

RECEIVED

JUN 03 2026

DEPT. OF WATER RESOURCES
EASTERN 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) Spring Creek Homes, L.L.C. C/O Nick JensenMailing Address 13104 W Tyhee RD Pocatello ID 83202Email* springcreekhomes.nick@gmail.com Phone _____Name 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.

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

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

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

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

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

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

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

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

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

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

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

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

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

Current Location of Irrigated Acres to be Changed

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	32E	1										5							5

Total Irrigated Acres to be Changed: 5

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:

The applicant is contracted to purchase a 5-acre portion of water right 35-7449B for the ultimate use within a 10-lot subdivision. As the diversion rate will be too low for the small uses it is proposed to pair this application with a new Application for Permit. Additional details are included in 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
☐ ☒	35-7449B	0.07cfs/20 af	Mitigation by Non-Use	04/01 to 10/31	Groundwater
☐ ☐				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: 0.07 cfs and/or 20 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
								See attached.		

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	
05S	34E	25										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

Ident. No. _____

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

New POD?	TwP	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☒ Yes	5S	34E	25			NW	SW	Bannock	Ground Water	Lot 1
☒ Yes	5S	34E	25			NW	SW	Bannock	Ground Water	Lot 2
☒ Yes	5S	34E	25			NW	SW	Bannock	Ground Water	Lot 3
☒ Yes	5S	34E	25			NW	SW	Bannock	Ground Water	Lot 4
☒ Yes	5S	34E	25			NW	SW	Bannock	Ground Water	Lot 5
☒ Yes	5S	34E	25			NW	SW	Bannock	Ground Water	Lot 6
☒ Yes	5S	34E	25			NW	SW	Bannock	Ground Water	Lot 7
☒ Yes	5S	34E	25			NW	SW	Bannock	Ground Water	Lot 8
☒ Yes	5S	34E	25			NW	SW	Bannock	Ground Water	Lot 9
☒ Yes	5S	34E	25			NW	SW	Bannock	Ground Water	Lot 10

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

[illegible]

Page _____

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

A. Validity of Water Rights

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

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

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

☒ No.

B. Injury to Other Water Rights

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

None

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

None

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 120. ☐ No.

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

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

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

C. Enlargement in Use

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

None

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

None

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

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

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

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

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

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

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

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

Yes

No

☐
☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov). Label the Form as Attachment 4C-7.

☐
☒

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

☐
☒

subject to an agreement not to divert (CREP)?

☐
☒

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

D. Local Public Interest

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

E. Conservation of Water Resources

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

New 8" wells for each lot will be drilled for irrigation of 0.3 acres of lawn/garden/landscaping per lot. It is anticipated that each lot owner will establish a private sprinkler system through a combination of sprinklers and drip lines.

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.

Nick Jensen

Signature of Applicant or Representative*

Nick Jensen, Manager

Print Name and Title, if applicable

2-Jun-2026

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: \$ 450.- Receipt #: E051683 Date: 6/3/2026 Received by: JB
Add'l Paid: \$ _____ Receipt #: _____ Date: _____ Received by: _____

Date: 2-Jun-2026
 To: Idaho Department of Water Resources
 From: Spring Creek Homes, LLC
 Subject: Applications for Transfer of Water Right 35-7449B

Spring Creek Homes LLC has entered into a purchase agreement with Rocky Mountain Water Exchange, LLC for the above-described water right(s) in the amount of 5.0 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.

