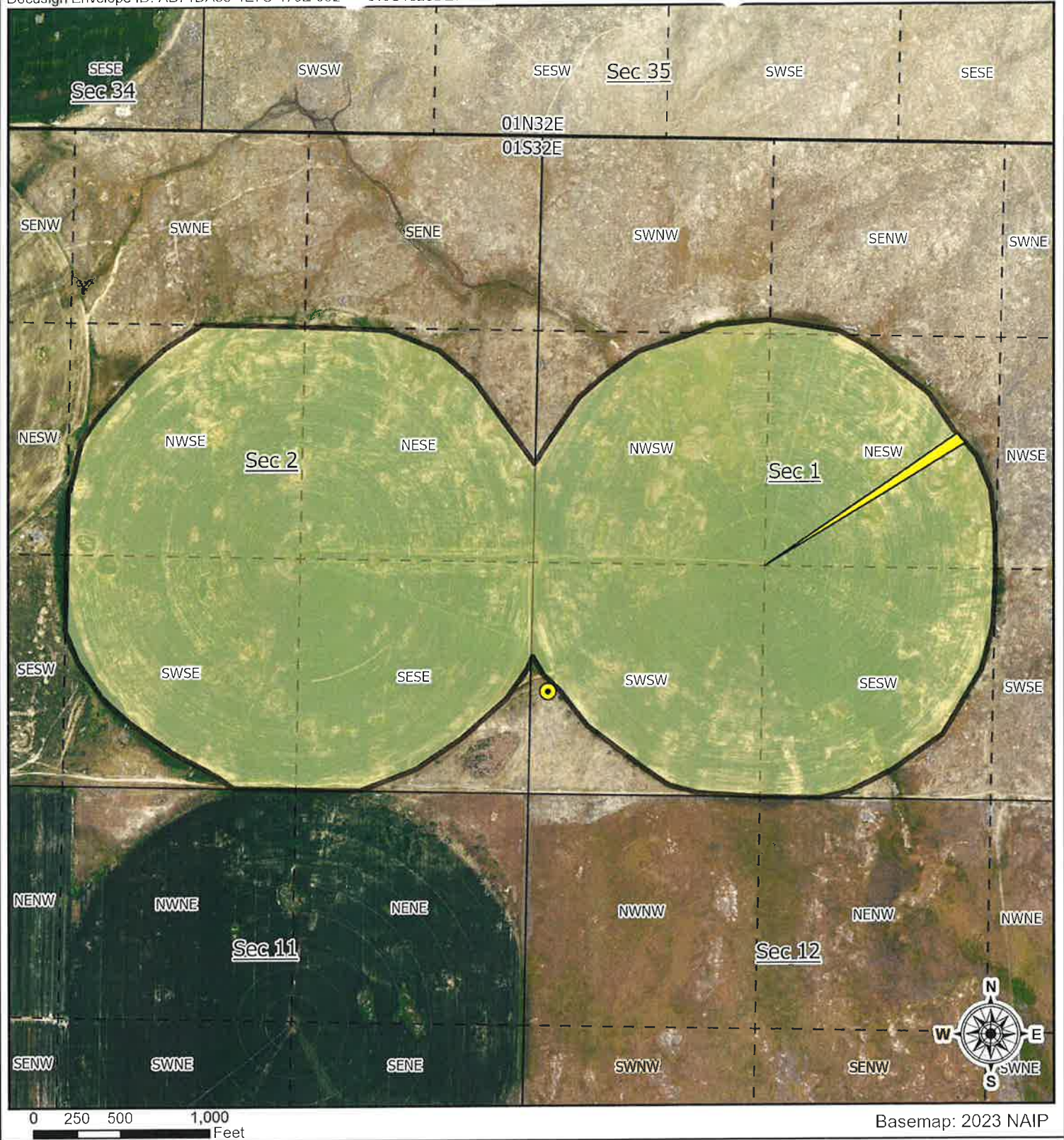
Code Conditions

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	Other Information
Licensed Date :	State or Federal : S
Decreed Date : 1/31/2002	Water District Number : 120
Permit Proof Due Date :	Generic Max Rate Per Acre : 0
Permit Proof Made Date :	Generic Max Volume Per Acre : 0
Permit Approved Date :	Civil Case Number :
Permit Moratorium Expiration Date :	Decree Plaintiff :
Enlargement Use Priority Date :	Decree Defendant :
Enlargement Statute Priority Date :	Swan Falls Trust or Nontrust :
Application Received Date:	Swan Falls Dismissed :
Protest Deadline Date:	DLE Act Number :
	Cary Act Number :
	Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

6/25/2025



Basemap: 2023 NAIP

Attachment 2B: Map of Current System

Legend

- Acres To Transfer (1.1 Ac)
 - 35-7449B POD
 - 35-7449B POU
 - QQ
 - Section
 - Township & Range
- 90002

