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SEP 04 2026

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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AUG 27 2026

DEPT. OF WATER RESOURCES
EASTERN 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) Premier, LLCMailing Address 779 E State St., Eagle, ID 83616-5942Email* ebuchert@premierllc.net Phone 208-631-6936Name 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.

90786

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.

Close

Water Right Report : 37-20805(Decreed/Active)**Water Right Owners**

Owner Type	Name	Address	City	State	Postal Code
Current Owner	MARKS, MATTHEW	441 GLENDALE RD	BELLEVUE	ID	83313
Directors Report Owner	HINOJOSA, CINDY L	PO BOX 6855	KETCHUM	ID	83340
Original Owner	LEWALT ENTERPRISES INC		BELLEVUE	ID	83449
Original Owner	LEWIS, EUGENE A	PO BOX 286	SWAN VALLEY	ID	83449
Previous Owner	WAGNER, KATHI	PO BOX 182	BELLEVUE	ID	83313-0182
Previous Owner	WAGNER, ROBERT	PO BOX 182	BELLEVUE	ID	83313-0182

Water Right Status

Priority Date : 12/14/1974
 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	01N	18E	28	0		NE	NE	BLAINE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/15	0.08 CFS	14.40 AFA
TOTAL			0.08 CFS	14.40 AFA

Places of Use

Printable View

Paged View

Place of Use Legal Description : IRRIGATION (BLAINE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
01N	18E	28			NE	NE	4.1

Irrigation Totals

Total Acres Acre Limit
 4.10

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.
- R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation purposes.
- X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than April 21, 2003.

Water Supply Bank

Lease Type: Contract

T# 90786

Lease ID: 1817
Lease Status: Active
Lease Start Date: 1/1/2024
Lease End Date: 12/31/2028

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	0.08	14.40	4.10	4.10

Dates

Licensed Date :
Decreed Date : 4/6/2010
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 : 37
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 3.5
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

1/29/2026

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

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

Current Location of Irrigated Acres to be Changed

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Irrigated Acres to be Changed: _____

PART 3 – DESCRIPTION OF PROPOSED CHANGES

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

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

B. Proposed Changes. Describe the proposed changes in narrative form:
Applicant proposes to change the nature of use from Irrigation to Mitigation by Non-use.
This right is submitted as a companion to an Application for Permit to mitigate the consumptive uses associated with a gravel washing operation. See Attachment 3B for more details.

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
☒ ☐	37-20805	0.08 cfs	Mitigation by Non-use	01/01 to 12/31	Groundwater
☐ ☐		9.6 afa	Mitigation by Non-use	01/01 to 12/31	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: 0.08 cfs and/or 9.6 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	01N	18E	26			SE	SE	Blaine	Groundwater	Pond
Y	01N	18E	25			SW	SW	Blaine	Groundwater	Well

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	
01N	18E	25							I			I	I						
01N	18E	26												I				I	

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 # 37. ☐ 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.

One new well with a pump to mainlines, as well as a pump with mainline in the ponds to divert water for gravel washing. Water will be recirculated from the pond through the wash plant.

PART 5 – FILING FEE AND SIGNATURE

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

B. Affidavit of Applicant or Representative:

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

<u>Mike Buck</u>	<u>Mike Buck - Resource Development</u>	<u>08/24/2026</u>
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date
<u>[Signature]</u>	<u>Lane Buchert, member</u>	<u>08/26/26</u>
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

(450.00 This App)
 Fee Paid: \$ 1070.00 Receipt #: E051878 Date: 8-27-26 Received by: M. Rettig
 Add'l Paid: \$ _____ Receipt #: _____ Date: _____ Received by: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 90786

**APPLICATION FOR TRANSFER OF WATER RIGHT
ATTACHMENT WSB:
TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK**

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
37-20805	12/31/2028	0.08	14.4	4.1	Attached? ☒ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).

Additional Information:

The water right will be removed from the Water Supply Bank upon approval of the transfer application.

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.