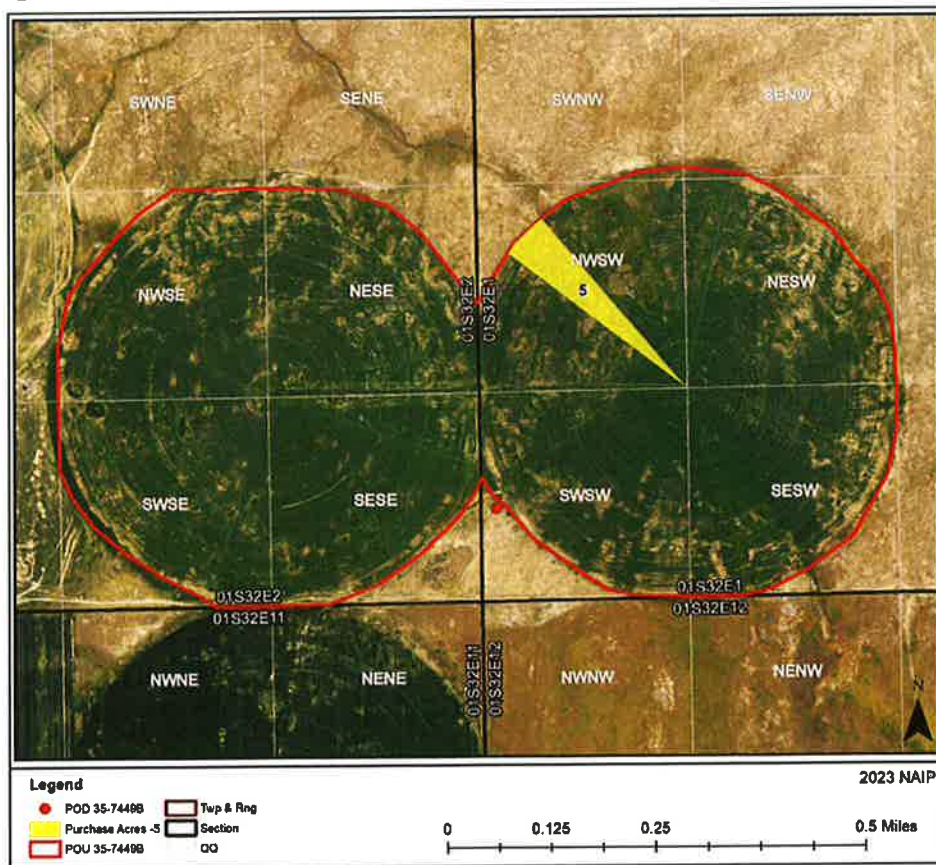
Nick Jensen

Nick Jensen, Managing Member
 Spring Creek Homes, LLC

W. Roger Warner
 W. Roger Warner (Jun 2, 2026 09:41:02 MDT)

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:

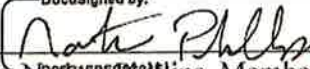
1. Buyer and Seller acknowledge and agree that the Water Right is subject to Buyer's exclusive right to purchase under the terms and conditions of the Option Agreement.
2. Buyer and Seller acknowledge and agree that the Water Right is subject to Buyer's exclusive right to purchase under the terms and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

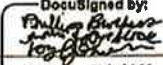
IN WITNESS WHEREOF, the undersigned have duly executed this Memorandum of Option Agreement effective as of the Effective Date.

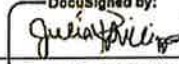
[SIGNATURES ON FOLLOWING PAGE]

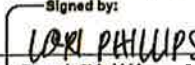
"SELLER"

**PHILLIPS BROTHERS FARM & LIVESTOCK
LLC**

DocuSigned by:

By: Nathan Phillips, Member

DocuSigned by:

By: Jesse Phillips, Member

DocuSigned by:

By: Julia Phillips, Member

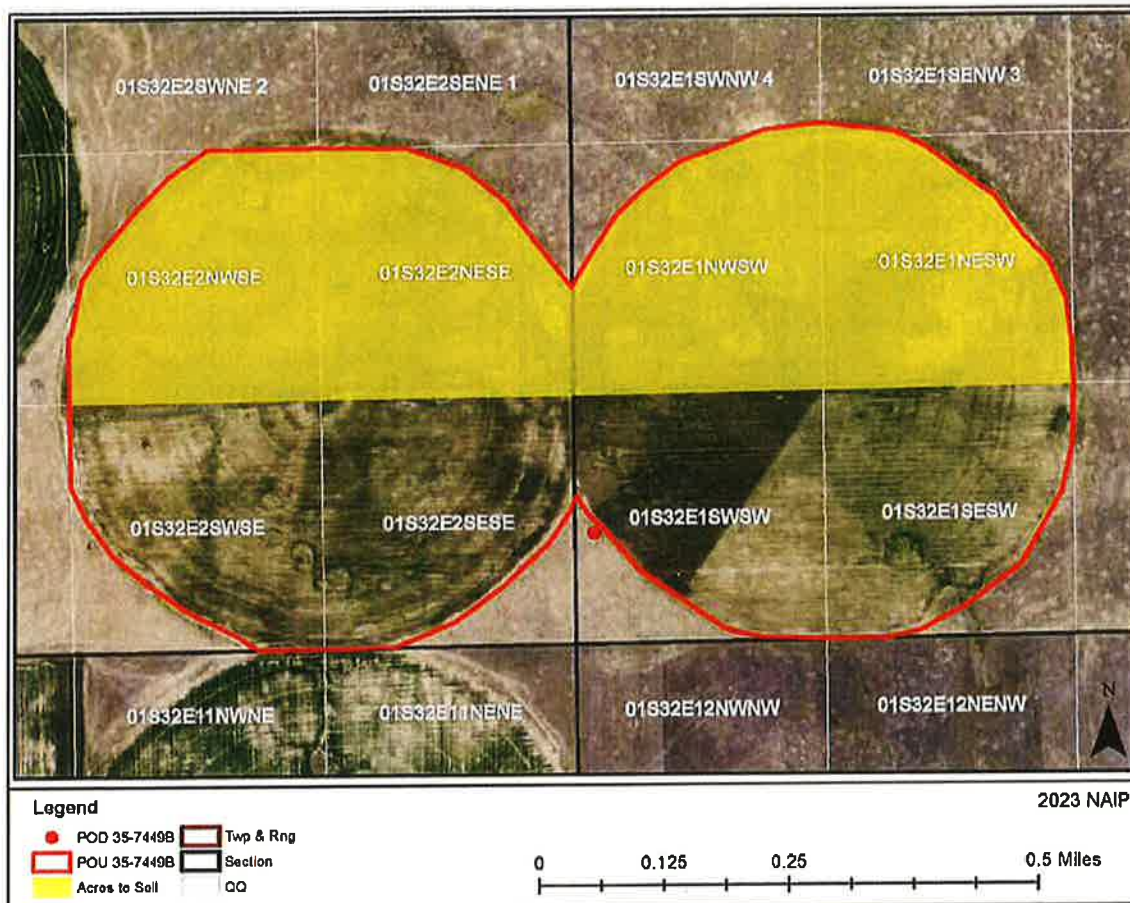
Signed by:

