

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90002**

This is to certify that: MMLH LLC
101 E MAIN ST STE 202
REXBURG, ID 83440-2017

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-7449B	WR/DECREED	10/15/1974	3.760 cfs	1093.2 af	N/A	273.3	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-7449B	YES	YES	YES	NO	YES	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-7449B	21-13347	0.020 cfs	3.1 af	N/A	N/A	35-7449B	3.740 cfs	1088.8 af	N/A	272.2
COMBINED TOTALS		0.020 cfs	3.1 af	N/A	N/A		N/A	N/A	N/A	N/A

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

Dated this 26th day of January, 2026


Water Resources Program Manager

**Support Data
In File # 35-7449B**

Transfer No. 90002

WATER RIGHT NO. 35-7449B

As Modified by Transfer No. 90002

In accordance with the approval of Transfer No. 90002, Water Right No. 35-7449B is now described as follows:

Right Holder: PHILLIPS BROTHERS FARM & LIVESTOCK
1851 W 600 N
BLACKFOOT, ID 83221-5056

Priority Date: 10/15/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 10/31	3.740 cfs	1088.8 af
			3.740 cfs	1088.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 1 Twp 01S Rge 32E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	32E	1							0.5	0.5	32.9	34.0	33.0	33.0			0.3		134.2
									L 4	L 3									
01S	32E	2													34.0	35.0	35.0	34.0	138.0

POU Total Acres: 272.2

CONDITIONS OF APPROVAL

- Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 90002

WATER RIGHT NO. 21-13347
As Modified by Transfer No. 90002

In accordance with the approval of Transfer No. 90002, Water Right No. 21-13347 is now described as follows:

Right Holder: PHILLIPS BROTHERS FARM & LIVESTOCK
 1851 W 600 N
 BLACKFOOT, ID 83221-5056

Priority Date: 10/15/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1/1	to 12/31	0.020 cfs	3.1 af
			0.020 cfs	3.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L8 (SESW) Sec 17 Twp 12N Rge 43E FREMONT County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	43E	17												X					0.0
														L 8					

CONDITIONS OF APPROVAL

1. Rights 21-13346 and 21-13347 when combined shall not exceed a total diversion rate of 0.3 cfs and a total annual maximum diversion volume of 3.1 af.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. Commercial use is for a gas station and convenience/hardware store.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. Place of use and point of diversion are located within Lots 1-4, Blk. 4; Island Park Last Chance Ranch Div#1.

Transfer No. 90002

WATER RIGHT NO. 21-13347
As Modified by Transfer No. 90002

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



Attachment to Transfer Approval 90002

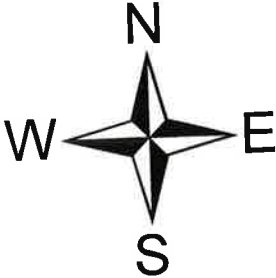
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections
- QQ

0 25 50 100 Feet





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

January 26, 2026

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

Re: Transfer No: 90002
Water Right No(s): 21-13347, 35-7449B

Transfer Approval Notice

Dear Water Right Holder:

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

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

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

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

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

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

Sincerely,



Christina Henman
Administrative Assistant

Enclosure
CC:

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

FREMONT-MADISON IRRIGATION
DISTRICT
PO BOX 15
ST. ANTHONY, ID 83445

JERRY RIGBY
RIGBY ANDRUS & RIGBY LAW PLLC
PO BOX 250
REXBURG, ID 83440

PHILLIPS BROTHERS FARM &
LIVESTOCK
1851 W 600 N
BLACKFOOT ID 83221-5056

THE BANK OF COMMERCE
PO BOX 1046
BLACKFOOT ID 83221-1046

AXA EQUITABLE LIFE INSURANCE CO
C/O AXA EQUITABLE AGRIFINANCE
LLC
6300 C ST SW
CEDAR RAPIDS IA 52404-7470

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2026 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 90002

Water Right No(s): 21-13347, 35-7449B

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

**FREMONT-MADISON IRRIGATION
DISTRICT
PO BOX 15
ST. ANTHONY, ID 83445**

**JERRY RIGBY
RIGBY ANDRUS & RIGBY LAW PLLC
PO BOX 250
REXBURG, ID 83440**

**PHILLIPS BROTHERS FARM &
LIVESTOCK
1851 W 600 N
BLACKFOOT ID 83221-5056**

**THE BANK OF COMMERCE
PO BOX 1046
BLACKFOOT ID 83221-1046**

**AXA EQUITABLE LIFE INSURANCE CO
C/O AXA EQUITABLE AGRIFINANCE LLC
6300 C ST SW
CEDAR RAPIDS IA 52404-7470**



**Christina Henman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

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

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5243(3))

Any party may file a petition for reconsideration of this preliminary order with the Department within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

PETITION FOR REVIEW (EXCEPTIONS)

(See Idaho Code § 67-5245)

Within fourteen (14) days after: (a) the service date of this preliminary order, (b) the service date of a denial of a petition for reconsideration of this preliminary order, or (c) the failure within twenty-one (21) days of the presiding officer to act on a petition for reconsideration of this preliminary order, any party may petition the Director in writing to review any part of this preliminary order by filing exceptions, and any supporting brief, with the Department.¹ Any parties opposing the exceptions shall have fourteen (14) days from the service date of the exceptions to file a brief. If the Director determines that oral argument is to be heard, the Director will provide reasonable notice to the parties of the place, date, and hour for the argument.

The Director will issue a final order on exceptions within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless extended for good cause. The Director may remand the matter for or hold an evidentiary hearing if further factual development of the record is necessary before issuing a final order.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to Idaho Code § 42-1701A(3). A written petition to the Director contesting the preliminary order and requesting a hearing must be filed with the Department

¹ The Director may decide to review this preliminary order upon his own motion. Should the Director decide to do so, the Director will provide written notice to the parties within the period the parties are allowed to petition the director for review of the preliminary order.

by any aggrieved person **within fifteen (15) days after service of this preliminary order.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration, petition for review, or a request for hearing of this preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 53 and 202.