MMLH LLC
 101 E Main Street 202 Rexburg
 Application for Transfer

Date: 6/27/2025

RMEA #: 25-0058

Drafted by: TK





Attachment 3C: Map of Proposed System

Legend

- Proposed POD
- Proposed POU
- QQ
- Section

Fremont County

RGB

- Red: Band_1
- Green: Band_2
- Blue: Band_3

MMLH LLC
101 E Main Street 202 Rexburg
Application for Transfer

Date: 7/3/2025

RMEA #: 25-0058

Drafted by: TK



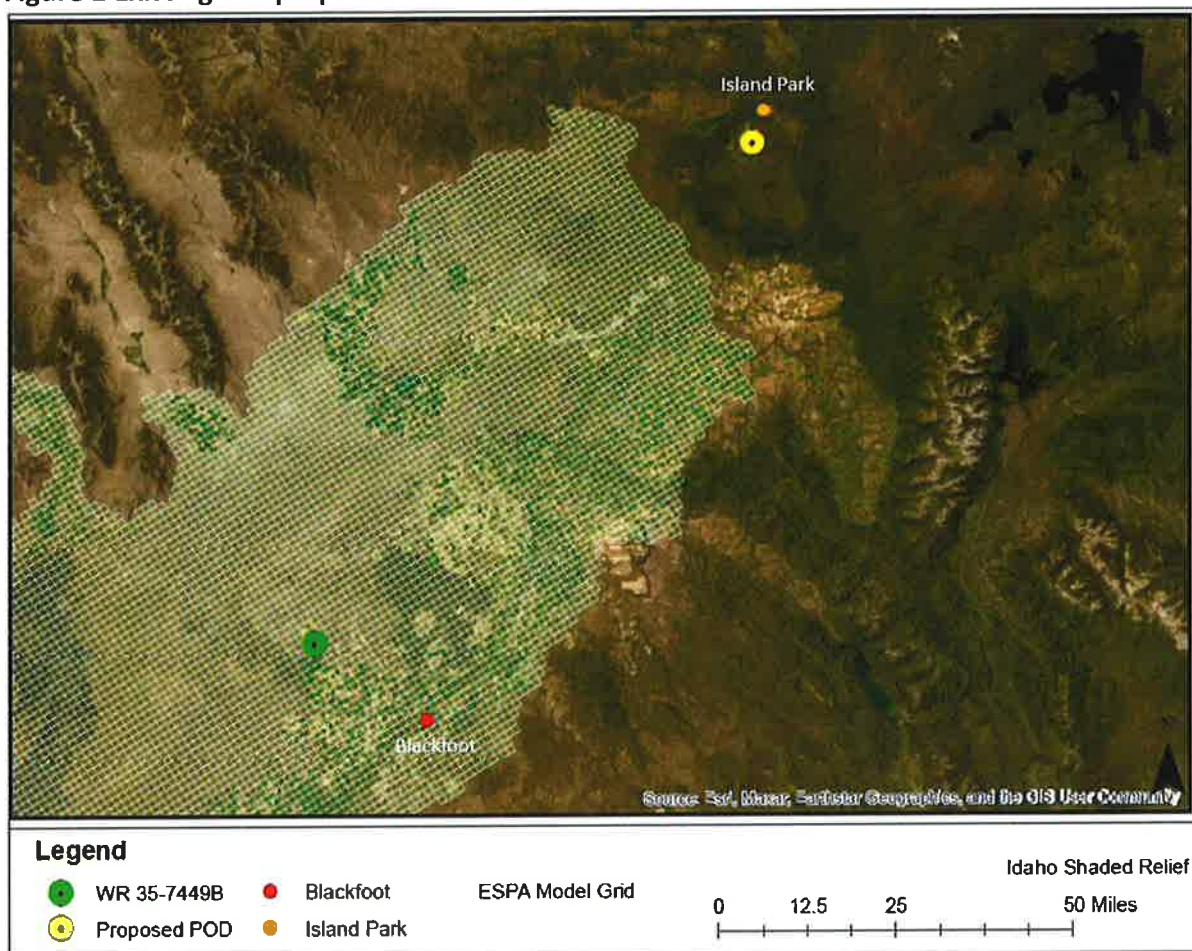
90002

Hydrologic Analysis

MMLH, LLC

Applicant proposes to transfer 3.1 acre-feet annually (afa) from a well located near Blackfoot in SWSW, Section 1, T01S R32E ("From" Well; model-grid cell row 65 column 128) to a location outside of the Eastern Snake River Plain Aquifer Model version 2.2 (ESPAM2.2) grid. The location is south of Island Park in Last Chance in SESW Section 17, T12N R43E ("To" Well; see Figure 1). The purpose of this report is to quantify the changes to reaches of the Snake River that would result from the proposed transfer.