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





0006474151



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 #: 0006474151

Date Filed: 10/6/2025 11:50:35 AM

Entity Name and Mailing Address:							
Entity Name:	SPRING CREEK HOMES LLC						
The file number of this entity on the records of the Idaho Secretary of State is:	0000065272						
Address	13104 W TYHEE RD POCATELLO, ID 83202-5112						
Entity Details:							
Entity Status	Active-Existing						
This entity is organized under the laws of:	IDAHO						
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	W17125						
The registered agent on record is:							
Registered Agent	Nickelas J Jensen Registered Agent Physical Address 13104 W TYHEE POCATELLO, ID 83201 Mailing Address 13104 W TYHEE RD POCATELLO, ID 83202-5112						
Limited Liability Company Managers and Members							
<table><thead><tr><th>Name</th><th>Title</th><th>Business Address</th></tr></thead><tbody><tr><td>Nick Jensen</td><td>Manager</td><td>13104 W TYHEE RD POCATELLO, ID 83202</td></tr></tbody></table>		Name	Title	Business Address	Nick Jensen	Manager	13104 W TYHEE RD POCATELLO, ID 83202
Name	Title	Business Address					
Nick Jensen	Manager	13104 W TYHEE RD POCATELLO, ID 83202					
The annual report must be signed by an authorized signer of the entity.							
Job Title: Owner							
Nick Jensen 10/06/2025							
Sign Here	Date						

B1055-2496 10/06/2025 11:50 AM Received by Office of the Idaho Secretary of State



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

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 MS 3B-CR	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	3.36 CFS	976.00 AFA
TOTAL			3.36 CFS	976.00 AFA

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (BINGHAM county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01S	32E	1			NE	SW	9.4
01S	32E	1			NW	SW	30.3
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

244.00

Conditions**Code Conditions**

- T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates

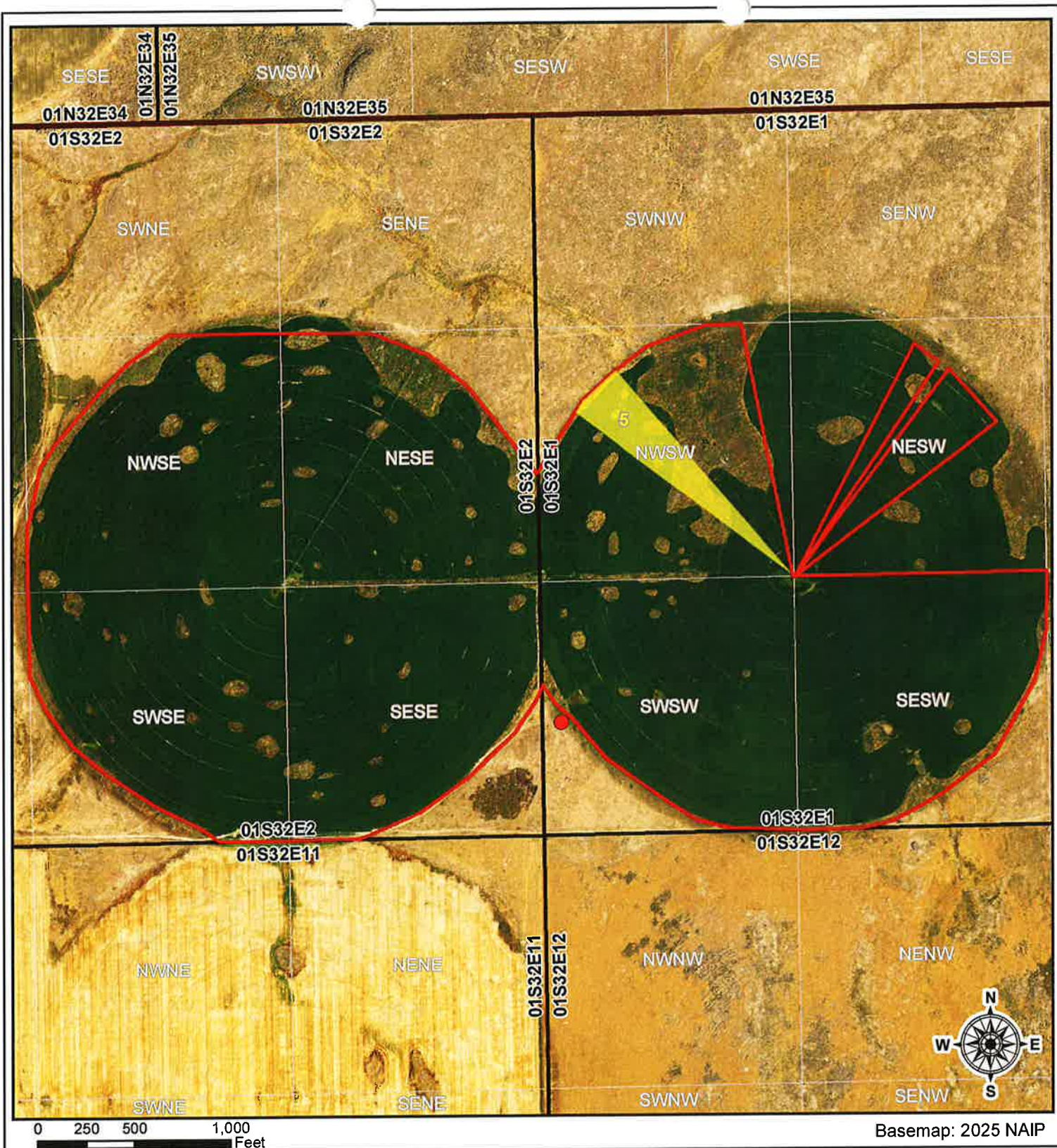
Licensed Date :
Decreed Date : 1/31/2002
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 120
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 4
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