Attachment 2B Current POD and POU of Water Right

Legend

- POD
- POU
- Section
- QQ

Premier, LLC
Application for Transfer
Water Right No. 37-20805

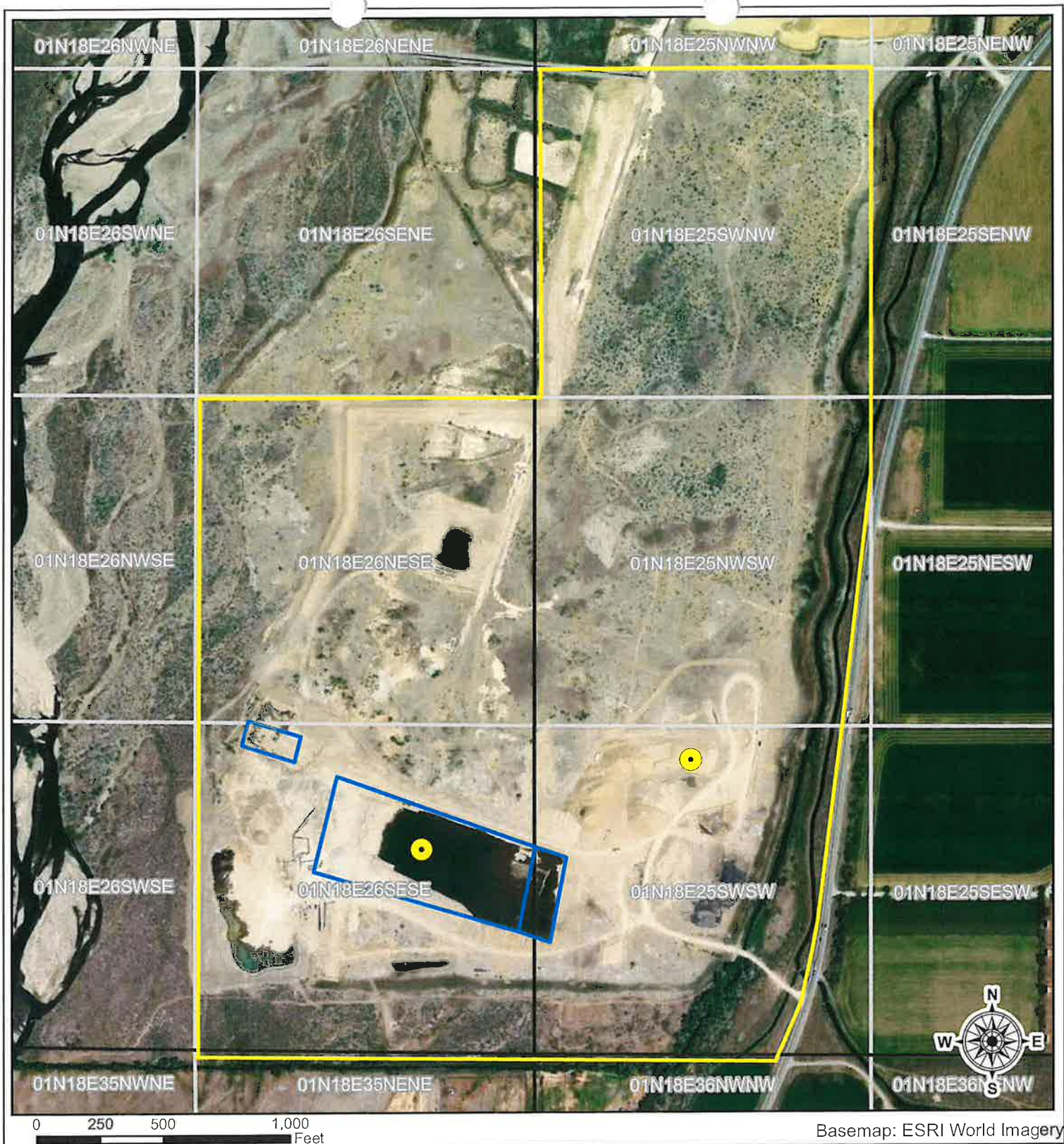
T# 90786

Date: 8/12/2026

RMEA #: 25-0089

Drafted by: HP





Attachment 3C Proposed POD and POU of Water Right

Legend

- POD
- Ponds
- Permissible POU
- Section
- QQ

Premier, LLC
Application for Transfer
Water Right No. 37-20805

T# 90786

Date: 8/15/2026

RMEA #: 25-0089

Drafted by: HP



Date:
 To: Idaho Department of Water Resources
 From: Premier, LLC
 Subject: Applications for Transfer of Water Right 37-20805

Premier, LLC ("Buyer") has entered into a purchase agreement with Rocky Mountain Water Exchange, LLC for the above-described water right(s) in the amount of 4.1 acres, as shown in Figure 1. As a part of the agreement, a transfer application must be filed to amend the water right to cover property owned by us. We are submitting this application for transfer, with the understanding that title to the water right(s) can only be transferred upon execution and recording of a deed for the water right(s).

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

Mike Buck

Date: 08/24/2026

Printed Name: Mike Buck

Title: Resource Development

Figure 1. Map of Water Right for Purchase

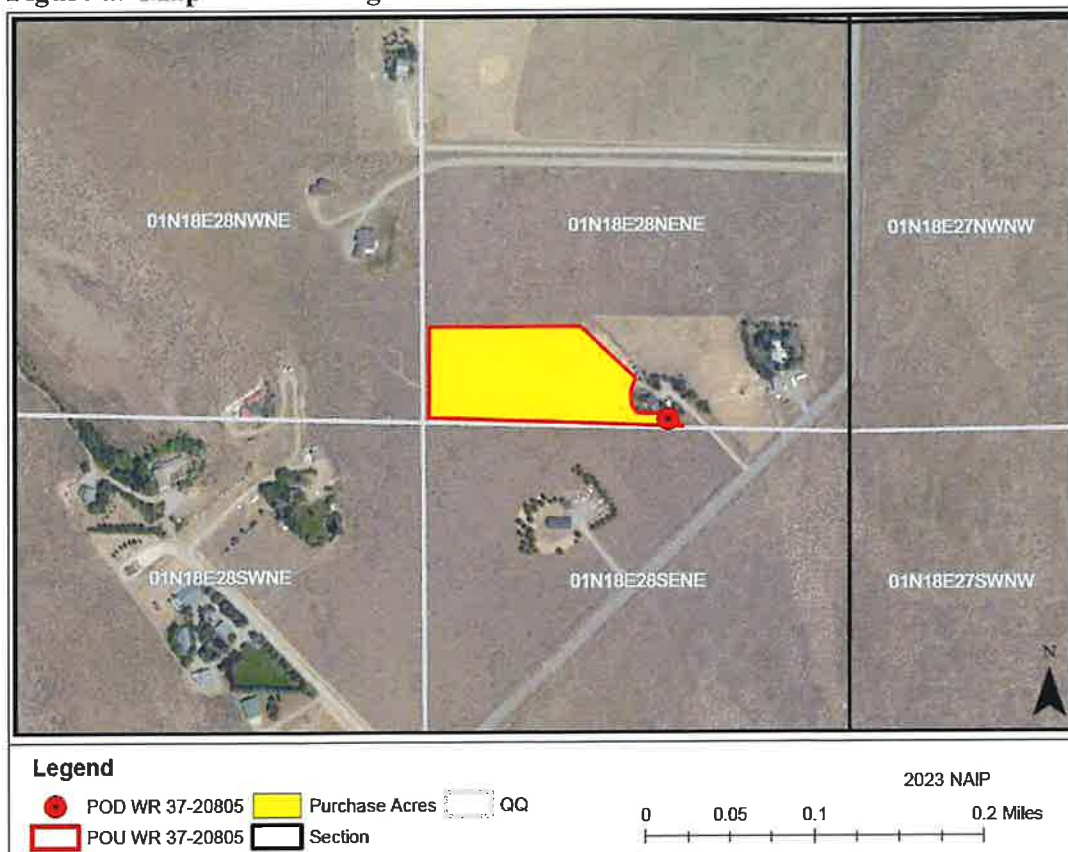


Exhibit 3
MEMORANDUM OF OPTION AGREEMENT

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

1. **Matthew Marks**, an Individual, whose address is 441 Glendale Road, Bellevue, ID 83313 (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. 37-20805 (the "Water Right"), which was decreed on April 6, 2010 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 December 14, 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 4.10 acres of the Water Right.

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 this Memorandum of Option Agreement may be recorded.
4. Buyer shall execute and record a release of this Memorandum of Option Agreement upon the expiration of the Option Period or termination of the Option Agreement in the event that Buyer does not exercise the option under the Option Agreement.

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

[SIGNATURES ON FOLLOWING PAGE]

OPTION AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

BUYER AND SELLER'S INITIALS:  /  DATE: 11/7/2025 PAGE 12 OF 13

“SELLER”

MATTHEW MARKS

Signed by:

Matthew Marks

5C4936D404174FC...

By: Matthew Marks

“BUYER”

**ROCKY MOUNTAIN WATER EXCHANGE,
LLC**

Signed by:

Roger Warner

F531976A25C24E1...

