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JAN 26 2026

DEPT. OF WATER RESOURCES
EASTERN REGION

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JAN 30 2026

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE 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) Knife River Corporation Mountain WestMailing Address 5450 W Gowen Rd, Boise, ID 83709-5625Email* joe.smith@kniferiver.com Phone 406-876-4637Name of Representative (if any) Rocky Mountain Environmental Associates, Inc.Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402Email* kristin.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.

AMENDED

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.

Property owner has signed the application.

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.

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

Current Water Right No.: 35-7449B

Current Owner: PHILLIPS BROTHERS FARM & LIVESTOCK

Priority Date: 10/15/1974

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.76 CFS	1093.2 AF
	<u>Total Diversion</u>	3.76 CFS	1093.2 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4 Sec. 1, Twp 01S, Rge 32E B.M.
BINGHAM County

Place of Use

IRRIGATION Within BINGHAM County

T01S R32E S1	Lot 4	SWNW	0.50	T01S R32E S1	Lot 3	SENW	0.50
T01S R32E S1		NESW	34.00	T01S R32E S1		NWSW	34.00
T01S R32E S1		SWSW	33.00	T01S R32E S1		SESW	33.00
T01S R32E S1		SWSE	0.30	T01S R32E S2		NESE	34.00
T01S R32E S2		NWSE	35.00	T01S R32E S2		SWSE	35.00
T01S R32E S2		SESE	34.00				

Total Acres: 273.3

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Decreed Date: 1/31/2002

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 or 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									1.4								1.4

Total Irrigated Acres to be Changed: 1.4

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 proposes to purchase 1.4 ac of the proposed water right to be converted for
 Mitigation by Non-use at a gravel mining site to cover consumptive uses associated with a new
 Application for Permit. See the attached narrative.

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	Mitigation by Non-use	01/01 to 12/31	Groundwater
☐ ☐		4.1 afa		to	
☐ ☐				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	1S	22E	16			NW	SE	BLAINE	Groundwater	

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	
1S	22E	16														X	X		

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 # 130. ☐ 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.

Property is currently irrigated with shares from Fish Creek Irrigation District Inc.

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)?

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D. Local Public InterestDEPT. OF WATER RESOURCES
SOUTHERN REGION

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.

A new 8" well will be drilled and outfitted with a new pump. A mainline will deliver water to two separate lines - one for consumptive uses and one for non-consumptive uses, each being equipped with a measuring device.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.0, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (ldwr.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 42-221.0.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.0.8. 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.

Joseph Smith
Signature of Applicant or Representative*

Joseph Smith, Regional Environmental Manager

12/22/25

Print Name and Title, if applicable
Carol Cook, Trustee of Gregory W Motzkin
and Carol T Cook Revocable Trust

Date

Signature of Applicant or Representative*

Print Name and Title, if applicable

Date

CAROL T COOK CAROL T COOK

*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: \$ 450- Receipt #: 2051216 Date: 10/17/25 Received by: _____
Add'l Paid: \$ _____ Receipt #: _____ Date: _____ Received by: _____

Transfer No. 90199 Page 8

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

Licensed Date :
Decreed Date : 1/31/2002
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 120
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

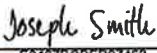
IDAHO DEPARTMENT OF WATER RESOURCES

7/28/2025

Date: 10/17/2025
 To: Idaho Department of Water Resources
 From: Knife River Corporation Mountain West
 Subject: Applications for Transfer of Water Right 35-7449B

Knife River Corporation Mountain West has entered into a purchase agreement with Rocky Mountain Water Exchange, LLC for the above-described water right(s) in the amount of 1.4 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).

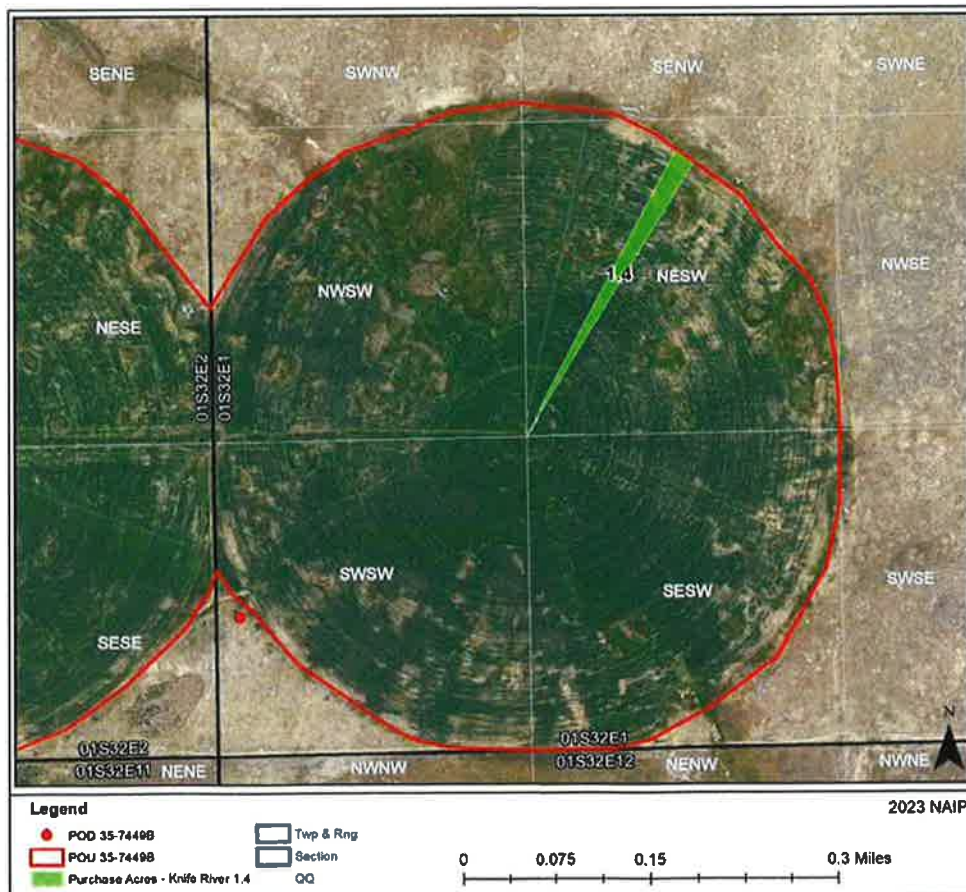
I certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct. Idaho Code § 9-1406; Idaho Rule of Civil Procedure 2.7.

DocuSigned by:

 EQ407BCBED97462
 Joseph Smith, Regional Environmental Manager
 Knife River Corporation Mountain West

Signed by:

 E531976A25C24E1...
 W. Roger Warner, Managing Member
 Rocky Mountain Water Exchange, LLC

Figure 1. Map of Water Right for Purchase





Mountain West
5450 W Gowen Road
Boise, ID 83709

Attachment 1D
www.kniferiver.com
(208) 362.6152
(208) 562.5045 FAX

May 16, 2025

RE: Appointment of Agents – Power of Attorney

To whom it may concern:

Pursuant to a Board resolution adopted by the Board of Directors of Knife River Corporation – Mountain West, I am authorized, as Region President, to designate certain individuals as agents of Knife River Corporation – Mountain West who shall be authorized, in the name and on behalf of Knife River Corporation – Mountain West, to execute and deliver construction contracts, subcontracts, agreements, documents, and other instruments with governmental authorities (federal, state, county, or local), with general contractors or subcontractors, and with private parties.

I hereby designate each of the following individual(s) an agent of Knife River Corporation – Mountain West, and each of them is authorized and empowered to execute and deliver documents, including but limited to, construction contracts, subcontracts, prime contractor proposals, subcontractor proposals, competitive bids for projects, price quotations or bids for materials, lien releases, and other related agreements, documents, and instruments with governmental authorities (federal, state, county, or local), with general contractors or subcontractors, and with private parties, in the name and on behalf of Knife River Corporation – Mountain West:

Matt Abrams
Nate Aggen
Mike Cole
Will Haigh
Bret Olson
Bret Gant
Joseph Smith
James Hammer
Cody O'Hare

This authorization letter is effective and in full force and effect, until modified.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Lauteren".

Jim Lauteren
President
Knife River Corporation – Mountain Region

STATE OF IDAHO
COUNTY OF ADA

Jim Lauteren, being first duly sworn, deposes and says that he is the President for Knife River Corporation – Mountain Region; that the execution of this instrument is the act and deed of the Corporation, that he has read the foregoing document and knows the contents thereof, and that the statements herein are true.



Jim Lauteren
President
Knife River Corporation – Mountain Region

Subscribed and sworn to before me on May 16th, 2025.





Renzee Sorenson Notary Public
Ada County, Idaho
My commission expires: 01-09-2031

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:

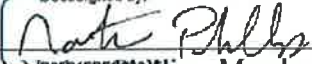
1. Buyer and Seller acknowledge and agree that the Water Right is subject to Buyer's exclusive right to purchase under the terms and conditions of the Option Agreement.
2. Buyer and Seller acknowledge and agree that the Water Right is subject to Buyer's exclusive right to purchase under the terms and 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.

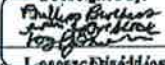
IN WITNESS WHEREOF, the undersigned have duly executed this Memorandum of Option Agreement effective as of the Effective Date.

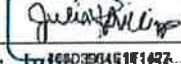
[SIGNATURES ON FOLLOWING PAGE]

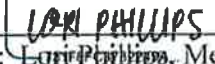
"SELLER"

**PHILLIPS BROTHERS FARM & LIVESTOCK
LLC**

DocuSigned by:

By: Nathan Phillips, Member

DocuSigned by:

By: Jesse Phillips, Member

DocuSigned by:

By: Julia Phillips, Member

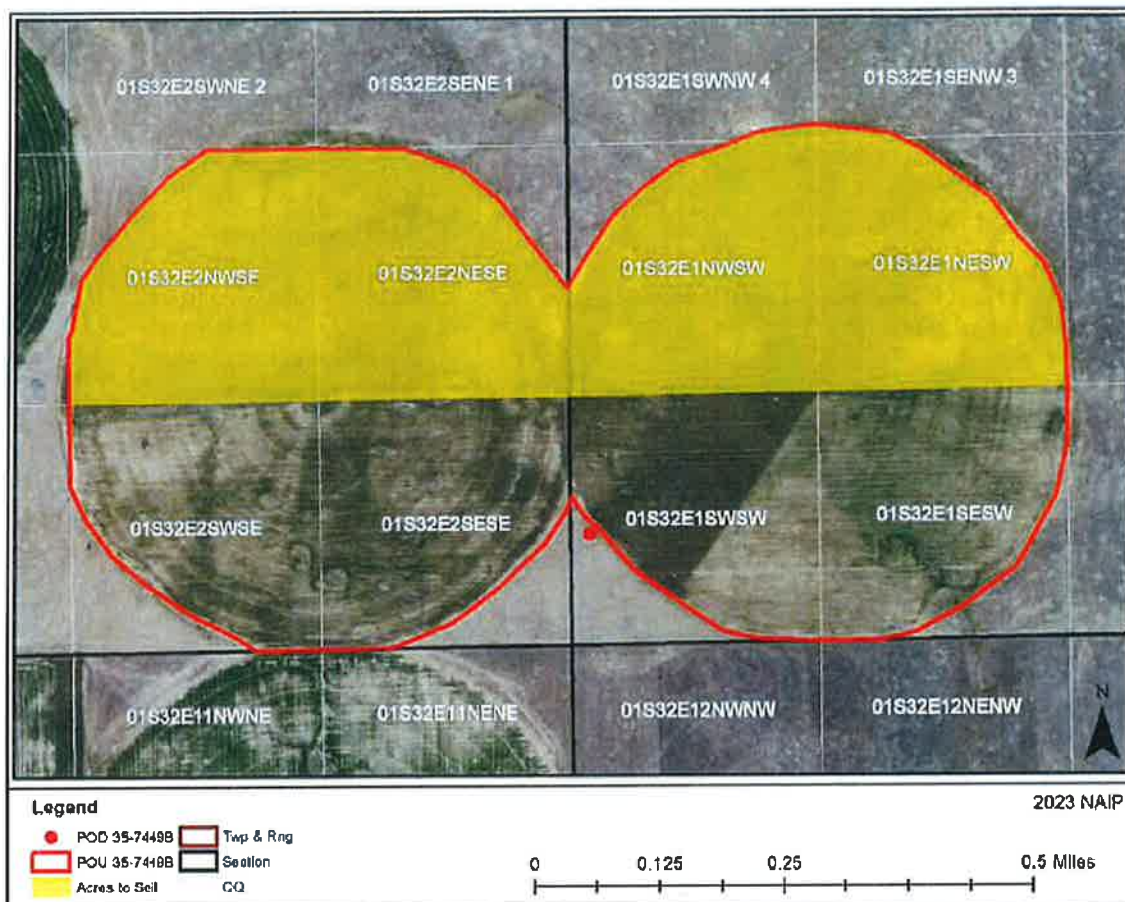
Signed by:

By: Lori Phillips, Member

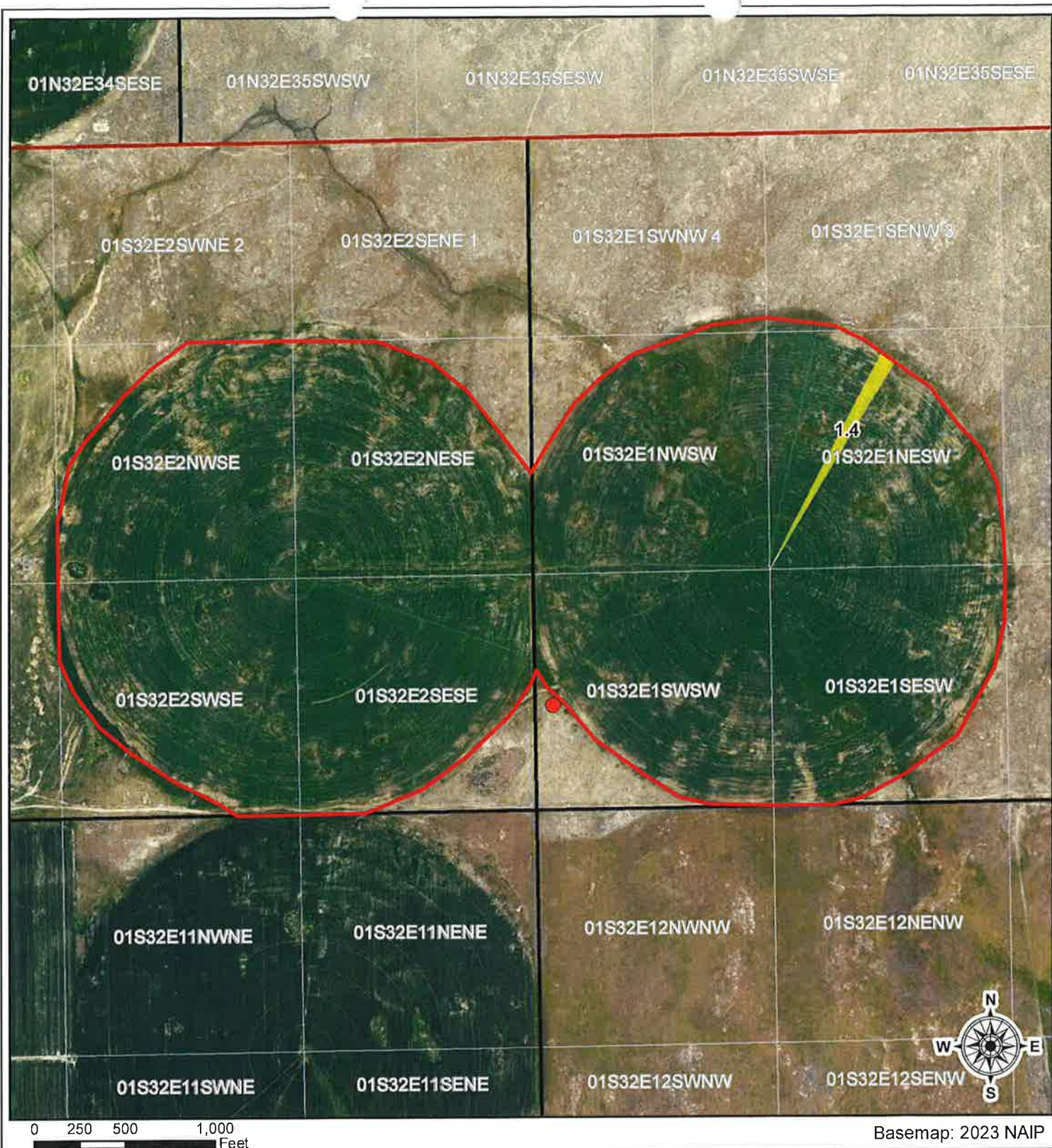
"BUYER"