4/16/2026



Attachment 2B. Existing Locations

Legend

- POD 35-7449B
- Purchase Acres - 5
- POU 35-7449B
- Twp & Rng
- Section
- QQ

Application for Transfer

Spring Creek Homes LLC
 13104 W Tyhee Rd
 Pocatello ID 83202

Date: 4/30/2026

RMEA #: 25-0246

Drafted by: KM



90503

Narrative in Support of Applications

Spring Creek Homes, LLC

Applicant is submitting an *Application for Permit* and an *Application for Transfer of Water Right* for to provide the water rights for irrigation of 10 residential lots proposed in T05S, R34E Section 25, Pocatello, Idaho.

The ultimate goal with these applications is to provide independent water right pairs for irrigation that will be owned and operated by the future lot owners. It is proposed to split these rights into the portions assigned to each lot and well, whether this split is accomplished now or later upon the sale of the lot is at the discretion of IDWR.

Application for Permit

The Application anticipates that each lot owner will drill a domestic-sized well for a total of 10 wells from which each lot owner will then establish an irrigation system to maintain up to 0.3 acres of lawn, garden, and landscaping that fits within the rate and volume limits proposed.

The proposed diversion rate allows each well to irrigate with 27 gpm, or 0.06 cfs. Thus, for 10 lots, the total diversion rate proposed is 0.6 cfs. The project engineer has provided a recommendation for the proposed diversion rate and determined that a minimum of 23 gpm would be adequate for operations. Due to rounding and significant figures, the proposed cfs will result in 27 gpm. The engineer's calculations are attached in Figure 1.

Irrigation is a consumptive use, which is new uses are prohibited under the current Amended Snake River Moratorium, unless it is fully mitigated. The companion Application for Transfer of Water Rights will provide the full mitigation.

Application for Transfer of Water Right 35-7449B

A 5-acre portion of Water Right 35-7449B is proposed to be purchased and transferred as *mitigation by non-use* for the consumptive component under the companion Application for Permit. This water right is currently being used for irrigation of agricultural ground and will be retired upon approval.

A direct transfer of the 5 acres to the proposed place of use does not satisfy the full mitigation requirements, as shown with the ESPA analysis. Not all reaches are mitigated. Thus, these applications propose to retire 5 acres at the original place of use, obtain approval for 3 acres at the intended location, and stage the development in the first two years in order to meet both transient and steady-state effects. Additional details of the modeling are provided in Attachment 4C-5.

Figure 1: Engineer Calculations of Minimum Diversion Rate for Irrigation



5/20/2026
 File: Deeter Ridge

Nick Jensen
 13104 West Tyhee Rd
 Pocatello, ID 83202
Springcreekhomes.nick@gmail.com
 208.241.1980

RE: **Water Use Estimates**
 Deeter Ridge 1/3 Acre per lot
Bannock County, ID

Nick:

The following is supplied to assist with irrigation planning on the Deeter Ridge subdivision while limiting irrigation to 1/3 acre of lawn/landscaping on each lot. To supply 1 inch of water to 1/3 of an acre, you need 9,051 gallons of water.

Depending on your system's flow rate, use the following table to find the required run times to deliver this amount:¹

Flow Rate (GPM) ¹¹	Time to apply 1 acre-Inch (hrs)	Time to apply 1/3 acre-Inch (min)	Time to apply 1 inch on 1/3 acre (hrs : min)
5 GPM	90.5	603	10 : 03
10 GPM	45.2	301	5 : 01
15 GPM	30.2	201	3 : 21
20 GPM	22.6	151	2 : 31
30 GPM	15.1	101	1 : 41
40 GPM	11.3	75	1 : 15
50 GPM	9.1	60	1 : 00

Note: The time in the table applies to a 100% efficiency rate. Adjust your runtime up by 15-20% for evaporation and wind loss if using overhead sprinklers.¹²

If, for example, we assume a 23-gpm adjusted flow rate, that yields a flow requirement of 230 gpm to service all 10 lots simultaneously for a two hour and 31-minute interval. A minimum flow rate of 23 GPM per lot is recommended for irrigating 1/3 acre.

Kind Regards,

Paul Bastian, PE



¹ Penn State Extension - Irrigation Run Time for Volume of Water Applied

¹¹ Water Measurement and Conversion Factors Oklahoma State University - Irrigation Tools

¹² North Dakota State University - Selecting a Sprinkler Irrigation System (AE91)



Attachment 3C. Proposed Locations

Legend

Proposed POD	Twp & Rng
Proposed POU	Section
Preliminary Platted Lots	QQ

Application for Transfer

Spring Creek Homes LLC
13104 W Tyhee Rd
Pocatello ID 83202

Date: 4/30/2026

RMEA #: 25-0246

Drafted by: KM



90503

Eastern Snake Plain Aquifer Modeling Analysis

Spring Creek Homes, LLC

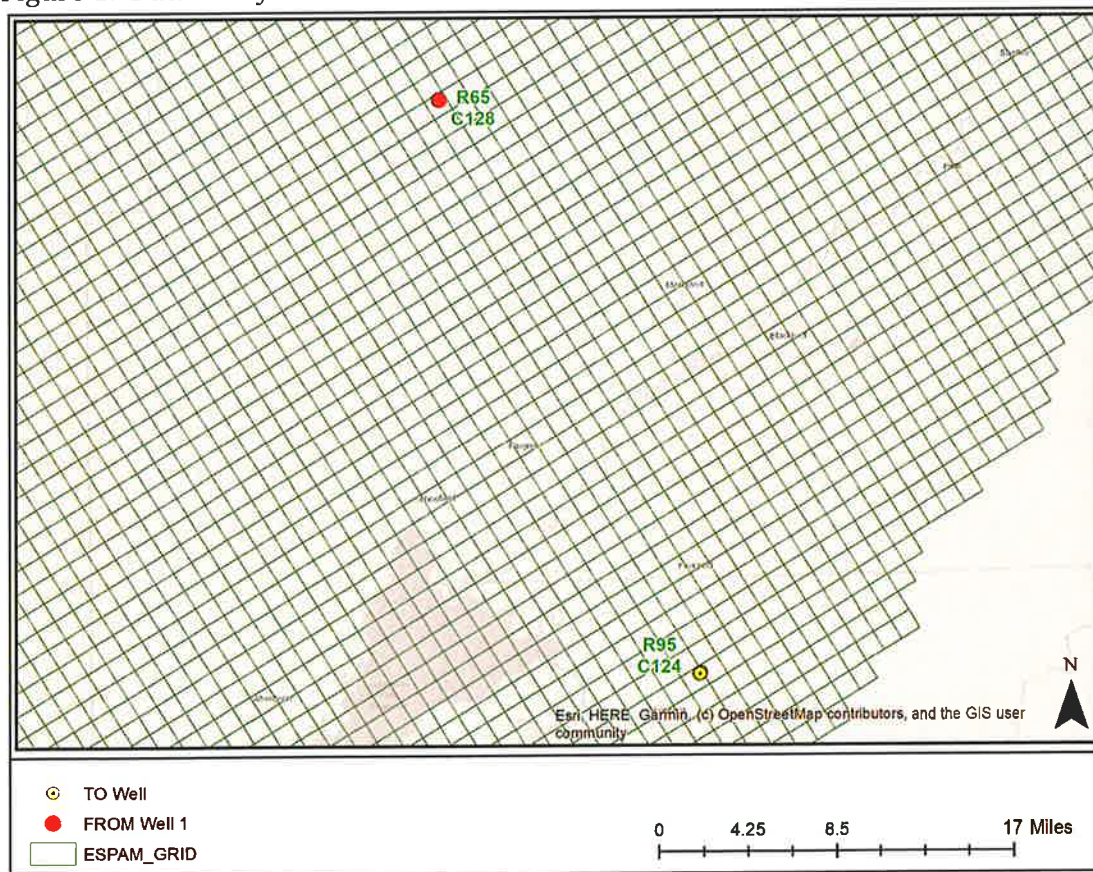
As this transfer application proposes Mitigation by Non-use for a new Application for Permit, all reaches of the Snake River must be mitigated fully. Therefore, it is proposed to purchase and transfer a 5-acre portion of water right no. 35-7449B to fully mitigate for a total of 3 acres of irrigation. Additional mitigation includes a staged development at the proposed place of use. Details of the staged development are included herein.

Data Input Values

The TO Well locations are 10 proposed wells located in model cell R95 C124. For modeling purposes, a single diversion point within this cell is used as a representative of the group of 10 wells.

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 through ETRAN 3.4, a modeling simulation was used to evaluate the effects to the Snake River. Data input values were based upon the standard consumptive use volumes of 3 afa per acre for the purchased 5 acres at the FROM Well for a total of 5 af/trimester ($3 \text{ afa/ac} \times 5 \text{ acres} = 15 \text{ afa}$ divided by 3 trimesters).

At the TO Well, data inputs do not exceed 3 af/trimester, based upon 3 afa per acre for 3 acres ($3 \text{ afa/ac} \times 3 \text{ acres} = 9 \text{ afa}$ divided by 3 trimesters). Stress at the TO Well begins in Spring 2026. **Model results show that steady-state impacts are fully mitigated**, but transient effects remain through Spring 2029.

In order to mitigate the transient impacts, a staged development is planned at the TO Well, as follows:

1st Irrigation Season:	2/5 Diversion or 1.2 af/trimester = 4 lots
2nd Irrigation Season:	1/2 Diversion or 1.5 af/trimester = 5 lots
3rd Irrigation Season:	Full Diversion or 3 af/trimester = 10 lots

Based on the rate of development for the subdivision, adhering to this staged development is reasonable. Essentially, it anticipates that no more than 4 lots would irrigate the first year (1.2 acres), no more than 5 lots (1.5 acres) will irrigate the second year, and all 10 lots (3 acres) could be irrigated in the third year.