By: W. Roger Warner

Its: Managing Member

OPTION AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

BUYER AND SELLER'S INITIALS:  /  **DATE:** 11/7/2025 **PAGE 13 OF 13**



0006613457

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT AMENDMENT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0006613457

Date Filed: 1/14/2026 8:41:54 AM

Entity Name and Mailing Address:		
Entity Name:	PREMIER, LLC	
The file number of this entity on the records of the Idaho Secretary of State is:	0000335963	
Address	779 E STATE ST EAGLE, ID 83616-5942	
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:	W109003	
The registered agent on record is:		
Registered Agent	Evan J Buchert Registered Agent Physical Address 779 E STATE STREET EAGLE, ID 83616 Mailing Address 779 E STATE STREET EAGLE, ID 83616	
Limited Liability Company Managers and Members		
Name	Title	Business Address
Premier Aggregates Holdings, LLC	Member	779 E STATE STREET EAGLE, ID 83616
+ Evan J Buchert	Manager	779 E STATE STREET EAGLE, ID 83616
+ Lane E Buchert	Manager	779 E STATE STREET EAGLE, ID 83616
+ Kenneth B Smith	Manager	779 E STATE STREET EAGLE, ID 83616
+ Robert A Dean	Manager	779 E STATE STREET EAGLE, ID 83616
The annual report must be signed by an authorized signer of the entity. Job Title: Vice President		
<i>Evan J Buchert</i> Sign Here		01/14/2026 Date

B1081-3681 01/14/2026 8:42 AM Received by Office of the Idaho Secretary of State

Attachment 11 Application for Permit
Attachment 1G Application for Transfer

Landowner Authorization

Premier, LLC

Sheep Camp Family LLLP owns the property described as RP01N180250820, further described as the SWNW, NWSW, SWSW of Section 25 and the E1/2SE1/4 of Section 26, Township 1 North, Range 18 East, B.M. Premier, LLC has a lease agreement to use this property and proposes to obtain water rights to support an aggregate washing operation. This letter grants authority to Premier, LLC to file applications with Idaho Department of Water Resources to obtain water rights and to describe the points of diversion and place of use on said property.

Sheep Camp Family LLLP


Stephen J. Acarregui, Partner

8/18/26
Date

Narrative in Support of Applications

Premier, LLC

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, R18E, Sections 25 and 26, Bellevue, 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, which will be mitigated by the *Application for Transfer*.

Aerial imagery shows that in some years, a large incidental pond has been created from previous excavation. Yet in other years, it can be variable in size or not exist at all depending on the fluctuating water table. A review of the history indicates the incidental pond is not typically present more than 2-3 months. The applicant proposes to make adjustments to the existing topography that has resulted from excavation to contain the incidental pond to 7 acres maximum size. For the years that the pond is present, the applicant proposes to make use of the incidental pond for the purposes of gravel washing. When the pond sinks with the water table, the applicant proposes to use a new well to divert ground water for gravel washing, and with the aid of two settling ponds, recirculate the wash water through the wash plant before allowing it to sink into the ground and return to the aquifer.

Application for Permit

The Application for Permit intends to propose the total diversion rate required for the wash plant, along with the total volume required for industrial use and for pond storage. Even though the facility intends to benefit from a 7-acre incidental pond, the 1.5 acres of settling ponds will be used when the 7-acre pond is not available. The large and small ponds are not expected to exist simultaneously.

Total industrial diversion volume is estimated at 2.23 cfs for 12 hrs/day for up to 144 days per year (approximately 318 afa). Because water will be allowed to sink back into the aquifer at the end of the process, this component is non-consumptive.

RMEA expects the following components of the gravel washing processes to be consumptive totaling **9.6 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 **9.0 acre-feet annually** will be lost due to evaporation from the one or more pond(s) (Figures 1 and 2). Additional information for the calculations of the evaporation is provided in the Application for Transfer Attachment 4C-5.
- Dust Abatement. Dust abatement will be required approximately 60 days that the process is in operation per year, estimating 3,000 gallons of water per day, or **0.6 acre-feet annually**.

The total volume of 327.6 afa diverted each year includes 9.6 afa of consumptive use and the remaining volume of 318 afa of non-consumptive. Mitigation of the 9.6 afa of consumptive uses will be provided through a companion transfer application of water right 37-20805.

Application for Transfer of Water Right 37-20805

A portion of Water Right 37-20805 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 in the Water Supply Bank and will be removed upon approval.

Figure 1: Pond Evapotranspiration from ET-IDWR

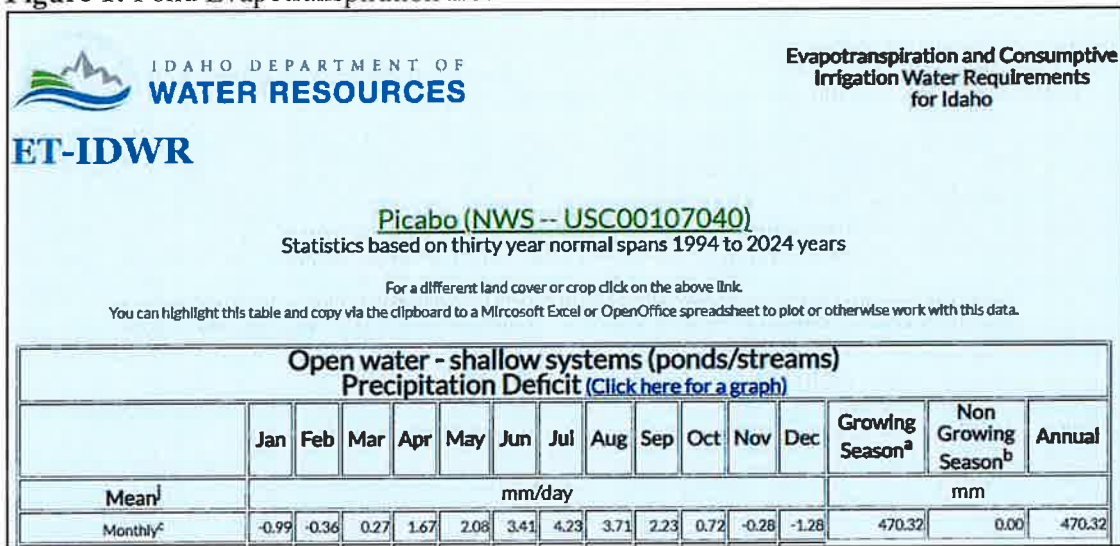


Figure 2: Pond Loss Calculation

Month	mm/day ¹	Days per month	mm/Mon th	Large Pond	Small Pond
Jan	-0.99	31	0.00	0	0
Feb	-0.36	28	0.00	0	0
March	0.27	31	8.37	0	8.37
April	1.67	30	50.10	0	50.10
May	2.08	31	64.48	0	64.48
June	3.41	30	102.30	102.30	0
July	4.23	31	131.13	131.13	0
August	3.71	31	115.01	115.01	0
September	2.23	30	66.90	0	66.90
October	0.72	31	22.32	0	22.32
November	-0.28	30	0.00	0	0
December	-1.28	31	0.00	0	0
Total mm/year =			560.61	348.44	212.17
Acres=				7	1.5
Total ET=				8.0	1.0

Validity of Water Rights

Premier, LLC

Water right 37-20805 has been in the Water Supply Bank from 2014 and is contracted to remain in the water supply bank until 2028 (Figure 1-3). Participation in the Water Supply Bank is a defense to forfeiture according to Idaho Code §42-223.