Figure 1 Existing and proposed well locations with ESPAM Grid cells

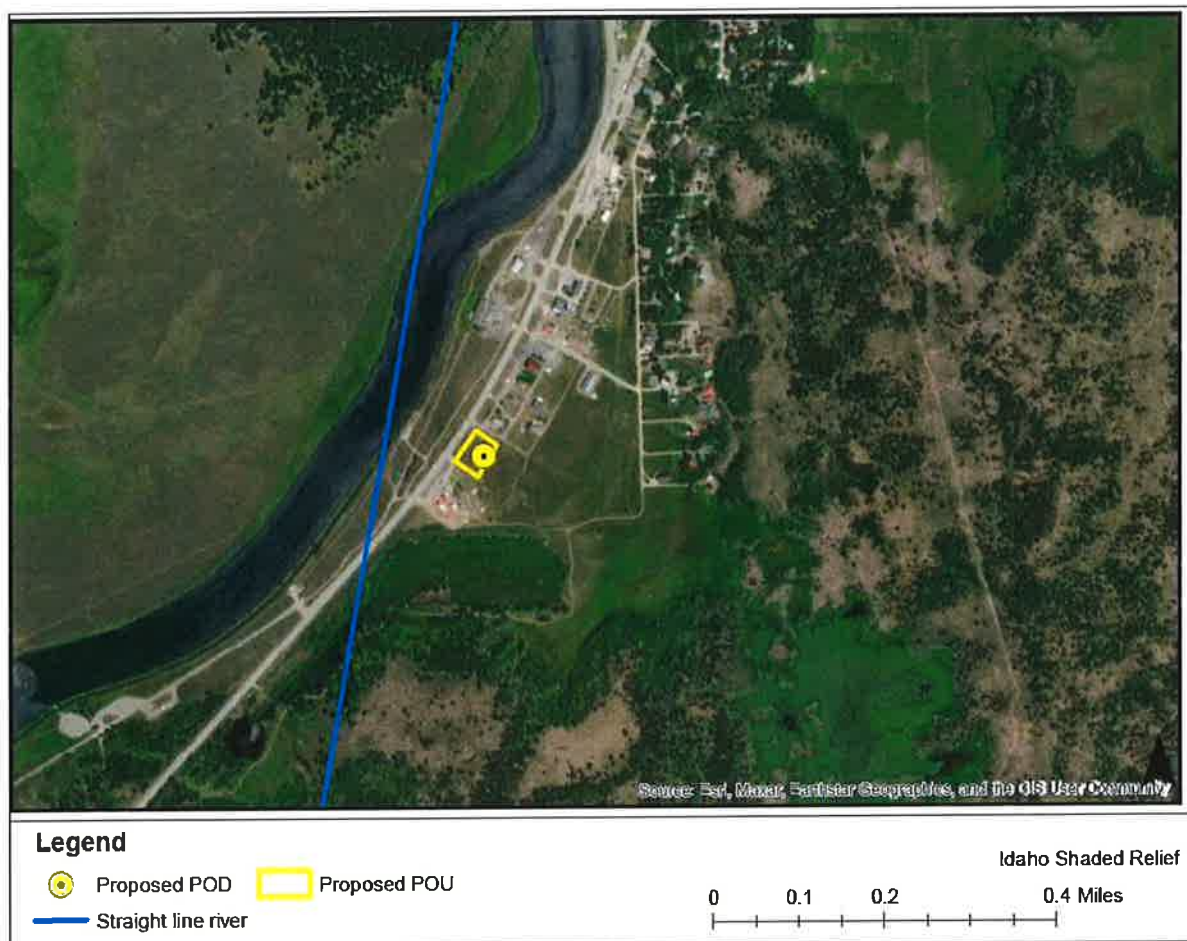


Analysis of Effects at "To" Well Location

As the "To" Well is not located within the boundary of the Eastern Snake River Plain Aquifer version 2.2 (ESPAM2.2), Idaho Department of Water Resources' (IDWR's) Transfer Analysis Spreadsheet version 3.4 (Transfer Tool) could not evaluate the depletionary effects at the "To" Well. Instead, Rocky Mountain Environmental Associates (RMEA) applied a modified Jenkins method of computing the fraction of stream (or river) depletion by wells (Jenkins, 1968). The original Jenkins method provides tools that simplify the computations first introduced by Glover and Balmer (1954). The modified method used for this analysis was designed to specifically apply to wells located adjacent to one river (Contor, 2011), as is

the case here (Figure 2). By conservation of mass, the pumping volume of 3.1 afa will eventually propagate to the Henry's Fork River and its tributaries, equilibrating to 1.03 af/trimester on average.

Figure 2 Site specific location of proposed well relative to assumed-straight-line river used in Jenkins method



The modified Jenkins analysis provides estimates of the timing of accrual of effects to the Henry's Fork and its tributaries, and is compatible with the conservation of mass approach; in Jenkins modification the river is the sole source of water to the aquifer and therefore all effects eventually are indicated to come from the river. A detailed description of methods are as follows:

The input data requirements of the Jenkin's method are as follows:

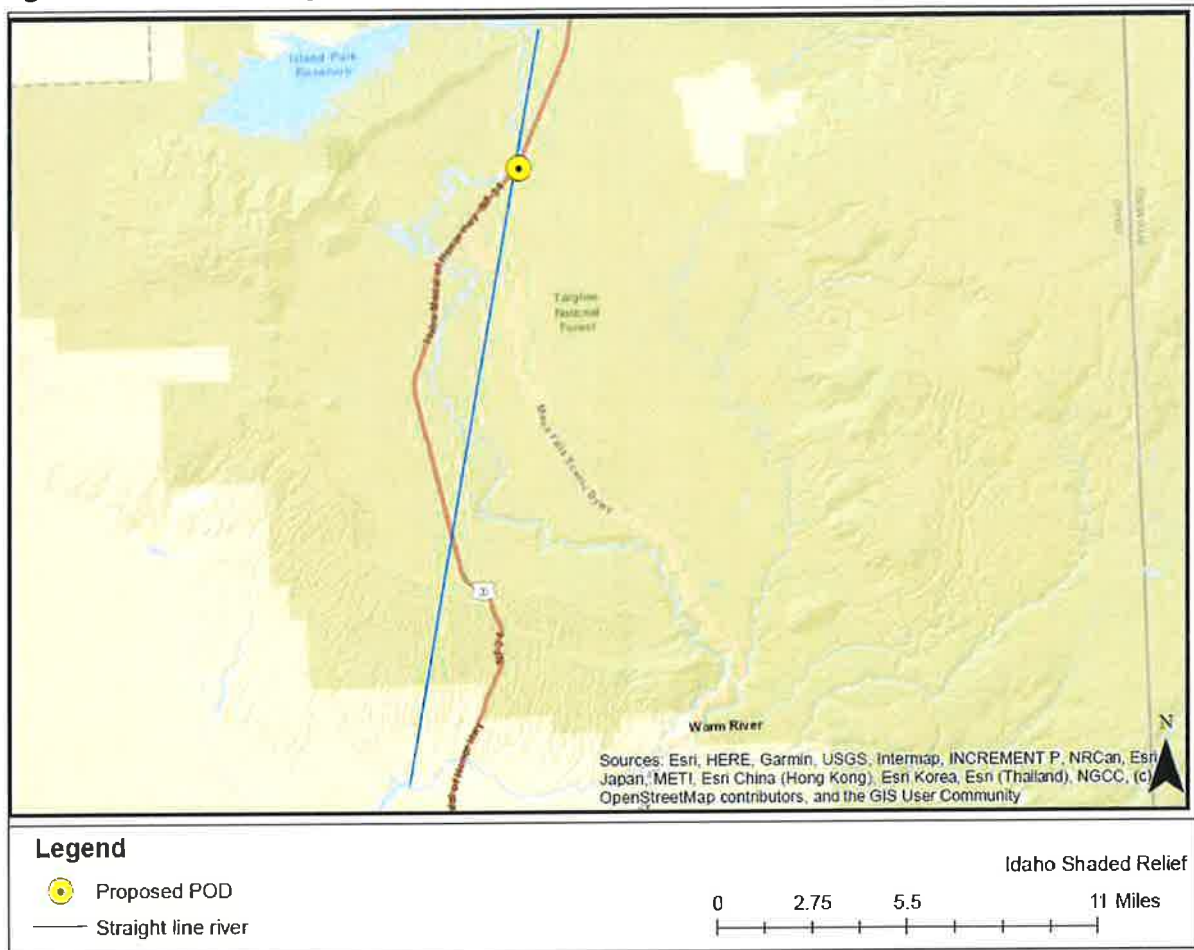
- Distance of pumping from the river:* The proposed well location is approximately 619 feet (ft) east of Henry's Fork.
- Specific yield of the aquifer:* The driller's report (also known as well logs) for seven surrounding wells suggest that the aquifer is largely composed of fractured rhyolite and basalt (IDWR, 2025; Appendix A). Thus, a specific yield of 0.05, which is normal for fractured basalts (Woessner and Poeter, 2020), should adequately represent the aquifer.