**ROCKY MOUNTAIN WATER EXCHANGE,
LLC**


By: W. Roger Warner
Its: Managing Member

Attachment 1
Map of the 138-acre Water Right





Attachment 2B. Existing Locations of Water Right

Legend

- POD 35-7449B
- Twp & Rng
- POU 35-7449B
- Section
- Purchase Acres
- QQ

Knife River Corp. Mountain West
Application for Transfer
Water Right No. 35-7449B
Carey Gravel Pit

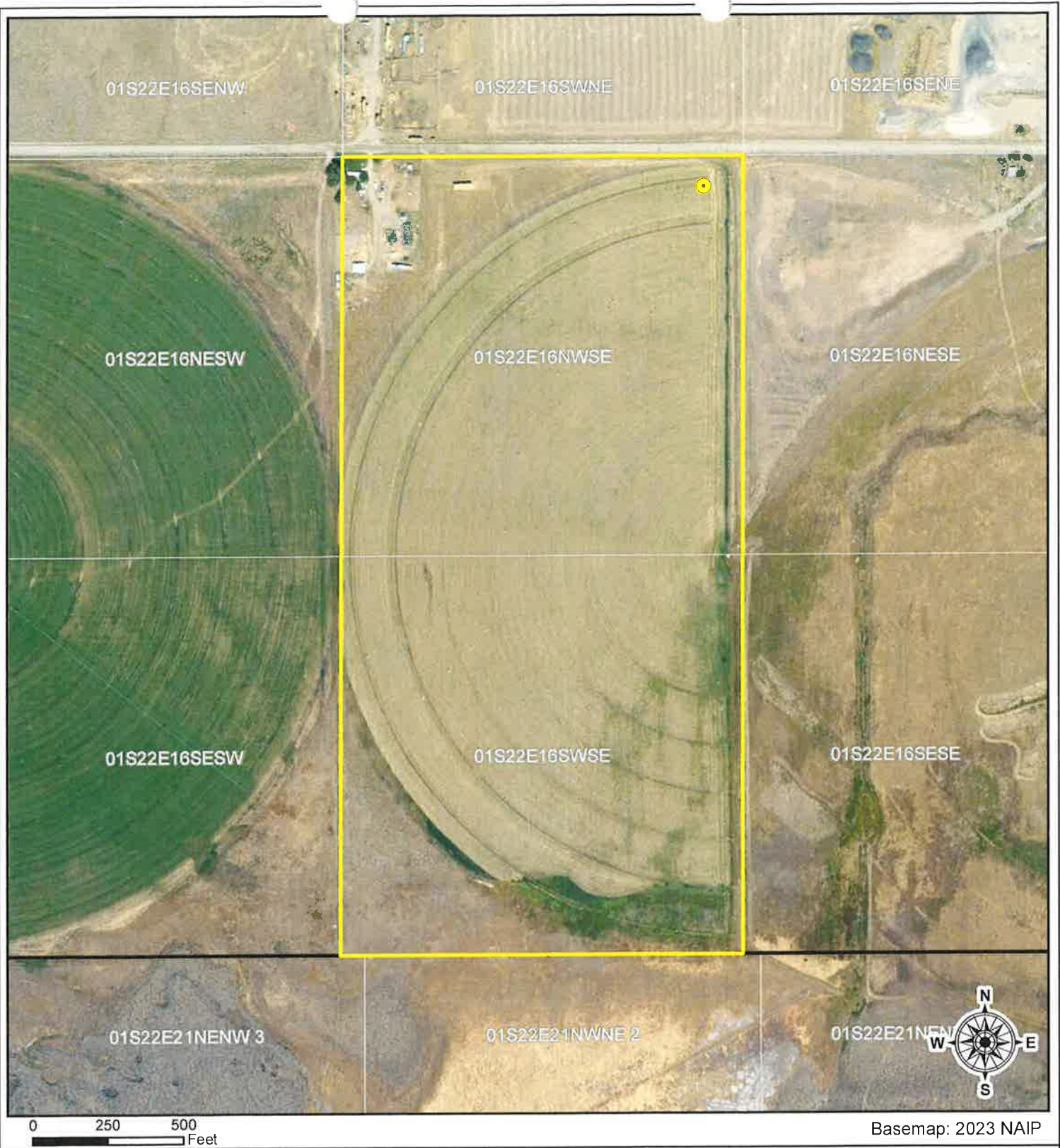
T# 90199

Date: 10/13/2025

RMEA #: 21-0063

Drafted by: KM





Attachment 3C. Proposed Locations of Water Right

Legend

- Proposed POD
- Proposed POU
- Twp & Rng
- Section
- QQ

Knife River Corp. Mountain West
Application for Transfer
Carey Gravel Pit

T# 90199

Date: 12/22/2025

RMEA #: 21-0063

Drafted by: KM



AGGREGATE MINING AND EXTRACTION LEASE AGREEMENT

This Aggregate Mining and Extraction Lease Agreement ("Agreement") is made and entered into this 9th day of December 2024 ("Effective Date"), by and between Knife River Corporation- Mountain West, 5450 West Gowen Rd Boise, ID 83706 ("Knife River"), and:

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Loren Downey Strode	139 LLP Road, Carey ID 83320	208-731-4694

"Owner".

WHEREAS, Owner desires to convey and grant to Knife River the rights and privileges described herein on behalf of themselves and their successors in the real property described as follows (the "premises"):

Legal Description: Laidlaw Pit**SE1/4,NE1/4,Section 16, T1S,R22E****Parcel Number RP - 01s22016530a**

WHEREAS, Knife River desires the right to enter upon said premises for the purposes described in Agreement.

NOW THEREFORE, in consideration of the above recitals, the mutual covenants and agreements contained herein, and other good and valuable consideration the receipt of which is hereby acknowledged, Owner and Knife River hereby agree as follows:

1. **Property Use.** Owner agrees and hereby conveys and grants to Knife River the right and privilege, at any and all times during the term of this Agreement, or any extension thereof, to enter upon the premises for the purpose of mining, importing, stockpiling, and processing aggregate materials, operation of an asphalt plant, equipment staging and storage, setup and operation of job trailers, and all uses reasonably related thereto. Knife River's right to use the premises shall be exclusive. Owner shall have the right to sell reject materials generated from Knife River's operations to third party contractors, provided that no materials sold by Owner shall be used on any public works projects, nor shall Owner sell materials to any competitors of Knife River. Knife River will notify Owner in writing of available reject materials, and Owner shall have the right to sell such materials up to 10,000 tons per year. Owner shall indemnify, defend, and hold Knife River harmless from any claims or liabilities that may arise from Owner's sale of materials to third parties.
2. **Covenants and Permits.** Owner covenants and agrees that Knife River, upon complying with the terms of this agreement, shall lawfully and quietly hold, occupy, and enjoy the premises for all purposes granted herein during the term of this Agreement, or any extension thereof, without hindrance or interruption. Owner will pay all real property taxes levied against the premises during the term of this Agreement. Owner will further cooperate with and join Knife River in applying for any zoning, permits, or other authorizations or approvals that may be needed by Knife River to proceed with operations on the premises as contemplated in this Agreement, provided that all expenses related thereto shall be the sole responsibility of Knife River. This Agreement is contingent upon

Knife River obtaining all permits required for its intended use of the premises to install and operate an asphalt plant.

3. Representations. Owner represents and warrants, as follows: (1) Owner owns and is in possession of the premises, and has the right to convey and grant to Knife River all rights and privileges described herein free and clear of all liens and encumbrances; (2) that to the best of Owner's knowledge no hazardous, toxic, or dangerous waste substance or material, as defined by applicable environmental laws, has been or shall be discharged, released, stored, generated, disposed of or allowed to escape on, under, or from the premises; and (3) to the best of Owner's knowledge no underground storage tanks have been or shall be installed, used, or disposed of on or under the premises.
4. Term. The term of this Agreement shall commence on the Effective Date hereof and will expire on December 31, 2034. Knife River shall have the right and option to extend the Agreement for two (2) additional ten-year terms. In the event Knife River exercises its right to such extension(s), it shall serve written notice to Owner no later than sixty (60) days prior to the expiration of the term.
5. Ingress, Egress, and Facilities. Owner grants to Knife River, and its successors and assigns, full right of free ingress and egress for the purpose contemplated in this Agreement. Owner further grants to Knife River the right and privilege, as is required by Knife River, to set up and operate equipment and to construct facilities, including an asphalt plant on the premises. Knife River will cooperate with the Owner to mine in the correct areas and stockpile overburden and topsoil in the best interest of reclaiming the pit.
6. Reservation of Use. It is agreed that Owner shall at all times have the right to use the premises, so long as Owner's use does not interfere or impair Knife River's use of the premises. Owner shall receive notice of Knife River's mining plan, and all mining must meet applicable standards (MSHA and all other regulations) and be economically feasible for Knife River. In the event any of Owner's uses interfere with Knife River's use and operations, Knife River shall provide written notice to the Owner.
7. Inventory. Knife River may stockpile inventory for use on active and future projects. This inventory remains the property of Knife River, but may be purchased for resale by Owner at agreed prices, which shall be established in a separate written agreement.
8. Knife River Property. Knife River shall retain ownership of the materials, facilities, & utilities produced or installed by Knife River on premises. Any use of the facility or purchase of the materials by owner or others will be with written permission.
9. Gravel Purchase. Knife River shall pay Owner [REDACTED] removed from the Property ("Royalty Rate"). Knife River shall measure tonnage by certified scale, asphalt plant reports, or approved volume measurement, such as drone surveying, as appropriate. Knife River will remit payment checks monthly for materials removed from the site during the prior month. Knife River shall only be required to pay Owner for virgin material removed from pit (no payment for recycled asphalt pavement - RAP). [REDACTED]
[REDACTED] Said royalty will be pre-paid no later than the 1st day of each year of the lease term and credited back to Knife River until the prepaid royalty amount has been met.

10. Royalty Increases. At the end of the third year of the initial term and every extended term thereafter, the Royalty Rate shall be adjusted by the CPI Percentage multiple by the Royalty Rate payable for the last year of the prior term; provided, however, no increase shall be greater than five percent (5%) in any given term. The term "**CPI Percentage**" is a percentage equal to the percentage change in the Consumer Price Index statistics published by the United States Bureau of Labor. Comparisons shall be made using the index entitled, "Consumer Price Index for All Urban Consumers, West Region (1982-84 = 100)," or the nearest comparable data on changes in the cost of living, if such index is no longer published.
11. Default. In the event Knife River fails to timely make a royalty payment or fulfill any other obligations under the terms of this Agreement, Owner shall have the right to hold Knife River in default upon service of written notice of such default. Knife River will then have thirty (30) days to cure the alleged default. In the event Owner fails to fulfill any obligations under the terms of this Agreement, Knife River shall have the right to hold Owner in default upon service of written notice of such default. Owner will then have thirty (30) days to cure the alleged default. In the event of a default by Knife River, Owner shall have all rights and remedies provided by law, with said remedies being cumulative and surviving the termination of this Agreement. In the event of a default by Owner, Knife River shall have the right to cure such default and seek recovery from Owner, in addition to all other rights and remedies provided by law, with said remedies being cumulative and surviving the termination of this Agreement.
12. Applicable Laws and Restoration. Knife River shall conduct all of its activities under this Agreement in accordance with applicable laws. Upon completion of all operations on the premises, Knife River shall remove all excess materials and restore such areas that it has disturbed in accordance with applicable law. Owner will have the responsibility of cropping and/or re-seeding to establish desired cover on the premises. Throughout the term of this Agreement and thereafter, Owner is responsible to control weeds to his/her satisfaction on those portions of the premises that are not being used by Knife River by any means chosen by Owner (i.e., mowing, spraying, grazing, etc.) at no additional charge to Knife River.
13. Indemnification. Knife River shall indemnify, defend, and hold Owner harmless from any loss, damage, or liability to the extent such loss, damage, or liability arises out of any negligent act, negligent omission, or breach of this Agreement by Knife River. Owner shall indemnify, defend, and hold Knife River harmless from any loss, damage, or liability to the extent such loss, damage, or liability arises out of any negligent act, negligent omission, or breach of this agreement by Owner.
14. Legal Actions. This agreement shall be governed by and construed in accordance with the laws of the state where the premises is located, without regard to its conflict of law provisions. Any litigation between the parties arising out of or relating to this agreement will be conducted exclusively in the federal or state courts in the state where the premises is located and the parties agree and consent to jurisdiction by such courts. Owner shall be precluded from bringing any claims against Knife River related to this agreement at any time later than one (1) year after expiration of this agreement.
15. Right of First Refusal. Owner agrees to grant to Knife River a right of first refusal to purchase the property if Owner chooses to accept a bona fide offer from a third party. The

terms of the right of first refusal shall be set forth in a separate written instrument to be recorded with the Blaine County Recorder's Office. The right of first refusal shall not apply to any transfers to family members or a family trust or other estate planning entity controlled by Owner. In the event of a valid termination of this Agreement or expiration of this Agreement, Knife River will execute and deliver to Owner any and all documents or instruments to show, as of record, that the right of first refusal has been terminated.

16. Memorandum of Lease. Owner and Knife River agree that a Memorandum of this Agreement may be recorded with the Blaine County Recorder's Office. In the event of a valid termination of this Agreement or expiration of this Agreement, Knife River will execute and deliver to Owner any and all documents or instruments to show, as of record, that the rights granted under this Agreement have been terminated.

17. Assignment. Knife River shall not have the right to assign or transfer its interest under this Agreement without the written consent of Owner.

IN WITNESS WHEREOF THE PARTIES HAVE EXECUTED THIS AGREEMENT THE DAY AND YEAR WRITTEN ABOVE.

Knife River Corporation- Mountain West

Loren Downey Strode

By: *[Signature]*

By: *[Signature]*

12/19/2024

Nichole Ruwe



Narrative in Support of Applications

Knife River Corporation Mountain West

Applicant is submitting an *Application for Permit* and an *Application for Transfer of Water Right* for a new aggregate washing facility that will be built in T01N, R22E, Sec. 16, Carey, Idaho. Most of the uses associated with the facility will be non-consumptive and return to the ground through a wash pond. Some uses will be consumptive, such as dust abatement and pond evaporation.

Application for Permit

The Applicant intends to divert water from a well they will construct to a covered aggregate washing facility. The facility will be covered to reduce water loss due to evaporation. After gravel washing, the dirty water will be stored in a holding pond(s) where suspended sediment will sink. Water will be recirculated through the wash plant and supplemented with fresh water from the well. Water will be allowed to sink back into the aquifer.