Figure 1. Water Supply Bank Lease Contract 2014-2018

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("Lease") is effective August 25, 2014, between the Idaho Water Resource Board ("Board"), and

Lessor: MATTHEW MARKS
441 GLENDALE RD
BELLEVUE ID 83313
(208) 309-1632

RECEIVED

SEP 15 2014

Department of Water Resources

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Total Leased Acres</u>
37-20805	0.08 CFS	14.4 AF	4.1 AC

The water rights described herein shall be available for rental from the Bank as follows:

Authorized Period of Use under Lease: 04/15 to 10/15

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2018.

Figure 2. Water Supply Bank Lease Contract 2019-2023

WATER SUPPLY BANK LEASE CONTRACT No. 953

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

LESSOR: MATTHEW MARKS
441 GLENDALE RD
BELLEVUE, ID 83313

RECEIVED

APR 11 2019

DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on February 19, 2019.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
37-20805	12/14/1974	GROUND WATER	0.08	14.4	4.1
Lease Totals			0.08	14.4	4.1

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2019 to December 31, 2023. This Lease shall bind the parties and take effect when both parties have signed it.

Figure 3. Water Supply Bank Lease Contract 2024-2028

WATER SUPPLY BANK LEASE CONTRACT No. 1817

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

LESSOR: MATTHEW MARKS
441 GLENDALE RD
BELLEVUE, ID 83313

RECEIVED
MAR 06 2024
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on December 21, 2023.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
37-20805	12/14/1974	GROUND WATER	0.08	14.4	4.1
Lease Totals			0.08	14.4	4.1

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2024 to December 31, 2028. This Lease shall bind the parties and take effect when both parties have signed it.

Conversion of Nature of Use

Premier, LLC

Applicant proposes to convert 4.1 acres of existing water right 37-20805 from irrigation to industrial uses. This narrative discusses the water requirements at the proposed location, as well as, historical diversion and consumption under the right at its original location.

Proposed Uses

The applicant has water right requirements for proposed uses at a gravel pit. Based upon a review of the proposed uses, it has been determined that the facility requires about 9.6 afa, as shown in Table 1 below.

Table 1. Volume requirements to meet proposed demands.

Description	Volume (afa)	Calculation
Dust Abatement	0.6	Volume (afa) = 3,000 GPD for crusher x 60 days/year / 325,850 gal/af
Pond Evaporation	9.0	Pond Calculation Spreadsheet of 8.5 ac ponds
Consumptive Total	9.6	

A seasonal pond currently appears on the property during the spring/summer months. Typically, the pond only exists on average two or three months a year when spring snowmelt recharges the aquifer and the water table elevation rises. From aerial imagery the pond can vary in size each year, including years where the pond does not exist. The applicant plans to modify the topography of the old gravel pit to control the naturally existing pond and create intentional ponds for gravel washing.

The large pond will be 7 acres in surface area and will only be used during the season of the year when the water table is high. It is expected that this pond will fill naturally and be connected to ground water. A review of historical aerials indicate that the water table will sometimes rise early in the season and sometimes mid-season. But typically, the water table has dropped by September and the natural pond disappears. As such, this application anticipates three months of pond existence and proposes to mitigate for the months of June, July, and August, which would be the warmest months, with the highest evaporation.

Two smaller ponds totaling 1.5 acres will be used as settling and wash ponds when the water table is lower. These ponds will not be used simultaneously with the large pond, but as an alternative when the large pond is unavailable for use. Therefore, the evaporative losses of the small ponds are estimated using the months of September through May. If the water table never rises, and the large pond does not appear in a given year, the applicant can rely on the smaller ponds without exceeding the evaporative losses provided under this application.

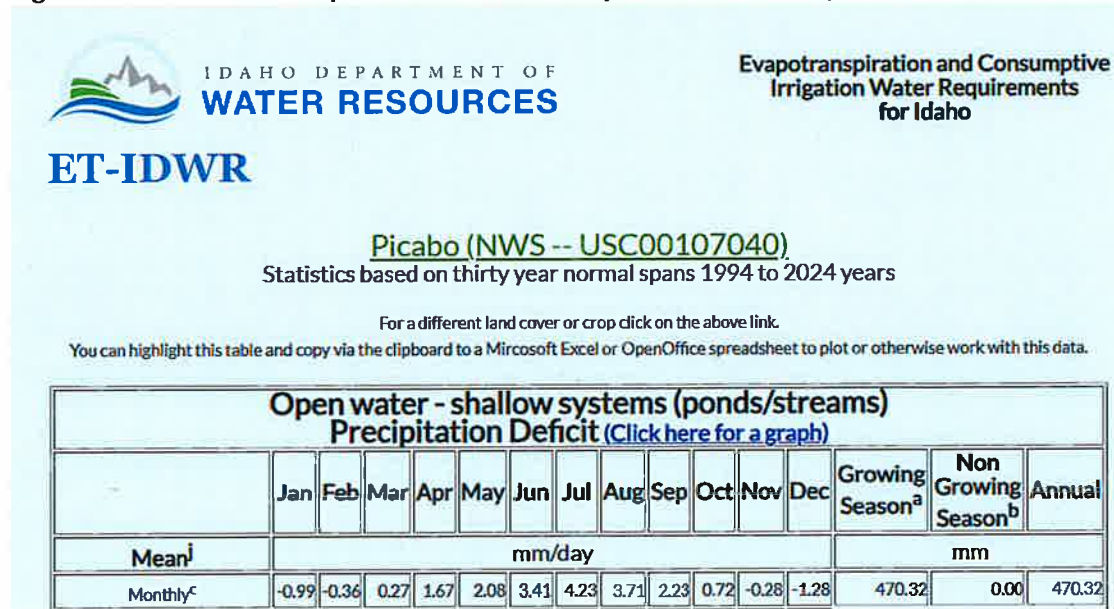
Using the Pond Calculation Spreadsheet and the precipitation deficit for Open water-shallow systems from the Picabo RS Station (NWS – USC00107040) evaporation for the proposed ponds are estimated to be 9.0 afa, as shown in Figures 1-2.