- *Transmissivity of the aquifer:* Clearwater Geoscience, LLP (2023) conducted a pumping test in well 0099471 owned by Blake Hansen. The data were analyzed and yields a transmissivity of approximately 1,388 square feet per day (ft²/day).

All uses and modifications of the Jenkins method include several assumptions about aquifer and river systems when modeling river depletion. Referring to these assumptions, Jenkins states, “The usefulness of the tools presented in this report will depend to a large extent on the degree to which the user recognizes departures from ideal conditions, and on how well they understand the effects of these departures on stream depletion.” To understand the effects of the assumptions made in this analysis, RMEA will discuss each assumption individually and how it will affect the results.

1. The river is infinitely long
Contor (2011) used MODFLOW and image-well reasoning to prove that *“The Jenkins Method may be used regardless of the length of stream connected to the aquifer, when the connection is limited by no-flow boundaries on either side of the pumping well”* as is the case with this analysis.
2. The aquifer is semi-infinite; the only boundary to the aquifer is the connected river
Miller (2007) and Contor (2011) addressed this condition and concluded that stream depletion factors for locations closer to the river than to the aquifer boundary do not reflect impermeable-boundary effects. In this analysis the pumping well is approximately 619 feet from the river with all other boundaries at a far greater distance (approximately 32,600 ft east) in comparison giving those other boundaries a negligible effect.
3. The results aggregate the effect upon the entire length of the river
The entire length of the river will be affected by the proposed well. The pumping volume will eventually propagate to the Henry’s Fork River and its tributaries meeting the requirements of this assumption.
4. The river is straight
RMEA drew an assumed-straight-line river that generally followed the course of the actual river. Figure 3 shows the assumed strait-line river relative to a large portion of the river. In places where the actual river is closer to the well than the assumed-straight-line river, the estimates produced by the analysis will be lower than actual values. In cases where the river is further from the proposed well than the assumed-straight-line river is, the estimates produced by the analysis will be higher than actual values.

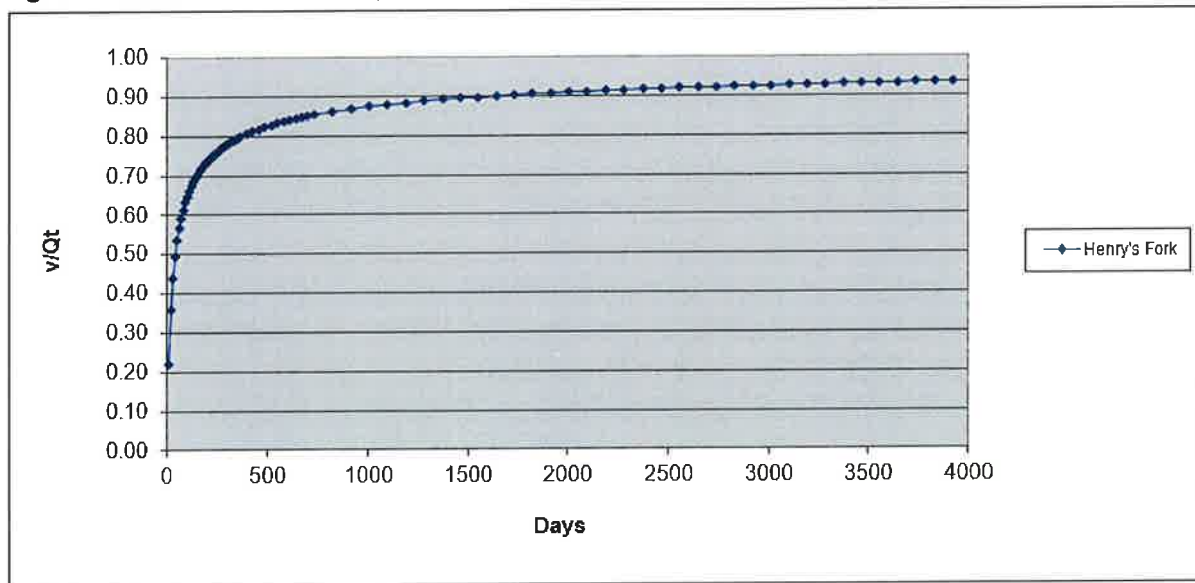
Figure 3 Assumed-straight-line river used in Jenkins method



5. The river fully penetrates and is in full communication with the aquifer
The Snake River Plain aquifer is hosted in layers basalts and interbedded sediments and there are places where the flow of the Snake River is composed predominately of aquifer discharge (Cosgrove et. al., 1999). The same assumption is given to the basalt layers underlying Henry' Fork.
6. The aquifer is homogeneous and uniform
Each of the eight well logs examined during this analysis (see above) suggest that the aquifer is largely composed of fractured basalt. As such, RMEA views this assumption as reasonably met.
7. Saturated thickness of the aquifer is constant over time
At the scale of the pumping well and the size of the Eastern Snake River Plain Aquifer the cone of depression created from pumping and the rebound of this cone of depression are negligible and the saturated thickness is reasonably assumed to be constant over time. Similarly, the seasonal variation over the course of a year is negligible when the pumping is looked at over the course of several years.

Figure 4 shows the indicated ratio " v/Q " (where v indicates the volume of withdrawal from the river and Q represents the volume of pumping from the diversion) for the analysis conducted. These values can be scaled to any volume simply by multiplying the fraction by said volume. As Figure 4 shows a "plateau effect" (i.e. the fraction remain steady as time increases) two and a half years after the onset of pumping, the steady-state fraction is assumed to be the fraction of depletion after two years, which is 0.87.

Figure 4 Fraction of water depleted from nearby rivers after the onset of pumping



Analysis of Effects at "From" Well Location

To evaluate the beneficial effects of the cessation of pumping at the "From" Well, IDWR's Transfer Tool was used. Excerpts of the model run are included as Figures 5-7. The analysis was performed based on consumptive use values. Input values for the "From" Well were determined as follows:

$$\text{Equation 1: } \frac{3.1 \text{ afa}}{3 \text{ trimesters}} = 1.03 \text{ af per trimester}$$

By retiring the proposed 3.1 afa at the "from" Well, a benefit is created in the reaches of the Snake River, including a benefit in the Henry's Fork. In the Ashton to Rexburg reach, transient effects begin at 0.00 af/trimester and progress gradually to 0.026 af/trimester at steady state.

Net Effects of Proposed Transfer Steady State

Using both of the analyses described above, the net effects can be calculated by subtracting the benefits accrued by the cessation of pumping from the impacts of the proposed pumping as in Equation 2. Since 100% of the proposed pumping will accrue to the Henry's Fork, only net effects to the Henry's Fork are calculated. All net effects to other reaches of the Snake River are *de minimus* amounts below IDWR's mitigation threshold.

*Equation 2: Net Effects to the Henry's Fork = Depletionary Effects of Proposed Pumping –
Accruals Created by Cessation of Pumping*

In Equation 2, the sign convention dictates that a positive number represents a depletion from the river and a negative number represents an accrual to the river. When applied to the steady state calculations, Equation 2 yields the following results:

$$\text{Equation 2: } 1.03 \frac{\text{af}}{\text{tri}} \text{ due to proposed pumping} - 0.026 \frac{\text{af}}{\text{tri}} \text{ due to cessation of pumping} = \\ 1.01 \frac{\text{af}}{\text{tri}} \text{ net effects to the Henry's Fork}$$

Because 1.01 af/trimester is less than the IDWR-defined-de minimums threshold of two (2) af/trimester, **no mitigation is required for this transfer when modeled at steady state.**

Net Effects of Proposed Transfer Transient

As with the steady state calculations, transient effects were calculated using Equation 2 and its associated sign convention. The calculations and results are shown in Table 1. Because the transient accruals due to the cessation of pumping increase as pumping continues, Table 1 shows the net effects of pumping.

Table 1 Net effect of pumping 2025-2032

Trimester	Proposed Pumping	Cessation of Pumping	Net Effects
SUM 2025	0.70	0.00	0.70
WIN 2025	0.78	0.00	0.78
SPR 2026	0.83	0.00	0.83
SUM 2026	0.85	0.00	0.85
WIN 2026	0.87	0.00	0.87
SPR 2027	0.88	0.00	0.88
SUM 2027	0.89	0.00	0.89
WIN 2027	0.90	0.00	0.90
SPR 2028	0.90	0.00	0.90
SUM 2028	0.91	0.00	0.91
WIN 2028	0.91	0.00	0.91
SPR 2029	0.92	0.00	0.92
SUM 2029	0.92	0.00	0.92
WIN 2029	0.92	0.00	0.92
SPR 2030	0.93	0.00	0.92
SUM 2030	0.93	0.01	0.92
WIN 2030	0.93	0.01	0.92
SPR 2031	0.94	0.01	0.92
SUM 2031	0.94	0.01	0.92
WIN 2031	0.94	0.02	0.92
SPR 2032	0.94	0.02	0.92
SUM 2032	0.94	0.03	0.92
WIN 2032	0.95	0.03	0.92

Because the net effects at transient steady state are never greater than the IDWR-defined- *de minimis* threshold of 2 af/trimester, **no mitigation is required for this transfer when modeled at transient state.**

Conclusions

In this summary, this analysis used the modified Jenkin's method and IDWR's Transfer Tool to calculate the net effects to the Henry's Fork that will result due to the proposed transfer. **The results suggest that the transfer analysis requires no mitigation at both transient and steady states.**

Figure 5 Excerpt of Data Entry Page

ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR: 1974

SEASON: SUMMER

TRANSFER NO: 0

TRANSFER NAME: Moldenhauer

UPDATE
DATES

RUN
MODEL

GET
OUTPUT

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	TO CELL	FROM1 CELL	FROM2 CELL	FROM3 CELL
ROW	41	65	0	0
COLUMN	202	128	0	0