As water from the holding ponds will be evaporated, circulated through the gravel washing process, and/or allowed to sink back into the aquifer, the ponds will need to be refilled periodically by fresh wash water delivered from the well through the gravel washing plant. Therefore, the total storage volume anticipated throughout the year represents multiple fills of the ponds, not to exceed the total water diverted for Industrial purposes. Total diversion volume is estimated at 1 cfs for 8 hrs/day for up to 300 days per year (approximately 200 afa).

Because water will be allowed to sink back into the aquifer at the end of the process, the majority of water use is non-consumptive. RMEA expects the following components of the gravel washing processes to be consumptive totaling **4.1 afa**:

- Pond Evaporation. A portion of the water stored in the holding pond(s) will evaporate before it is either circulated back into the gravel washing process or sinks back into the aquifer. RMEA has calculated that **1.84 acre-feet annually** will be lost due to evaporation from the one or more pond(s) with a total combined surface area of 1.0 acre (Figures 1 and 2).
- Dust Abatement. Dust abatement will be required approximately 80 days that the process is in operation per year, estimating three 3,000 gallon water trucks per day, resulting in a need for 720,000 gallons or **2.21 acre-feet annually** of water.

The total volume of 200 afa diverted each year includes 4.1 afa of consumptive use and the remaining volume is non-consumptive. Mitigation of the 4.1 afa of consumptive uses will be provided through a companion transfer application of water right 35-7449B.

Application for Transfer of Water Right 35-7449B

A portion of Water Right 35-7449B is proposed to be purchased and transferred as *mitigation by non-use* for the consumptive components under the companion Application for Permit. This

water right is currently being used for irrigation of agricultural ground and will be retired upon approval.

Figure 1: Pond Evapotranspiration from ET-IDWR

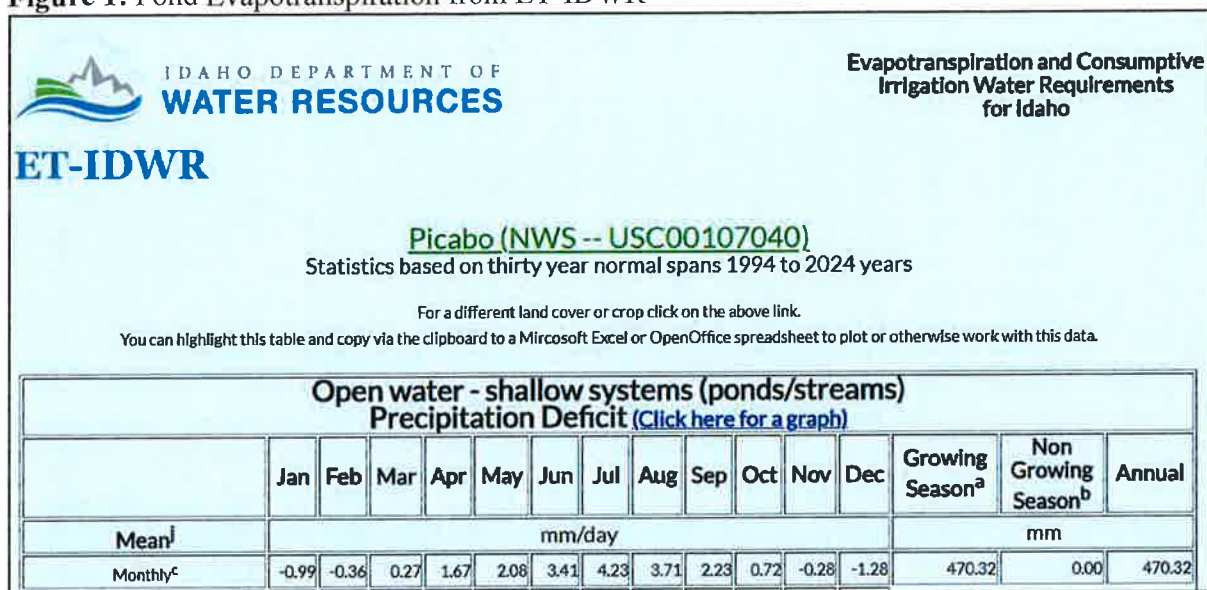
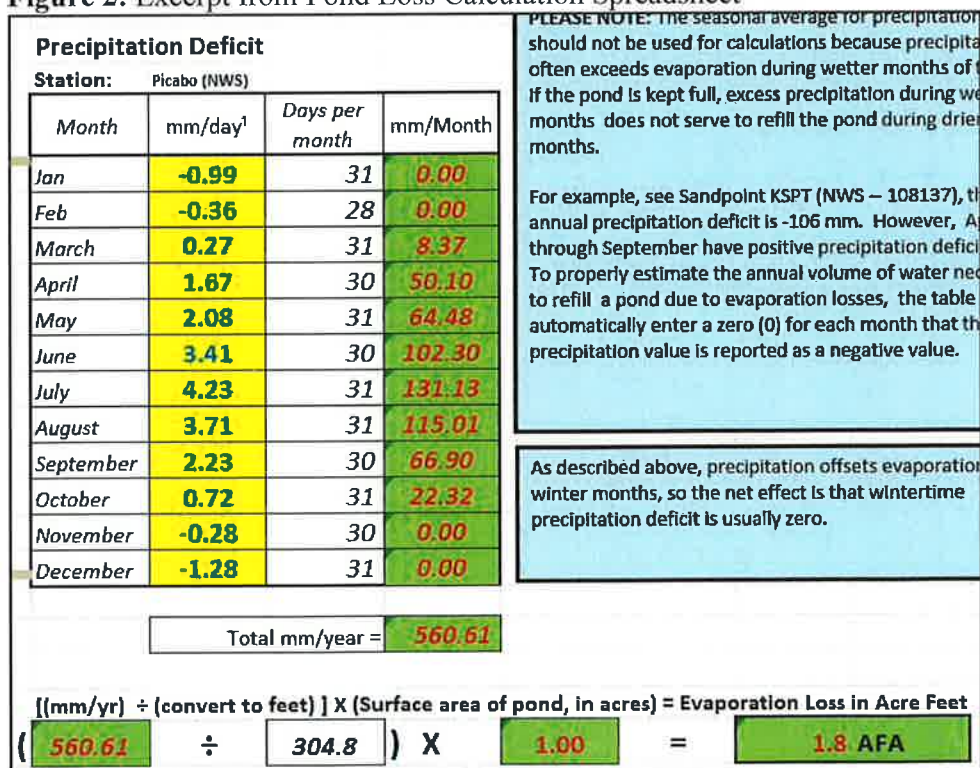


Figure 2: Excerpt from Pond Loss Calculation Spreadsheet



Eastern Snake Plain Aquifer Modeling Analysis

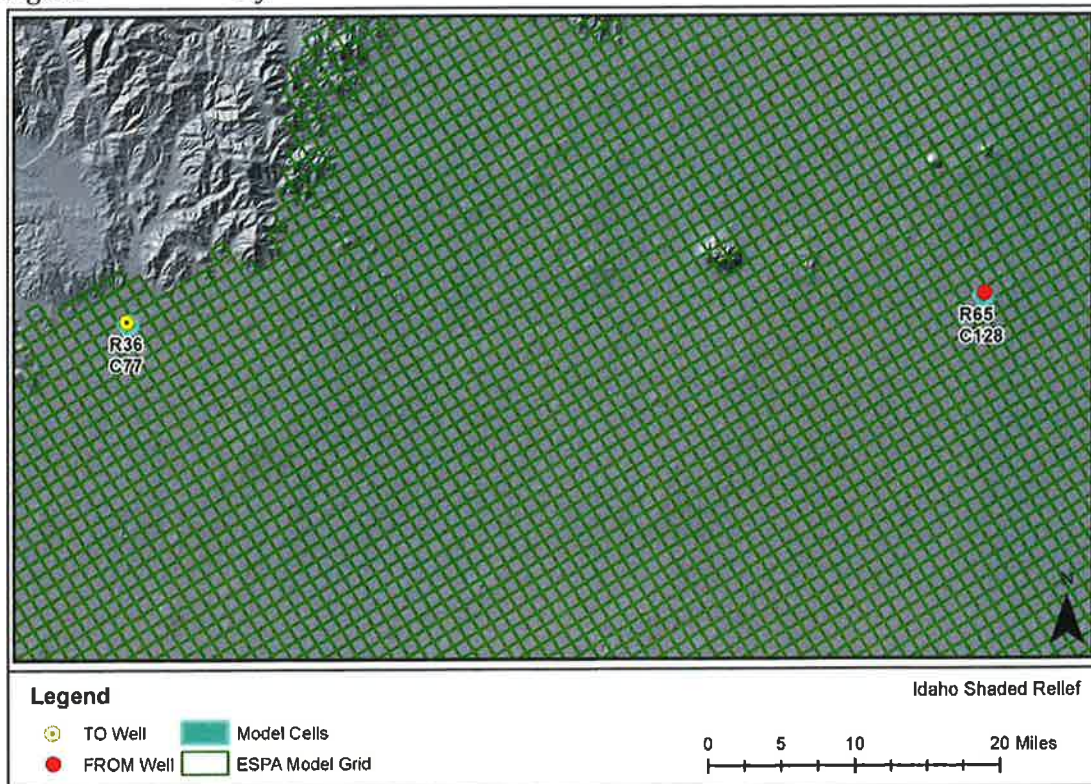
The Applicant requires 1.4 acres of water for conversion from irrigation to industrial use at a new facility in Carey. It is proposed to purchase a portion of water right no. 35-7449B.

Data Input Values

The TO Well location is an existing well located in model cell R36 C77.

The FROM Well location is a point of diversion (POD) located in model cell R65 C128. Well locations and ESPA Grid Cells used for modeling are shown in Figure 1.

Figure 1. Data Entry



Using ESPAM 2.2, a modeling simulation was used to evaluate the effects to the Snake River. Data input values were based upon the historical consumptive use volumes described in Attachment 4C-5, of 4.1 afa or 1.37 af/trimester at both the TO and FROM Wells, with a transition to the TO Well occurring in Spring of 2026. The Net Effects do not exceed the threshold of 2.0 af/trimester. **No mitigation is required.** Figures 2-4 include excerpts from the ESPAM 2.2 simulation.

Figure 2. Data Entry

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: 35-7449B

TRANSFER NAME: Knife River - Card

UPDATE DATES RUN MODEL GET OUTPUT

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	36	65	0	0
COLUMN	77	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	1.37	1.37	0.00	0.00	0.00	0.00
WIN 1974	0.00	1.37	1.37	0.00	0.00	0.00	0.00
SPR 1975	0.00	1.37	1.37	0.00	0.00	0.00	0.00
SUM 1975	0.00	1.37	1.37	0.00	0.00	0.00	0.00
WIN 1975	0.00	1.37	1.37	0.00	0.00	0.00	0.00
SPR 2024	0.00	1.37	1.37	0.00	0.00	0.00	0.00
SUM 2024	0.00	1.37	1.37	0.00	0.00	0.00	0.00
WIN 2024	0.00	1.37	1.37	0.00	0.00	0.00	0.00
SPR 2025	0.00	1.37	1.37	0.00	0.00	0.00	0.00
SUM 2025	0.00	1.37	1.37	0.00	0.00	0.00	0.00
WIN 2025	0.00	1.37	1.37	0.00	0.00	0.00	0.00
SPR 2026	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SUM 2026	1.37	0.00	1.37	0.00	0.00	0.00	0.00
WIN 2026	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SPR 2027	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SUM 2027	1.37	0.00	1.37	0.00	0.00	0.00	0.00
WIN 2027	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SPR 2028	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SUM 2028	1.37	0.00	1.37	0.00	0.00	0.00	0.00
WIN 2028	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SPR 2029	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SUM 2029	1.37	0.00	1.37	0.00	0.00	0.00	0.00
WIN 2029	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SPR 2030	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SUM 2030	1.37	0.00	1.37	0.00	0.00	0.00	0.00
WIN 2030	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SPR 2031	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SUM 2031	1.37	0.00	1.37	0.00	0.00	0.00	0.00
WIN 2031	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SPR 2032	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SUM 2032	1.37	0.00	1.37	0.00	0.00	0.00	0.00
WIN 2032	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SPR 2033	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SUM 2033	1.37	0.00	1.37	0.00	0.00	0.00	0.00
WIN 2033	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SPR 2122	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SUM 2122	1.37	0.00	1.37	0.00	0.00	0.00	0.00
WIN 2122	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SPR 2123	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SUM 2123	1.37	0.00	1.37	0.00	0.00	0.00	0.00
WIN 2123	1.37	0.00	1.37	0.00	0.00	0.00	0.00
SPR 2124	1.37	0.00	1.37	0.00	0.00	0.00	0.00

Figure 3. Net Transfer Graphs

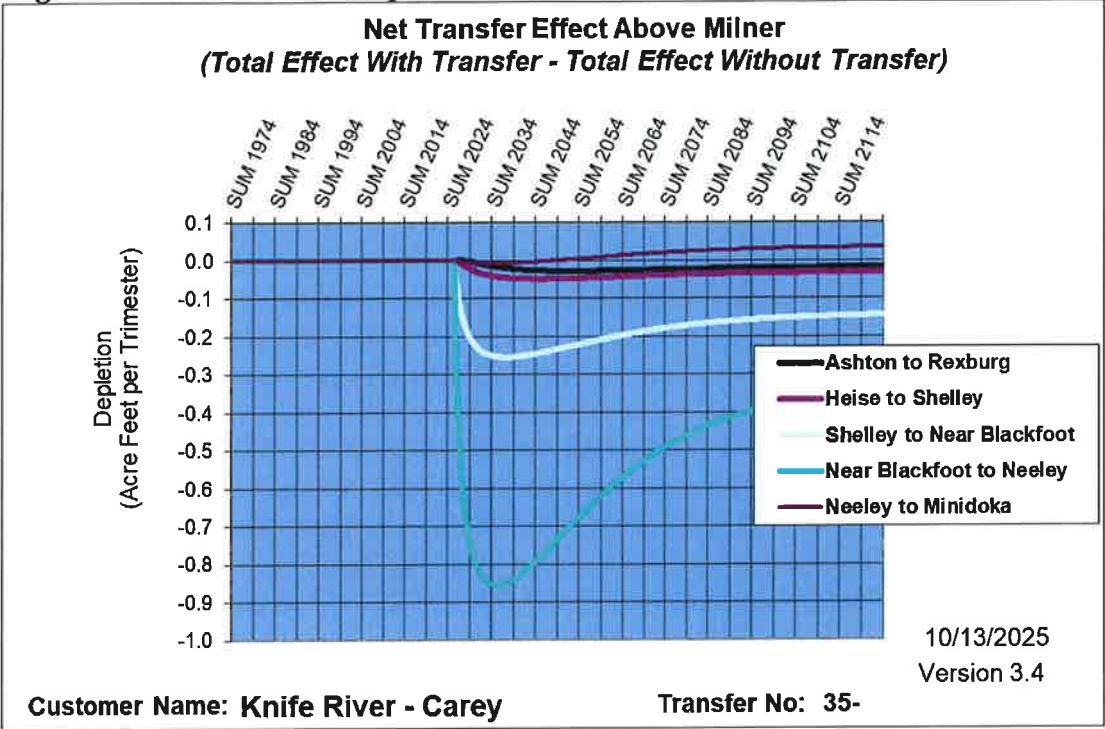


Figure 4. Calculated Effects and Mitigation Analysis Tool

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
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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2025	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2026	0.0	0.0	0.0	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2026	0.0	0.0	-0.1	-0.3	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 2027	0.0	0.0	-0.1	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2027	0.0	0.0	-0.2	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2028	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2028	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2028	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2029	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2029	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2029	0.0	0.0	-0.2	-0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2030	0.0	0.0	-0.2	-0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2030	0.0	0.0	-0.2	-0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2030	0.0	0.0	-0.2	-0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2031	0.0	0.0	-0.2	-0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2031	0.0	0.0	-0.2	-0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2122	0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0
SPR 2123	0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0
SUM 2123	0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0
WIN 2123	0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0
SPR 2124	0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0