Figure 1. Pond Calculation Spreadsheet Excerpt

Month	mm/day ¹	Days per month	mm/Month	Large Pond	Small Ponds
Jan	-0.99	31	0.00	0	0
Feb	-0.36	28	0.00	0	0
March	0.27	31	8.37	0	8.37
April	1.67	30	50.10	0	50.10
May	2.08	31	64.48	0	64.48
June	3.41	30	102.30	102.30	0
July	4.23	31	131.13	131.13	0
August	3.71	31	115.01	115.01	0
September	2.23	30	66.90	0	66.90
October	0.72	31	22.32	0	22.32
November	-0.28	30	0.00	0	0
December	-1.28	31	0.00	0	0

Total mm/year =	560.61	348.44	212.17
Acres=		7	1.5
Total ET=		8.0	1.0

Figure 2. ET Values for Open water –shallow systems at Picabo (NWS – USC00107040).



Additional water is required for dust abatement based on 3,000 gpd for 60 days per year for a total of 0.6 afa.

Timeline Analysis of 37-20805

The current POD and POU for water right 37-20805 is shown in Figure 3. It has been enrolled in the Water Supply Bank since August 2014 and has not been used within the last 5 years. As such, the historical use was derived from the water right backfile and is outlined below.

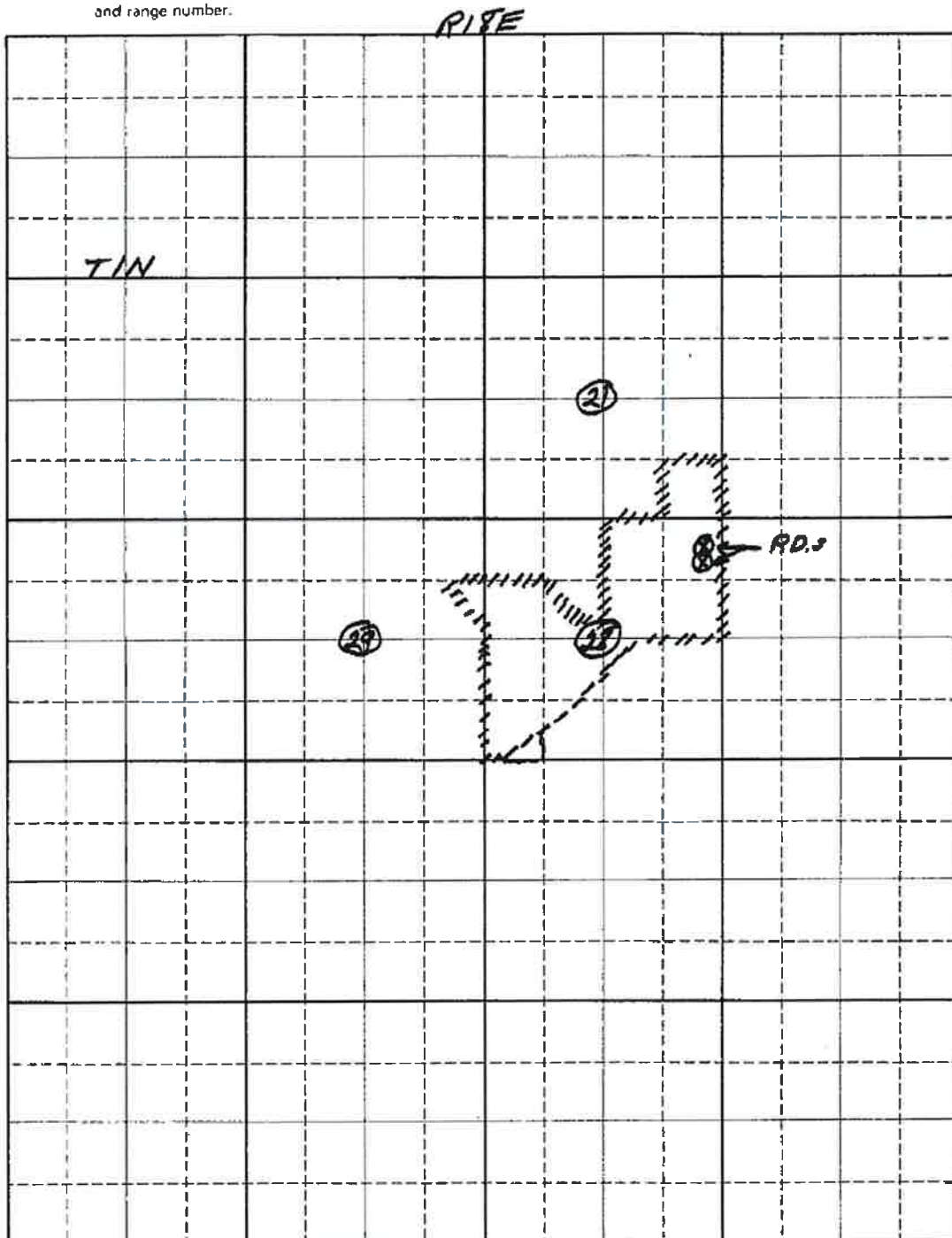
The parent water right, 37-7407, was granted in 1974 for irrigation and stockwater use on 295 acres (Figure 4). The water right was owned by Eugene A. Lewis and LeWalt Enterprise, Inc. Ownership was reinstated to Mr. Lewis and LeWalt Enterprises, Inc. on 1/28/1980 once development of the water right was underway. The application was intended to irrigate more acreage than was found to be irrigated in the 1985 Beneficial Use Report (Figure 5). In 1989, the land labeled Wagner Lot in the Water Right Back File was purchased (Figure 6). In 1992 there was a Re-exam Beneficial Use Field Report in which the owner claimed to irrigate 36 acres (Figure 7). There was one POD from a well that fed water lines to four home sites (Figure 8). During this time, irrigation of alfalfa and pasture occurred within the POU (Figure 9). In 1996 the water right is listed as being owned by Robert and Kathi Wagner with irrigation of 24.4 ac within the POU. A transfer application was submitted to change owners, split the right and change the POD. In 2003, WR 37-7407 was split into WR 37-20804 (20.3 acres), owned by Kathi and Robert Wagner, and 37-20805 (4.1 acres) was granted to Cindy Hinojosa. The POD changed from the original site to its current location (Figure 10) and the POU was established with the split to its current location. In 2010, WR 37-20805 was granted to Matthew Marks, the current owner.

Figure 3. Current WR 37-20805 POU and POD



Figure 4. WR 37-7407 POU and POD

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

Figure 5. Excerpt from the Water Right Back File, Dated 11-29-1985

14. Remarks The Application was intended to Irrigate more
ground than what I found. only one well was
constructed.

Figure 6. Map of the Wagner Lot

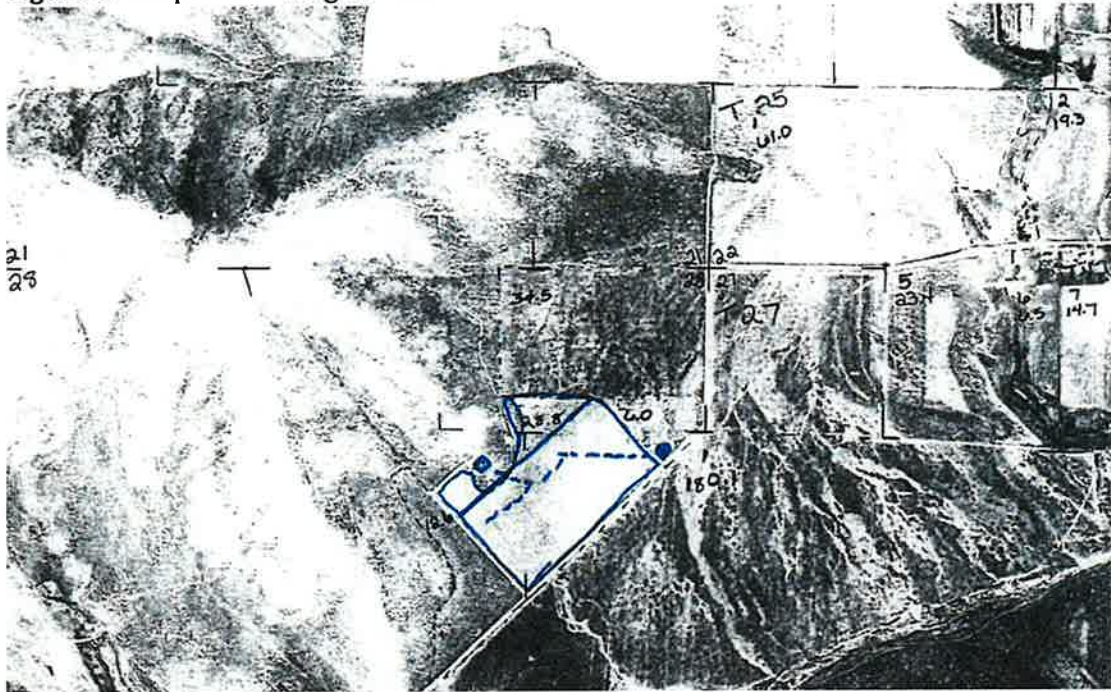


Figure 7. Irrigated acreage from the Re-Exam Beneficial Use Filed Report 8-19-1992

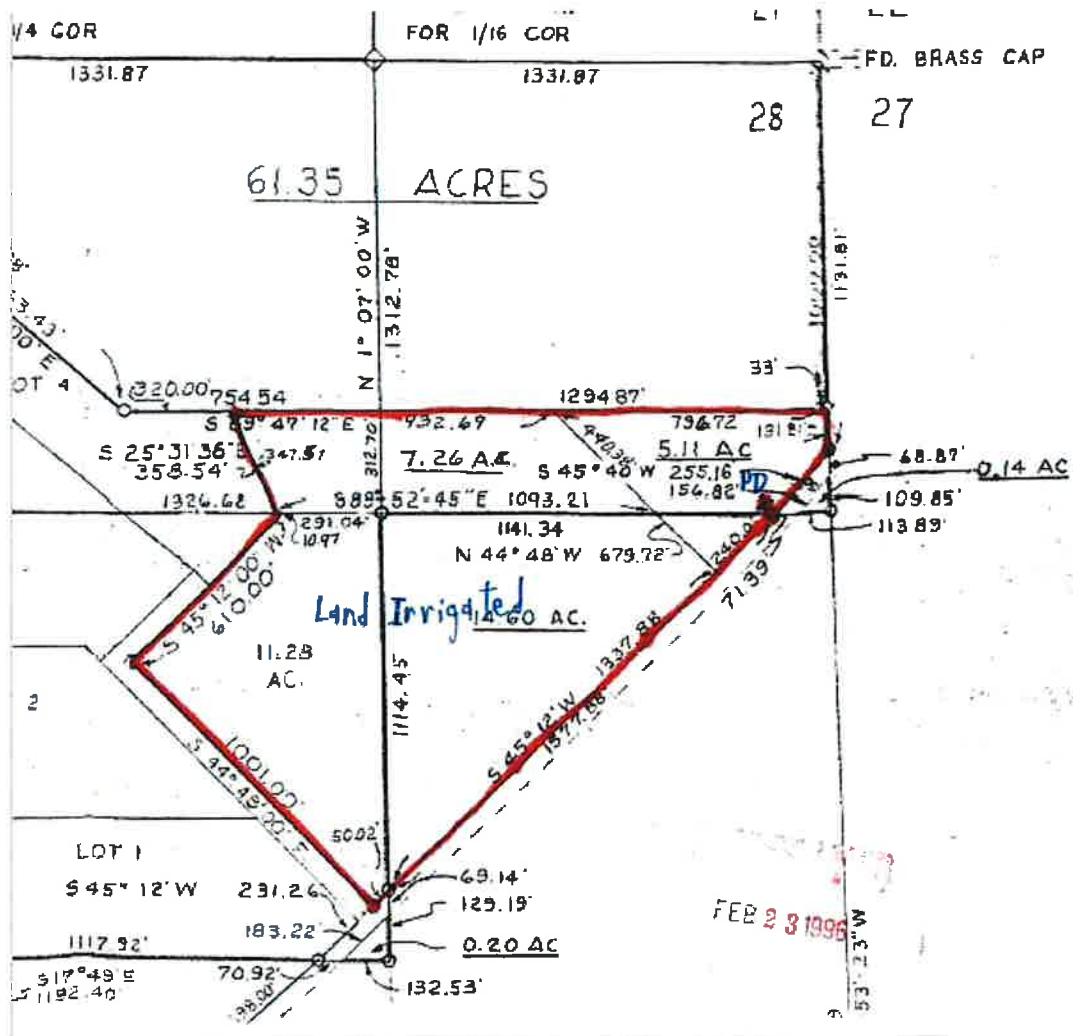
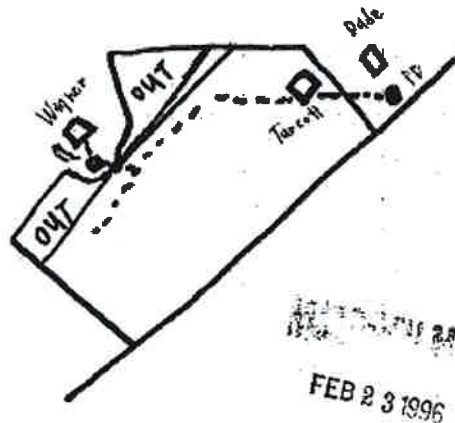