By entering these adjustments into the modeling scenario for 2026 and 2027, all transient impacts are fully mitigated. Figures 2-4 include excerpts from the modeling 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

TRANSFER NO: 35-7449B

YEAR: 1974

SEASON: SUMMER

TRANSFER NAME: Phillips to Spring

UPDATE DATES RUN MODEL GET OUTPUT

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	95	65	50	60
COLUMN	124	128	187	146

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	5.00	5.00	0.00	0.00	0.00	0.00
WIN 1974	0.00	5.00	5.00	0.00	0.00	0.00	0.00
SPR 1975	0.00	5.00	5.00	0.00	0.00	0.00	0.00
SUM 1975	0.00	5.00	5.00	0.00	0.00	0.00	0.00
WIN 1975	0.00	5.00	5.00	0.00	0.00	0.00	0.00
SPR 2024	0.00	5.00	5.00	0.00	0.00	0.00	0.00
SUM 2024	0.00	5.00	5.00	0.00	0.00	0.00	0.00
WIN 2024	0.00	5.00	5.00	0.00	0.00	0.00	0.00
SPR 2025	0.00	5.00	5.00	0.00	0.00	0.00	0.00
SUM 2025	0.00	5.00	5.00	0.00	0.00	0.00	0.00
WIN 2025	0.00	5.00	5.00	0.00	0.00	0.00	0.00
SPR 2026	1.20	0.00	5.00	0.00	0.00	0.00	0.00
SUM 2026	1.20	0.00	5.00	0.00	0.00	0.00	0.00
WIN 2026	1.20	0.00	5.00	0.00	0.00	0.00	0.00
SPR 2027	1.50	0.00	5.00	0.00	0.00	0.00	0.00
SUM 2027	1.50	0.00	5.00	0.00	0.00	0.00	0.00
WIN 2027	1.50	0.00	5.00	0.00	0.00	0.00	0.00
SPR 2028	3.00	0.00	5.00	0.00	0.00	0.00	0.00
SUM 2028	3.00	0.00	5.00	0.00	0.00	0.00	0.00
WIN 2028	3.00	0.00	5.00	0.00	0.00	0.00	0.00
SPR 2029	3.00	0.00	5.00	0.00	0.00	0.00	0.00
SUM 2029	3.00	0.00	5.00	0.00	0.00	0.00	0.00
WIN 2029	3.00	0.00	5.00	0.00	0.00	0.00	0.00
SPR 2030	3.00	0.00	5.00	0.00	0.00	0.00	0.00
SUM 2030	3.00	0.00	5.00	0.00	0.00	0.00	0.00
WIN 2030	3.00	0.00	5.00	0.00	0.00	0.00	0.00
SUM 2121	3.00	0.00	5.00	0.00	0.00	0.00	0.00
WIN 2121	3.00	0.00	5.00	0.00	0.00	0.00	0.00
SPR 2122	3.00	0.00	5.00	0.00	0.00	0.00	0.00
SUM 2122	3.00	0.00	5.00	0.00	0.00	0.00	0.00
WIN 2122	3.00	0.00	5.00	0.00	0.00	0.00	0.00
SPR 2123	3.00	0.00	5.00	0.00	0.00	0.00	0.00
SUM 2123	3.00	0.00	5.00	0.00	0.00	0.00	0.00
WIN 2123	3.00	0.00	5.00	0.00	0.00	0.00	0.00
SPR 2124	3.00	0.00	5.00	0.00	0.00	0.00	0.00

Figure 3. Net Transfer Graphs

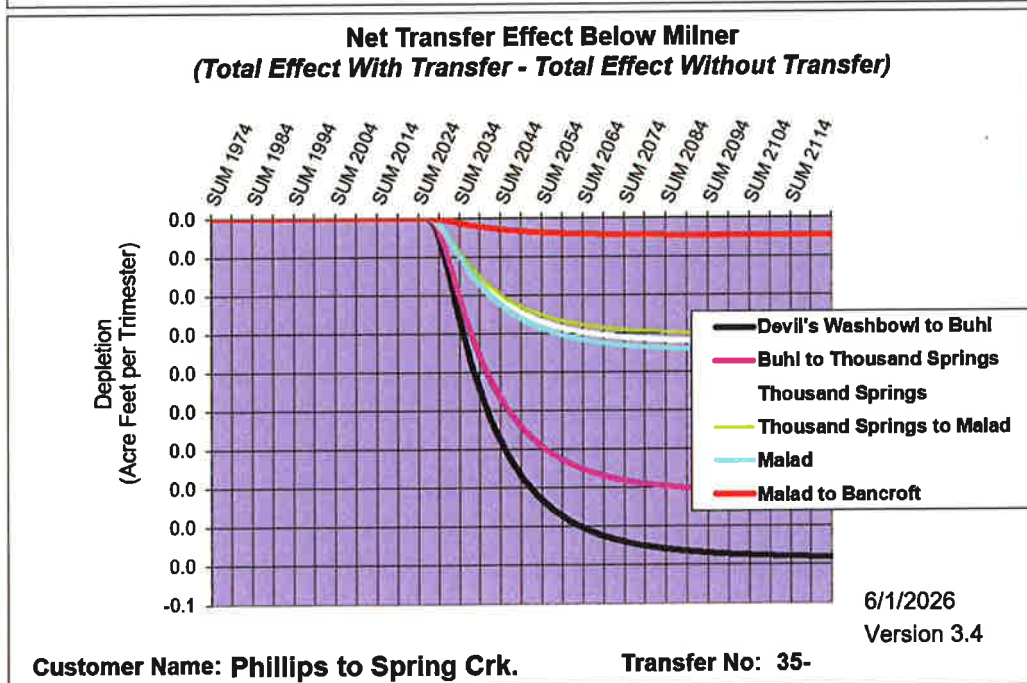
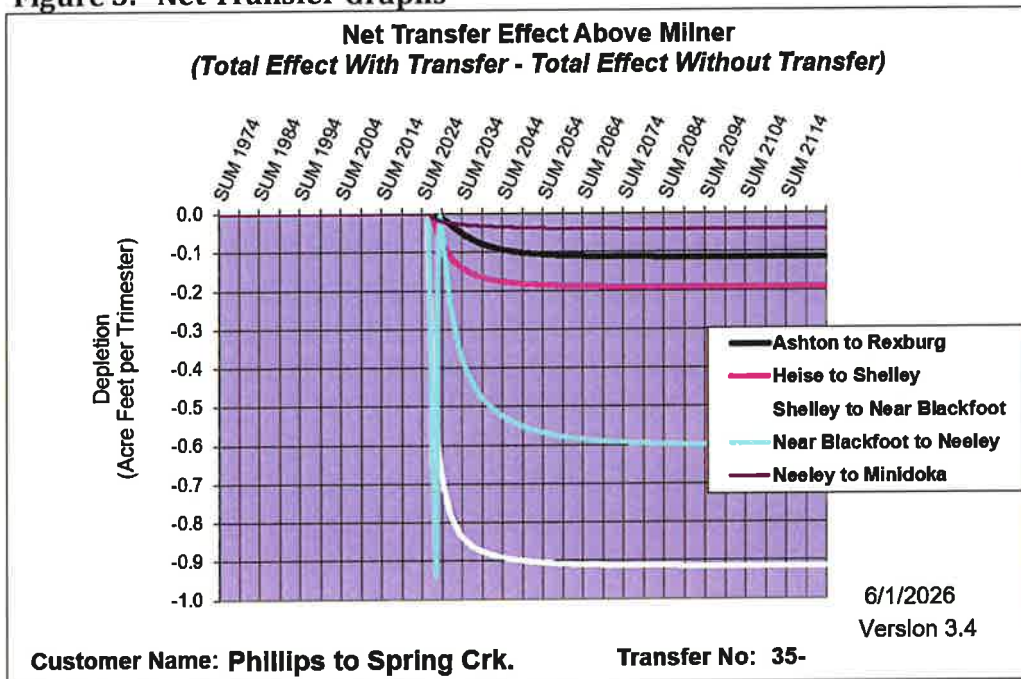


Figure 4. Calculated Effects and Mitigation Analysis Tool

	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	Kspr to Malad	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 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	-0.1	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2026	0.0	0.0	-0.3	-0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2026	0.0	0.0	-0.4	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2027	0.0	0.0	-0.4	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2027	0.0	0.0	-0.5	-0.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2027	0.0	0.0	-0.5	-0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2028	0.0	0.0	-0.6	-0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2028	0.0	-0.1	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2028	0.0	-0.1	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2029	0.0	-0.1	-0.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2029	0.0	-0.1	-0.7	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2029	0.0	-0.1	-0.7	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2030	0.0	-0.1	-0.7	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2030	0.0	-0.1	-0.7	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2030	0.0	-0.1	-0.8	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2031	0.0	-0.1	-0.8	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2031	0.0	-0.1	-0.8	-0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2031	0.0	-0.1	-0.8	-0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2032	0.0	-0.1	-0.8	-0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2032	0.0	-0.1	-0.8	-0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2032	0.0	-0.1	-0.8	-0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2033	0.0	-0.1	-0.8	-0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2121	-0.1	-0.2	-0.9	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2121	-0.1	-0.2	-0.9	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2121	-0.1	-0.2	-0.9	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2122	-0.1	-0.2	-0.9	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2122	-0.1	-0.2	-0.9	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2122	-0.1	-0.2	-0.9	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2123	-0.1	-0.2	-0.9	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2123	-0.1	-0.2	-0.9	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2123	-0.1	-0.2	-0.9	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2124	-0.1	-0.2	-0.9	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Net Step of Transfer: SPR 2026												
Match:	156	Match: 456										
	AIR	HIS	SINB	NBIN	NIM	DWIB	BITB	TS	TSIM	M	MITB	Total
SS (Last Time Step):	0.12	0.21	1.02	3.45	0.05	0.05	0.04	0.02	0.02	0.02	0.00	5.00
p. @ Last Time Step:	0.01	0.02	0.10	2.85	0.01	0.01	0.01	0.00	0.00	0.00	0.00	3.00
Max Value Timestep):	0.12	0.21	1.02	3.45	0.05	0.05	0.04	0.02	0.02	0.02	0.00	5.00
of Dep. After Transfer:	0.12	0.20	0.88	3.44	0.05	0.05	0.04	0.02	0.02	0.02	0.00	4.83
Steady State Change:	-0.11	-0.19	-0.91	-0.60	-0.04	-0.04	-0.04	-0.02	-0.02	-0.02	0.00	
Transient State Change:	0.00	0.00	-0.14	-0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