SPR 2026											
156	Match:		456								
AltR	HtS	StNB	NBtN	NtM	DWtB	BtTS	TS	TStM	M	MtB	Total
0.03	0.06	0.28	0.95	0.01	0.01	0.01	0.01	0.00	0.01	0.00	1.37
0.02	0.03	0.13	0.60	0.05	0.17	0.14	0.06	0.06	0.07	0.01	1.32
0.03	0.06	0.28	0.95	0.01	0.01	0.01	0.01	0.00	0.01	0.00	1.37
0.03	0.06	0.24	0.75	0.05	0.17	0.14	0.06	0.06	0.07	0.01	1.62
-0.02	-0.03	-0.14	-0.35	0.03	0.15	0.12	0.06	0.05	0.06	0.01	
0.00	0.00	-0.04	-0.20	0.03	0.15	0.12	0.06	0.05	0.06	0.01	

Figure 5. Excerpt from Mitigation Analysis Tool

Dedicated Vol. AFA/ AFT	Model Node	Impact by Reach (AF/Trimester)										
		Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bickft	Nr Bickft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
sfer	Pre-SS	0.0	0.1	0.3	0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Post-SS	0.0	0.0	0.1	0.6	0.0	0.2	0.1	0.1	0.1	0.1	0.0
	Pre-TS	0.0	0.1	0.3	0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Post-TS	0.0	0.1	0.2	0.7	0.0	0.2	0.1	0.1	0.1	0.1	0.0
Mitigation Check 1 - >10% of Historical:		-54.8%	-55.3%	-51.7%	-36.7%	262.3%	1102.5%	1109.6%	1114.3%	1122.9%	1139.2%	1136.7%
Mitigation Check 2: > 2 AF/T:		0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0
Mitigation Check 3 - >10% of Total:		1.2%	1.9%	10.2%	45.4%	3.6%	12.6%	10.2%	4.7%	4.4%	5.1%	0.7%
Mitigation Required?:		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):		0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0
Mitigation Check 1 - >10% of Historical:		-1.6%	-1.1%	-14.2%	-20.9%	262.3%	1102.5%	1109.6%	1114.3%	1122.9%	1139.2%	1136.7%
Mitigation Check 2: > 2.01 AF/T:		0.0	0.0	0.0	-0.2	0.0	0.2	0.1	0.1	0.1	0.1	0.0
Mitigation Required?:		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):		0.0	0.0	0.0	-0.2	0.0	0.2	0.1	0.1	0.1	0.1	0.0

Conversion of Nature of Use

Knife River Corporation Mountain West

Applicant proposes to convert a 1.4-acre portion of existing water right 35-7449B from irrigation to industrial use at a new facility location in Carey.

Diversion Data

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. 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

Conversion of Nature of Use

Historically, the above listed water rights have most recently been used to irrigate Alfalfa – Less Frequent Cuttings. Figure 1 is a copy of the FSA Farm and Tract Detail Listing showing the 2025 crops for the existing place of use. The water rights proposed to be transferred come from Farm Number 6478, Tract 24338, Field 4, as shown in Figure 2. Since 2022, this field has been planted in alfalfa.

Using ET-IDWR, and based upon information gathered at the Taber (AM/INL - TABI), Alfalfa – Less Frequent Cuttings has a precipitation deficit of 898.43 mm/year, or 2.95 af/year, for the growing season (Figure 3). **Therefore, 1.4 acres of irrigation water right would convert to a total of 4.1 afa** (1.4 ac x 2.95 afa/ac) available for mitigation.

Bingham, Idaho

FSA - 578 (09-13-16)

Farm Number: 6478

Operator Name and Address

NATHAN PHILLIPS

1721 W 500 N

BLACKFOOT, ID 83221-5053

REPORT OF COMMODITIES FARM AND TRACT DETAIL LISTING

PROGRAM YEAR: 2025

DATE: 12/17/2025

PAGE: 1

Original: CRB

Revision: JE

Cropland: 625.45

Farmland: 893.27

Tract Number	CLU/ Field	Crop/ Commodity	Var/ Type	Int Use	Irr. Pr.	Org Stat	Nat. Sod	C/C Stat	Rpt Unit	Rpt Qty	Der Qty	Crop Land	Field ID	Plant Count	Planting Date	Planting Period	End Date
24338	1	CORN	YEL	GR	I	C	N	I	A	44.04		Yes			05/26/2025	01	
Producer OW - PHILLIPS BROTHERS FARM & LIVESTOCK LLC						Share 100.00	FSA Physical Location Bingham, Idaho							NAP Unit 602	Signature Date 07/28/2025		
3		ALFAL		FG	I	C	N	I	A	130.64		Yes			08/02/2022	01	2030
Producer OW - PHILLIPS BROTHERS FARM & LIVESTOCK LLC						Share 100.00	FSA Physical Location Bingham, Idaho							NAP Unit 602	Signature Date 07/15/2025		
4		ALFAL		FG	I	C	N	I	A	123.54		Yes			08/02/2022	01	2030
Producer OW - PHILLIPS BROTHERS FARM & LIVESTOCK LLC						Share 100.00	FSA Physical Location Bingham, Idaho							NAP Unit 602	Signature Date 07/15/2025		
5		CORN	YEL	GR	I	C	N	I	A	31.96		Yes			05/26/2025	01	
Producer OW - PHILLIPS BROTHERS FARM & LIVESTOCK LLC						Share 100.00	FSA Physical Location Bingham, Idaho							NAP Unit 602	Signature Date 07/28/2025		
56		CORN	YEL	GR	I	C	N	I	A	136.26		Yes			05/26/2025	01	
Producer OW - PHILLIPS BROTHERS FARM & LIVESTOCK LLC						Share 100.00	FSA Physical Location Bingham, Idaho							NAP Unit 602	Signature Date 07/15/2025		

Tract 24338 Summary

PP	Cr/Co	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty	PP	Cr/Co	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty	PP	Cr/Co	Var/Type	Int Use	Irr Pr	Rpt Unit	Rpt Qty
01	ALFAL		FG	I	A	254.18	01	CORN		YEL	GR	I	A	212.26						

Photo Number/Legal Description: 1,2,3-1S-32

Cropland: 466.44

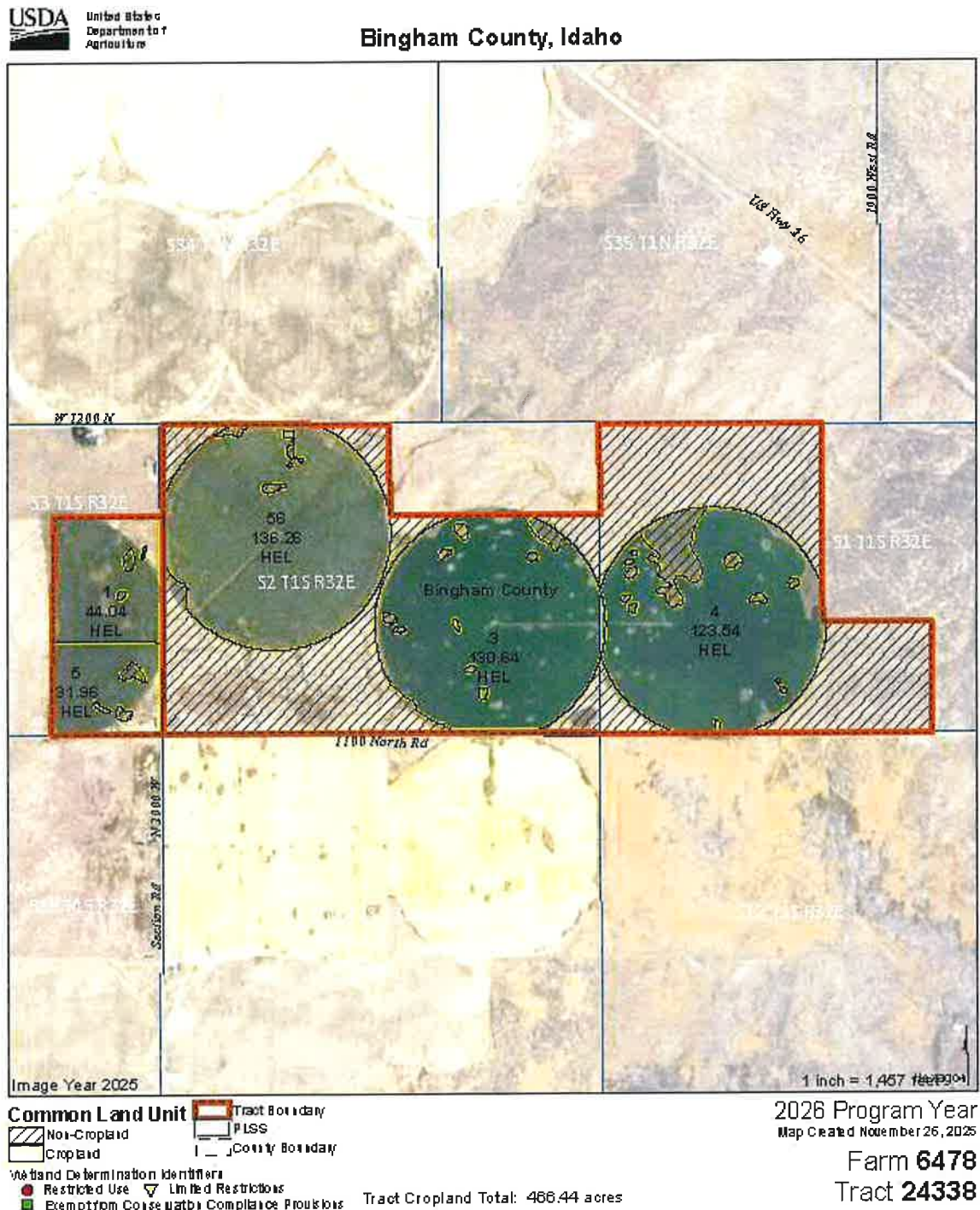
Reported on Cropland: 466.44

Difference: 0.00

Reported on Non-Cropland: 0.00

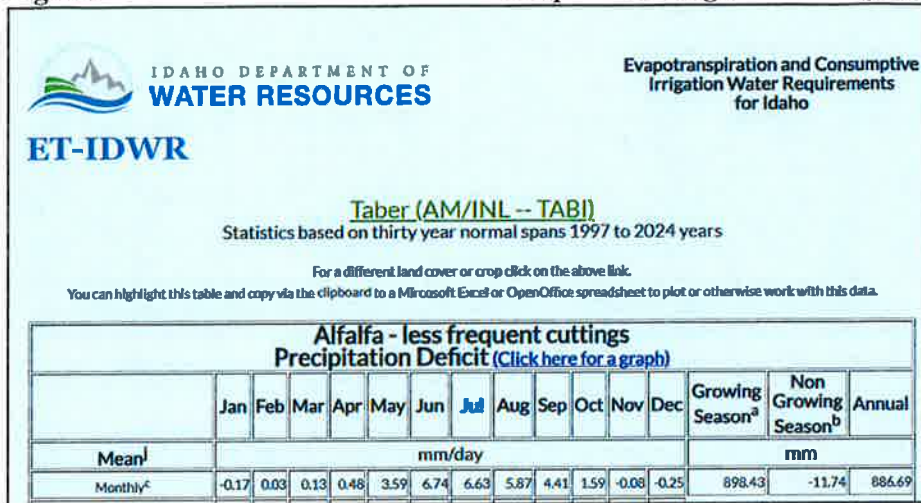
Figure 1. Excerpt of FSA - 578 for Farm 6478

Figure 2. Excerpt of FSA – 578 for Farm 6478



United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data as is and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-025 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

Figure 3. ET Values for Alfalfa – less frequent cuttings at Taber (AM/INL - TABI).





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



December 16, 2025

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

RE: Loan No. 4013814770
Water Right No. 35-7449-B

Dear Ms. Moore:

Phillips' Brothers Farm & Livestock, LLC an Idaho Limited Liability Company (the "Borrower") requested that The Bank of Commerce ("Lender") consent to the Idaho Department of Water Resources consideration of the sale and transfer of 138 acres of Water Right No. 35-7449-B. The Lender holds a Notice of Security Interest in a Water Right for said Water Right receipted on March 19, 2025, and approved on March 26, 2025.

This letter is to acknowledge the request, and confirm that the Lender has no objections and consents to the sale and transfer of the 138 acres of Water Right No. 35-7449-B. This consent is for this request only and does not consent to any future requests.

If there are any questions, please contact our office at (208)785-6843.

Respectfully,

A handwritten signature in black ink, appearing to read 'Justin R Hokanson'.

Justin R Hokanson
E.V.P. for The Bank of Commerce



0006622884



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 #: 0006622884

Date Filed: 1/23/2026 10:16:30 AM

Entity Name and Mailing Address:

Entity Name: KNIFE RIVER CORPORATION - MOUNTAIN WEST
Foreign Name (name in home jurisdiction): KNIFE RIVER CORPORATION - MOUNTAIN WEST
The file number of this entity on the records of the Idaho Secretary of State is: 0000634195
Address: 5450 W GOWEN RD
BOISE, ID 83709-5625

Entity Details:

Entity Status: Active-Good Standing
This entity is organized under the laws of: DELAWARE
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: C216731

The registered agent on record is:

Registered Agent: C T CORPORATION SYSTEM
Commercial Registered Agent
Physical Address
10020 W FAIRVIEW AVE
STE 104
BOISE, ID 83704
Mailing Address
10020 W FAIRVIEW AVE
STE 104
BOISE, ID 83704

Agent or Address Change

☐ Select if you are appointing a new agent.

Corporate Officers and Directors:

Name	Title	Business Address
☒ Nathan W Ring	Director	1150 WEST CENTURY AVE BISMARCK, ND 58503
Karl A Liepitz	Director	1150 WEST CENTURY AVE BISMARCK, ND 58503
☒ James L Lauteren	President	5450 W GOWEN RD BOISE, ID 83709-5625
☒ Dustin J Senger	Treasurer	1150 WEST CENTURY AVE BISMARCK, ND 58503
Karl A Liepitz	Secretary	1150 WEST CENTURY AVE BISMARCK, ND 58503
Calvin R DeWall	Secretary	4014 HESPER RD BILLINGS, MT 59106
☒ Joshua J Smith	President	5450 W GOWEN RD BOISE, ID 83709-5625

B1083-0509 01/23/2026 10:16 AM Received by Office of the Idaho Secretary of State



Brian R Gray	Director	1150 W CENTURY AVE BISMARCK, ND 58503
☒ David K Zinke	President	4014 HESPER ROAD BILLINGS, MT 59106
☒ Michael T Berg	Vice President	5450 W GOWEN RD BOISE, ID 83709
☒ Drew D Harris	Vice President	1490 FAIR ST CLARKSTON, WA 99403
☒ Dustin E Park	Vice President	4055 PROFESSIONAL WAY IDAHO FALLS, ID 83402

The annual report must be signed by an authorized signer of the entity.
Job Title: Treasurer

Dustin J Senger _____ *01/23/2026* _____
Sign Here Date

RECEIVED

OCT 17 2025

RECEIVED

NOV 03 2025

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT. OF WATER RESOURCES
EASTERN REGION

DEPT. 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) Knife River Corporation Mountain West
Mailing Address 5450 W Gowen Rd, Boise, ID 83709-5625
Email* joe.smith@kniferiver.com Phone 406-876-4637
Name of Representative (if any) Rocky Mountain Environmental Associates, Inc.
Mailing Address 482 Constitution Way Ste 303, Idaho Falls, ID 83402
Email* kristin.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.