Figure 8. POD from the Re-Exam Beneficial Use Filed Report 8-19-1992

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

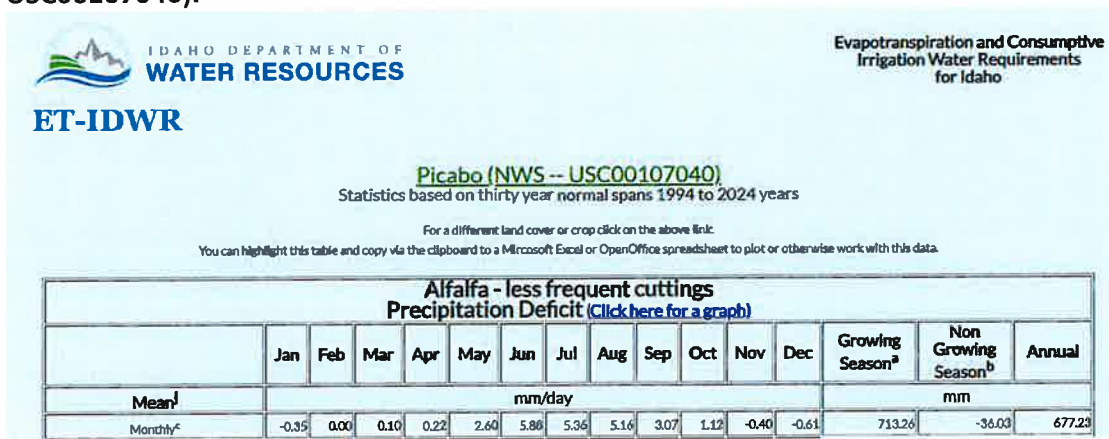
System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
Well, submersible pump, 4 pressure tanks in pump house. Line to double-wide mobile home at well (Suzanne Dade & friend), to (Lot A), line to Tuscott home (Lot D) (goes past home, but home has own well), line up the hill to 800-gallon storage tank & Wagner home. Valve on mainline allows water to be taken out for irrigation between the well & the storage tank. Automatic timer runs big gun sprinkler on Dade property. Rainbirds on strip of newly-planted trees along road, & 2 pop-up sprinklers & drip irrigators on garden & trees around Wagner home.

Conversion of Nature of Use

Historically, the property has irrigated alfalfa and pasture grass. As alfalfa is more consumptive, it is used for evaluation of the conversion from irrigation to industrial use. The precipitation deficit for Alfalfa – Less Frequent Cutting from the Picabo RS Station (NWS – USC00107040), gathered from ET-IDWR, is 713.26 mm/year, or 2.34 af/year, for the growing season (Figure 11). **Therefore, 4.1 acre of irrigation water right would convert to a total of 9.6 afa of consumptive volume available for mitigation by non-use.**

Figure 11. ET Values for Alfalfa – less frequent cuttings at Picabo (NWS – USC00107040).



Maline, Denise

From: Maline, Denise
Sent: Friday, October 9, 2026 12:03 PM
To: Sunny (WD37)
Cc: Brittany Gailey (WD37)
Subject: Comment Letter for Application 37-23672, Transfer 90696 & Transfer 90786
Attachments: Comment letter to WD37 for 37-23672, 90786 & 90696.docx; App. for Permit 37-23672 (Premier LLC).pdf; Transfer 90786 (Premier LLC).pdf; Transfer 90696 (Demi Moore).pdf

Hi Sunny,

Attached is an application for permit and 2 applications for transfer located within WD37, currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this information, please feel free to contact 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

October 9, 2026

SUNNY HEALEY
WATER DISTRICT 37
107 W 1ST ST
SHOSHONE, ID 83352

Re: Application for Permit No. 37-23672 (Premier LLC)
Re: Application for Transfer No. 90786 (Premier LLC)
Re: Application for Transfer No. 90696 (Demi Moore)

Dear Sunny:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed. You can also access the application documents at: <https://research.idwr.idaho.gov/apps/waterrights/wrapapplicationresults/>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)



IDAHO DEPARTMENT OF
WATER RESOURCES

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

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

Governor Brad Little

Director Mathew Weaver

October 8, 2026

PREMIER LLC
779 E STATE ST
EAGLE, ID 83616-5942

RE: Application for Permit No. 37-23672

RE: Transfer No. 90786
Water Right No(s). 37-20805

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS** on **10/14/2026 and 10/21/2026**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **November 2, 2026**.

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 permit.

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

Sincerely,

Denise Maline
Administrative Assistant

c: Rocky Mountain Environmental Assoc. Inc.

Maline, Denise

From: Maline, Denise
Sent: Thursday, October 8, 2026 12:19 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE - 37-23672
Attachments: Idaho Mtn Express cover letter.docx; Idaho Mtn Express ad.docx

Good afternoon,

Attached please find **(1)** legal notice being submitted for publication on October 14th & 21st, 2026, under *IDWR account number 1073*. 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

October 8, 2026

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

RE: Application for Permit No. 37-23672

RE: Transfer No. 90696
Water Right No(s). 37-12053, 37-8461, 37-8647

RE: Transfer No. 90786
Water Right No(s). 37-20805

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 **November 2, 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:

37-23672

PREMIER LLC

779 E STATE ST

EAGLE, ID 83616-5942

Point of Diversion SESE S26 T01N R18E BLAINE County Source GROUND WATER Tributary

Point of Diversion SWSW S25 T01N R18E BLAINE County Source GROUND WATER Tributary

Use: INDUSTRIAL 01/01 to 12/31 2.23 CFS

Use: INDUSTRIAL STORAGE 01/01 to 12/31 327.6 AF

Use: INDUSTRIAL FROM STORAGE 01/01 to 12/31 318.6 AF

Total Diversion: 2.23 CFS 327.6 AF

Date Filed: 08-27-2026

Place Of Use: INDUSTRIAL, INDUSTRIAL FROM STORAGE

T01N R18E S25 SWNW, NWSW, SWSW

T01N R18E S26 NESE, SESE

Place Of Use: INDUSTRIAL STORAGE

T01N R18E S25 SWSW

T01N R18E S26 SESE

Application proposes to appropriate up to 327.6 acre-feet per year for industrial uses associated with a proposed gravel washing operation located approximately 3.75 miles north and 0.6 miles west of the Highway 20 and Highway 75 intersection. The 327.6 acre-feet includes pond volume, evaporative losses, and dust abatement uses. The application proposes mitigating consumptive uses by drying up 37-20805 (see companion transfer #90786). 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. 90786

PREMIER LLC, 779 E STATE ST, EAGLE, ID 83616-5942 has filed Application No. 90786 for changes to the following water rights within BLAINE County(s): Right No(s). 37-20805. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion (POD), place of use (POU), nature of use, and period of use for irrigation water right 37-20805 (0.08 cfs and 14.4 af). The current POU and POD for the ground water right is located approximately 4.25 miles north and 1.6 miles west of the Highway 20 and Highway 75 intersection. The proposed POU and POD for the water right is for a proposed gravel washing operation that will be located approximately 3.75 miles north and 0.6 miles west of the Highway 20 and Highway 75 intersection. Change in nature of use is from irrigation to mitigation by non-use to offset consumptive uses under a companion application for permit (37-23672) for industrial uses.

TRANSFER NO. 90696

DEMI GENE MOORE, C/O DIAN VAUGHN, NKSFB LLC, 10960 WILSHIRE BLVD 5TH FLOOR, LOS ANGELES, CA 90024-3708 has filed Application No. 90696 for changes to the following water rights within BLAINE County(s): Right No(s). 37-12053, 37-8461, 37-8647. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and points of diversion for three ground water rights 37-8461, 37-8647 & 37-12053 for a combined total of 0.20 cfs. Three existing wells will be used to provide domestic, stockwater, fire protection, and irrigation water within the proposed POU, which will be within a 26.8 acre Permissible Place of Use located approximately 1.2 miles north and 0.9 miles west of the intersection of Bullion Street and Main Street in Hailey.

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 **November 2, 2026**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on October 14th & 21st, 2026

Skinner, Corey

From: Graybill, David
Sent: Thursday, October 8, 2026 9:02 AM
To: Kristin Moore; Kate Radmall
Cc: ebuchert@premierllc.net; Skinner, Corey
Subject: RE: Additional Form Needed

Kristin,

Thank you for summarizing our conversation in your email. It is fine to move forward with processing the transfer application, including the advertisement, while the water right remains in the bank. However, the water right will need to be withdrawn from the bank before the transfer can be completed.

Thanks,

David Graybill
Water Resources Supervisor - WSB
208-287-4991



From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Wednesday, October 7, 2026 4:14 PM
To: Kate Radmall <kate.radmall@idwr.idaho.gov>
Cc: ebuchert@premierllc.net; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Graybill, David <David.Graybill@idwr.idaho.gov>
Subject: Re: Additional Form Needed

SUSPICIOUS MESSAGE: This message may be impersonating a State of Idaho user. Proceed with caution and verify legitimacy of the sender before replying. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Kate,

Thank you for your email and for providing a copy of the Trust Water letter you mailed out in reference to the permit application. In speaking with the applicant, they want to proceed even under the conditions that may be required of a trust water right.

I reached out to David Graybill to get further clarification on the water bank lease of the water right that is proposed to be transferred. It is our preference not to withdraw the water right from the bank until we pass the protest period in the case that the application is protested and cannot be resolved. We would rather avoid re-enrollment of the water right in the bank because we withdrew it prematurely. David indicated that the right needs to be removed from the bank prior to the transfer being approved, but that

it should be able to be processed at least through the advertisement and protest period. I've included David on this email so he can confirm or correct me as needed.

We respectfully request that the application proceed to advertisement and that we postpone the removal of the right from the Bank until after the protest period and/or resolution of any protests. I'd actually prefer to wait to remove it from the bank until IDWR is about ready to sign an approval of the applications, just in case. I know that's cutting it close, but David assures me it is an easy process to cancel a lease. Since the right doesn't appear to have a history of rental, the risk is low that it'll be tied up in a rental agreement. Please advise on how we can proceed.

Regards,

Kristin Moore

Water Rights Analyst

482 Constitution Way, Ste 303, Idaho Falls, ID 83402

E-Mail: kristin.rmea@gmail.com

VOICE: 208-524-2353 ||| FAX: 208-524-1795



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On Mon, Oct 5, 2026 at 3:48 PM Kate Radmall <kate.radmall@idwr.idaho.gov> wrote:

Good afternoon!

After discussing your application with our Water Supply Bank Coordinator, David Graybill, we need water right 37-20805 to be removed from the water supply bank before we continue processing your transfer application. I've attached the **Request to Release a Water Right From the Bank** form to this email. Please complete the form and submit it to the Water Supply Bank. Once this is completed, we can continue processing your application.

Additionally, we've sent out a Trust Water Letter in Friday's mail regarding the companion application for permit. I've attached a copy of the letter to this email for your connivence. If you have any questions, please don't hesitate to reach out.

Thank you!



Kate Radmall, Water Resource Agent

Idaho Dept. of Water Resources, Southern Region

650 Addison Ave, W Ste 500

Twin Falls ID 83301-5858

[\(208\)736-3033](tel:(208)736-3033)

Transfer Synopsis

Date: October 2, 2026
To: Transfer #90786
From: Kate Radmall
Re: Summary of Transfer

Application proposes to change the point of diversion (POD), place of use (POU), nature of use, and period of use for irrigation water right 37-20805 (0.08 cfs and 14.4 af). The current POU and POD for the ground water right is located approximately 4.25 miles north and 1.6 miles west of the Highway 20 and Highway 75 intersection. The proposed POU and POD for the water right is for a proposed gravel mining site that will be located approximately 3.75 miles north and 0.6 miles west of the Highway 20 and Highway 75 intersection. Change in nature of use is from irrigation to mitigation by non-use to offset consumptive uses under a companion application for permit (37-23672) for industrial uses.

FEE MEMORANDUM

Date: October 1, 2026
To: Transfer #90786
From: Kate Radmall
Re: Receipting/Disposition of Fees

Filing fees charged for transfer application #90786 are based on the current fee schedule and are set at \$200 for 0.08 cfs and 14.4 af being transferred. An additional \$250 is required for changing the nature of use. The total fee for this transfer is set at \$450 which was paid by check #23306 by Rocky Mountain Environmental Associates, Inc. The receipt number is E051878