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SUM 1974	0.00	1.03	1.03	0.00	0.00	0.00	0.00
WIN 1974	0.00	1.03	1.03	0.00	0.00	0.00	0.00
SPR 1975	0.00	1.03	1.03	0.00	0.00	0.00	0.00
SUM 1975	0.00	1.03	1.03	0.00	0.00	0.00	0.00
WIN 1975	0.00	1.03	1.03	0.00	0.00	0.00	0.00
SPR 1976	0.00	1.03	1.03	0.00	0.00	0.00	0.00
SUM 1976	0.00	1.03	1.03	0.00	0.00	0.00	0.00
WIN 1976	0.00	1.03	1.03	0.00	0.00	0.00	0.00
SPR 1977	0.00	1.03	1.03	0.00	0.00	0.00	0.00
SUM 2023	0.00	1.03	1.03	0.00	0.00	0.00	0.00
WIN 2023	0.00	1.03	1.03	0.00	0.00	0.00	0.00
SPR 2024	0.00	1.03	1.03	0.00	0.00	0.00	0.00
SUM 2024	0.00	1.03	1.03	0.00	0.00	0.00	0.00
WIN 2024	0.00	1.03	1.03	0.00	0.00	0.00	0.00
SPR 2025	0.00	1.03	1.03	0.00	0.00	0.00	0.00
SUM 2025	0.00	0.00	1.03	0.00	0.00	0.00	0.00
WIN 2025	0.00	0.00	1.03	0.00	0.00	0.00	0.00
SPR 2026	0.00	0.00	1.03	0.00	0.00	0.00	0.00
SUM 2026	0.00	0.00	1.03	0.00	0.00	0.00	0.00
WIN 2026	0.00	0.00	1.03	0.00	0.00	0.00	0.00
SPR 2027	0.00	0.00	1.03	0.00	0.00	0.00	0.00
SUM 2027	0.00	0.00	1.03	0.00	0.00	0.00	0.00
SUM 2121	0.00	0.00	1.03	0.00	0.00	0.00	0.00
WIN 2121	0.00	0.00	1.03	0.00	0.00	0.00	0.00
SPR 2122	0.00	0.00	1.03	0.00	0.00	0.00	0.00
SUM 2122	0.00	0.00	1.03	0.00	0.00	0.00	0.00
WIN 2122	0.00	0.00	1.03	0.00	0.00	0.00	0.00
SPR 2123	0.00	0.00	1.03	0.00	0.00	0.00	0.00
SUM 2123	0.00	0.00	1.03	0.00	0.00	0.00	0.00
WIN 2123	0.00	0.00	1.03	0.00	0.00	0.00	0.00
SPR 2124	0.00	0.00	1.03	0.00	0.00	0.00	0.00

Figure 6 Net Transfer Graph

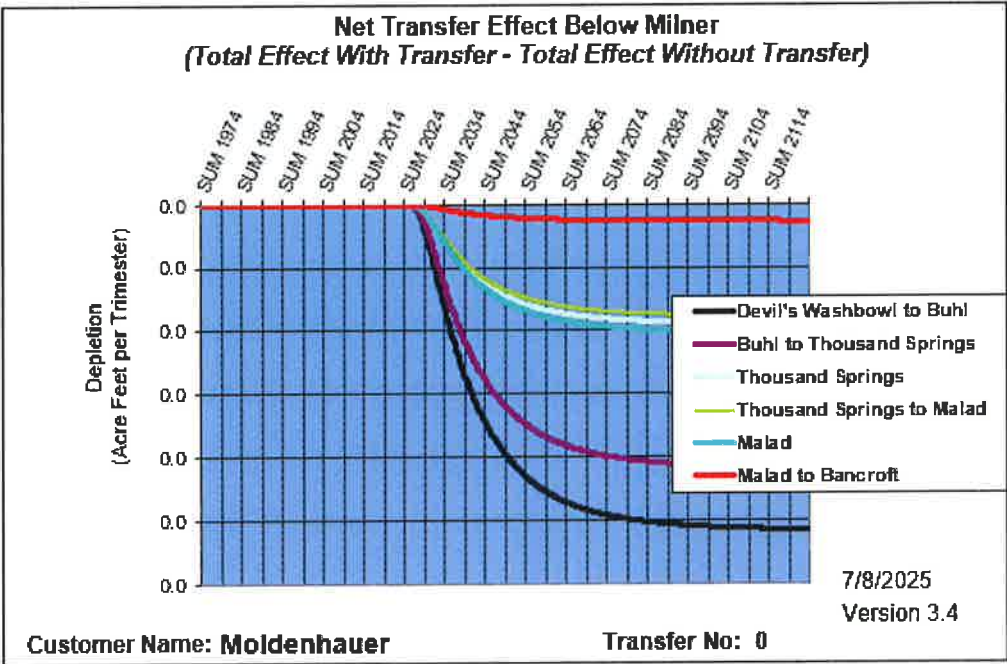
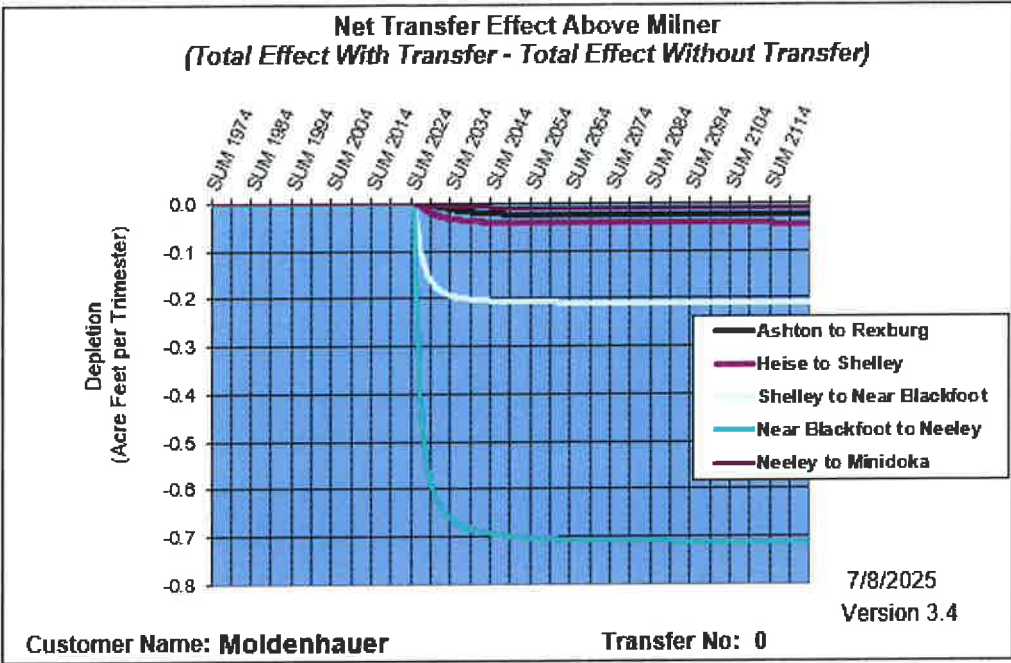


Figure 7 Excerpt of Calculated Effects

Net Transfer Effect (AF/four months)												
	Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bickft	Nr Bickft Neeley	Neeley to Minidoka	Dev. Wbl. Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft	
SUM 1974	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
WIN 1974	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SPR 1975	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SUM 1975	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
WIN 1975	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SPR 1976	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SUM 1976	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
WIN 1976	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SPR 1977	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SUM 2023	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
WIN 2023	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SPR 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SUM 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
WIN 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SPR 2025	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SUM 2025	0.0	0.0	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
WIN 2025	0.0	0.0	-0.1	-0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SPR 2026	0.0	0.0	-0.1	-0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SUM 2026	0.0	0.0	-0.1	-0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
WIN 2026	0.0	0.0	-0.1	-0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SPR 2027	0.0	0.0	-0.1	-0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SUM 2121	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
WIN 2121	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SPR 2122	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SUM 2122	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
WIN 2122	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SPR 2123	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SUM 2123	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
WIN 2123	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
SPR 2124	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Preexisting Effects @ SS (Last Time Step)	0.03	0.04	0.21	0.71	0.01	0.01	0.00	0.00	0.00	0.00	0.00	1.03
Steady State - Value of Dec. @ Last Time Step	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Preexisting Effects @ Transient State (Max Value Time Step)	0.03	0.04	0.21	0.71	0.01	0.01	0.00	0.00	0.00	0.00	0.00	1.03
Transient State - Max Value of Dec. After Transfer	0.00	0.04	0.18	0.55	0.01	0.01	0.00	0.00	0.00	0.00	0.00	0.95
												Total
												Total Effects without Transfer - Last Time Step
												Total Effects with Transfer - Last Time Step
												Total Effects without Transfer - Correlates to Max Value from Total Effects with Transfer
												Total Effects with Transfer - Max Value from Start of Transfer to Last Time Step
USED cessation of pumping												
WR No.	Div. Rate	Con. Vol.	No. of Tr.	Prrty	POD	Dedicated Vol.	Model	Impact by Reach (AF/Transfer)				
35-74450	(CFS)	(AF)	Acres	Date	Location	AF/A	AF/T	Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bickft	Nr Bickft To Neeley	Neeley to Minidoka
Transfer: Proposed Steady State Impacts following Transfer												
35-12915	0.41	110.9	27.7	10/31/1996	0	110.9	37.0	SP053158	0.0	0.0	0.2	0.7
35-12915	0.41	110.9	27.7	10/31/1996	0	110.9	37.0	SP061159	0.0	0.0	0.0	0.0
Transfer: Worst Case Transient State Impacts following Transfer												
35-12915	0.41	110.9	27.7	10/31/1996	0	110.9	37.0	SP053158	0.0	0.0	0.2	0.7
35-12915	0.41	110.9	27.7	10/31/1996	0	110.9	37.0	SP061159	0.0	0.0	0.0	0.0
Steady State Analysis								Mitigation Check 1 - >10% of Historical	-99.8%	-99.9%	-100.0%	-100.0%
								Mitigation Check 2 - > 2 AF/T	0.0	0.0	-0.2	-0.7
								Mitigation Check 3 - >10% of Total	7.2%	5.2%	11.5%	44.7%
								Mitigation Required?	NO	NO	NO	NO
								Mitigation Vol. Req'd (ac-ft)	0.0	0.0	-0.2	-0.7
Transient State Analysis								Mitigation Check 1 - >10% of Historical	-1.6%	-1.1%	-14.2%	-20.9%
								Mitigation Check 2 - > 2.01 AF/T	0.0	0.0	0.0	-0.1
								Mitigation Required?	NO	NO	NO	NO
								Mitigation Vol. Req'd (ac-ft)	0.0	0.0	0.0	-0.1

References

- Clearwater Geosciences, LLP, 2023. *Final Well Report Yellowstone at the Ranch Water Supply Well*. DEQ No. 23-01-22.
- Contor, Bryce A. 2011. *Adaptation of the Glover/Balmer/Jenkins Analytical Stream-Depletion Methods for No-flow and Recharge Boundaries*. Idaho Water Resources Research Institute Technical Completion Report 201101. pg. 9-10
- Cosgrove, D.M., Johnson, G.S., Laney, S., and Lindgren, J., 1999. *Description of the IDWR/UI Snake River Plain Aquifer Model (SRPAM)*. Idaho Water Resources Research Institute.
- Glover, R. E., and C. G. Balmer. 1954. *River depletion resulting from pumping a well near a river*. AGU Transactions 35, no 3: pg. 468-470.
- Idaho Department of Water Resources (IDWR), June 30, 2025. Online well log database. <https://idwr.idaho.gov/wells/find-a-well-map/>
- Jenkins, C.T., 1968. *Computation of Rate and Volume of Stream Depletion by Wells*. Techniques of Water-Resource Investigations of the United States Geological Survey, Book 4 Chapter D1.
- Miller, C.D., Durnford, D., Halstead, M.R., Altenhofen, J., Flory, V., 2007. *Stream Depletion in Alluvial Valleys Using the SDF Semi analytical Model*. Groundwater 45, no 4, 506-514.
- Woessner, William W., and Eileen P. Poeter. 2020. *Hydrogeologic properties of earth materials and principles of groundwater flow*. The Groundwater Project. <https://books.gw-project.org/hydrogeologic-properties-of-earth-materials-and-principles-of-groundwater-flow/chapter/specific-yield-and-specific-retention/>

Conversion of Nature of Use

MMLH LLC

Applicant proposes to convert a 1.1-acre portion of existing water right 35-7449B from irrigation to be used for commercial purposes. This narrative discusses historical diversion and consumption under the right at the original location.