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

Licensed Date :
Decreed Date : 1/31/2002
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 120
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil 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

7/28/2025

Superseded

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 or 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									1.4								1.4

Total Irrigated Acres to be Changed: 1.4

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 proposes to purchase 1.4 ac of the proposed water right to be converted for
Mitigation by Non-use at a gravel mining site to cover consumptive uses associated with a new
Application for Permit. See the attached narrative.

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	Mitigation by Non-use	01/01 to 12/31	Groundwater
☐ ☐		4.1 afa		to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Superseded

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	1S	22E	16			SE	NE	BLAINE	Groundwater	

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	
1S	22E	16				x													

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 # 130. ☐ 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.

Other than domestic and stockwater rights, no other 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.

A new 8" well will be drilled and outfitted with a new pump. A mainline will deliver water to two separate lines - one for consumptive uses and one for non-consumptive uses, each being equipped with a measuring device.

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:

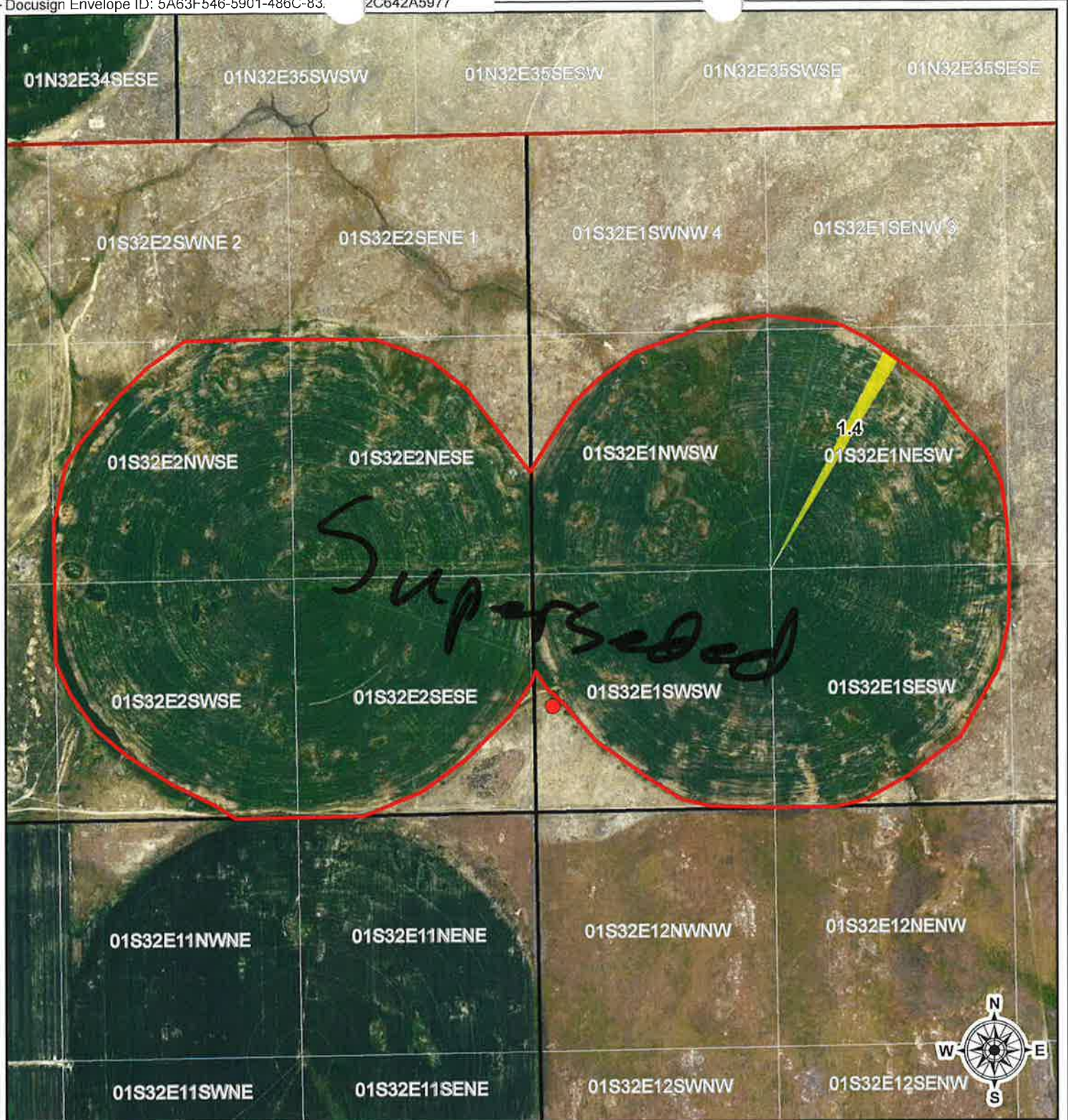
I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made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

DocuSigned by: <u>Joseph Smith</u>	Joseph Smith, Regional Environmental Manager	10/17/2025
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>450.00</u>	Receipt #: <u>E051216</u>	Date: <u>10/17/25</u>	Received by: <u>CXH</u>
Add'l Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____



Basemap: 2023 NAIP

Attachment 2B. Existing Locations of Water Right

Legend

- POD 35-7449B
- Twp & Rng
- POU 35-7449B
- Section
- Purchase Acres
- QQ

Knife River Corp. Mountain West
Application for Transfer
Water Right No. 35-7449B
Carey Gravel Pit

Date: 10/13/2025

RMEA #: 21-0063

Drafted by: KM





Attachment 3C. Proposed Locations of Water Right

Legend

- Proposed POD
- Proposed POU
- Twp & Rng
- Section
- QQ

Knife River Corp. Mountain West
Application for Transfer
Carey Gravel Pit

Date: 10/10/2025

RMEA #: 21-0063

Drafted by: KM



Date: 10/17/2025
To: Idaho Department of Water Resources
From: Knife River Corporation Mountain West
Subject: Applications for Transfer of Water Right 35-7449B

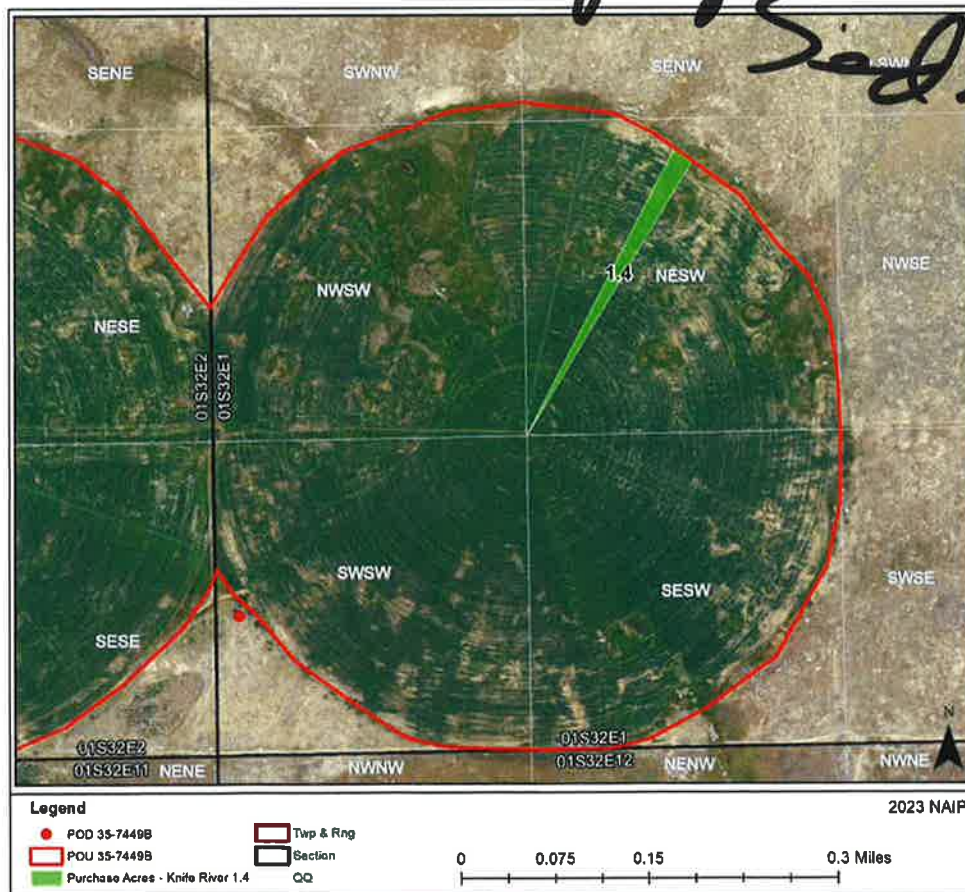
Knife River Corporation Mountain West has entered into a purchase agreement with Rocky Mountain Water Exchange, LLC for the above-described water right(s) in the amount of 1.4 acres, as shown in Figure 1. As a part of the agreement, a transfer application must be filed to amend the water right to cover 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:
Joseph Smith
E0407BCBDE7462
Joseph Smith, Regional Environmental Manager
Knife River Corporation Mountain West

Signed by: Roger Warner
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.

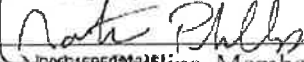
IN WITNESS WHEREOF, the undersigned have duly executed this Memorandum of Option Agreement effective as of the Effective Date.

[SIGNATURES ON FOLLOWING PAGE]

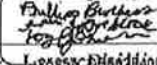
“SELLER”

PHILLIPS BROTHERS FARM & LIVESTOCK
LLC

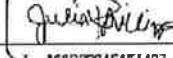
DocuSigned by:


By: Nathan Phillips, Member

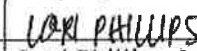
DocuSigned by:


By: Jesse Phillips, Member

DocuSigned by:


By: Julia Phillips, Member

Signed by:


By: Lori Phillips, Member

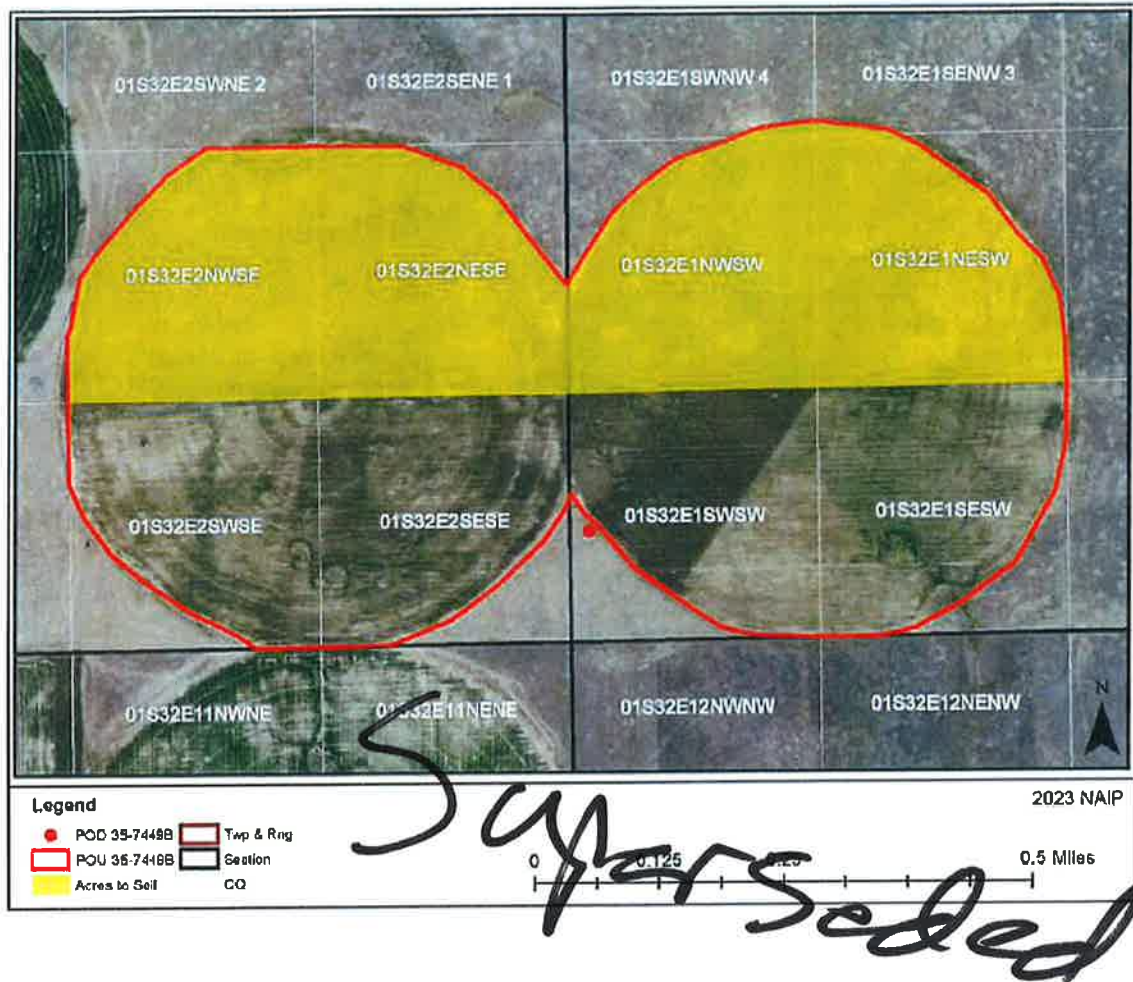
“BUYER”

ROCKY MOUNTAIN WATER EXCHANGE,
LLC



By: W. Roger Warner
Its: Managing Member

Attachment 1
Map of the 138-acre Water Right





Mountain West
5450 W Gowen Road
Boise, ID 83709

www.kniferiver.com
(208) 362.6152
(208) 562.5045 FAX

May 16, 2025

RE: Appointment of Agents – Power of Attorney

To whom it may concern:

Pursuant to a Board resolution adopted by the Board of Directors of Knife River Corporation – Mountain West, I am authorized, as Region President, to designate certain individuals as agents of Knife River Corporation – Mountain West who shall be authorized, in the name and on behalf of Knife River Corporation – Mountain West, to execute and deliver construction contracts, subcontracts, agreements, documents, and other instruments with governmental authorities (federal, state, county, or local), with general contractors or subcontractors, and with private parties.

I hereby designate each of the following individual(s) an agent of Knife River Corporation – Mountain West, and each of them is authorized and empowered to execute and deliver documents, including but limited to, construction contracts, subcontracts, prime contractor proposals, subcontractor proposals, competitive bids for projects, prime contractor bids for materials, lien releases, and other related agreements, documents, and instruments with governmental authorities (federal, state, county, or local), with general contractors or subcontractors, and with private parties, in the name and on behalf of Knife River Corporation – Mountain West:

Matt Abrams
Nate Aggen
Mike Cole
Will Haigh
Bret Olson
Bret Gant
Joseph Smith
James Hammer
Cody O'Hare

This authorization letter is effective and in full force and effect, until modified.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Lauteren".