Attachment 4B-6

Dedicated Vol. AFA/ AFT	Model Node		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
976	325.0	SP065128	Pre-SS	0.12	0.21	1.02	3.45	0.05	0.05	0.04	0.02	0.02	0.00
976	325.0	SP095124	Post-SS	0.01	0.02	0.10	2.85	0.01	0.01	0.01	0.00	0.00	0.00
976	325.0	SP065128	Pre-TS	0.12	0.21	1.02	3.45	0.05	0.05	0.04	0.02	0.02	0.00
976	325.0	SP095124	Post-TS	0.12	0.20	0.88	3.44	0.05	0.05	0.04	0.02	0.02	0.00
Mitigation Check 1 - > 10% of Historical:			-91.9%	-92.0%	-89.8%	-17.5%	-86.9%	-87.5%	-87.5%	-87.5%	-87.5%	-87.5%	-87.4%
Mitigation Check 2: > 2 AF/T:			-0.1	-0.2	-0.9	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 3 - > 10% of Total:			0.3%	0.6%	3.5%	94.8%	0.2%	0.2%	0.2%	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):			-0.1	-0.2	-0.9	-0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mitigation Check 1 - > 10% of Historical:			-1.6%	-1.1%	-13.9%	-0.4%	-5.5%	-4.3%	-4.4%	-4.4%	-4.4%	-4.5%	-5.2%
Mitigation Check 2: > 2.01 AF/T:			0.0	0.0	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	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	-0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

TransferApp_SpringCreek_Binder

Final Audit Report

2026-06-02

Created:	2026-06-02
By:	Kristin Moore (kristin.rmea@gmail.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAU-sOGb6Xts2pUEXg5MxAKqLOvRe9HxJ

"TransferApp_SpringCreek_Binder" History



Document created by Kristin Moore (kristin.rmea@gmail.com)

2026-06-02 - 1:17:40 PM GMT



Document emailed to Nick Jensen (springcreekhomes.nick@gmail.com) for signature

2026-06-02 - 1:17:51 PM GMT



Document emailed to W Roger Warner (rog.rmea@gmail.com) for signature

2026-06-02 - 1:17:51 PM GMT



Email viewed by Nick Jensen (springcreekhomes.nick@gmail.com)

2026-06-02 - 1:22:30 PM GMT



Document e-signed by Nick Jensen (springcreekhomes.nick@gmail.com)

Signature Date: 2026-06-02 - 1:24:43 PM GMT - Time Source: server - Signature Appearance Selected: IMAGE



Email viewed by W Roger Warner (rog.rmea@gmail.com)

2026-06-02 - 3:40:23 PM GMT



Document e-signed by W Roger Warner (rog.rmea@gmail.com)

Signature Date: 2026-06-02 - 3:41:02 PM GMT - Time Source: server - Signature Appearance Selected: DRAW



Agreement completed.

2026-06-02 - 3:41:02 PM GMT



Adobe Acrobat Sign

90503



IDAHO DEPARTMENT OF
WATER RESOURCES

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

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

Governor Brad Little

Director Mathew Weaver

June 17, 2026

SPRING CREEK HOMES
C/O NICK JENSEN
13104 W TYHEE RD
POCATELLO, ID 83201

RE: Transfer No. 90503
Water Right No(s). 35-7449B

Dear Applicant:

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

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on 6/24/2026 and 7/1/2026. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Christina Henman
Administrative Assistant

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

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 17, 2026 3:30 PM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for Idaho State Journal
Attachments: 90503, 29-14577 Idaho State Journal.docx

LEGAL NOTICE DEPARTMENT
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO, ID 83204-0431

RE: Application for Permit No. 29-14577, Application for Transfer No. 90503

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 7/13/2026. Your cooperation is appreciated.

Thank You,



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

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

29-14577

SPRING CREEK HOMES C/O NICK JENSEN, 13104 W TYHEE RD, POCA TELLO, ID 83201

Point of Diversion NWSW S25 T05S R34E BANNOCK County

Source GROUND WATER Tributary

Point of Diversion NWSW S25 T05S R34E BANNOCK County

Source GROUND WATER Tributary

Point of Diversion NWSW S25 T05S R34E BANNOCK County

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Point of Diversion NWSW S25 T05S R34E BANNOCK County

Source GROUND WATER Tributary

Point of Diversion NWSW S25 T05S R34E BANNOCK County

Source GROUND WATER Tributary

Use: IRRIGATION

04/01 to 10/31

0.6 CFS

12 AF

Total Diversion:

0.6 CFS

12 AF

Date Filed: 06-11-2026

Place Of Use: IRRIGATION

T05S R34E S25

NWSW

Total Acres: 3

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 7/13/2026. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 90503

SPRING CREEK HOMES C/O NICK JENSEN, 13104 W TYHEE RD, POCA TELLO, ID 83201 has filed Application No. 90503 for changes to the following water rights within BANNOCK County(s): Right No(s). 35-7449B; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion, place of use and nature of use, and add points of diversion. Proposed points of diversion (10 wells) are in NWSW Sec 25 T05S R34E for 0.07 cfs from Ground Water. Proposed place of use is in NWSW Sec 25 T05S R34E for mitigation by non-use. Applicant seeks to mitigate for application for permit no. 29-14577.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 7/13/2026. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 6/24/2026 and 7/1/2026