Analysis of 35-7449B

Review of the place of use boundary of the entire water right revealed that (1) a single well is currently identified as the point of diversion, (2) IDWR's online database contains no records suggesting that irrigation has changed from the water right's decree date of 2002, and (3) the current water right boundary is irrigated to its fullest extent (see the water right boundary compared to 2023 NAIP imagery in Attachment 2B). Diversion data from 2020-2024 from the Water Management Information System for the POD under 35-7449B are listed in Table 1. Diversion under this right has been as high as 3.03 af/acre.

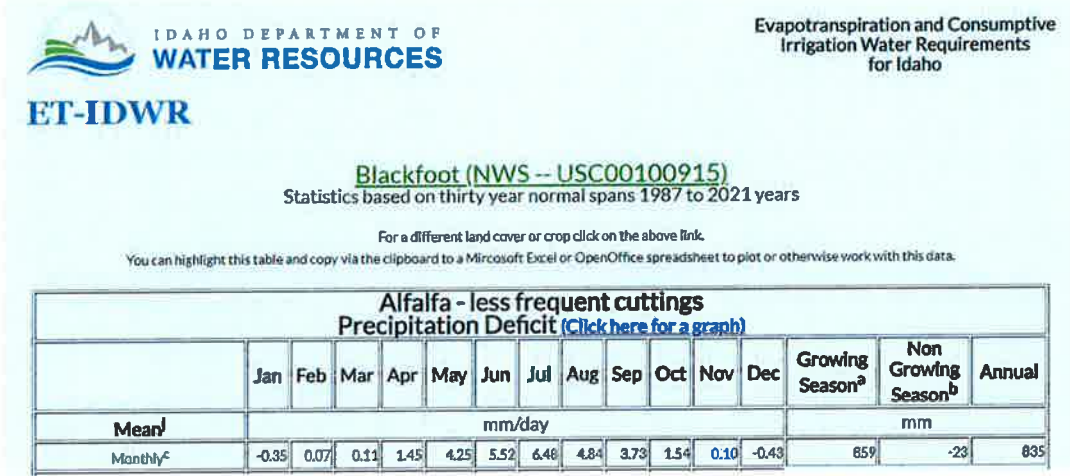
Table 1. Diversion Data Current POU

<i>Year</i>	<i>Diversion Volume (AFA)</i>
2020	626.18
2021	557.00
2022	828.31
2023	674.92
2024	750.50

Historically, the above listed water rights have most recently been used to irrigate Alfalfa – Less Frequent Cuttings. Using ET-IDWR, and based upon information gathered at the Blackfoot station (NWS – USC00100915), Alfalfa – Less Frequent Cuttings has a precipitation deficit of 859 mm/year, or 2.82 af/year, for the growing season. **Therefore, 1.1 acres of irrigation water right would convert to a total of 3.1 afa** (1.1 ac x 2.82 afa/ac) available for commercial use.

Excerpts of the ET IDWR 2021 precipitation deficits are included in Figure 1 below.

Figure 1. ET Values for Alfalfa – less frequent cuttings at Blackfoot (NWS – USC00100915).





IDAHO DEPARTMENT OF
WATER RESOURCES

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

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

Governor Brad Little

Director Mathew Weaver

August 27, 2025

MMLH LLC
101 E MAIN ST STE 202
REXBURG, ID 83440-2017

RE: Transfer No. 90002
Water Right No(s). 35-7449B

Dear Applicant:

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

A legal notice of the application has been prepared and is scheduled for publication in the BINGHAM NEWS CHRONICLE on 9/3/2025 and 9/10/2025. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Christina Henman
Administrative Assistant

CC:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOCIATES INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, August 27, 2025 2:17 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Standard Journal
Attachments: 90002, 21-13346 Standard Journal.docx

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

RE: Transfer No. 90002, 21-13346

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 9/22/2025. Your cooperation is appreciated.

Thank You,



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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 90002**

MMLH LLC, 101 E MAIN ST STE 202, REXBURG, ID 83440-2017 has filed Application No. 90002 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-7449B; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion, place of use, nature of use, and period of use. Proposed point of diversion is in Lot 8 (SESW) Sec 17 T12N R43E for 0.02 cfs from Ground Water. Proposed place of use is in Lot 8 (SESW) Sec 17 T12N R43E for commercial use from 1/1 to 12/31.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 9/22/2025. The protestant must also send a copy of the protest to the applicant.

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

21-13346

MMLH LLC

101 E MAIN ST STE 202, REXBURG, ID 83440-2017

Point of Diversion L8(SESW) S17 T12N R43E FREMONT County

Source GROUND WATER Tributary

Use: COMMERCIAL

01/01 to 12/31

0.3 CFS

3.1 AF

Total Diversion:

0.3 CFS

3.1 AF

Date Filed: 08-12-2025

Place Of Use: COMMERCIAL

T12N R43E S17

L8(SESW)

Mitigation is proposed for consumptive use.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 9/22/2025. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 9/5/2025 and 9/12/2025