Jim Lauteren
President
Knife River Corporation – Mountain Region

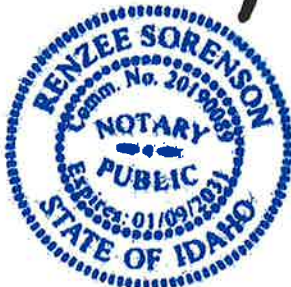
STATE OF IDAHO
COUNTY OF ADA

Jim Lauteren, being first duly sworn, deposes and says that he is the President for Knife River Corporation – Mountain Region; that the execution of this instrument is the act and deed of the Corporation, that he has read the foregoing document and knows the contents thereof, and that the statements herein are true.



Jim Lauteren
President
Knife River Corporation – Mountain Region

Subscribed and sworn to before me on May 16th, 2025.



Superseded


Renzee Sorenson Notary Public

Ada County, Idaho
My commission expires: 01-09-2031

Narrative in Support of Applications

Knife River Corporation Mountain West

Applicant is submitting an *Application for Permit* and an *Application for Transfer of Water Right* for a new aggregate washing facility that will be built in T01N, R22E, Sec. 16, Carey, Idaho. Most of the uses associated with the facility will be non-consumptive and return to the ground through a wash pond. Some uses will be consumptive, such as dust abatement and pond evaporation.

Application for Permit

The Applicant intends to divert water from a well they will construct to a covered aggregate washing facility. The facility will be covered to reduce water loss due to evaporation. After gravel washing, the dirty water will be stored in a holding pond(s) where suspended sediment will sink. Water will be recirculated through the wash plant and supplemented with fresh water from the well. Water will be allowed to sink back into the aquifer.

As water from the holding ponds will be evaporated, circulated through the gravel washing process, and/or allowed to sink back into the aquifer, the ponds will need to be refilled periodically by fresh wash water delivered from the well through the gravel washing plant. Therefore, the total storage volume anticipated throughout the year represents multiple fills of the ponds, not to exceed the total water diverted for Industrial purposes. Total diversion volume is estimated at 1 cfs for 8 hrs/day for up to 300 days per year (approximately 200 afa).

Because water will be allowed to sink back into the aquifer at the end of the process, the majority of water use is non-consumptive. RMELA expects the following components of the gravel washing processes to be consumptive for a total of **4.1 acre-feet annually**:

- **Pond Evaporation.** A portion of the water stored in the holding pond(s) will evaporate before it is either circulated back into the gravel washing process or sinks back into the aquifer. RMEA has calculated that **1.9 acre-feet annually** will be lost due to evaporation from the one or more pond(s) with a total combined surface area of 1.0 acre (Figure 1).
- **Dust Abatement.** Dust abatement will be required approximately 80 days that the process is in operation per year, estimating three 3,000 gallon water trucks per day, resulting in a need for 720,000 gallons or **2.2 acre-feet annually** of water.

The total volume of 200 afa diverted each year includes 4.1 afa of consumptive use and the remaining volume is non-consumptive. Mitigation of the 4.1 afa of consumptive uses will be provided through a companion transfer application of water right 35-7449B.

Application for Transfer of Water Right 35-7449B

A portion of Water Right 35-7449B is proposed to be purchased and transferred as *mitigation by non-use* for the consumptive components under the companion Application for Permit. This water right is currently being used for irrigation of agricultural ground and will be retired upon approval.

Figure 1: Pond Evaporation Calculation

Pond Surface Area: **1 acres**
 Station Name: **Picabo (NWS-USC00107040)**

Month	Days per Month	Actual ET Open Water - shallow systems* (mm/day)	Gross Precipitation (mm/day)*	Net Unit ET (mm/day) (=Actual ET - Gross Precip)	Net Unit ET** (mm/month) (=Net Unit ET x Days per month)	Total ET for Ponds (af/month) (=Net Unit ET x Pond Surface Area / 304.8)
Jan	31	0.41	1.29	-0.88	0	0.00
Feb	28	0.7	1.06	-0.36	0	0.00
Mar	31	1.44	1.13	0.31	9.61	0.03
Apr	30	2.52	0.87	1.65	49.5	0.16
May	31	3.37	1.12	2.25	69.75	0.23
Jun	30	4.08	0.66	3.42	102.6	0.34
Jul	31	4.47	0.27	4.2	130.2	0.43
Aug	31	3.95	0.18	3.77	116.87	0.38
Sep	30	2.88	0.5	2.38	71.4	0.23
Oct	31	1.67	0.98	0.69	21.39	0.07
Nov	30	0.71	0.96	-0.25	0	0.00
Dec	31	0.32	1.63	-1.31	0	0.00
Annual		809			571.32	1.87

*Data for Actual ET and Gross Precipitation are taken from ET-IDWR for the identified station above.

** Negative values for Net Unit ET were replaced with Zero (0).

Super Seded

Eastern Snake Plain Aquifer Modeling Analysis

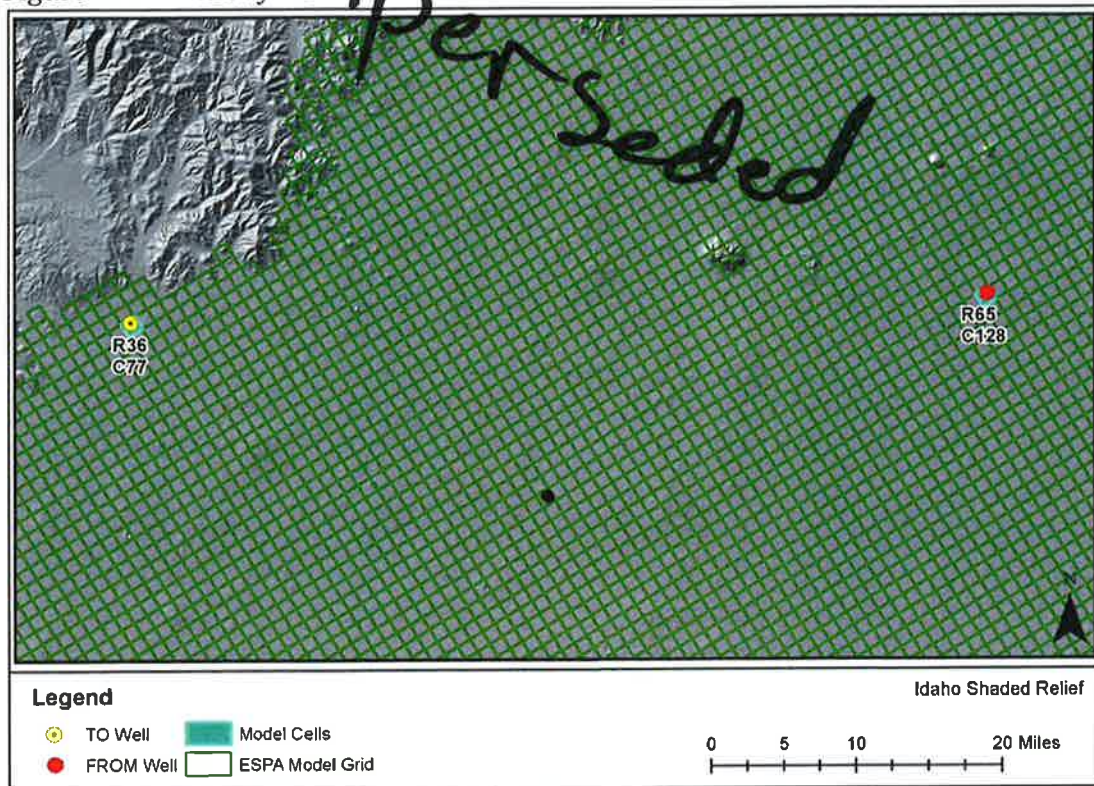
The Applicant requires 1.4 acres of water for conversion from irrigation to industrial use at a new facility in Carey. It is proposed to purchase a portion of water right no. 35-7449B.

Data Input Values

The TO Well location is an existing well located in model cell R36 C77.

The FROM Well location is a point of diversion (POD) located in model cell R65 C128. Well locations and ESPA Grid Cells used for modeling are shown in Figure 1.

Figure 1. Data Entry



Using ESPAM 2.2, a modeling simulation was used to evaluate the effects to the Snake River. Data input values were based upon the historical consumptive use volumes described in Attachment 4C-5, of 4.1 afa or 1.37 af/trimester at both the TO and FROM Wells, with a transition to the TO Well occurring in Spring of 2026. The Net Effects do not exceed the threshold of 2.0 af/trimester. **No mitigation is required.** Figures 2-4 include excerpts from the ESPAM 2.2 simulation.

Figure 2. Data Entry

Cells this color are set up for user entries

UPDATE DATES

RUN MODEL

GET OUTPUT

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

TRANSFER NO: 35-7449B

YEAR 1974

SEASON SUMMER

TRANSFER NAME: Knife River - Card

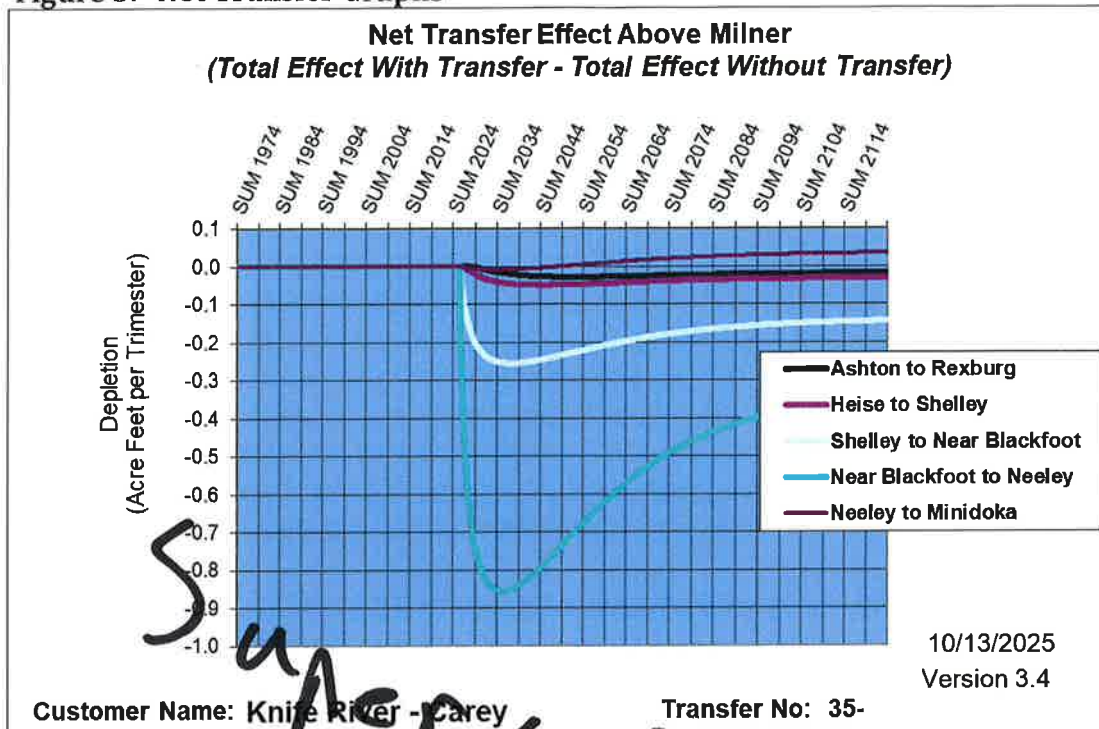
CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	TO CELL	FROM1' CELL	FROM2' CELL	FROM3' CELL
ROW	36	65	0	0
COLUMN	77	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	0.00	1.37	0.00	0.00	0.00	0.00	
WIN 1974	0.00	1.37	1.37	0.00	0.00	0.00	0.00	
SPR 1975	0.00	1.37	1.37	0.00	0.00	0.00	0.00	
SUM 1975	0.00	1.37	1.37	0.00	0.00	0.00	0.00	
WIN 1975	0.00	1.37	1.37	0.00	0.00	0.00	0.00	
SPR 2024	0.00	1.37	1.37	0.00	0.00	0.00	0.00	
SUM 2024	0.00	1.37	1.37	0.00	0.00	0.00	0.00	
WIN 2024	0.00	1.37	1.37	0.00	0.00	0.00	0.00	
SPR 2025	0.00	1.37	1.37	0.00	0.00	0.00	0.00	
SUM 2025	0.00	1.37	1.37	0.00	0.00	0.00	0.00	
WIN 2025	0.00	1.37	1.37	0.00	0.00	0.00	0.00	
SPR 2026	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SUM 2026	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
WIN 2026	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SPR 2027	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SUM 2027	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
WIN 2027	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SPR 2028	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SUM 2028	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
WIN 2028	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SPR 2029	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SUM 2029	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
WIN 2029	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SPR 2030	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SUM 2030	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
WIN 2030	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SPR 2031	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SUM 2031	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
WIN 2031	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SPR 2032	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SUM 2032	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
WIN 2032	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SPR 2033	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SUM 2033	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
WIN 2033	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SPR 2122	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SUM 2122	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
WIN 2122	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SPR 2123	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SUM 2123	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
WIN 2123	1.37	0.00	1.37	0.00	0.00	0.00	0.00	
SPR 2124	1.37	0.00	1.37	0.00	0.00	0.00	0.00	

Figure 3. Net Transfer Graphs



Attachment 4B-6

Figure 4. Calculated Effects and Mitigation Analysis Tool

	Net Transfer Effect (AF/four months)										
	Ashton to	Heise to	Shelley to	Nr Bickft	Neeley to	Dev. Wbl.	Buhl to	Kspr	Kspr to	Malad	Malad to
	Rexburg	Shelley	Nr Bickft	Neeley	Minidoka	Buhl	Kspr	Malad	Malad	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
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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2025	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2026	0.0	0.0	0.0	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2026	0.0	0.0	-0.1	-0.3	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 2027	0.0	0.0	-0.1	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2027	0.0	0.0	-0.2	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2028	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2028	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2028	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2029	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2029	0.0	0.0	-0.2	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2029	0.0	0.0	-0.2	-0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2030	0.0	0.0	-0.2	-0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2030	0.0	0.0	-0.2	-0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2030	0.0	0.0	-0.2	-0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2031	0.0	0.0	-0.2	-0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2031	0.0	0.0	-0.2	-0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2122	0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0
SPR 2123	0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0
SUM 2123	0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0
WIN 2123	0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0
SPR 2124	0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0

SPR 2026

156	Match:		456								
AtR	HtS	StNB	NBtN	NtM	DWtB	BtTS	TS	TStM	M	MtB	Total
0.03	0.06	0.28	0.95	0.01	0.01	0.01	0.01	0.00	0.01	0.00	1.37
0.02	0.03	0.13	0.60	0.05	0.17	0.14	0.06	0.06	0.07	0.01	1.32
0.03	0.06	0.28	0.95	0.01	0.01	0.01	0.01	0.00	0.01	0.00	1.37
0.03	0.06	0.24	0.75	0.05	0.17	0.14	0.06	0.06	0.07	0.01	1.62
-0.02	-0.03	-0.14	-0.35	0.03	0.15	0.12	0.06	0.05	0.06	0.01	
0.00	0.00	-0.04	-0.20	0.03	0.15	0.12	0.06	0.05	0.06	0.01	

Attachment 4B-6

Figure 5. Excerpt from Mitigation Analysis Tool

Dedicated Vol. AFA/ AFT	Model Node	Impact by Reach (AF/Trimester)										
		Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bickft	Nr Bickft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
sfer	Pie SS	0.0	0.1	0.3	0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Post-SS	0.0	0.0	0.1	0.6	0.0	0.2	0.1	0.1	0.1	0.1	0.0
	Pre-TS	0.0	0.1	0.3	0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Post-TS	0.0	0.1	0.2	0.7	0.0	0.2	0.1	0.1	0.1	0.1	0.0
Mitigation Check 1 - >10% of Historical:		-54.8%	-55.3%	-51.7%	-36.7%	262.3%	1102.5%	1109.6%	1114.3%	1122.9%	1139.2%	1136.7%
Mitigation Check 2: > 2 AF/T:		0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0
Mitigation Check 3 - >10% of Total:		1.2%	1.9%	10.2%	45.4%	3.6%	12.6%	10.2%	4.7%	4.4%	5.1%	0.7%
Mitigation Required?:		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):		0.0	0.0	-0.1	-0.3	0.0	0.2	0.1	0.1	0.1	0.1	0.0
Mitigation Check 1 - >10% of Historical:		-1.6%	-1.1%	-14.2%	-20.9%	262.3%	1102.5%	1109.6%	1114.3%	1122.9%	1139.2%	1136.7%
Mitigation Check 2: > 2.01 AF/T:		0.0	0.0	0.0	-0.2	0.0	0.2	0.1	0.1	0.1	0.1	0.0
Mitigation Required?:		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):		0.0	0.0	0.0	-0.2	0.0	0.2	0.1	0.1	0.1	0.1	0.0

Superseded

Conversion of Nature of Use

Knife River Corporation Mountain West

Applicant proposes to convert a 1.4-acre portion of existing water right 35-7449B from irrigation to industrial use at a new facility location in Carey.

Diversion Data

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. 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

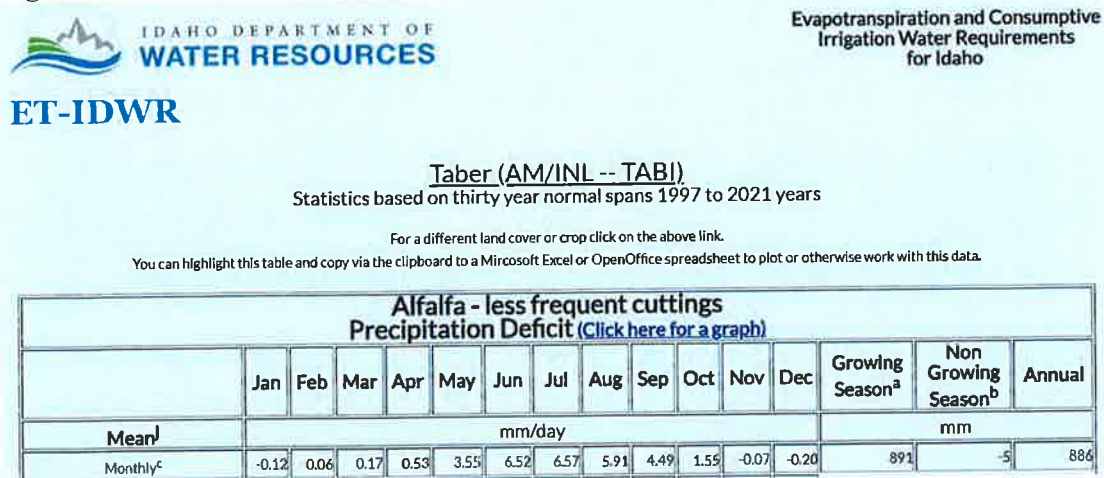
Year	Diversion Volume (AFA)
2020	626.18
2021	557.00
2022	828.31
2023	674.92
2024	750.50

Superseded

Conversion of Nature of Use

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 Taber (AM/INL - TABI), Alfalfa – Less Frequent Cuttings has a precipitation deficit of 891 mm/year, or 2.92 af/year, for the growing season (Figure 1). **Therefore, 1.4 acres of irrigation water right would convert to a total of 4.1 afa (1.4 ac x 2.92 afa/ac) available for mitigation.**

Figure 1. ET Values for Alfalfa – less frequent cuttings at Taber (AM/INL - TABI).





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:

Superseded

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

Superseded



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 16, 2026

COREY KING
WATER DISTRICT 130
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

Re: Application for Permit No. 37-23659 (Knife River Corporation)

Re: Transfer No. 90199 (Knife River Corporation)
Water Right No(s). 35-7449B (proposed new well under Water Right No. 37-23660)

Re: Transfer No. 90339 (3 String Cattle of Idaho LLC)
Water Right No(s). 36-2565A, 37-10146, 37-20396, 37-8361

Dear Corey:

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 & associated documents 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)

Maline, Denise

From: Maline, Denise
Sent: Monday, March 16, 2026 10:09 AM
To: Jordan, Blake
Subject: Comment Letter for Transfer 90199 (Knife River Corp)
Attachments: Comment letter to WD120 for 90199.docx; Transfer 90199 (Knife River Corp).pdf

Hi Blake,

Attached is an application for transfer currently being processed by the department, which is moving water out of Bingham County and into Blaine County. 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 16, 2026

BLAKE JORDAN
WATER DISTRICT 120
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402-1718

Re: Transfer No. 90199 (Knife River Corporation)
Water Right No(s). 35-7449B (proposed new well under Water Right No. 37-23660)

Dear Blake:

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 & associated documents 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)



THE JEFFERSON
STAR

THE CHALLIS
Messenger

ADVERTISING INVOICE

APG West Payment
Processing
PO Box 1570
Pocatello, ID 83204
Ph. (208) 542-6712

BILLING DATE: ACCOUNT NO:

03/13/26

12622

Denise Maline
IDWR SOUTHERN REGION TWIN FALLS
650 ADDISON AVE W STE 500
TWIN FALLS, ID 83301

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
725425	NOTICE OF PROPOSED C	03/18/26	03/25/26	8	\$104.74

✓ Transfer No. 90199

Confirmation of legal notice from Bingham News Chronicle 3-13-2026

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
------	--------	-----------	---------------	-------	--------

Discount: \$0.00
Surcharge: \$0.00
Credits: \$0.00

Gross: \$104.74
Paid Amount: \$0.00

Amount Due: \$104.74

We Appreciate Your Business!

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 90199**

KNIFE RIVER CORPORATION MOUNTAIN WEST, 5450 W GOWEN RD, BOISE, ID 83709-5625 has filed Application No. 90199 for changes to the following water rights within BINGHAM, BLAINE 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/queue/newtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion (POD), place of use (POU), nature of use and period of use for a 1.4-acre portion (0.02 cfs) of an irrigation ground water right. Current POU and POD for the ground water right is on a farm located approximately 11.0 to 11.6 miles north and 15.2 to 16.2 miles west of the Interstate 15 and Hwy 26 interchange in Blackfoot. The proposed POU and POD for the portion of the water right being transferred is a proposed gravel mining site that will be located approximately 2.0 to 2.5 miles north and 4.9 to 5.2 miles east of the intersection of Hwy 20 and Hwy 26 in Carey. Change in nature of use is from irrigation to mitigation by non-use to offset consumptive uses under a companion application for permit (37-23659) for industrial uses.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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 6, 2026**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER
Director

Published: March 18, 25, 2026 (PR/ISJ12622-725425)

A handwritten signature in blue ink, appearing to be 'DM', with a checkmark to its left.

LEGAL NOTICES

be presented and no motions, at this time, will be made.

All interested persons are invited to attend this public hearing using telecommunication devices or submit written comments or direct questions to the Community Development Assistant at 115 South Main Street, Hailey, Idaho 83333, or planning@haileycityhall.org. For special accommodation or to participate in the noticed meeting, please contact the City Clerk 208 788 4221.

PUBLISH
IDAHO MOUNTAIN EXPRESS
MARCH 18, 2026

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Sun Valley Planning & Zoning Commission will hold a public hearing on Friday, April 3rd, 2026, at 9:00 AM in City Hall Council Chambers, 81 Elkhorn Road, Sun Valley, ID to hear comments from the public concerning the following item:

- **DR 2025-50:** Please note, this application is being re-noticed for a new public hearing proceeding. Design Review application for the construction of a new single-family residence. Applicant: Payne Cole Architects for Jordan and Lacey Wadsworth (property owner). Location: 230 Blue Bell (WILLOW CREEK SUB LOT 17).

Direct comments/questions to the City of Sun Valley Community Development Dept., at PO Box 416, Sun Valley, ID 83353, or cdcounter@sunvalleyidaho.gov. The week of March 30th, 2026 please check the city website <http://www.sunvalleyidaho.gov> for the meeting agenda and complete staff report. The applicant's submittal materials are available via email upon request or for review in City Hall during business hours Monday-Friday 8 a.m. - 5 p.m., 81 Elkhorn Road, Sun Valley, ID, 83353.

PUBLISH
IDAHO MOUNTAIN EXPRESS
MARCH 18, 2026

LEGAL NOTICE
BLAINE COUNTY BOARD OF
COMMISSIONERS REGULAR
MEETING

Tuesday, April 7, 2026, at 1:30 p.m.

On Tuesday, April 7, 2026, at 1:30 p.m., the Blaine County Board of County Commissioners will hold a regular public meeting upstairs in the Old County Courthouse located at 205 First Ave. So., in Hailey. Items on their agenda include the following:

ACTION ITEM: A public hearing and consideration of a Stream Alteration Permit application, by Picabo Livestock Company, Inc. and The Nature Conservancy represented by RIVHAB, PLLC, for proposed sediment removal within portions of Silver Creek, including removal of approximately 32,000 cubic yards of accumulated and immobile sediment and overgrowth to restore river function and water quality. The project is located on both Picabo Livestock and The Nature Conservancy lands within T1S, R19-20E, Sections 25-30 near 165 Kilpatrick Bridge Road and 116 Double R Lane, Picabo, Idaho and project sites are zoned Productive Agricultural District (A-40) and Rural Remote District (RR-40) with areas of Riparian Setback, National Wetlands Inventory, Mountain Overlay District

and Wellhead Protection District.

This meeting is open to the public and may be attended in person or by web access. The meeting agenda will be posted to the Blaine County website at <https://www.blainecountyid.gov/AgendaCenter> by the Thursday prior to the hearing. Please check the meeting agenda for further instructions for digital web access.

Materials are available at Land Use and Building Services located at 219 First Avenue South, Suite 208 in Hailey and on the Blaine County website at <https://www.blainecountyid.gov/199/County-Commissioner-Hearing-Materials>. For adequate consideration, written comments in excess of one page should be forwarded to Blaine County at least 4 days prior to the public hearing by mail, e-mail to pczcounter@blainecountyid.gov.

Si habla español y necesita asistencia para leer o entender el contenido de esta carta, por favor llame a la Oficina de Uso de la Tierra al (208) 788-5570 o envíe un correo electrónico a pczcounter@blainecountyid.gov.

PUBLISH
IDAHO MOUNTAIN EXPRESS
MARCH 18, 2026

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Sun Valley City Council will hold a public hearing on Thursday, April 2nd, 2026, at 4:00 p.m. in City Hall Council Chambers, 81 Elkhorn Road, Sun Valley, ID to hear public comment regarding the establishment of two new proposed fees associated with two new types of applications in Title 7 of Sun Valley Municipal Code. The Council will consider establishing a fee for applications for Appeals, and a fee for applications for Design Exceptions in order to align fees with the staff time necessary to review said applications.

Direct comments/questions to the City of Sun Valley Clerk, at PO Box 416, Sun Valley, ID 83353, or nflannigan@sunvalleyidaho.gov. Please check the city website for the meeting agenda and application materials.

PUBLISH
IDAHO MOUNTAIN EXPRESS
MARCH 18, 2026

PROPOSED WATER RIGHTS

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

37-23659
KNIFE RIVER CORPORATION
MOUNTAIN WEST
5450 W GOWEN RD
BOISE, ID 83709-5625
Point of Diversion NWSE S16 T01S R22E BLAINE County Source GROUND WATER Tributary
Use: INDUSTRIAL 01/01 to 12/31 1 CFS
Use: DIVERSION TO STORAGE 01/01 to 12/31 1 CFS
Use: INDUSTRIAL STORAGE 01/01 to 12/31 200 AF
Use: INDUSTRIAL FROM STORAGE 01/01 to 12/31 200 AF
Total Diversion: 1 CFS
Date Filed: 10-17-2025
Place Of Use: INDUSTRIAL, INDUSTRIAL FROM STORAGE, INDUSTRIAL STORAGE
T01S R22E S16 NWSE, SWSE
Application for permit is seeking to

appropriate up to 1.0 cfs and 200 afa of ground water diverted from a proposed new well for industrial storage and industrial use from storage. Consumptive uses associated with this application are proposed to be covered by an existing water right (mitigation by non-use) and a conversion of acres associated with companion transfer #90199. The proposed place of use and point of diversion will be located approximately 2.0 to 2.5 miles north and 4.9 to 5.2 miles east of the intersection of Hwy 20 and Hwy 26 in Carey. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 90199

KNIFE RIVER CORPORATION
MOUNTAIN WEST, 5450 W GOWEN RD, BOISE, ID 83709-5625 has filed Application No. 90199 for changes to the following water rights within BINGHAM, BLAINE County(s): Right No(s). 35-74499. The purpose of the transfer is to change a portion of the above rights as follows:
Application proposes changing the point of diversion (POD), place of use (POU), nature of use and period of use for a 1.4-acre portion (0.02 cfs) of an irrigation ground water right. Current POU and POD for the ground water right is on a farm located approximately 11.0 to 11.6 miles north and 15.2 to 16.2 miles west of the Interstate 15 and Hwy 26 interchange in Blackfoot. The proposed POU and POD for the portion of the water right being transferred is a proposed gravel mining site that will be located approximately 2.0 to 2.5 miles north and 4.9 to 5.2 miles east of the intersection of Hwy 20 and Hwy 26 in Carey. Change in nature of use is from irrigation to mitigation by non-use to offset consumptive uses under a companion application for permit (37-23659) for industrial uses.

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 90339

3 STRING CATTLE OF IDAHO LLC, PO BOX 675, HEYBURN, ID 83336-0675 has filed Application No. 90339 for changes to the following water rights within BLAINE, LINCOLN County(s): Right No(s). 36-2565A, 37-10146, 37-20396, 37-8361. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the nature of use, period of use, place of use (POU), and point of diversion (POD) for an 11-acre (0.15 cfs) portion of an irrigation water right to commercial and stockwater purposes associated with an existing dairy. The location of the current irrigated POU & POD is approximately 8.7 miles east of the town of Minidoka. The new POU & POD (existing dairy site) is located along the west side of Highway 75 approximately 5.2 miles north and 0.5 miles east of the intersection of Highway 93 and the Union Pacific Railroad in Shoshone. The application also proposes to change the POU and add additional PODs (new wells to be drilled) for the existing water rights, totaling 0.15 cfs, at the dairy site. In total, the transferred portion of the irrigation right and the existing dairy water rights will allow for the diversion of 0.3 cfs and 70.3-acre feet from two existing wells and two new wells to be drilled (four total wells) at the dairy site.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 6, 2026. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

PUBLISH
IDAHO MOUNTAIN EXPRESS
MARCH 18 & 25, 2026

PUBLIC NOTICE

As required by Idaho Code Section 50-2006(5)(c), the Ketchum Urban Renewal Agency has filed a report of its 2025 activities with the office of the Ketchum City Clerk and Idaho State Controller pursuant to Idaho Code Section 67-1076. The report is available for inspection during business hours in the office of the City Clerk. The report is also available on the Agency's website at <https://www.ketchumura.org/kura/page/annual-reports>.

If you have any questions, please contact Brent Davis at bdavis@ketchumidaho.org.

PUBLISH
IDAHO MOUNTAIN EXPRESS
MARCH 18, 2026

NOTICE OF
TRUSTEE'S SALES

NOTICE OF RESCHEDULED
TRUSTEE'S SALE
PER IDAHO CODE 45-1506A

NOTICE IS HEREBY GIVEN that on April 9, 2026 at the hour of 11:00 AM of said day, at the front steps of the Old Courthouse Building, 206 1st Avenue South, Hailey, ID 83333 The Trustee will sell at public auction to the highest bidder, for cash in lawful money of the United States of America, all payable at the time of sale, the following described real property situated in the County of Blaine, State of Idaho, and described as follows, to-wit:

Township 3 North, Range 18 East, Boise Meridian, Blaine County, Idaho
Sections 29 and 32: A parcel of land in the Southwest Quarter of the Southwest Quarter of Section 29 and the Northwest Quarter of the Northwest Quarter of Section 32, more particularly described as follows:

Beginning at a point on the South line of said Section 29, from which the Southwest corner of said Section 29 bears North 89°35'; West 475.00 feet; thence North 89°35' West, along said Section line, 184.00 feet to a point in the approximate center of Deer Creek; thence South 46°00' West upstream along the approximate center of Deer Creek 148.00 feet; thence North 89°35' West 120.00 feet; thence North 40°00' West 70.00 feet; thence

North 25°00' East 100.00 feet; thence North 08°00' West 180.00 feet; thence North 44°00' West 50 feet, to a point on the West line of said Section 29; thence North, along said section line and leaving Deer Creek, 239.19 feet; thence South 38°28' East 383.66 feet; thence South 50°07' East 306.00 feet to the POINT OF BEGINNING.

The Seller has no knowledge of a more particular description of the above-described real property, but for purposes of compliance with Idaho Code Section 60-113, the Trustee has been informed that the street address of 69 Deer Creek Rd., Hailey, ID 83333, may sometimes be associated with said real property.

Said sale will be made, without covenant or warranty regarding title, possession or encumbrances, to satisfy the obligation secured by and pursuant to the power of sale conferred in the Deed of Trust made and entered into on May 14, 2024, by and among Megan Lengyel, an unmarried woman, as Grantor, and Pioneer Title Company of Blaine County, as Trustee, and Gay Lee Weinberg Living Trust as to an undivided 50,000.00/1,800,000.00 interest; Gwen Mastin, a married woman as her sole and separate property as to an undivided 100,000.00/1,800,000.00 interest; Skylar Trengove, LLC, a Nevada limited liability company as to an undivided 100,000.00/1,800,000.00 interest; G. Michael Whitesides, Trustee of the Whitesides Family Trust as to an undivided 100,000.00/1,800,000.00 interest; Steven V. Rheuban or Marjorie L. Rheuban, Husband and Wife as Joint Tenants as to an undivided 100,000.00/1,800,000.00 interest; Loretta Hargaden, Trustee Of The John And Loretta Hargaden Family Trust Dated 12/24/2004 as to an undivided 175,000.00/1,800,000.00 interest; Donna L. Todd, a single woman as to an undivided 275,000.00/1,800,000.00 interest; and Riviera Investments West, Inc., a Nevada corporation as to an undivided 900,000.00/1,800,000.00 interest, as Beneficiary; said Deed of Trust having been filed of record on May 16, 2024 as Instrument # 706215, re-recorded at #706275, Official Records of Blaine County, Idaho. The naming of the above Grantor(s) is done to comply with Idaho Code Section 45-1506(4)(a); no representation is made as to the responsibility of Grantor(s) for this obligation.

The default for which the sale is to be made is that Grantor(s) have failed to pay one or more monthly installment payments under a deed of trust note dated May 14, 2024, secured by the above-mentioned Deed of Trust, together with accruing late charges, plus any other charges lawfully due under the note, deed of trust, and Idaho law.

The balance owing as of 01/08/2026 on the obligation secured by said Deed of Trust is the amount of \$2,209,215.28; plus service charges, late charges, and any other costs or expenses associated with this foreclosure as provided by the Deed of Trust or Deed of Trust Note, or by Idaho law.

Dated this 9th day of February, 2026.

Brian G. Sayer

PUBLISH
IDAHO MOUNTAIN EXPRESS
MARCH 18, 25 & APRIL 1, 2026

Confirmation of legal notice from Idaho Mtn Express 3-13-2026



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, 2026

KNIFE RIVER CORPORATION MOUNTAIN WEST
5450 W GOWEN RD
BOISE, ID 83709-5625

Re: Application for Permit No. 37-23659

Re: Transfer No. 90199
Water Right No(s). 35-7449B

Dear Applicant(s):

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

A legal notice of application no. 37-23659 has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS** on **3/18/2026** and **3/25/2026**. A legal notice of application no. 90199 has been prepared and is scheduled for publication in the **BINGHAM NEWS CHRONICLE** and **IDAHO MOUNTAIN EXPRESS** on **3/18/2026** and **3/25/2026**. Protests to this application(s) 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 6, 2026**.

If the application(s) is protested, you will be sent a copy of each protest. All protests must be resolved before the application(s) 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(s) is not protested, the Department will process your application(s) and notify you of any action taken on the application(s). If your application(s) is approved, the Department will send you a copy of the approved application(s).

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

Sincerely,

Denise Maline
Administrative Assistant

c: Rocky Mountain Environmental Assoc Inc
AXA Equitable Life Insurance Co, Cedar Rapids, IA (security interest holder for Phillips Brothers Farm & Livestock) Loan #60716228

Maline, Denise

From: Maline, Denise
Sent: Friday, March 13, 2026 8:48 AM
To: Idaho Mountain Express
Subject: LEGAL NOTICE: 37-23659, 90199, 90339
Attachments: Idaho Mtn Express cover letter.docx; Idaho Mtn Express ad.docx

Good morning,

Attached please find **(1)** legal notice being submitted for publication on March 18th & 25th, 2026 under *IDWR account number 10002055*. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline, 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, 2026

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340-0990

RE: Application for Permit No. 37-23659

RE: Transfer No. 90199
Water Right No(s). 35-7449B

RE: Transfer No. 90339
Water Right No(s). 36-2565A, 37-10146, 37-20396, 37-8361

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 6, 2026**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

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

37-23659

KNIFE RIVER CORPORATION MOUNTAIN WEST

5450 W GOWEN RD

BOISE, ID 83709-5625

Point of Diversion NWSE S16 T01S R22E BLAINE County Source GROUND WATER Tributary

Use: INDUSTRIAL 01/01 to 12/31 1 CFS

Use: DIVERSION TO STORAGE 01/01 to 12/31 1 CFS

Use: INDUSTRIAL STORAGE 01/01 to 12/31 200 AF

Use: INDUSTRIAL FROM STORAGE 01/01 to 12/31 200 AF

Total Diversion: 1 CFS

Date Filed: 10-17-2025

Place Of Use: INDUSTRIAL, INDUSTRIAL FROM STORAGE, INDUSTRIAL STORAGE

T01S R22E S16 NWSE, SWSE

Application for permit is seeking to appropriate up to 1.0 cfs and 200 afa of ground water diverted from a proposed new well for industrial storage and industrial use from storage. Consumptive uses associated with this application are proposed to be covered by an existing water right (mitigation by non-use) and a conversion of acres associated with companion transfer #90199. The proposed place of use and point of diversion will be located approximately 2.0 to 2.5 miles north and 4.9 to 5.2 miles east of the intersection of Hwy 20 and Hwy 26 in Carey. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 90199

KNIFE RIVER CORPORATION MOUNTAIN WEST, 5450 W GOWEN RD, BOISE, ID 83709-5625 has filed Application No. 90199 for changes to the following water rights within BINGHAM, BLAINE County(s): Right No(s). 35-7449B. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion (POD), place of use (POU), nature of use and period of use for a 1.4-acre portion (0.02 cfs) of an irrigation ground water right. Current POU and POD for the ground water right is on a farm located approximately 11.0 to 11.6 miles north and 15.2 to 16.2 miles west of the Interstate 15 and Hwy 26 interchange in Blackfoot. The proposed POU and POD for the portion of the water right being transferred is a proposed gravel mining site that will be located approximately 2.0 to 2.5 miles north and 4.9 to 5.2 miles east of the intersection of Hwy 20 and Hwy 26 in Carey. Change in nature of use is from irrigation to mitigation by non-use to offset consumptive uses under a companion application for permit (37-23659) for industrial uses.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 90339

3 STRING CATTLE OF IDAHO LLC, PO BOX 675, HEYBURN, ID 83336-0675 has filed Application No. 90339 for changes to the following water rights within BLAINE, LINCOLN County(s): Right No(s). 36-2565A, 37-10146, 37-20396, 37-8361. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the nature of use, period of use, place of use (POU), and point of diversion (POD) for an 11-acre (0.15 cfs) portion of an irrigation water right to commercial and stockwater purposes associated with an existing dairy. The location of the current irrigated POU & POD is approximately 8.7 miles east of the town of Minidoka. The new POU & POD (existing dairy site) is located along the west side of Highway 75 approximately 5.2 miles north and 0.5 miles east of the intersection of Highway 93 and the Union Pacific Railroad in Shoshone. The application also proposes to change the POU and add additional PODs (new wells to be drilled) for the existing water rights, totaling 0.15 cfs, at the dairy site. In total, the transferred portion of the irrigation right and the existing dairy water rights will allow for the diversion of 0.3 cfs and 70.3-acre feet from two existing wells and two new wells to be drilled (four total wells) at the dairy site.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 6, 2026**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Published on March 18th & 25th, 2026

Maline, Denise

From: Maline, Denise
Sent: Friday, March 13, 2026 8:52 AM
To: Bingham News Chronicle
Subject: LEGAL NOTICE - Transfer 90199
Attachments: Bingham News Chronicle cover letter.docx; Bingham News Chronicle ad.docx

Good morning,

Attached please find **(1)** legal notice being submitted for publication in the *Bingham News Chronicle* on March 18th & 25th, 2026 under *IDWR account number 12622*. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Please send the affidavit of publication and invoice to IDWR's Twin Falls office at the address below.

Thank you in advance,

Denise Maline, 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, 2026

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

RE: Transfer No. 90199
Water Right No(s). 35-7449B

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 6, 2026**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 90199**

KNIFE RIVER CORPORATION MOUNTAIN WEST, 5450 W GOWEN RD, BOISE, ID 83709-5625 has filed Application No. 90199 for changes to the following water rights within BINGHAM, BLAINE 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: Application proposes changing the point of diversion (POD), place of use (POU), nature of use and period of use for a 1.4-acre portion (0.02 cfs) of an irrigation ground water right. Current POU and POD for the ground water right is on a farm located approximately 11.0 to 11.6 miles north and 15.2 to 16.2 miles west of the Interstate 15 and Hwy 26 interchange in Blackfoot. The proposed POU and POD for the portion of the water right being transferred is a proposed gravel mining site that will be located approximately 2.0 to 2.5 miles north and 4.9 to 5.2 miles east of the intersection of Hwy 20 and Hwy 26 in Carey. Change in nature of use is from irrigation to mitigation by non-use to offset consumptive uses under a companion application for permit (37-23659) for industrial uses.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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 6, 2026**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Published on March 18th & 25th, 2026

M E M O R A N D U M

Date: March 2, 2026
To: Transfer 90199
From: Bill Mills
Re: Transfer Proposal

Application proposes changing the point of diversion (POD), place of use (POU), nature of use and period of use for a 1.4-acre portion (0.02 cfs) of an irrigation ground water right. Current POU and POD for the ground water right is on a farm located approximately 11.0 to 11.6 miles north and 15.2 to 16.2 miles west of the Interstate 15 and Hwy 26 interchange in Blackfoot. The proposed POU and POD for the portion of the water right being transferred is a proposed gravel mining site that will be located approximately 2.0 to 2.5 miles north and 4.9 to 5.2 miles east of the intersection of Hwy 20 and Hwy 26 in Carey. Change in nature of use is from irrigation to mitigation by non-use to offset consumptive uses under a companion application for permit (37-23659) for industrial uses.

Place of use and PODs are located in Water District 37 and Watermaster comments will be solicited. PODs are also located in the Eastern Snake Plain Aquifer (ESPA), but modeling indicated no additional mitigation was required.

M E M O R A N D U M

Date: March 2, 2026
To: Transfer 90199
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #90199 were based on the current transfer fee schedule and included \$200.00 for the 0.02 cfs being transferred in the application and included an additional \$250.00 for the proposed change of nature of use, making the total fee for this transfer \$450.00 (Receipt Nos. E051216).



IDAHO DEPARTMENT OF
WATER RESOURCES

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

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

Governor Brad Little

Director Mathew Weaver

November 19, 2025

Knife River Corporation Mountain West
5450 Gowen Rd
Boise ID 83709-5625

Dear Interested Parties:

The Department of Water Resources Southern Region recently received two applications filed in your name. One is a transfer application seeking to transfer water from water right 35-7449B and convert 1.4 acres from irrigation to mitigation by non-use. The second is a companion application for permit for industrial uses that is proposed to be utilized near Carey, Idaho. Preliminary review of the applications indicates that as submitted, both applications are incomplete and are not acceptable for further processing at this time.

Review of the application for permit (1.0 cfs/ 200 afa for industrial, industrial storage and industrial from storage) indicates that the filing fee was not paid in full. The correct fee for an application for permit seeking 200 afa of storage is \$290.00. The receipt (E051216) indicates that \$250.00 was paid for the application. An additional \$40.00 needs to be paid before the Department can begin processing the application for permit.

In regard to the application for transfer, there are two items that need to be addressed before the application for transfer can be considered complete and acceptable for processing.

The first item is related to one of the two security interests listed on water right 35-7449B for The Bank of Commerce. Part 1.F. Encumbered Properties on page 2 of the transfer application states: *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 the 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.*

A letter of consent from one of the security interest holders, AXA Equitable Life Insurance Co., was provided, but no letter of consent from The Bank of Commerce was included with the application. Please provide a letter of consent from the Bank of Commerce or proof that the Bank of Commerce is no longer a valid security interest holder.

The second item is related to the change in nature of use the transfer application proposes. Part 4.C.(5) on page 7 of the application states: *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.*

Diversion data and estimates of evapotranspiration were included with the application, but no historical crop data indicating that alfalfa was historically grown on the property was provided. This requirement is typically met by including FSA crop records and maps with the application for transfer. Please provide some form of historical evidence that alfalfa was the crop grown

under this water right.

I will hold the applications for 30 days. If the two requested items for the transfer application and the additional fee for the application for permit are not received within 30 days, I will return both applications as incomplete to the applicant and process a request to refund the fees paid for the applications.

If you have questions regarding these applications, please feel free to contact me at (208) 736-3033 or by email at bill.mills@idwr.idaho.gov.

Sincerely,



Bill Mills
Senior Water Resource Agent
IDWR Southern Region

Enclosure

c: Rocky Mountain Environmental Associates, Inc.

Maline, Denise

From: Holliday, Michael
Sent: Wednesday, October 29, 2025 2:03 PM
To: Skinner, Corey
Cc: Maline, Denise
Subject: Knife River Corp apps on the way
Attachments: knife river apps.pdf

Corey and Denise,

We are mailing a transfer and an application for permit (see attached) to Southern today because the proposed POD is in Basin 37. Looks like they still owe \$40 on the application for permit. The water right proposed to be changed in the transfer is right no. 35-7449b. If you get to the point where this one is ready to be approved, please be sure to coordinate with Eastern Region because we currently have 5 other transfers on split portions of right no. 35-7449b. Thanks.

 IDAHO DEPARTMENT OF
WATER RESOURCES
Michael Holliday | Water Rights Supervisor
900 N Skyline Dr, Ste A, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov