



Cassia County Planning & Zoning Commission

EXHIBIT LIST

Application Number: 2025-03-CU/CAFO with VARIANCE

Applicant: AGPRO – Hannah Dutrow

Property Owner: H&E Holdings LLC, Eugene Matthews

P&Z Hearing: **July 17, 2025**

BOCC Hearing: _____

1. CAFO Application (Fees Paid)
 - b CU Application
2. Property Descriptions
3. Deeds and Authorization
4. CAFO Project Narrative
 - b CU Project Narrative
5. Site Plan
6. Boundary Map
7. Topographical Map
8. Nutrient Management Plan ISDA Approval
9. Nuisance Manage Plan
10. Water Rights
11. Statement of Compliance
12. District Impact Statements
 - b Water District 140 – Oakley Valley Area
 - c Water District 45 A – Basin Creek
13. Comment Letters
 - b Oakley Highway
 - c Idaho Power
14. Neighboring Property Owners
15. County Weed Plan
 - b Weed Management Plan
16. FEMA Flood Map
17. NRCS Soil Survey
18. Variance Application
19. Deeds & Authorizations
20. Property Descriptions
21. Variance Request
22. Site Plan
23. Neighboring Property Owners
24. Affidavits: Notice of Hearing, Certificate of Mailing, Affidavit of Publication and Posting.
25. Departmental Report
26. Aerials

CASSIA COUNTY CAFO PERMIT APPLICATION

Prepared for

H & E Holdings LLC

1850 S 50 E, Oakley, Cassia County, Idaho

By



ENGINEERING, PLANNING, CONSULTING & REAL ESTATE

HQ & Mailing: 3050 67th Avenue, Suite 200, Greeley, CO 80634 | 970.535.9318 office | 970.535.9854 fax

Idaho: 213 Canyon Crest Drive, Suite 100, Twin Falls, ID 83301 | 208.595.5301

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Application Forms

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC



EXHIBIT
1

Confined Animal Feeding Operation (CAFO) Application

(Title 9, Chapter 11, Cassia County Zoning Ordinance)

Name of Proposed CAFO: _____

Animal Species to be confined: _____

Number of Proposed Animal Units: _____ Number of Acres: _____

Applicant/Owner Information:

Applicant/Authorized Agent *(Attach additional pages if Necessary)*

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Contact Phone # _____

Email: _____

Authorized Representative of Property Owner(s) of Record

(Attach Authorization to represent and additional pages if Necessary)

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Contact Phone # _____

Email: _____

Property Information:

Physical Location of Property: _____

Property Legal Description: (Complete Legal Description; attach if necessary) _____

- ☐ GIS/GPS Property Legal Description Data, in digital file format, submitted to County Mapping Department. (Contact County Mapping Department for file format specifications/requirements)

Existing Use of Property: _____

Current Zoning Designation of the Property: _____

Required Submittals:

- ☐ 1. CAFO Application and non-refundable application fee.
- ☐ 2. Description of Operation: A narrative describing the proposed CAFO, including the species of animals that will be confined, the number of animals that will be confined, and a description of the structures and other facilities that will be required to confine, feed, and care for the animals and remove the solid and liquid waste produced by the CAFO.

- 3. Boundary Map: A map showing the boundaries of the real property comprising the CAFO, including any real property within one mile of any external boundary of the CAFO. The map, which must be drawn to a scale of not less than eight inches (8") to the mile, must show the following:
 - Land Uses: Existing land uses.
 - Water Bodies: Existing ditches, canals, live streams, or other bodies of water.
 - Wells: Existing wells (domestic or agriculture) located within a one (1) mile radius of any proposed barn, corral, lagoon, structure for containing liquid waste, or feed storage structures or areas, associated with the proposed CAFO.
 - Structures: The dimensions and locations of any barns, corrals, lagoons, other structures for containing liquid waste, compost yards, or feed storage structures or areas, on the proposed CAFO site.
 - Residences and Roads: The location of all residences, other buildings intended for human occupancy, and all public roads on the CAFO site and within a one (1) mile radius of the CAFO boundaries.
 - Distances: The map must show the following distances expressed to the nearest ten feet(10'):
 - External Boundaries to Residences: Distances from external boundary lines of the confined animal feeding operation to residences or other buildings intended for human occupancy outside the CAFO boundaries;
 - Lagoons: Distances from lagoons to external boundary lines of the confined animal feeding operation area and to all residences or other buildings intended for human occupancy outside the CAFO boundaries;
 - External Boundaries to Highways: Distances from external boundary lines of the confined animal feeding operation to public highways or floodways.
- 4. Topographical Map: A separate topographical map shall be submitted showing elevation contours at intervals of not less than twenty feet (20'), or at such other intervals as approved by the Zoning Administrator.
- 5. Waste Management: A narrative describing the waste management aspect of the CAFO site, including, but not limited to, the exact means and methods by which the applicant proposes to dispose of liquid and solid waste generated from the CAFO. The narrative shall include a description of the means and methods by which the applicant will ensure that solid and liquid waste will not escape the boundaries of the CAFO, or enter the waters of the United States of America.
- 6. Water Rights: A writing from the Idaho Department of Water Resources indicating existing water rights, including a profile of all water rights necessary for the operation of the CAFO; or, if those rights have not yet been granted, proof that an application for transfer or other suitable application has been filed with the Idaho Department of Water Resources which, if granted, would allow sufficient water rights to permit a lawful operation of the new CAFO.
- 7. Statement of Compliance: A notarized statement that the applicant will, as a condition of permit approval, construct and operate the confined animal feeding operation and nutrient management plan acres in keeping with the lawful directives of the state of Idaho department of agriculture or state of Idaho department of environmental quality with respect to location and construction of lagoons, the application of liquid and solid waste from the CAFO and other matters within the jurisdiction of the department of agriculture or DEQ.
- 8. Comment Letters: Applicant shall supply proof that comment letters have been requested from the highway districts having jurisdiction over public roads shown within or immediately adjacent to the CAFO site as designated on the previously described map and from any canal company owning ditches or canals that are within or immediately adjacent to the CAFO site as designated on the previously described map, as well as any utility company or other easement holders of record pertaining to land within or abutting the designated CAFO site. Response letters from highway districts, canal companies, utility companies or other easement holders should recommend conditions that the Commission should consider imposing as conditions of approval, or provide written comments otherwise relative to the proposal.


- ☐ 9. Applicant shall obtain an impact statement from the irrigation district, canal company, groundwater district, surface water district, public water system, or any other such like entity (such entities being referred to hereinafter as "Water System") within which Applicant's proposal will be located.
- ☐ 10. Lighting: The map accompanying the application must show the location of all corral or yard lights, and the application shall otherwise demonstrate that the lights have been designed to reflect downward and onto the CAFO to prevent escape of light and glare outside the boundaries of the CAFO area.
- ☐ 11. Setback Compliances: Compliance with all setback rules under 9-11-2 of Cassia County Code must be demonstrated.
- ☐ 12. Neighboring Property Owners: A list of names and addresses of all real property owners located within one (1) mile of the external boundaries of the CAFO.
- ☐ 13. County Weed Plan: A plan developed in conjunction with the Cassia County Weed Department setting forth suitable methods, managements and practices for controlling weeds on and involved with the proposed development herein. Weeds shall be defined by state of Idaho noxious weed statutes, laws and regulations.
- ☐ 14. Certificate of Mailing, Notice of Hearing, Affidavit of Publication & Affidavit of Posting (to be submitted after hearing date has been scheduled, and in accordance with 9-11-8 of County Code).

Upon departmental review for completeness of the application and accompanying documentation, the application will be scheduled for hearing and placed on the next available Planning and Zoning agenda. Applicant will be notified of the scheduled hearing information, or if additional information is needed to process the application. Attached to this application is a copy of County Code 9-11 containing the Confined Animal Feeding Operation requirements, and sample notice of hearing protocol, for the applicant's review and reference.

Until all items listed herein are submitted to the satisfaction of the zoning administrator, any application made with the office of zoning administrator is deemed only to be lodged, but not to be filed. Applications shall be considered and determined based upon the regulations existing as of the date of filing of the application, unless otherwise provided for by action of the Board of County Commissioners.

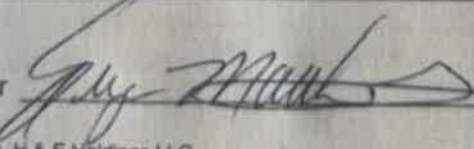
Applicant/Owner Certification:

I hereby certify that all information submitted for this application is true and accurate, is prepared to the best of my ability and knowledge, and request that this application be processed for consideration as a Confined Animal Feeding Operation Permit. Additionally, I hereby authorize agents of the county to enter upon this subject property for purposes of review concerning the pending application and for determining compliance with applicable county regulations.

Signature of Applicant/Authorized Agent 

Date 2/20/25

Printed Name: Hannah Dutrow, AGPROfessionals

Signature of Property Owner 

Date 2/19/25

Printed Name: Eugene Matthews, H & E Holdings LLC

For Office Use Only:

Date Application Filed: _____

By: _____

Fee Received: \$ _____

Check # _____

Credit _____

(Fee: \$1200 + \$.25/animal unit)

Application # _____

4-03-2025
11:22:09

CASSIA COUNTY ZONING/BUILDING Receipt #: 2-08826
Received by: KARLA

Received From: THREE BAR CATTLE COMPANY, LLC
1249 S HWY 27
OAKLEY, ID 83346

Received On: 4-03-2025 In the form of Check#: 0010942

<u>Received For</u>	<u>Cost Each</u>	<u>Quantity</u>	<u>Cost</u>
PLANNING AND ZONING	2,727.63	1	2,727.63
			=====
	Receipt Amount		\$2,727.63

CAFO/CU FOR EUGENE/HEIDI MATTHEWS

LODGED
APR 03 2025
Received by: *Kadams*

Please call Eugene
208-431-3260



Conditional Use Permit Application

EXHIBIT
1b

Applicant/Owner Information:

In the event there is more than one property owner for the subject property for which a conditional use permit is being sought, **all owners of the subject property shall sign as applicants**, in order for application to be complete.

If the applicant is a limited liability company, partnership, corporation, or other such entity, then the applicant shall file the appropriate paperwork from the entity-applicant, proving that the application signatory has authority to bind the entity to the terms of the application and any permit, arising therefrom. Any application that does not contain all appropriate signatures, shall be deemed incomplete and will not proceed to hearing before the Commission until appropriately signed and executed. ***(Cassia County Code 9-13-2)***

Applicant/Authorized Agent (Attach additional pages if Necessary)

Name: _____
 Address: _____
 City: _____
 State: _____ Zip: _____
 Contact Phone # _____
 Email: _____

Property Owner of Record (Attach additional pages if Necessary)

Name: _____
 Address: _____
 City: _____
 State: _____ Zip: _____
 Contact Phone # _____
 Email: _____

Property Information:

Location of Property: _____

Parcel Number(s): _____

Legal Description of Property: (Attach if Necessary): _____

Existing Use of Property: _____

Current Zoning District of the premises: _____

Description of Proposed Conditional Use: _____

Required Submittals:

- ☐ 1. **Conditional Use Permit Application** and non-refundable application fee.
- ☐ 2. **Site Plan:** A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission may require to determine if the proposed special use meets the intent and requirements of this title;
- ☐ 3. **Narrative Statement:** Attach a narrative statement discussing the potential effects of the use on adjoining property; the potential for such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility of the proposal with adjacent and other properties in the district; the relationship of the proposed use to the comprehensive plan **and a discussion that explains how this proposal will meet each of the following standards, as listed in 9-13-3 of County Code as follows:**
 - _____ **A. Qualify:** Will, in fact, constitute a conditional use as established by the official schedule of zoning regulations for the zone involved.
 - _____ **B. Meet General Obligations:** Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or the zoning ordinance.
 - _____ **C. Maintain Character:** Will be designed, constructed, operated and maintained to be reasonably harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use will not change the essential character of the general vicinity.
 - _____ **D. Hazards:** Will not be unreasonably hazardous or disturbing to the existing or future neighboring uses.
 - _____ **E. Facilities:** Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for any such services.
 - _____ **F. Economic Welfare:** Will not create excessive additional requirements at public cost for public facilities and services and will not be unreasonably detrimental to the economic welfare of the community.
 - _____ **G. Conditions of Operation:** Will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, pollution or odors.
 - _____ **H. Harmful Conditions:** Will not be or create conditions that are unreasonably harmful or dangerous to the individual safety or welfare of persons on the premises of the use or living or working in the vicinity of the use; or will not be or create conditions that could be unreasonably harmful to the general safety, health or welfare of the community.

- _____ **I. Vehicular Approaches:** Will have vehicular approaches to the property which are so designed as not to create safety hazards or interference with traffic on surrounding public thoroughfares.
- _____ **J. Scenic And Historic Features:** Will not result in the destruction or loss or damage to any natural, scenic or historic feature of importance to the public.
- ☐ 4. **List of Property Owners** within a one-mile radius of the exterior boundaries of the premises.
- ☐ 5. **County Weed Plan**: A plan developed in conjunction with the **Cassia County Weed Department** setting forth suitable methods, managements and practices for controlling weeds on and involved with the proposed development herein. Weeds shall be defined by state of Idaho noxious weed statutes, laws and regulations.
- ☐ 6. **If CUP is for CAFO Permit**, show compliance with ***Title 9, Chapter 11***.
- ☐ 7. **Applicant shall obtain an impact statement** from the irrigation district, canal company, groundwater district, surface water district, public water system, or any other such like entity (such entities being referred to hereinafter as "Water System") within which Applicant's proposal will be located.
- ☐ 8. **Certificate of Mailing, Notice of Hearing, Affidavit of Publication & Affidavit of Posting** (to be submitted after hearing date has been scheduled, and in accordance with 9-13-3 of County Code).

Upon departmental review for completeness of the application and accompanying documentation, the application will be scheduled for hearing and placed on the next available Planning and Zoning agenda. Applicant will be notified of the scheduled hearing information, or if additional information is needed to process the application. The County Code for the Conditional Use requirements and application is found in Cassia County Code 9-13. Please review and follow **all** code requirements when submitting applications. A sample notice of hearing protocol for the applicant's review and reference and is also viewable or downloadable online at: **Cassia County Code:** <https://www.cassia.gov/county-code>, **other forms** as well can be found at: <https://www.cassia.gov/county-forms-applications>. (*Most of the Applications are fillable*)

Until all items listed herein are submitted to the satisfaction of the zoning administrator, any application made with the zoning department is deemed only to be lodged, but not to be filed. Applications shall be considered and determined based upon the regulations existing as of the date of filing of the application, unless otherwise provided for by action of the Board of County Commissioners.

Applicant / Authorized Agent / Property Owner Certification:

I hereby certify that all information submitted for this application is true and accurate, is prepared to the best of my ability and knowledge, and request that this application be processed for consideration as a conditional use permit. Additionally, I hereby authorize agents of the county to enter upon this subject property for purposes of review concerning the pending application and for determining compliance with applicable county regulations.



Signature of Applicant/Authorized Agent
(Attach additional signature pages if necessary)

2/20/2025

Date

Printed Name: Hannah Dutrow, AGPROfessionals



Signature of Property Owner

2/19/25

Date

Printed Name: Eugene Matthews



Signature of Property Owner

(Attach additional signature pages if necessary)

2/19/25

Date

Printed Name: Eugene Matthews

For Office Use Only:

Date Application Lodged: _____

By: _____

Fee \$600.00 Paid: \$ _____

Check # _____

Credit Card: _____

Application # _____



Property Descriptions

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC

EXHIBIT

2

Owner	Parcel #	Legal Description	Deed Rec #	Acres
H & E Holdings LLC	RP13S23E170000	E2, E2NW4, SE4SW4 S17 T13S R23E	2021-001457	440.00
	RP13S23E190601	NW4NE4 S19 T13S R23E	2021-001457	38.84
	RP13S23E190000	NE4NE4 S19 T13S R23E	2021-001457	40.00
	RP13S23E191800	SE4NE4 S19 T13S R23E	2021-001457	40.00
	RP13S23E200000	N2NE4, SW4NE4, NW4 S20 T13S R23E	2021-001457	280.00
	RP13S23E212400	TAX 14444 (N2NW4) S21 T13S R23E	2021-001457	86.70
	RP13S23E210000	TAX 14445 (N2NE4) S21 T13S R23E	2021-001457	88.10
	RP13S23E201800	SE4NE4, SE4, N2SW4, SE4SW4 S20 T13S R23E	2021-001457	320.00
	RP13S23E213600	TAX 14446 (SW4NW4, W2SW4) S21 T13S R23E	2021-001457	129.51
	RP13S23E290000	NE4, E2NW4, NE4SW4, N2SE4 S29 T13S R23E	2021-001457	392.20
	RP13S23E280600	E2NW4, W2NE4 S23 T13S R23E	2021-001457	160.00
	RP13S23E280002	E2NE4 S28 T13S R23E	2021-001457	80.00
	RP13S23E273000	W2NW4 S27 T13S R23E	2021-001457	80.00
	RP13S23E286601	SE4SW4 S28 T13S R23E	2021-001457	40.00
Matthews Land & Cattle LLC	RP14S23E020600	Lots 2, 3, & 4 S2 T14S R23E	2022-005190	122.15
	RP14S23E021200	SW4NE4, S2NW4, N2SW4, NW4SE4 S2 T14S R23E	2022-005190	237.76
	RP13S23E350000	E2NW4, NE4, E2SW4, SW4SW4, N2SE4, SW4SE4 S35 T13S R23E	2022-005190	480.00
			Total Acres	3055.26
			AUs/acre	2
			Total AUs	6110.52

Owner	Parcel #	Legal Description	Deed Rec #	Acres
H & E Holdings LLC	RP13S23E283001	W2NW4, W2SW4, NE4SW4, NW4SE4 LESS TAX 6553 & PART OF T13801 S28 T13S R23E	2021-001457	229.16*

*Acreage not included in above CAFO parcels since a part of the Grandfathered CAFO; however, portions of facility located on this parcel.

Deeds & Authorization

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC

EV

QUITCLAIM DEED

For value received, **E. EUGENE MATTHEWS**, also known as **EUGENE MATTHEWS**, also known as **ENNIS EUGENE MATTHEWS**, and **HEIDI F. MATTHEWS**, also known as **HEIDI MATTHEWS**, also known as **HEIDI FRANKS MATTHEWS**, husband and wife, whose address is 1249 South Highway 27, Oakley, Idaho 83346 (Grantor) remise, release and forever quitclaim to **H & E HOLDINGS, LLC**, an Idaho limited liability company, whose address is 1249 South Highway 27, Oakley, Idaho 83346 (Grantee), all of Grantor's interest of every kind and nature in the premises in Cassia County, Idaho, more particularly described as follows:

SEE EXHIBIT A ATTACHED.

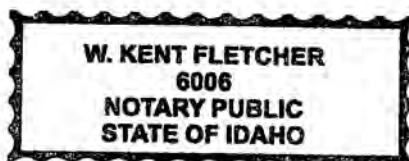
To have and to hold the said premises, with their appurtenances unto said Grantee, and the Grantee's heirs and assigns forever.

DATED: March 17, 2021.

E. Eugene Matthews
E. Eugene Matthews
Heidi F. Matthews
Heidi F. Matthews

STATE OF IDAHO)
County of Cassia) ss

On this 17 day of March, in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared **E. EUGENE MATTHEWS and HEIDI F. MATTHEWS**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



W. Kent Fletcher
Notary Public for Idaho
Residing at Burley
My commission expires on 3-22

EUGENE MATTHEWS LEGAL DESCRIPTION

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 17: E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPTING THEREFROM that portion deed for highway purposes

Section 19: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 20: N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 21: N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 28: N $\frac{1}{2}$; SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPT the following described tracts:

Tract No. 1:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 28, said point marked by a 5/8 inch rebar; thence South 0°02' East (Basis of Bearing) along section line for 10.70 feet to a 1/2 inch rebar which shall be the Point of Beginning; Thence South 88°40'47" East for 490.61 feet to a 1/2 inch rebar on centerline of a county road; Thence South 54°52'09" West along said county road centerline for 599.47 feet to a 1/2 inch rebar on section line; Thence North 0°02' West along said section line for 356.36 feet to the Point of Beginning.

Tract No. 2:

Beginning at the Southwest corner of said Section 28, said corner marked by a 5/8 inch rebar; Thence North 0°02'00" West along section line for 1316.56 feet to a 1/2 inch rebar, said rebar lying South 0°02'00" East for 10.70 feet from the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; Thence South 88°40'07" East for 313.96 feet to a 1/2 inch rebar which shall be the Point of Beginning; Thence North 00°37'13" East for a distance of 1348.96 feet to a 1/2 inch rebar; Thence South 89°27'28" East for a distance of 183.99 feet to a 1/2 inch rebar on the approximate centerline of a county road; Thence South 21°47'38" East along the approximate centerline of said county road for a distance of 324.41 feet to a 1/2 inch rebar; Thence South 11°13'53" East along the approximate centerline of said county road for a distance of 217.58 feet to a 1/2 inch rebar; Thence South 01°32'50" East along the approximate centerline of said county road for a distance of 123.16 feet to a 1/2 inch rebar; Thence South 13°07'24" West along the approximate centerline of said county road for a distance of 614.48 feet to a 1/2 inch rebar; Thence South 22°54'21" West along the approximate centerline of said county road for a distance of 124.91 feet to a 1/2 inch rebar; Thence North 88°40'07" West for a distance of 176.65 feet to the Point of Beginning.

Section 29: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 27: W $\frac{1}{2}$ NW $\frac{1}{4}$

PARCEL NO. 3:

Easement for the benefit of Parcel No. 2 for Well, Ditch, and/or Pipeline as created by Instrument between Howard McIntosh and Alta McIntosh, husband and wife, and H & E, Inc., an Idaho corporation, dated July 17, 1983 and recorded July 20, 1983 as Instrument No. 153543 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: A parcel of land formed with a radius of 20 feet with the center thereof being the well owned by H & E and together with a strip of land 30 feet in width from said well North to the North boundary line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28, and extending South to the South boundary line of said Section 28.

PARCEL NO. 4:

An Easement for the benefit of Parcel No. 2 for the purpose of conveying water from a well located in Section 3, Township 14 South, Range 23 East of the Boise Meridian, as created by Instrument entitled Joint Use, Operation and Maintenance Agreement, between Tommy C. Gorringer, Carl Gorringer & Sons, a partnership and H & E, Inc., an Idaho corporation, dated July 12, 1983 and recorded July 20, 1983 as Instrument No. 153544 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 4: NE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 5:

An easement and right of way for the benefit of Parcel No. 2 to construct, reconstruct, operate, remove, repair and maintain an underground irrigation pipeline, as created by Instrument entitled Easement from Oakley Highway District, to H & E, Inc., an Idaho corporation, dated July 17, 1983 and recorded July 20, 1983 as Instrument No. 153545 on Film No. 158, records of Cassia County, Idaho, in, over, across and through the following described property:

- (a) A thirty (30) foot strip of ground extending East and West across the public road that exists or that may exist between the Northeast Quarter Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 29, Township 13 South, Range 23 East, Boise Meridian, and the Northwest Quarter Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 28, Township 13 South, Range 23 East, Boise Meridian.
- (b) A Thirty (30) foot strip of ground extending North and South across the public road that exists or may exist in the Southwest Quarter Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, Township 13 South, Range 23 East, Boise Meridian.

PARCEL NO. 6:

Easement for the benefit of Parcel No. 2 for the purpose of installing, maintaining, repairing and/or replacing a pipeline for the purpose of conveying water, as created by Instrument entitled Easement for Pipeline, between LeRoy Fairchild, a single man, Ruth Fairchild, a widow, and H & E Inc., an Idaho corporation, dated July 12, 1983 and recorded July 20, 1983 as Instrument No. 153546 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: SE¼SW¼

Section 33: NW¼NE¼, SW¼NE¼, NW¼SE¼

PARCEL NO. 7:

TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 29: N½, SAVE AND EXCEPT the following described tracts:

Tract No. 1:

Beginning at a point 525 feet North of the Southwest corner of the SW¼NW¼ of said Section 29;
Thence East 208.5 feet;
Thence North 208.5 feet;
Thence West 208.5 feet;
Thence South 208.5 feet to the Point of Beginning.

Tract No. 2:

Beginning at a point 295 feet North of the Southwest corner of the SW¼NW¼ of said Section 29;
Thence East 208.5 feet;
Thence North 230 feet;
Thence West 208.5 feet;
Thence South 230 feet to the Point of Beginning.

Tract No. 3:

Commencing at the an aluminum cap marking the northwest corner of Section 29, CP & F Instrument Number 155296, records of Cassia County, Idaho, Station 800+08.72, 38.20' right as shown on State Highway 27 plans, F.A.P WPMS 170 B from which an aluminum cap marking the southeast corner of the NW¼ of Section 29, CPF Inst No. 161919 bears South 0°48'18" West, a distance of 2653.34 feet; Thence along the northerly line of Section 29, North 89°50'04" East, a distance of 2.36 feet to the easterly right-of-way of State Highway 27, Station 800+10.29, 40' right and the Point of Beginning;
Thence continuing along said northerly line, North 89°50'04" East for a distance of 103.17 feet to Station 800+82.89, 117.08 feet right;
Thence at right angles South 00°09'56" East for a distance of 25.00 feet to Station 800+62.76, 134.03 feet right and the southerly prescriptive right-of-way line of W 600 S Rd;
Thence along a non-tangent curve to the left 129.25 feet, having a radius of 958.89 feet a central angle of angle of 7°43'23" and a long chord bearing South 39°36'45" West for a distance of 129.15 feet to Station 799+20.25, 133.37 feet right to the prescriptive right-of-way line of S 50 W/Pole Line Rd;
Thence North 89°11'42" West for a distance of 25 feet, to the westerly line of Section 29 and Station 799+04.43, 112.97 feet right;
Thence along said westerly line, North 00°48'18" East for a distance of 121.00 feet to the easterly right-of-way line of State Highway 27 and Station 800+06.45, 40.00 feet right;
Thence along said easterly right-of-way line along a non-tangent a curve to the right 3.73 feet, having a radius of 1392.50 feet, , a central angle of 0°09'13" and a long chord bearing North 39°59'14' East, a distance of 3.73 feet to the POINT OF BEGINNING.

PARCEL NO. 8:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 4: SE¼

Section 9: NE¼

SAVE AND EXCEPT the following described tract:

Beginning at the Southwest corner of the NW¼NE¼ of said Section 9, said corner marked by a 5/8 inch rebar; thence South 89°30'56" East along the South line of the NW¼NE¼ for a distance of 45.02 feet to a ½ inch rebar on the East right of way of State Highway 27 which shall be the Point of Beginning;

Thence North 00°05'18" East along the East right of way of said highway for a distance of 180.00 feet to a ½ inch rebar;

Thence South 89°31'16" East for a distance of 282.26 feet to a ½ inch rebar;

Thence North 36°48'21" East for a distance of 357.16 feet to a ½ inch rebar;

Thence South 89°30'15" East for a distance of 116.24 feet to a ½ inch rebar;

Thence South 02°16'42" East for a distance of 289.66 feet to a ½ inch rebar;

Thence South 14°11'13" West for a distance of 104.80 feet to a ½ inch rebar;

Thence South 07°51'21" West for a distance of 77.27 feet to a ½ inch rebar on the South line of the NW¼NE¼;

Thence North 89°30'56" West along the South line of the NW¼NE¼ for a distance of 588.02 feet to the Point of Beginning.

PARCEL NO. 9:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 17: Part of the SW¼, more particularly described as follows:

Beginning at the Southwest corner of said Section 17, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;

Thence North 00°00'00" East along section line for a distance of 1111.08 feet to a ½ inch rebar;

Thence South 89°12'21" East for a distance of 87.00 feet to a ½ inch rebar;

Thence North 24°11'31" East for a distance of 221.94 feet to a ½ inch rebar on the South line of the NW¼SW¼;

Thence North 24°11'31" East for a distance of 15.38 feet to a point that lies 39 rods South of the North line of the S½NW¼SW¼;

Thence South 89°09'41" East parallel with the North line of the S½NW¼SW¼ for a distance of 145.74 feet to a point that lies 330.00 feet South 89°09'41" East from the West line of Section 17;

Thence North 00°00'01" West for a distance of 643.14 feet (39 rods) to a ½ inch rebar on the North line of the S½NW¼SW¼;

Thence South 89°09'41" East along the North line of the S½N½SW¼ for a distance of 2319.70 feet to a ½ inch rebar at the Northeast corner of the S½NE¼SW¼;

Thence South 00°03'00" East along the East line of the SW¼ for a distance of 1966.05 feet to a 5/8 inch rebar at the South quarter section corner of Section 17;

Thence North 89°17'40" West along the section line for a distance of 2182.76 feet to a ½ inch rebar;

Thence North 03°11'13" East for a distance of 269.46 feet to a ½ inch rebar;

Thence North 89°30'09" West for a distance of 240.36 feet to a ½ inch rebar;

Thence South 00°24'15" West for a distance of 268.34 feet to a ½ inch rebar on section line;

Thence North 89°17'40" West along section line for a distance of 241.30 feet to the Point of Beginning.

PARCEL NO. 10:

TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: Part of the SW¼SE¼, more particularly described as follows:

Beginning at the South quarter section corner of said Section 27, said corner marked by a 5/8 inch rebar; Thence South 89°28'31" East for a distance of 16.53 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence North 21°21'59" East for a distance of 320.87 feet to a ½ inch rebar;

Thence South 89°28'31" East for a distance of 225.87 feet to a ½ inch rebar;

Thence South 53°13'50" East for a distance of 333.88 feet to a ½ inch rebar;

Thence South 00°31'29" West for a distance of 102.47 feet to a ½ inch rebar on the South line of Section 27;

Thence North 89°28'31" West along the South line of Section 27 for a distance of 609.31 feet to the Point of Beginning.

PARCEL NO. 11:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 10: Part of the SE¼, more particularly described as follows:

Beginning at the South quarter section corner of said Section 10, said corner marked by a 5/8 inch rebar; thence South 89°05'15" East along section line for 830.53 feet to a point; thence North 54°36'45" East along the Northwestern right-of-way of a county road for 600.98 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence North 35°23'12" West for 242.82 feet to a ½ inch rebar;

Thence North 54°36'45" East for 358.79 feet to a ½ inch rebar;

Thence South 35°23'12" East for 242.82 feet to a ½ inch rebar on the Northwestern right-of-way of a county road;

Thence South 54°36'45" West along said right-of-way for 358.79 feet to the Point of Beginning.

PARCEL NO. 12:

An easement for ingress and egress and water line easement for the benefit of Parcel No. 11 as created by Warranty Deed from Keith P. Critchfield and Mary Critchfield, husband and wife to Eugene Matthews and Heidi Matthews, husband and wife, dated August 8, 1990 and recorded October 16, 1990 as Instrument No. 209950 on Film No. 220, records of Cassia County, Idaho over and across the following described property:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 10: Part of the SE¼, more particularly described as follows:

Beginning at the South quarter section corner of said Section 10, said corner marked by a 5/8 inch rebar; thence South 89°05'15" East along section line for 830.53 feet to a point; thence North 54°36'45" East along the Northwestern right-of-way of a county road for 296.45 feet to the Point of Beginning;

Thence North 35°23'12" West for 242.82 feet to a point;

Thence North 54°36'45" East for 304.53 feet to a ½ inch rebar;

Thence South 35°23'12" East for 242.82 feet to a ½ inch rebar on the Northwestern right-of-way of a county road;

Thence South 54°36'45" West along said right-of-way for 304.53 feet to the Point of Beginning.

PARCEL NO. 13:

An easement for ingress and egress for the benefit of Parcel No. 11 as created by Warranty Deed from Keith P. Critchfield and Mary Critchfield, husband and wife to Eugene Matthews and Heidi Matthews, husband and wife, dated August 8, 1990 and recorded October 16, 1990 as Instrument No. 209950 on Film No. 220, records of Cassia County, Idaho over and across the following described property:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 10: Part of the SE¼, more particularly described as follows:

Beginning at the South quarter section corner of said Section 10, said corner marked by a 5/8 inch rebar; thence South 89°05'15" East along section line for 830.53 feet to a point; thence North 54°36'45" East along the Northwestern right-of-way of a county road for 959.77 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence North 35°23'12" West for 242.82 feet to a ½ inch rebar;

Thence North 54°36'45" East for 122.97 feet to a point;

Thence South 35°23'12" East for 242.82 feet to a point on the Northwestern right-of-way of a county road;

Thence South 54°36'45" West along said right-of-way for 122.97 feet to the Point of Beginning.

PARCEL NO. 14:

TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: S½, EXCEPTING the following described tracts:

Tract No. 1:

Beginning at the Southwest corner of said Section 27, said corner marked by a 5/8 inch rebar which shall be the POINT OF BEGINNING;

Thence North 00°34'10" East along the West line of Section 27 for a distance of 189.09 feet to a ½ inch rebar;

Thence South 88°35'43" East for a distance of 96.57 feet to a ½ inch rebar;

Thence South 17°46'01" West for a distance of 7.58 feet;

Thence South 88°10'47" East for a distance of 341.51 feet to a ½ inch rebar;

Thence North 00°58'07" West for a distance of 120.09 feet to a ½ inch rebar;

Thence along a non-tangent curve to the left for a distance of 556.46 feet to a ½ inch rebar, said curve having a radius of 1373.98 feet and a central angle of 23°12'17" with a long chord bearing of South 60°17'31" East for a distance of 552.67 feet;

Thence South 00°34'10" West for a distance of 23.21 feet to a ½ inch rebar on the South line of Section 27;

Thence North 89°28'31" West along the South line of Section 27 for a distance of 915.25 feet to the POINT OF BEGINNING.

Tract No. 2:

Beginning at the S¼ section corner of said Section 27; said corner marked by a 5/8 inch rebar; Thence South 89°28'31" East for a distance of 16.53 feet to a ½ inch rebar which shall be the POINT OF BEGINNING;

Thence North 21°21'59" East for a distance of 320.87 feet to a ½ inch rebar;

Thence South 89°28'31" East for a distance of 225.87 feet to a ½ inch rebar;

Thence South 53°13'50" East for a distance of 333.88 feet to a ½ inch rebar;

Thence South 00°31'29" West for a distance of 102.47 feet to a ½ inch rebar on the South line of Section 27;

Thence North 89°28'31" West along the South line of Section 27 for a distance of 609.31 feet to the POINT OF BEGINNING.

PARCEL NO. 15:

TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: E½, EXCEPTING the Highway Right-of-Way, and ALSO EXCEPTING the following described tracts:

Tract No. 1:

All that portion of the NE¼ of said Section 28 which lies North and West of State Highway 27.

Tract No. 2:

Beginning at a point which is North 30 feet and East 45 feet from the S¼ corner of said Section 28 and which is the True Point of Beginning;

Thence North 150 feet;

Thence East 100 feet;

Thence South 150 feet;

Thence West 100 feet to the Point of Beginning.

Tract No. 3:

Beginning at the Northeast corner of said Section 28, said corner marked by a U.S. General Land Office Brass Cap; Thence South 0°32'24" West along section line for 750.12 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence South 0°32'24" West along said Section line for 114.43 feet to a ½ inch rebar;

Thence North 86°24'54" West for 1995.49 feet to a ½ inch rebar on the East right-of-way of State Highway 27;

Thence North 33°37'16" East along said right-of-way for 11.20 feet to a ½ inch rebar;

Thence South 89°25'58" East for 1986.58 feet to the Point of Beginning.

Tract No. 4:

Beginning at the Northeast corner of said Section 28, said point marked by a U.S. General Land office Brass Cap which shall be the Point of Beginning;

Thence South 0°32'24" West along section line for 750.12 feet to a ½ inch rebar;

Thence North 89°25'58" West for 1986.58 feet to a ½ inch rebar on the East right-of-way of State Highway 27;

Thence North 33°37'16" East along said right-of-way for 894.84 feet to a ½ inch rebar on section line;

Thence South 89°25'58" East along said section line for 1498.15 feet to the Point of Beginning.

Tract No. 5:

Beginning at the S¼ section corner of said Section 28, said corner marked by a ½ inch rebar; Thence South 89°15'00" East along section line for 118.02 feet to a point on the East right-of-way of State Highway 27; Thence North 0°33'41" West along said right-of-way for 2610.08 feet to a ½ inch rebar; Thence South 89°46'37" East for 509.80 feet to a ½ inch rebar; Thence North 16°36'04" East for 137.17 feet to a ½ inch rebar; Thence North 59°02'00" East for 126.46 feet to a ½ inch rebar; Thence North 90°00'00" East for 47.94 feet to the Point of Beginning;

Thence North 0°32'36" East for 112.31 feet to a ½ inch rebar;

Thence South 89°27'24" East for 208.71 feet to a ½ inch rebar;

Thence South 0°32'36" West for 208.71 feet to a ½ inch rebar;

Thence North 89°27'24" West for 208.71 feet to a ½ inch rebar;

Thence North 0°32'36" East for 96.40 feet to the Point of Beginning.

PARCEL NO. 16: [RESERVED]

PARCEL NO. 17: [RESERVED]

PARCEL NO. 18: [RESERVED]

PARCEL NO. 19:

TOWNSHIP 14 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 26: SW¼SW¼

Section 27: SE¼SE¼

Section 33: E½NE¼SE¼, SW¼NE¼SE¼, SE¼NW¼SE¼ and E½SW¼SE¼

Section 34: SW¼NE¼, E½SE¼NW¼, SW¼SE¼NW¼, SE¼SW¼NW¼, N½NW¼SW¼ and N½NE¼

SAVE AND EXCEPT the following described tracts:

Tract No. 1:

Beginning at the quarter section corner common to said Sections 33 and 34; Thence South 00°00' East 50.00 feet to the TRUE POINT OF BEGINNING;

Thence South 89°39' East 347.48 feet;

Thence South 05°45' West 334.48 feet;

Thence South 68°12' West 390.24 feet;

Thence South 55°22' West 625.49 feet;

Thence North 20°26' West 146.32 feet;

Thence North 0°24' East 235.46 feet;
Thence North 48°39' East 118.58 feet;
Thence North 48°30' East 251.20 feet;
Thence North 56°57' East 399.78 feet to the TRUE POINT OF BEGINNING.

Tract No. 2:

Beginning at the Northwest corner of the SW¼SE¼NW¼ (also known as C-S-NW 1/64 corner) of said Section 34; Thence South 43°29' East 100.30 feet to the TRUE POINT OF BEGINNING;
Thence North 62°03' East 103.63 feet;
Thence North 89°43' East 352.49 feet;
Thence South 08°43' East 297.35 feet;
Thence South 63°14' West 939.69 feet;
Thence North 29°47' West 108.04 feet;
Thence North 53°41' East 282.55 feet;
Thence North 06°21' West 80.05 feet;
Thence North 16°47' East 132.67 feet;
Thence North 36°25' East 247.66 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 20:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 7: Part of the E½SE¼, more particularly described as follows:

Beginning at the Southeast Corner of Section 7, said corner marked by a 5/8 inch rebar; Thence North 89°46'18" West along the south line of Section 7 for a distance of 673.64 feet to the POINT OF BEGINNING;
Thence North 89°46'18" West along said section line for a distance of 645.41 feet to a 5/8 inch rebar at the Southwest Corner of the E½SE¼;
Thence North 00°13'02" West along the west line of the E½SE¼ for a distance of 2535.49 feet to a ½ inch rebar;
Thence South 89°49'39" East for a distance of 1063.57 feet to a ½ inch rebar;
Thence South 04°55'59" West for a distance of 108.76 feet to a ½ inch rebar;
Thence South 20°51'51" West for a distance of 93.71 feet to a ½ inch rebar;
Thence South 38°23'34" West for a distance of 315.33 feet to a ½ inch rebar;
Thence South 25°02'49" West for a distance of 100.43 feet to a ½ inch rebar;
Thence South 13°04'42" East for a distance of 201.66 feet to a ½ inch rebar;
Thence South 16°54'18" West for a distance of 301.72 feet to a ½ inch rebar;
Thence South 52°22'20" East for a distance of 319.70 feet to a ½ inch rebar;
Thence South 84°00'43" West for a distance of 122.60 feet to a ½ inch rebar;
Thence South 81°03'18" West for a distance of 216.55 feet to a ½ inch rebar;
Thence South 00°00'38" East for a distance of 418.02 feet to a ½ inch rebar;
Thence South 00°11'16" West for a distance of 809.57 feet to a ½ inch rebar;
Thence South 00°11'16" West for a distance of 46.45 feet to the POINT OF BEGINNING.

PARCEL NO. 21:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 7: Part of the E½E½, more particularly described as follows:

Beginning at the Northeast corner of Section 7, said corner marked by a 5/8 inch rebar with 3 inch aluminum cap on top which shall be the POINT OF BEGINNING;
Thence South 13°09'15" West (South 12°45'30" West, rec.) for a distance of 32.24 feet (32.27 feet, rec.) to a ½ inch rebar;

Thence South 01°47'45" West (South 1°46'08" West, rec.) for a distance of 569.69 feet (569.59 feet, rec.) to a ½ inch rebar;
Thence South 01°51'50" West for a distance of 720.87 feet to a ½ inch rebar;
Thence South 00°42'02" East for a distance of 381.68 feet to a ½ inch rebar;
Thence South 00°44'25" East for a distance of 289.81 feet to a ½ inch rebar;
Thence South 25°59'00" West for a distance of 359.92 feet to a ½ inch rebar;
Thence South 02°36'06" West for a distance of 361.60 feet to a ½ inch rebar;
Thence South 18°50'02" West for a distance of 77.23 feet to a ½ inch rebar set;
Thence North 89°49'39" West for a distance of 1063.57 feet to a ½ inch rebar on the west line of the E½SE¼;
Thence North 00°13'02" West along the west line of the E½SE¼ for a distance of 107.29 feet to the Southwest corner of the E½NE¼;
Thence North 00°13'02" West along the west line of the E½NE¼ for a distance of 2634.44 feet to a 5/8 inch rebar at the Northwest corner of the E½NE¼;
Thence North 89°45'10" East along the north line of Section 7 for a distance of 1313.23 feet to the POINT OF BEGINNING.

PARCEL NO. 22:

H. E. Survey No. 304, described as follows:

Beginning at corner No. 1, which is the Northeast corner of Section 12, Township 15 South, Range 20 East of the Boise Meridian, Cassia County, Idaho;

Thence South 0°3' East 9.82 chains to Corner No. 2;
Thence South 87°0' West 48.36 chains to Corner No. 3;
Thence South 19°20' West 32.48 chains to Corner No. 4;
Thence North 86°52' West 5.14 chains to Corner No. 5;
Thence North 25°39' West 20.88 chains to Corner No. 6;
Thence North 12°21' East 10.26 chains to Corner No. 7;
Thence South 84°22' West 8.49 chains to Corner No. 8;
Thence North 1°56' West 15.14 chains to Corner No. 9;
Thence South 89°42' East 79.99 chains to Corner No. 1, to the Point of Beginning.

EXCEPT the Southern portion of H.E. Survey No. 304, more particularly described as follows:

Beginning at Corner No. 3 of H.E. Survey No. 304, The True Point of Beginning;
Thence South 19°20' West, 2143.68 feet to Corner No. 4;
Thence North 86°52' West, 339.24 feet to Corner No. 5;
Thence North 25°39' West, 1378.08 feet to Corner No. 6;
Thence North 12°21' East, 677.16 feet to Corner No. 7;
Thence North 86°10' East, 1503.49 feet to Corner No. 3, the True Point of Beginning.

H. E. Survey No. 303, described as follows:

Beginning for the description of Tract "A" Corner No. 1 identical with corner of Sections 1 and 12, Township 15 South, Range 20 East of the Boise Meridian and Section 6 and 7, Township 15 South, Range 21 East of the Boise Meridian, Cassia County, Idaho;

Thence North 67°15' East 59.74 chains to Corner No. 2;
Thence South 8°58' East 11.25 chains to Corner No. 3;
Thence South 69°2' West 33.6 chains to Corner No. 4;
Thence South 69°2' West 27.32 chains to Corner No. 5;
Thence North 3° West 9.82 chains to Corner No. 1, the Point of Beginning.

Beginning for the description of Tract "B" at Corner No. 6 from which Corner No. 1 of said "A" bears South 0°8' West 18.99 chains distant;

Thence North 23°58' East 34.52 chains to corner No. 7;
Thence South 38°53' East 41.85 chains to Corner No. 8;

Thence South 67°15' West 25.94 chains to Corner No. 9;
Thence North 55°36' West 19.68 chains to Corner No. 6, the Point of Beginning.

H. E. Survey No. 414, described as follows: Tax No. 7 in Sections 11 and 12, Township 15 South, Range 20 East of the Boise Meridian, Cassia County, Idaho, described as follows:

Beginning at Corner No. 1 from which the West corner of Sections 6 and 7, Township 15 South, Range 21 East of the Boise Meridian bears South 89°45' East 80.08 chains distant;
Thence South 1°56' East 15.14 chains to Corner No. 2;
Thence South 21°49' West 32.8 chains to Corner No. 3;
Thence South 1°15' East 28.77 chains to Corner No. 4;
Thence South 70°31' West 12.63 chains to Corner No. 5;
Thence North 13°44' West 53.35 chains to Corner No. 6;
Thence South 88°56' East 12.75 chains to Corner No. 7;
Thence North 28°27' West 20.53 chains to Corner No. 8;
Thence North 74°44' East 33.77 chains to Corner No. 1, the Point of Beginning.

EXCEPT the Southern portion of H.E. Survey No. 414, more particularly described as follows:

Beginning at Corner No. 2 of H.E. Survey No. 414 the True Point of Beginning;
Thence South 21°49' West, 2164.80 feet to Corner No. 3;
Thence South 1°15' East, 1898.82 feet to Corner No. 4;
Thence South 70°31' West 833.58 feet to Corner No. 5;
Thence North 13°44' West 3521.10 feet to Corner No. 6;
Thence South 88°56' East 841.50 feet to Corner No. 7;
Thence North 63°09' East 1730.02 feet to Corner No.2, the True Point of Beginning.

PARCEL NO. 23:

H. E. Survey No. 305 lying in Sections 2 and 3 in Township 15 South, Range 20 East of the Boise Meridian, Cassia County, Idaho, more particularly described as follows, to-wit:

Beginning at the corner No. 1 from which the quarter corner between Section 1 in Township 15 South, Range 20 East of the Boise Meridian and Section 6 in Township 15 South, Range 21 East of the Boise Meridian bears North 81°17' East 119.31 chains distant;
Thence South 53°51' West 11.49 chains to corner No. 2;
Thence North 41°33' West 77.40 chains to corner No. 3;
Thence North 81°59' East 19.75 chains to corner No. 4;
Thence South 43°21' East 24.05 chains to corner No. 5;
Thence North 82°43' East 21.62 chains to corner No. 6;
Thence South 4°30' East 39.31 chains to corner No. 1 the Place of Beginning.

PARCEL NO. 24:

H. E. Survey No. 415, embracing a portion of approximately Sections 33 and 34 in Township 14 South and Section 3 in Township 15 South, all in Range 20 East of the Boise Meridian, Cassia County, Idaho, more particularly bounded and described as follows:

Beginning at corner No. 1, from which U.S. Location Monument No. 412 bears South 7°5' West 103.93 chains distant;
Thence North 49°43' West 54.88 chains to Corner No. 2;
Thence North 68°40' West 12.37 chains to Corner No. 3;
Thence North 7°24' East 15.4 chains to Corner No. 4;
Thence South 64°7' East 76.93 chains to Corner No. 5;

Thence South 1°2' West 11.04 chains to Corner No. 6;
Thence South 41°37' East 9.1 chains to Corner No. 7;
Thence South 80°47' West 23.96 chains to Corner No. 1, the Place of Beginning.



Order Number: 22462019

Warranty Deed

For Value Received,


Ryan C. Hawker and Christy A Hawker, husband and wife, the Grantor, does hereby grant, bargain sell and convey unto, **Matthews Land & Cattle, LLC, an Idaho limited liability company**, whose current address is **1249 S Highway 27, Oakley, ID 83346**, the Grantee, the following described premises, in **Cassia County, Idaho**, To Wit:

See Exhibit A, attached hereto and incorporated herein.


TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

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Dated: December 14, 2022



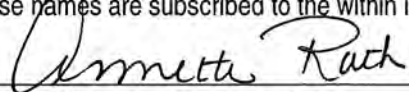
Ryan C. Hawker



Christy A Hawker

State of Idaho, County of Cassia, ss.

On this 14 day of December in the year of 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Ryan C. Hawker and Christy A Hawker, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Notary Public
Residing In: Rupert Id
My Commission Expires: 8-4-2023
(seal)

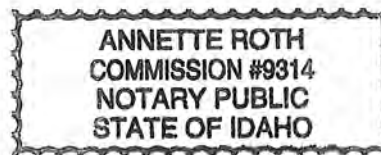


EXHIBIT A
LEGAL DESCRIPTION OF THE PREMISES

PARCEL NO. 1:
TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 23: $SE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$

Section 26: $E\frac{1}{2}$, $E\frac{1}{2}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$

Section 34: $SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$

Section 35: $E\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$

PARCEL NO. 2:
TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: Lots 2, 3, 4, $SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$

Section 3: Lots 2, 3, 4, $S\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$

Section 8: $SE\frac{1}{4}$, SAVE AND EXCEPT the following described property:

Beginning at the Northwest corner of the $NW\frac{1}{4}SE\frac{1}{4}$ of said Section 8;
Thence East to a point 2 rods East of Warm Springs;
Thence South 4 rods;
Thence West to the road on the West line of said property;
Thence North to the Point of Beginning.

Section 17: $NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$

PARCEL NO. 3:
TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 16: ALL SAVE AND EXCEPT the South 50 feet

PARCEL NO. 4:
TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 29: $SE\frac{1}{4}SE\frac{1}{4}$

SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Section 29, said corner marked by a 5/8 inch rebar;
Thence South $00^{\circ}24'26''$ (South $0^{\circ}02'$ East, rec.) along the East line of Section 29 for a distance of 10.73 feet
(10.70 feet, rec.) to a 1/2 inch rebar which shall be the Point of Beginning;

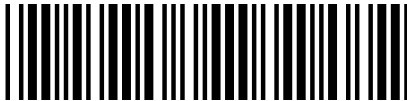
Thence South 00°24'26" East (South 0°02' East, rec.) along the East line of Section 29 for a distance of 356.36 feet to a ½ inch rebar;

Thence South 89°58'56" West for a distance of 28.00 feet to a ½ inch rebar;

Thence North 00°44'51" West for a distance of 356.89 feet to a ½ inch rebar;

Thence South 89°02'25" East for a distance of 30.13 feet to the Point of Beginning.

TOGETHER WITH AND EASEMENT FROM INGRESS AND EGRESS OVER AND ACROSS the SE1/4SE1/4 of Section 33 Township 13 South Range 23 East and the NE1/4NE1/4 of Section 4 Township 14 South Range 23 East, Boise Meridian Cassia County, State of Idaho following the existing roadway. FOR THE BENEFIT of the NW1/4 of Section 3 Township 14 South Range 23 East, Boise Meridian, Cassia County, State of Idaho.



0006001111

**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 #: 0006001111

Date Filed: 12/3/2024 10:11:02 AM

Entity Name and Mailing Address:

Entity Name: H & E HOLDINGS, LLC
The file number of this entity on the records of the Idaho
Secretary of State is: 0000485955
Address: 1249 S HIGHWAY 27
OAKLEY, ID 83346-9755

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: W160064

The registered agent on record is:

Registered Agent: E EUGENE MATTHEWS
Registered Agent
Physical Address
1249 S HWY 27
OAKLEY, ID 83346
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
HEIDI F. MATTHEWS	Member	1249 S. HIGHWAY 27 OAKLEY, ID 83346
E EUGENE MATTHEWS	Manager	1249 S. HIGHWAY 27 OAKLEY, ID 83346

The annual report must be signed by an authorized signer of the entity.

Job Title: Member

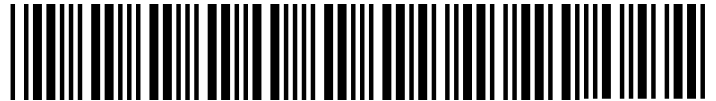
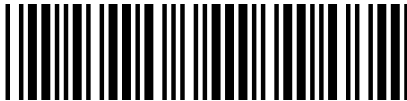
Heidi Matthews

Sign Here

12/03/2024

Date

B0967-6961 12/03/2024 10:11 AM Received by Office of the Idaho Secretary of State



0006001152

**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 #: 0006001152

Date Filed: 12/3/2024 10:13:52 AM

Entity Name and Mailing Address:

Entity Name: MATTHEWS LAND & CATTLE, LLC
The file number of this entity on the records of the Idaho
Secretary of State is: 0000485941
Address: 1249 S HIGHWAY 27
OAKLEY, ID 83346-9755

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: W160059

The registered agent on record is:

Registered Agent: E EUGENE MATTHEWS
Registered Agent
Physical Address
1249 S HWY 27
OAKLEY, ID 83346
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
Ennis Eugene Matthews	Manager	1249 S. HWY 27 OAKLEY, ID 83346
Heidi F. Matthews	Member	1249 S. HWY 27 OAKLEY, ID 83346
Blake E. Matthews	Member	84 E 1975 S OAKLEY, ID 83346
Broden K. Matthews	Member	94 E.1975 S. OAKLEY, ID 83346

The annual report must be signed by an authorized signer of the entity.

Job Title: Member

Heidi F Matthews

Sign Here

12/03/2024

Date

B0967-7006 12/03/2024 10:14 AM Received by Office of the Idaho Secretary of State

Project Narrative

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC

CASSIA COUNTY CAFO PERMIT PROJECT NARRATIVE

Prepared for H & E Holdings LLC.

Introduction

H & E Holdings LLC (H&E) is requesting a Confined Animal Feeding Operation (CAFO) permit to add to a grandfathered feedlot operation. The subject property will be owned by H&E but will be operated by Three Bar Cattle Co. The site was issued a grandfathered CAFO permit in 2004 which allows for 3,000 head of cattle on 229.16 acres. The grandfathered animal numbers, acres, and setbacks are expected to remain unchanged. This proposal is to permit 6,110.52 Animal Units (AUs). With the proposed AUs, corrals and manure management systems will be installed north of the grandfathered CAFO. This permit is expected to comply with all local, state, and federal regulations.

The majority of the existing facility is located on parcel RP13S23E283001 being in part of Section 28, Township 13 South, Range 23 East of the Boise P.M., Town of Oakley, Cassia County, Idaho. The addition is proposed to be constructed directly north of this facility on parcels RP13S23E283001, RP13S23E213600, and RP13S23E280600 being in parts of Section 21 and 28, Township 13 South, Range 23 East of the Boise P.M., Town of Oakley, Cassia County, Idaho. There is an existing area of corrals and a calving barn on parcel RP13S23E170000 located in part of Section 17, Township 13 South, Range 23 East of the B.M., Town of Oakley, Cassia County, Idaho.

The main facility property has been permitted as a grandfathered feedlot operation since 2004 that was in operation prior to July 1, 1993. The grandfathered permit allowed for the operation of a 3,000 head feedlot on 229.16 acres. The intent of this proposal is to permit a new CAFO north of the grandfathered CAFO for new corrals and manure management systems. The new CAFO proposes 6,110.52 AUs and 3,055.26 acres to meet the two AU per acre density requirements.

The currently permitted operations general Waste Management Area (WMA) will remain unchanged. The majority of the irrigated fields included in the density of the permit will be used for land application of liquid manure through a pivot system, solid manure/bedding will be trucked to the farther irrigated fields and also third party transferred.

Owner

H & E Holdings LLC
c/o Eugene Matthews
1840 S 50 E
Oakley, ID 83346
208-431-3260

Operator

Three Bar Cattle Co.
c/o Eugene Matthews
1840 S 50 E
Oakley, ID 83346
208-431-3260

Description of Site

The CAFO facility will use 3,055.26 acres for 6,110.52 AUs to meet the two AUs per acre requirement. The legal descriptions for these additional properties and existing CAFO Permit are included in **02 – Property Descriptions**. The proposed corrals and manure management system will be included on approximately 56 acres and is located in the Multiple Use (MU) zone district. The main facility is approximately 1.2 miles north of W 2000 S also referred to as Basin Road and Main St. and directly east of S 50 E also referred to as S Pole Line Rd.

The existing calving barn and corrals that are being added to this CAFO are contained on approximately 10-acres and is located in the MU zone district. The site is located approximately 1.5 miles northwest of the main facility along the west side of S Pole Line Rd.

The subject property is located on flood map no. 1600410400B. The site is located in Zone C which is an area of minimal flood hazard. Zone C is defined by FEMA as the area may have ponding and local drainage problems that don't warrant a detailed study or designation as base floodplain. The Boundary Map included in **06 – Boundary Map** shows the site is compliant with the 1,320 ft. floodway setback requirement. The Idaho Department of Water Resources' Flood Hazard Map, included in **17 – FEMA Flood Map**, does not classify this flood zone as a regulatory floodway. Therefore, the subject property is compliant with the 1,320 ft. floodway setback requirement.

Surrounding Land Uses

The property is surrounded by MU zoned property and Bureau of Land Management (BLM) lands. The uses are primarily irrigated crop land, range land, and state and federal land. Aerial imagery is included on the maps provided which provide a visual of adjacent land uses in the area.

Adjacent land uses are described below:

North: MU Zone District – irrigated crop land, rangeland
South: MU Zone District – irrigated crop land, rangeland, rural residential
East: MU Zone District – rangeland, state and federal lands
West: MU Zone District – rangeland, BLM, state lands

The closest occupied residences to the feedyard, that are not owned by H&E, are located south of the existing grandfathered CAFO. One residence is approximately 630 feet south of the grandfathered CAFO boundary and approximately 2,400 feet south of the new CAFO boundary. The second residence is approximately 1,375 feet from the grandfathered CAFO boundary and approximately 3,200 feet south of the CAFO boundary. No other residences are within a mile of the facility.

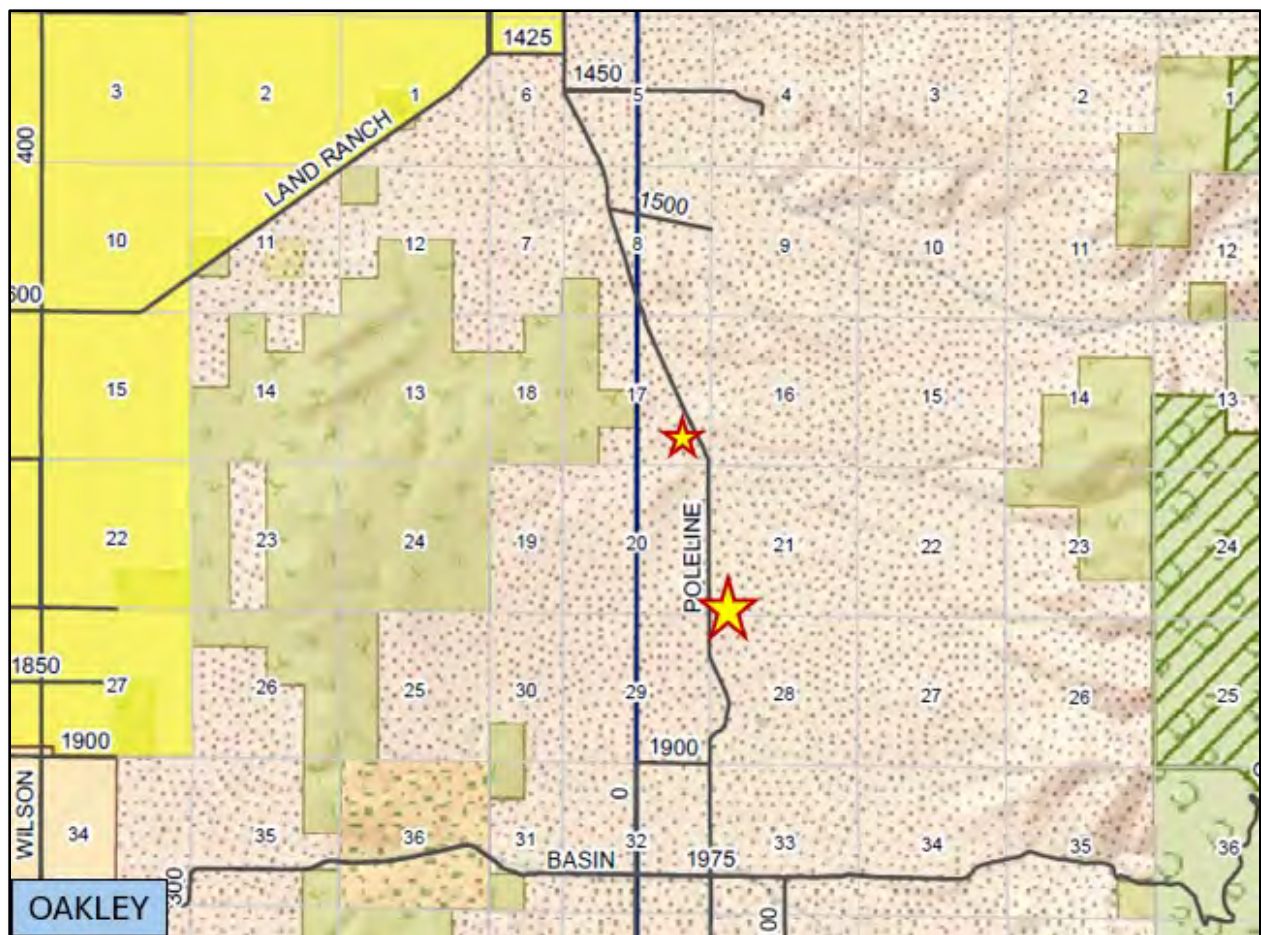


Figure 1. Cassia County Zoning Map Feb 5, 2024



Figure 2. Cassia County Zoning Map Feb 5, 2024 Legend

Operations & Site Description

H&E is proposing 6,110.25 AUs for the new CAFO. This will include the addition of corrals and lagoons north of the grandfathered CAFO boundary. An existing area for calving and short-term cattle housing is also being included in this request approximately 1.5 miles north of the main facility. This also documents existing site conditions that differ from the original grandfathered area. This new CAFO will use the grandfathered CAFOs commodity area and existing infrastructure.

Employees will continue daily operations, maintain the facility, and care for and feed the cattle. Current operations include 10 full-time employees. At full build out of the new corrals, there will be a total of 14 employees.

The operation is a combination feedyard which includes owner purchased cattle and customer owned cattle. They house cattle ranging in weight from 400 pounds to finishing weight approximately 1,400 to 1,500 pounds. The proposed corrals and manure management system will be included on approximately 56 acres along the north end of the existing feedyard. The existing calving barn and corrals that are also being added to this CAFO are contained on approximately 10-acres. **02 – Property Descriptions** contains a list of the parcels included in the CAFO property for density and the facility infrastructure.

New runoff ponds are proposed as a part of the facilities manure management system. The farm will utilize the manure generated by the CAFO according to the Idaho State Department of Agriculture (ISDA) approved NMP. The new runoff ponds will operate as catch basins throughout the feedyard, will be lined with clay, and approved by ISDA.

The CAFO will continue to operate within conformance with their Nutrient Management Plan (NMP). The existing grandfathered CAFO site has an approved NMP through ISDA. The new NMP will document the site as one facility and a new NMP for the additional corrals and manure

catch basins has been submitted to ISDA for review, letters from ISDA are located in **08-Nutrient Management Plan**.

Nuisance Mitigation

A Nuisance Management Plan has been developed to provide common Best Management Practices (BMPs) that the facility can utilize to mitigate any potential on-site nuisances. These include common practices in addressing dust, odor, pests, and mortalities. The Nuisance Management Plan is included in **09 – Nuisance Management Plan**.

Stormwater Runoff & Drainage

Due to the area's low annual precipitation, well-draining soils, and low frequency of ponding or flooding, it is anticipated that stormwater runoff will be minimal. The NRCS Soil Resource Report included in **18 –Soil Survey** details the site's soil properties. The report indicates that the CAFO Site is not located in a high-water table area or wetland area.

The CAFO Storage and containment facilities are required to be designed and constructed with engineering criteria approved by ISDA. The engineering is a part of the NMP that is kept onsite and reviewed by ISDA.

The grandfathered feedlot site includes open lots, feed storage, cattle handling facility, and runoff ponds. The ponds were improved utilizing an NRCS grant several years ago. The new north open lots will flow to the new north runoff pond. The new south open lots will flow to the south and divert along the west end of the main facility where they are subsequently piped to the existing ponds.

Compost or dried manure is stored along the eastern edge of the existing pens. The area flows to the west. The runoff will use the existing diversions on site and will ultimately be piped to the existing pond system west of Pole Line Road.

Waste Management

The Facility will utilize mounding within the corrals. The additional manure that is not needed for field application will be kept within the corrals. Compost or dried manure is stored along the eastern edge of the existing pens. The area flows to the west. The runoff will use the existing diversions on site and will ultimately be piped to the existing pond system west of Pole Line Road.

Solid and liquid manure is land applied to irrigated farm fields. Irrigation water can be added to either ponds in order to dilute the water prior to land application, thereby reducing odors. Ponds will be cleaned as needed to remove solids in order to maintain adequate storage. Pipe has been

installed so that water from the ponds can be pumped to fields owned by either H&E or Matthews Land & Cattle LLC. These fields can also receive solid manure or compost.

Water

H&E has three water rights for stock water use. These rights supply .24 cfs which equates to approximately 155,000 gpd. It is assumed that on average one cow will consume approximately 10 gallons of water per day though it varies based on weight and time of year. With the 3,000 head allowed with the grandfathered CAFO, and an assumed 6,110 head of 1,000 pound cattle, approximately 61,100 gpd will be required to provide water for the feedyard. A water transfer was completed by Darrington Marchant Water Law and is included in **08 – Water Rights**.

Cassia County CAFO Setback Compliance

H&E's request complies with the setback rules under 9-11-2 Cassia County Confined Animal Feeding Operation Regulations/Setbacks. This is explained in more detail below.

- A. B Zones: All CAFOs shall be located outside the defined areas of impact of any incorporated municipality within Cassia County as identified on the zoning map of Cassia County ("B Zones").*

The facility is over 15-miles south of the nearest Buffer zone district in Burley. The site is also located approximately 4-miles east of the boundary of Oakley which is classified as a City Communities zone district.

- B. Subdivisions: All CAFO Sites shall be located at least one thousand three hundred twenty feet (1,320') from any legally platted subdivision or planned unit development with visible improvements such as a highway district or county approved and accepted road. This measurement shall be taken from the outside edge of any feed lot, corral, building, facility, pastures and related structures thereon where such livestock are actual confined, that are integral to the confinement of such livestock, including waste disposal facilities, lagoons, and Composting Operation associated with the operation of a CAFO.*

The existing grandfathered CAFO is 2.5 miles north of Mill Creek Subdivision. The new CAFO proposed would be approximately 3.0 miles north of the subdivision.

- C. Dwellings, Churches and Schools: All CAFO Sites shall be located at least one thousand three hundred twenty feet (1,320') from any existing dwelling, church, school or any other building designed for human occupancy, not located within a CAFO Property, dwellings located within a CAFO Property for the employees of the operator of the CAFO being exempt. This measurement shall be taken from the outside edge of any feed lot, corral, building, facility, pastures and related structures thereon where such livestock*

are actual confined, that are integral to the confinement of such livestock, including waste disposal facilities, lagoons, and Composting Operation associated with the operation of a CAFO.

The closest occupied residences to the feedyard, that are not owned by H&E, are located south of the existing grandfathered CAFO. One residence is approximately 630 feet south of the grandfathered CAFO boundary and approximately 2,400 feet south of the new CAFO boundary. The second residence is approximately 1,375 feet from the grandfathered CAFO boundary and approximately 3,200 feet south of the CAFO boundary. No other residences are within a mile of the facility.

- D. Property Line: The closest inside edge of the retaining wall of the waste lagoon, or other structures containing liquid waste, and the outside edge of any Composting Operation of any CAFO shall be located at least four hundred feet (400') inside the existing property lines of the CAFO Site.*

The proposed run-off catch basin north of the new pens, is set to be 400 feet away from the east and west property lines as shown on the site plan.

- E. Proximity to Right of Way: Any structure confining animals in a CAFO Site, whether barn, corral, or other structure, shall be located at least one hundred feet (100') from the external boundary of any public right of way.*

The new CAFO has a number of pens already constructed. The new pens proposed will align with the existing pens, helping to match up the drainage systems and alleyways on site. The pens are approximately 60 feet east of the existing right-of-way as shown on the site plan.

- F. Health Authority: Locations of waste lagoons, corrals, wells, and septic systems of any CAFO Site shall conform to state of Idaho and health authority regulations and specifications.*

The grandfathered CAFO has an approved NMP. The new CAFO proposed has a revised NMP that was submitted to ISDA for approval on March 19, 2025. The new CAFO and the grandfathered CAFO will have an intermingled lagoon system.

- G. Lights: Lights for any CAFO Site shall be placed and shielded to direct the light source down onto and inside the property lines of the CAFO Site.*

There are no lights proposed for the new CAFO area. Should lights be installed in the future, they will be shielded and downcast.

- H. Floodplain: The external boundary of a CAFO Site shall not be less than one thousand three hundred twenty feet (1,320') from any floodplain as defined by the Flood Insurance Rate Map (FIRM) panel for the geographical area of the proposed CAFO site. (Ord. 2021-11-01)*

The main facility is over 1-mile from Flood Zone A as shown on the vicinity map.

- I. Water: No CAFO Site shall be located within an area that is a high water table area or wetland area in regards to the water table level as determined by a soil survey map from the natural resources conservation service (NRCS).*

The site is located in a low water table area. As indicated in the **18 – Soil Survey**, the depth to the water table is more than 80-inches.

- J. Proximity to Well: No CAFO Site shall be located nearer than four hundred feet (400') from any well not located within the boundaries of the designated CAFO Site. This measurement shall be taken from the outside edge of any feed lot, corral, building, facility, pastures and related structures thereon where such livestock are actually confined, that are integral to the confinement of such livestock, including waste disposal facilities, lagoons, and Composting Operation associated with the operation of a CAFO.*

The closest well to the new facility is approximately 1,977-feet west of the CAFO boundary at the main site. In addition, the closest well to the northern corrals CAFO boundary is 1,739 feet east and 3,377 feet north of the boundary.

- K. Proximity to Residential Agricultural or Buffer Zones: Any structure confining animals in a CAFO Site, whether barn, corral, or other structure, shall be located at least five thousand two hundred eighty feet (5,280') from the external boundary of any land in Cassia County that is zoned Residential Agricultural or Buffer Zone. This measurement shall be taken from the outside edge of any feed lot, corral, building, facility, pastures and related structures thereon where such livestock are actual confined, that are integral to the confinement of such livestock, including waste disposal facilities, lagoons, and Composting Operation associated with the operation of a CAFO.*

The facility is over 15-miles south of the nearest Buffer zone district in Burley. The Residential Agricultural zone district south of the Buffer zone in Burley is also approximately 15-miles north of the facility. The site is also located approximately 4-miles east of the boundary of Oakley which is classified as a City Communities zone district.

L. Repealed. [Ord. 2018-10-1]

Not applicable.

M. All barns, corrals or other structures in which livestock are confined in a CAFO, or any lagoon or other structure containing liquid waste generated from a CAFO, or any composting or manure stacking yard for the waste generated from a CAFO, shall be located within the boundaries of the designated CAFO Site.

All structures associated with animal confinement are contained within the CAFO boundary as depicted on the Site Plan and Vicinity Map.

N. Consistent with the Local Land Use Planning Act, exceptions or waivers to standards established by this section may be approved in conjunction with the issuance of a conditional use permit for a CAFO consistent with this Chapter as well as Title 9, Chapter 13. Moreover, consistent with this section and the approval of such exceptions and waivers as may be deemed to be necessary and appropriate, a CAFO permit may be approved where animals are maintained in pastures with necessary exceptions waivers of setbacks from such pastures, which would otherwise be deemed to be part of a CAFO Site upon the approval and ongoing compliance with a Pasture Management Plan as defined in Section 9-11-6 Q.

No exceptions or waivers are being requested at this time.

Cassia County CAFO Conditional Use Permit Criteria

H&E's request complies with the Cassia County Conditional Use Permit Criteria (09-13-03). This is explained in more detail below.

A. Qualify: Will, in fact, constitute a conditional use as established by the official schedule of zoning regulations for the zone involved.

According to the Cassia County Municipal Code 09-08-02, a CAFO is permissible in the MU Zone District with an approved CUP. This proposal is to create a new CAFO adjacent to the grandfathered CAFO operation. This will retain the property owners, historic density while allowing the operation to meet current market demands.

B. Meet General Obligations: Will be harmonious with and in accordance with the general objectives or with any specific objective of the zoning ordinance. [Amd. Ord. 2012-07-01, 07-02-2012].

The site is located in the MU Zone District. According to the Cassia County Municipal Code 09-07-04, this zone district is classified as being in a remote location, requiring

little regulatory oversight except for certain uses. The additional feedyard will increase the productivity of the existing feedlot operation by allowing them to meet market demands. This area is remote with little residential area. The grandfathered CAFO has been in operation since before 1993. The new CAFO north of the existing facility is expected to be harmonious with the current operations.

- C. Maintain Character: Will be designed, constructed, operated and maintained to be reasonably harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use will not change the essential character of the general vicinity.*

The vicinity of the property site is characterized by large areas of irrigated cropland, rangeland, and BLM lands with a couple of smaller rural residential lots near the facility. The new area will be harmonious with the grandfathered CAFO operation. The site will be designed and operated in a manner that maintains the rural character of this area.

- D. Hazards: Will not be unreasonably hazardous or disturbing to existing or future neighboring uses.*

As there is an existing feedlot operation, the new area north of the site should not negatively impact other properties in the vicinity. This feedyard is located in a remote area of the county with few neighbors around. In addition, the facility will continue to operate in conformance with local, state, and federal requirements.

- E. Facilities: Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for any such services.*

The site is located outside of municipal service areas. The existing CAFO operation has adequate access to public roads and will be served by the same police and fire protection district that services the existing facility. The expansion should not negatively impact any of these service providers. The site has been evaluated, and it has been determined that there are adequate water, drainage, and stormwater drainage facilities for the expansion.

- F. Economic Welfare: Will not create excessive additional requirements at public cost for public facilities and services and will not be unreasonably detrimental to the economic welfare of the community.*

Agricultural activities are a major economic base for Cassia County. The proposed expansion will allow the feedlot operation to meet market demands. The expansion is not expected to create public costs of improvements. It is expected to benefit the community economically by increasing the available jobs in this area.

- G. Conditions Of Operation: Will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, pollution or odors.*

According to the Cassia County Comprehensive Plan and Municipal Code, CAFOs should be operated in the AP zone district. The rural nature of the site helps create a natural buffer to mitigate nuisance conditions. In addition, the site will manage nuisance conditions using Best Management Practices (BMPs) for CAFO operations.

- H. Harmful Conditions: Will not be or create conditions that are unreasonably harmful or dangerous to the individual safety or welfare of persons on the premises of the use or living or working in the vicinity of the use; or will not be or create conditions that could be unreasonably harmful to the general safety, health or welfare of the community.*

The CAFO operation is a permissible agricultural use in the MU zone district. The operation will conform to all local, state, and federal regulations. The feedlot operation will not create harmful conditions.

- I. Vehicular Approaches: Will have vehicular approaches to the property which are so designed as not to create safety hazards or interference with traffic on surrounding public thoroughfares.*

The site is rural in nature with limited traffic. Access to the feedlot operation is from Pole Line Road which is a gravel minor collector road and a freight route according to the Oakley Highway District functional classification map. The access is existing and has been designed in a manner to not create safety hazards or interfere with traffic.

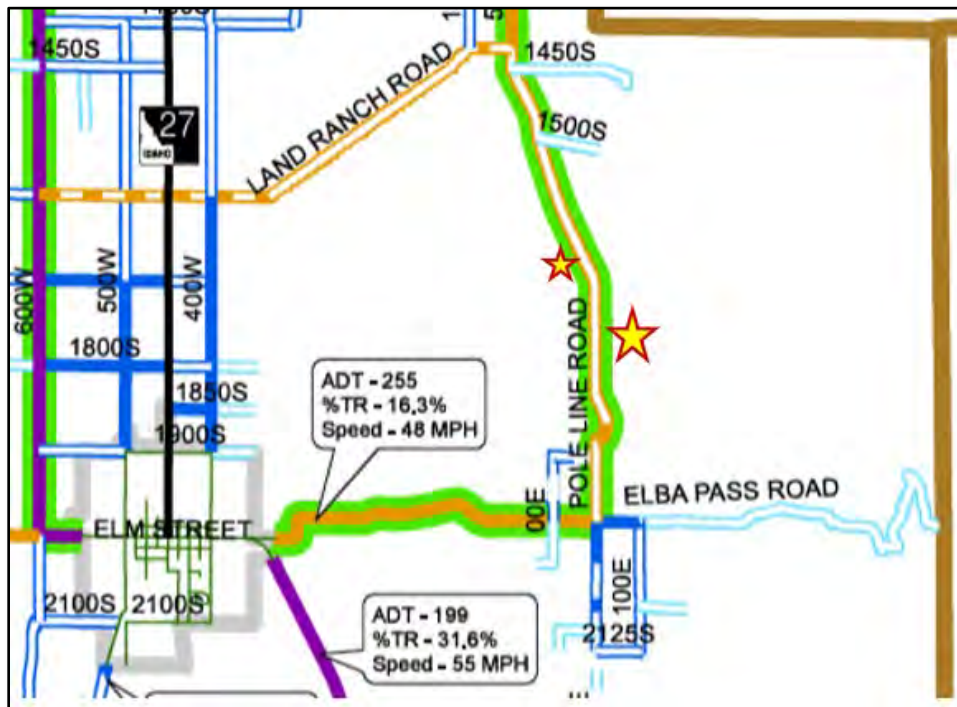


Figure 3. Oakley Highway District Functional Class, Surface Type, & Traffic Count Map



Figure 4. Oakley Highway District Functional Class, Surface Type, & Traffic Count Map Legend

J. Scenic And Historic Features: Will not result in the destruction of loss or damage to any natural, scenic or historic feature of importance to the public. (Ord. 99-10-2, 10-18-1999)

Not applicable, the site does not have any significant scenic or historical features.

Conclusion

The proposed CAFO expansion is supported by the municipal code. The new CAFO will not create an undue burden on the county or be a nuisance to neighboring properties. The site will continue to operate in conformance with their approved development standards and state regulations. The remote nature of this site makes it well suited for the CAFO operation and creates a natural buffer.

CASSIA COUNTY CONDITIONAL USE PERMIT PROJECT NARRATIVE

Prepared for H & E Holdings LLC.

Introduction

H & E Holdings LLC (H&E) is requesting a Conditional Use Permit (CUP) for a Confined Animal Feeding Operation (CAFO) permit to construct new corrals and manure management systems. This new CAFO will be constructed north of an existing grandfathered CAFO. The subject property will be owned by H&E but will be operated by Three Bar Cattle Co. The site was issued a grandfathered CAFO permit in 2004 which allows for 3,000 head of cattle on 229.16 acres. The grandfathered animal numbers, acres, and setbacks are expected to remain unchanged. This proposal is to permit 6,110.52 Animal Units (AUs). With the proposed AUs, corrals and manure management systems will be installed north of the grandfathered CAFO. This permit is expected to comply with all local, state, and federal regulations.

The majority of the existing facility is located on parcel RP13S23E283001 being in part of Section 28, Township 13 South, Range 23 East of the Boise P.M., Town of Oakley, Cassia County, Idaho. The addition is proposed to be constructed directly north of this facility on parcels RP13S23E283001, RP13S23E213600, and RP13S23E280600 being in parts of Section 21 and 28, Township 13 South, Range 23 East of the Boise P.M., Town of Oakley, Cassia County, Idaho. There is an existing area of corrals and a calving barn on parcel RP13S23E170000 located in part of Section 17, Township 13 South, Range 23 East of the B.M., Town of Oakley, Cassia County, Idaho.

The main facility property has been permitted as a grandfathered feedlot operation since 2004 that was in operation prior to July 1, 1993. The grandfathered permit allowed for the operation of a 3,000 head feedlot on 229.16 acres. The intent of this proposal is to permit a new CAFO north of the grandfathered CAFO for new corrals and manure management systems. The new CAFO proposes 6,110.52 AUs and 3,055.26 acres to meet the two AU per acre density requirements.

The currently permitted operation's general Waste Management Area (WMA) will remain unchanged. The majority of the irrigated fields included in the density of the permit will be used for land application of liquid manure through a pivot system, solid manure/bedding will be trucked to the farther irrigated fields and also third party transferred.

Owner

H & E Holdings LLC
c/o Eugene Matthews
1840 S 50 E
Oakley, ID 83346
208-431-3260

Operator

Three Bar Cattle Co.
c/o Eugene Matthews
1840 S 50 E
Oakley, ID 83346
208-431-3260

Description of Site

The CAFO facility will use 3,055.26 acres for 6,110.52 AUs to meet the two AUs per acre requirement. The legal descriptions for these additional properties and existing CAFO Permit are included in **03 – Property Descriptions**. The proposed corrals and manure management system will be included on approximately 56 acres and is located in the Multiple Use (MU) zone district. The main facility is approximately 1.2 miles north of W 2000 S also referred to as Basin Road and Main St. and directly east of S 50 E also referred to as S Pole Line Rd.

The existing calving barn and corrals that are being added to this CAFO are contained on approximately 10-acres and is located in the MU zone district. The site is located approximately 1.5 miles northwest of the main facility along the west side of S Pole Line Rd.

The subject property is located on flood map no. 1600410400B. The site is located in Zone C which is an area of minimal flood hazard. Zone C is defined by FEMA as the area may have ponding and local drainage problems that don't warrant a detailed study or designation as base floodplain. The Boundary Map included in **06 – Boundary Map** shows the site is compliant with the 1,320 ft. floodway setback requirement. The Idaho Department of Water Resources' Flood Hazard Map, included in **10 – FEMA Flood Map**, does not classify this flood zone as a regulatory floodway. Therefore, the subject property is compliant with the 1,320 ft. floodway setback requirement.

Surrounding Land Uses

The property is surrounded by MU zoned property and Bureau of Land Management (BLM) lands. The uses are primarily irrigated crop land, range land, and state and federal land. Aerial imagery is included on the maps provided which provide a visual of adjacent land uses in the area.

Adjacent land uses are described below:

North: MU Zone District – irrigated crop land, rangeland
South: MU Zone District – irrigated crop land, rangeland, rural residential
East: MU Zone District – rangeland, state and federal lands
West: MU Zone District – rangeland, BLM, state lands

The closest occupied residences to the feedyard, that are not owned by H&E, are located south of the existing grandfathered CAFO. One residence is approximately 630 feet south of the grandfathered CAFO boundary and approximately 2,400 feet south of the new CAFO boundary. The second residence is approximately 1,375 feet from the grandfathered CAFO boundary and approximately 3,200-feet south of the CAFO boundary. No other residences are within a mile of the facility.

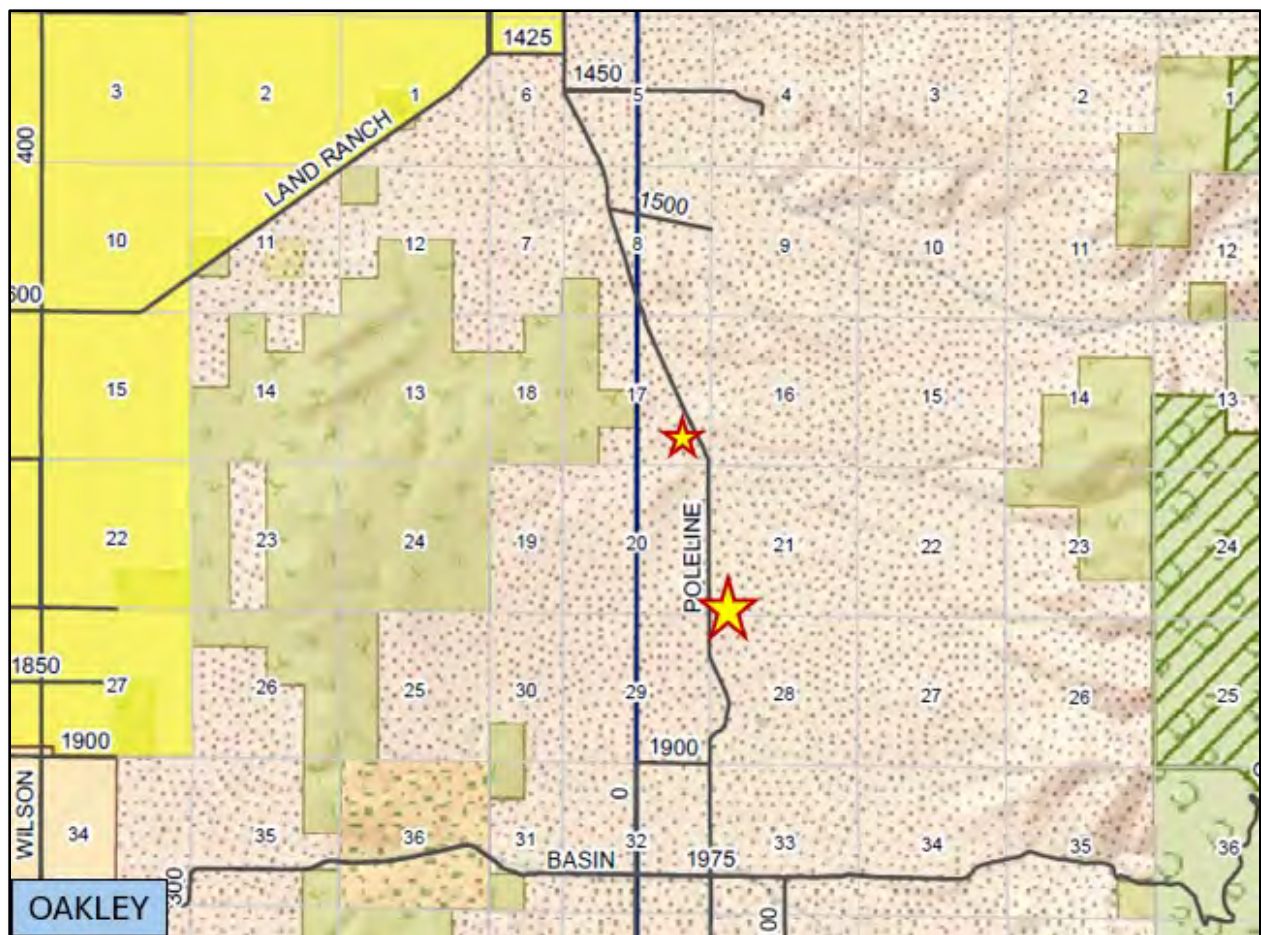


Figure 1. Cassia County Zoning Map Feb 5, 2024



Figure 2. Cassia County Zoning Map Feb 5, 2024 Legend

Operations & Site Description

H&E is proposing 6,110.25 AUs for the new CAFO. This will include the addition of corrals and lagoons north of the grandfathered CAFO boundary. An existing area for calving and short-term cattle housing is also being included in this request approximately 1.5 miles north of the main facility. This also documents existing site conditions that differ from the original grandfathered area. This new CAFO will use the grandfathered CAFOs commodity area and existing infrastructure.

Employees will continue daily operations, maintain the facility, and care for and feed the cattle. Current operations include 10 full-time employees. At full build out of the new corrals, there will be a total of 14 employees.

The operation is a combination feedyard which includes owner purchased cattle and customer owned cattle. They house cattle ranging in weight from 400 pounds to finishing weight approximately 1,400 to 1,500 pounds. The proposed corrals and manure management system will be included on approximately 56 acres along the north end of the existing feedyard. The existing calving barn and corrals that are also being added to this CAFO are contained on approximately 10 acres. **02 – Property Descriptions** contains a list of the parcels included in the CAFO property for density and the facility infrastructure.

New runoff ponds are proposed as a part of the facilities manure management system. The farm will utilize the manure generated by the CAFO according to the Idaho State Department of Agriculture (ISDA) approved NMP. The new runoff ponds will operate as catch basins throughout the feedyard, will be lined with clay, and approved by ISDA.

Cassia County CAFO Setback Compliance

H&E's request complies with the setback rules under 9-11-2 Cassia County Confined Animal Feeding Operation Regulations/Setbacks. This is explained in more detail below.

- A. *B Zones: All CAFOs shall be located outside the defined areas of impact of any incorporated municipality within Cassia County as identified on the zoning map of Cassia County ("B Zones").*

The facility is over 15-miles south of the nearest Buffer zone district in Burley. The site is also located approximately 4-miles east of the boundary of Oakley which is classified as a City Communities zone district.

- B. *Subdivisions: All CAFO Sites shall be located at least one thousand three hundred twenty feet (1,320') from any legally platted subdivision or planned unit development with visible improvements such as a highway district or county approved and accepted road. This measurement shall be taken from the outside edge of any feed lot, corral, building, facility, pastures and related structures thereon where such livestock are actual confined, that are integral to the confinement of such livestock, including waste disposal facilities, lagoons, and Composting Operation associated with the operation of a CAFO.*

The existing grandfathered CAFO is 2.5 miles north of Mill Creek Subdivision. The new CAFO proposed would be approximately 3.0 miles north of the subdivision.

- C. *Dwellings, Churches and Schools: All CAFO Sites shall be located at least one thousand three hundred twenty feet (1,320') from any existing dwelling, church, school or any other building designed for human occupancy, not located within a CAFO Property, dwellings located within a CAFO Property for the employees of the operator of the CAFO being exempt. This measurement shall be taken from the outside edge of any feed lot, corral, building, facility, pastures and related structures thereon where such livestock are actual confined, that are integral to the confinement of such livestock, including waste disposal facilities, lagoons, and Composting Operation associated with the operation of a CAFO.*

The closest occupied residences to the feedyard, that are not owned by H&E, are located south of the existing grandfathered CAFO. One residence is approximately 630 feet south of the grandfathered CAFO boundary and approximately 2,400 feet south of the new CAFO boundary. The second residence is approximately 1,375 feet from the grandfathered CAFO boundary and approximately 3,200 feet south of the CAFO boundary. No other residences are within a mile of the facility.

- D. *Property Line: The closest inside edge of the retaining wall of the waste lagoon, or other structures containing liquid waste, and the outside edge of any Composting Operation of any CAFO shall be located at least four hundred feet (400') inside the existing property*

lines of the CAFO Site.

The proposed run-off catch basin north of the new pens, is set to be 400 feet away from the east and west property lines as shown on the site plan.

- E. Proximity to Right of Way: Any structure confining animals in a CAFO Site, whether barn, corral, or other structure, shall be located at least one hundred feet (100') from the external boundary of any public right of way.*

The new CAFO has a number of pens already constructed. The new pens proposed will align with the existing pens, helping to match up the drainage systems and alleyways on site. The pens are approximately 60 feet east of the existing right-of-way as shown on the site plan.

- F. Health Authority: Locations of waste lagoons, corrals, wells, and septic systems of any CAFO Site shall conform to state of Idaho and health authority regulations and specifications.*

The grandfathered CAFO has an approved NMP. The new CAFO proposed has a revised NMP that was submitted to ISDA for approval on March 19, 2025. The new CAFO and the grandfathered CAFO will have an intermingled lagoon system.

- G. Lights: Lights for any CAFO Site shall be placed and shielded to direct the light source down onto and inside the property lines of the CAFO Site.*

There are no lights proposed for the new CAFO area. Should lights be installed in the future, they will be shielded and downcast.

- H. Floodplain: The external boundary of a CAFO Site shall not be less than one thousand three hundred twenty feet (1,320') from any floodplain as defined by the Flood Insurance Rate Map (FIRM) panel for the geographical area of the proposed CAFO site. (Ord. 2021-11-01)*

The main facility is over 1-mile from Flood Zone A as shown on the vicinity map.

- I. Water: No CAFO Site shall be located within an area that is a high water table area or wetland area in regards to the water table level as determined by a soil survey map from the natural resources conservation service (NRCS).*

The site is located in a low water table area. The depth to the water table is more than 80-inches.

- J. Proximity to Well: No CAFO Site shall be located nearer than four hundred feet (400') from any well not located within the boundaries of the designated CAFO Site. This measurement shall be taken from the outside edge of any feed lot, corral, building, facility, pastures and related structures thereon where such livestock are actually confined, that are integral to the confinement of such livestock, including waste disposal facilities, lagoons, and Composting Operation associated with the operation of a CAFO.*

The closest well to the new facility is approximately 1,977 feet west of the CAFO boundary at the main site. In addition, the closest well to the northern corrals CAFO boundary is 1,739 feet east and 3,377 feet north of the boundary.

- K. Proximity to Residential Agricultural or Buffer Zones: Any structure confining animals in a CAFO Site, whether barn, corral, or other structure, shall be located at least five thousand two hundred eighty feet (5,280') from the external boundary of any land in Cassia County that is zoned Residential Agricultural or Buffer Zone. This measurement shall be taken from the outside edge of any feed lot, corral, building, facility, pastures and related structures thereon where such livestock are actual confined, that are integral to the confinement of such livestock, including waste disposal facilities, lagoons, and Composting Operation associated with the operation of a CAFO.*

The facility is over 15-miles south of the nearest Buffer zone district in Burley. The Residential Agricultural zone district south of the Buffer zone in Burley is also approximately 15-miles north of the facility. The site is also located approximately 4-miles east of the boundary of Oakley which is classified as a City Communities zone district.

- L. Repealed. [Ord. 2018-10-1]*

Not applicable.

- M. All barns, corrals or other structures in which livestock are confined in a CAFO, or any lagoon or other structure containing liquid waste generated from a CAFO, or any composting or manure stacking yard for the waste generated from a CAFO, shall be located within the boundaries of the designated CAFO Site.*

All structures associated with animal confinement are contained within the CAFO boundary as depicted on the Site Plan and Vicinity Map.

- N. Consistent with the Local Land Use Planning Act, exceptions or waivers to standards established by this section may be approved in conjunction with the issuance of a conditional use permit for a CAFO consistent with this Chapter as well as Title 9, Chapter 13. Moreover, consistent with this section and the approval of such exceptions*

and waivers as may be deemed to be necessary and appropriate, a CAFO permit may be approved where animals are maintained in pastures with necessary exceptions waivers of setbacks from such pastures, which would otherwise be deemed to be part of a CAFO Site upon the approval and ongoing compliance with a Pasture Management Plan as defined in Section 9-11-6 Q.

No exceptions or waivers are being requested at this time.

Cassia County CAFO Conditional Use Permit Criteria

H&E's request complies with the Cassia County Conditional Use Permit Criteria (09-13-03). This is explained in more detail below.

- A. Qualify: Will, in fact, constitute a conditional use as established by the official schedule of zoning regulations for the zone involved.*

According to the Cassia County Municipal Code 09-08-02, a CAFO is permissible in the MU Zone District with an approved CUP. This proposal is to create a new CAFO adjacent to the grandfathered CAFO operation. This will retain the property owners, historic density while allowing the operation to meet current market demands.

- B. Meet General Obligations: Will be harmonious with and in accordance with the general objectives or with any specific objective of the zoning ordinance. [Amd. Ord. 2012-07-01, 07-02-2012].*

The site is located in the MU Zone District. According to the Cassia County Municipal Code 09-07-04, this zone district is classified as being in a remote location, requiring little regulatory oversight except for certain uses. The additional feedyard will increase the productivity of the existing feedlot operation by allowing them to meet market demands. This area is remote with little residential area. The grandfathered CAFO has been in operation since before 1993. The new CAFO north of the existing facility is expected to be harmonious with the current operations.

- C. Maintain Character: Will be designed, constructed, operated and maintained to be reasonably harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use will not change the essential character of the general vicinity.*

The vicinity of the property site is characterized by large areas of irrigated cropland, rangeland, and BLM lands with a couple of smaller rural residential lots near the facility. The new area will be harmonious with the grandfathered CAFO operation. The site will be designed and operated in a manner that maintains the rural character of this area.

- D. Hazards: Will not be unreasonably hazardous or disturbing to existing or future neighboring uses.*

As there is an existing feedlot operation, the new area north of the site should not negatively impact other properties in the vicinity. This feedyard is located in a remote area of the county with few neighbors around. In addition, the facility will continue to operate in conformance with local, state, and federal requirements.

- E. Facilities: Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for any such services.*

The site is located outside of municipal service areas. The existing CAFO operation has adequate access to public roads and will be served by the same police and fire protection district that services the existing facility. The expansion should not negatively impact any of these service providers. The site has been evaluated and it has been determined that there are adequate water, drainage, and stormwater drainage facilities for the expansion.

- F. Economic Welfare: Will not create excessive additional requirements at public cost for public facilities and services and will not be unreasonably detrimental to the economic welfare of the community.*

Agricultural activities are a major economic base for Cassia County. The proposed expansion will allow the feedlot operation to meet market demands. The expansion is not expected to create public costs of improvements. It is expected to benefit the community economically by increasing the available jobs in this area.

- G. Conditions Of Operation: Will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, pollution or odors.*

According to the Cassia County Comprehensive Plan and Municipal Code, CAFOs should be operated in the AP zone district. The rural nature of the site helps create a natural buffer to mitigate nuisance conditions. In addition, the site will manage nuisance conditions using Best Management Practices (BMPs) for CAFO operations.

- H. Harmful Conditions: Will not be or create conditions that are unreasonably harmful or dangerous to the individual safety or welfare of persons on the premises of the use or living or working in the vicinity of the use; or will not be or create conditions that could be unreasonably harmful to the general safety, health or welfare of the community.*

The CAFO operation is a permissible agricultural use in the MU zone district. The

operation will conform to all local, state, and federal regulations. The feedlot operation will not create harmful conditions.

- I. *Vehicular Approaches: Will have vehicular approaches to the property which are so designed as not to create safety hazards or interference with traffic on surrounding public thoroughfares.*

The site is rural in nature with limited traffic. Access to the feedlot operation is from Pole Line Road which is a gravel minor collector road and a freight route according to the Oakley Highway District functional classification map. The access is existing and has been designed in a manner to not create safety hazards or interfere with traffic.



Figure 3. Oakley Highway District Functional Class, Surface Type, & Traffic Count Map



Figure 4. Oakley Highway District Functional Class, Surface Type, & Traffic Count Map Legend

- J. *Scenic And Historic Features: Will not result in the destruction of loss or damage to any natural, scenic or historic feature of importance to the public. (Ord. 99-10-2, 10-18-1999)*

Not applicable, the site does not have any significant scenic or historical features.

Conclusion

The proposed CAFO expansion is supported by the municipal code. The new CAFO will not create an undue burden on the county or be a nuisance to neighboring properties. The site will continue to operate in conformance with their approved development standards and state regulations. The remote nature of this site makes it well suited for the CAFO operation and creates a natural buffer.

Site Plan

Cassia County CAFO Permit Application

Prepared for

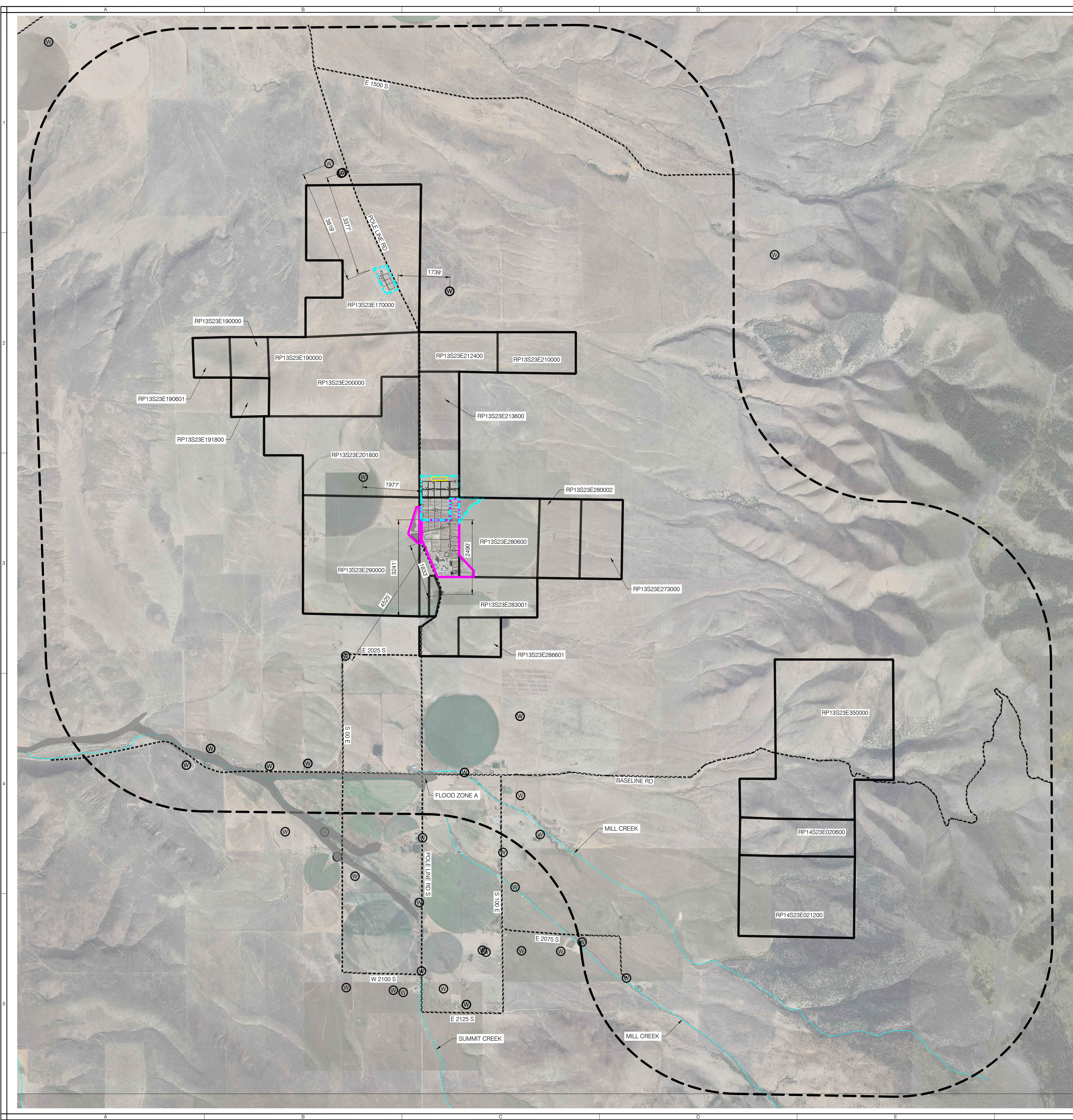
H & E Holdings LLC

Boundary Map

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC



LEGEND

PROPERTY BOUNDARY

MILE RADIUS

PROPOSED CAFO BOUNDARY

1993 GRANDFATHERED CAFO BOUNDARY

EXISTING PENS

EXISTING PONDS

PROPOSED PENS

PROPOSED PONDS

EXISTING WELLS

EXISTING CREEKS

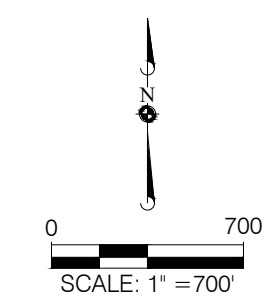
EXISTING STRUCTURES

FLOOD ZONE A

NOTE

1. 1993 GRANDFATHERED CAFO WHICH IS ALLOWED 3,000 HEAD FEEDYARD ON 229.16 CAFO ACRES (PARCEL NO. RP13S23E283001) NOT A PART OF THIS REQUEST

2. WELLS LESS THAN ONE MILE FROM THE LAGOONS HAVE SETBACKS. ALL OTHER WELLS ARE ONE LINEAR MILE FROM THE CAFO LAGOON SYSTEM.



DATE: March 4, 2025
ISSUE / REVISION:
A

ISSUED FOR REVIEW
02/2025

AGPROfessionals

DEVELOPERS OF AGRICULTURE

3050 67th Avenue, Suite 200,
Greeley, CO 80634
(970) 535-9318 • fax: (970) 535-9854

218 Canyon Crest Dr, Suite 100,
Twin Falls, ID 83301
(208) 595-5301

NOT FOR
APPROVAL
ONLY

H & E HOLDINGS, LLC

VICINITY MAP

CASSIA COUNTY, IDAHO

SHEET:

V-1

Topographical Map

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC

MARION SE, ID
2023

Nutrient Management Plan ISDA Approval

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC

From: [Brian Scarrow](#)
To: [Kate Leavitt](#)
Cc: [Valene Cauhorn](#); [Hannah Dutrow](#)
Subject: Three Bar Cattle Co.
Date: Wednesday, March 19, 2025 3:43:28 PM
Attachments: [Nutrient Management Plan 2025.pdf](#)
[image003.png](#)

Good Afternoon, Here is the NMP for Three Bar Cattle in Oakley ID. Please let me know if you have any questions. Thanks

Brian Scarrow
Idaho Field Tech

AGPROprofessionals

213 Canyon Crest Drive, Suite 100
Twin Falls, ID 83301
Mobile: 208-432-2857
Office: 208-595-5301

HQ/Mailing:
3050 67th Avenue, Suite #200
Greeley, CO 80634
Office: 970-535-9318
www.agpros.com



Nuisance Management Plan

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC

Management Plan for Nuisance Control

For

H & E Holdings, LLC

*Located in Part of Section 28, 29, & 17, all in Township 13 South, Range 23 East of the B.M.,
Town of Oakley, Cassia County, Idaho*

Developed in Accordance with
Generally Accepted Agricultural Best Management Practices

Prepared By



AGPROfessionals
HQ: 3050 67th Avenue, Greeley, CO 80634
Idaho: 213 Canyon Crest Drive, Suite 100, Twin Falls, ID 83301
(970) 535-9318

February 2025

Introduction

This supplemental *Management Plan for Nuisance Control* has been developed and implemented to identify methods H & E Holdings, LLC, will use to minimize the inherent conditions that exist in confinement feeding operations. This supplement outlines management practices generally acceptable and proven effective at minimizing nuisance conditions. Neither nuisance management nor this supplemental plan is required by Idaho State statute or specifically outlined in the Idaho Confined Animal Feeding Operations Control Regulations. This is a proactive measure to assist integration into local communities. H & E Holdings, LLC₂ will use these management and control practices to their best and practical extent.

Legal Owner, Contacts, and Authorized Persons

Correspondence and contact should be made to:

*H & E Holdings, LLC
c/o Eugene Matthews
1840 S 50 E
Oakley, ID 83346
208-534-7865*

The individual(s) at this facility who is (are) responsible for developing the implementation, maintenance, and revision of this supplemental plan are listed below.

Eugene Matthews

(Name)

Owner/Operator

(Title)

Legal Description

There are two distinct locations associated with this operation. The main custom feedlot facility is located over several parcels located in part of Section 28 and 29, all located in Township 13 South, Range 23 East of the B.M., Town of Oakley, Cassia County, Idaho. There is a small section of corrals and a calving barn utilized by the facility that is also included with this request which is located in part of Section 17, Township 13 South, Range 23 East of the B.M., Town of Oakley, Cassia County, Idaho.

Air Quality

Air quality at and around confined animal feeding operations are affected primarily by the relationship of soil/manure and available moisture. The two primary air quality concerns at feedlots are dust and odor. However, the management practices for dust or odor control are not inherently compatible. Wet pens and manure produce an odor. Dry pens are dusty. The two paragraphs below outline the best management practices for the control of dust and odors that

H & E Holdings, LLC will use. The manager shall closely observe pen conditions and attempt to achieve a balance between proper dust and odor control.

Dust

Dust from pen surfaces is usually controlled by intensive management of the pen surface by routine cleaning and harrowing of the pen surface. The purpose of intensive surface management is twofold; to keep cattle clean and to reduce pest habitat. The best management systems for dust control involve moisture management. Management methods H & E Holdings, LLC shall use to control dust are:

1. *Pen density*

Moisture can be managed by varying stocking rates and pen densities. The animals' wet manure and urine keep the surface moist and control dust emissions.

2. *Regular manure removal*

H & E Holdings, LLC will continue to conduct regular manure removal. Typically, pens are cleaned, conditioned, and maintained as needed manure is removed at least annually.

3. *Pen sprinkling*

Should nuisance dust conditions arise, pen sprinkling may be used for moisture control on pens and internal roadways to minimize nuisance dust conditions.

Odor

Odors result from the natural decomposition processes that start as soon as the manure is excreted and continue as long as any usable material remains as food for microorganisms. Odor strength depends on the kind of manure and the conditions under which it decomposes. Although occasionally unpleasant, the odors are not dangerous to health in the quantities customarily noticed around animal feeding operations and fields where manure is spread for fertilizer. Key practices H & E Holdings, LLC may use to control odor are:

1. *Establish good pen drainage*

Dry manure is less odorous than moist manure. Maintaining good pen drainage can be achieved by regular cleaning in pens and under fences. The feedlot will conduct routine pen cleaning to reduce standing water and remove wet manure.

2. *Regular manure removal*

Reduce the overall quantity of odor producing sources. The feedlot will conduct routine pen cleaning and conditioning as needed.

3. *Reduce standing water*

Standing water can increase microbial digestion and odor producing by-products. Proper pen maintenance and surface grading will be conducted by the feedlot to reduce standing water.

The wastewater ponds will be dewatered regularly in accordance with the *Nutrient Management Plan* for H & E Holdings, LLC. No chemical additives or treatments of the stormwater ponds for odor control are planned. Research to date indicates these products have little, if any, effectiveness.

4. *Composting*

Proper composting turns manure into a nearly odorless, pathogen-free product that is valuable for soil conditioning. H & E Holdings, LLC may practice manure composting if land area is available for this purpose.

5. *Land application timing*

Normally, air rises in the morning and sinks in the evening. H & E Holdings, LLC will consider weather conditions and prevailing wind direction to minimize odors from land application. Typically, land applications will be timed for early mornings.

Pest Control

Insects and Rodents

Insects and rodents inhabit areas that have adequate food supply and foster habitat prime for breeding and living. Key practices H & E Holdings, LLC may use to manage insects and rodents are to first eliminate possible habitat and then reduce the available food supply.

The feedlot will work to control flies by applying one or more of the following practices as needed:

1. *Regular manure removal*

Manure management removes both food sources and habitat.

2. *Reduce standing water*

Standing water is a primary breeding ground for insects.

3. *Minimize fly habitat*

Standing water, weeds and grass, manure stockpiles, etc., are all prime habitat for reproduction and protection. Reduce or eliminate these areas where practical.

4. *Manage weeds and grass*

Keep weeds and grassy areas to a minimum. These provide both protection and breeding areas.

5. *Minimize stockpiles or storage of manure*

Stockpiles of manure provide both breeding and protective habitat. Keep stockpile use to a minimum.

6. *Biological treatments*

Parasitic wasps are excellent biological fly control and are widely used. The wasps lay their eggs in fly larvae hindering fly reproduction.

7. *Baits and chemical treatments*

Due to environmental and worker safety concerns, chemical treatments are a last line of defense for insect control. However, they are very effective. Baits and treatments must be applied routinely.

Mortalities

Mortality is an unfortunate and unavoidable part of animal husbandry. Dead animals can produce offensive odors, attract scavengers, and create deleterious conditions. Proper and timely disposal of dead animals prevents nuisance conditions from occurring. Key practices H & E Holdings, LLC may use to handle and dispose of dead animals are:

1. *Expedient removal from pens*

Dead animals will be removed from pens daily and relocated to an area(s) away from the pens.

2. *Commercial rendering company removal*

Dead animals will be removed by a commercial rendering company when possible and economically feasible.

3. *Burial guidelines*

- a) Burials must be done at the site and on property owned by the feedlot at which the animal mortalities occur.
- b) Burials must be done at least two feet underground with at least two feet of soil cover. This must be done within 24 hours of the discovery of a mortality. If severe weather conditions interfere, burials should occur as soon as reasonably possible.
- c) There shall be at least four feet of suitable soil separation (not gravel) from the bottom of the burial pit to the maximum seasonal groundwater table.
- d) Burial sites shall be located at least 150 feet away from any well.

These practices represent the latest and most modern management and scientific information to date for control of nuisance conditions for the livestock feeding industry.

Water Rights

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) H & E Holdings, LLC
Mailing Address 1249 S Highway 27, Oakley, ID 83346-9755
Email* _____ Phone _____
Name of Representative (if any) Luke H. Marchant (Attorney)
Mailing Address PO Box 536, Rupert, ID 83350
Email* luke@waterlawidaho.com Phone 208-944-9310

*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.

Attachment No. 1C
Updating Ownership

Name on W-9 _____ Approved by _____ Processed by _____ Date _____

EV

QUITCLAIM DEED

For value received, *E. EUGENE MATTHEWS, also known as EUGENE MATTHEWS, also known as ENNIS EUGENE MATTHEWS, and HEIDI F. MATTHEWS, also known as HEIDI MATTHEWS, also known as HEIDI FRANKS MATTHEWS, husband and wife*, whose address is 1249 South Highway 27, Oakley, Idaho 83346 (Grantor) remise, release and forever quitclaim to *H & E HOLDINGS, LLC, an Idaho limited liability company*, whose address is 1249 South Highway 27, Oakley, Idaho 83346 (Grantee), all of Grantor's interest of every kind and nature in the premises in Cassia County, Idaho, more particularly described as follows:

SEE EXHIBIT A ATTACHED.

To have and to hold the said premises, with their appurtenances unto said Grantee, and the Grantee's heirs and assigns forever.

DATED: March 17, 2021.

E. Eugene Matthews
E. Eugene Matthews

Heidi F. Matthews
Heidi F. Matthews

STATE OF IDAHO)

County of Cassia) ss

On this 17 day of March, in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared **E. EUGENE MATTHEWS and HEIDI F. MATTHEWS**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

W. KENT FLETCHER
6006
NOTARY PUBLIC
STATE OF IDAHO

W. Kent Fletcher
Notary Public for Idaho

Residing at Burley

My commission expires on 3-22

EUGENE MATTHEWS LEGAL DESCRIPTION

PARCEL NO. 1:
TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 17: E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPTING THEREFROM that portion deed for highway purposes

Section 19: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 20: N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 21: N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$

PARCEL NO. 2:
TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 28: N $\frac{1}{2}$; SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPT the following described tracts:

Tract No. 1:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 28, said point marked by a 5/8 inch rebar; thence South 0°02' East (Basis of Bearing) along section line for 10.70 feet to a ½ inch rebar which shall be the Point of Beginning; Thence South 88°40'47" East for 490.61 feet to a ½ inch rebar on centerline of a county road; Thence South 54°52'09" West along said county road centerline for 599.47 feet to a ½ inch rebar on section line; Thence North 0°02' West along said section line for 356.36 feet to the Point of Beginning.

Tract No. 2:

Beginning at the Southwest corner of said Section 28, said corner marked by a 5/8 inch rebar; Thence North 0°02'00" West along section line for 1316.56 feet to a ½ inch rebar, said rebar lying South 0°02'00" East for 10.70 feet from the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; Thence South 88°40'07" East for 313.96 feet to a ½ inch rebar which shall be the Point of Beginning; Thence North 00°37'13" East for a distance of 1348.96 feet to a ½ inch rebar; Thence South 89°27'28" East for a distance of 183.99 feet to a ½ inch rebar on the approximate centerline of a county road; Thence South 21°47'38" East along the approximate centerline of said county road for a distance of 324.41 feet to a ½ inch rebar; Thence South 11°13'53" East along the approximate centerline of said county road for a distance of 217.58 feet to a ½ inch rebar; Thence South 01°32'50" East along the approximate centerline of said county road for a distance of 123.16 feet to a ½ inch rebar; Thence South 13°07'24" West along the approximate centerline of said county road for a distance of 614.48 feet to a ½ inch rebar; Thence South 22°54'21" West along the approximate centerline of said county road for a distance of 124.91 feet to a ½ inch rebar; Thence North 88°40'07" West for a distance of 176.65 feet to the Point of Beginning.

Section 29: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 27: W $\frac{1}{2}$ NW $\frac{1}{4}$

EXHIBIT A - Page 1

Extra pages of legal description not necessary for
ownership change removed from document.

Attachment No. 1F
Lienholder Consent


Lienholder is reviewing Application for Transfer. Consent will be forwarded to IDWR from Applicant's attorney upon receipt from Lienholder.

Attachment No. 1G
Legal Access

CONSENT TO WATER RIGHTS TRANSFER

We, the undersigned have reviewed the Application for Transfer which is being submitted to the Idaho Department of Water Resources which involves H & E Holdings, LLC's ("H&E") water rights numbered 45-586, 45-708, and 45-14216. Matthews Land & Cattle, LLC ("ML&C") owns approximately 40 acres within the proposed place of use. H&E and ML&C are both owned by Eugene and Heidi Matthews. ML&C consents to the movement of a portion of these water rights upon our property as requested in the transfer application.

Matthews Land & Cattle, LLC


By: E. Eugene Matthews
Its: Manager
Date: 5/4/25

Attachment No. 1G.2
Legal Access
(Easements from POD to POU)

153543

EASEMENT FOR WELL, DITCH, AND/OR PIPELINE

AGREEMENT, made this 17th day of July, 1983, by and between HOWARD McINTOSH, contracting as and with his sole and separate property, of Oakley, Idaho, whose wife's name is Alta McIntosh, herein called "McIntosh", and H & E, INC., an Idaho Corporation, with principal place of business at Oakley, Idaho, herein called "H & E".

1. RECITALS: The parties recite and declare:

(a) Marion McIntosh and Howard McIntosh and Herschel Bedke and Ethel Bedke entered into a certain Easement for Ditch and Well Site July 6, 1961. That easement for ditch and well site was not recorded in Cassia County, Idaho as it affected the SW 1/4 of Section 28, Township 13 South, Range 23 East Boise Meridian.

(b) Howard McIntosh and Alta McIntosh and Herschel Bedke and Ethel Bedke entered into an easement for a pipeline on September 13, 1966. That easement is recorded as instrument number 31571 on Film 44 in the office of the County Recorder of the County of Cassia, State of Idaho, as evidenced by its recording on September 14, 1966.

(c) McIntosh and H & E are the successors in interest of the parties that executed or were the beneficiaries of those easements described in subparagraphs (a) and (b) hereof.

(d) McIntosh and H & E desire to revoke said easements and to execute this Easement agreement in place and stead of the revoked easements.

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

1 In consideration of the recitals and of the covenants
2 and agreements herein contained it is agreed:

3 2. REVOCATION: The pipeline easements more particularly
4 described in paragraph 1(a) and (b) are hereby revoked and this
5 agreement is executed in their place and stead.

6 3. WELL: The irrigation well located in the SW1/4 of
7 Section 28, Township 11 South, Range 23 East Boise Meridian,
8 together with the pump, motor, panel, and all apparatus and
9 equipment attached or appurtenant thereto, as well as the water
10 pumped therefrom is owned by H & E.

11 4. MAINTENANCE: H & E is solely obligated and respon-
12 sible for all of the cost of maintaining and repairing the well,
13 pump, motor and all apparatus and equipment appurtenant to the
14 well. Additionally H & E shall be responsible for the maintenance
15 and repair of all the lands of McIntosh made necessary by the use
16 of the easement.

17 5. DURATION: This agreement is perpetual so long as
18 the well produces water or until such time as the parties or
19 their successors in interest shall execute a document in writing
20 cancelling this agreement and which agreement, if any, shall be
21 recorded in the office of the County Recorder of the County of
22 Cassia, State of Idaho, PROVIDED, HOWEVER, no cancellation shall
23 occur prior to the satisfaction of a Federal Land Bank Mortgage
24 dated the 14 day of April, 1983, PROVIDED, FURTHER, in the
25 event of a foreclosure of the Mortgage of the Federal Land Bank,
26 any purchaser at the foreclosure sale shall have a continuing

right to the use of the easement and the access or the facility for which this agreement is executed.

6. EASEMENT: McIntosh hereby grants to H & E a perpetual easement on, under, and across the following lands in Cassia County, particularly in Section 28, Township 13 south, Range 23 East, Boise Meridian:

A parcel of land formed with a radius of 20 feet with the center thereof being the well owned by H & E and together with a strip of land 30 feet in width from said well North to the North boundary line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28, and extending South to the South boundary line of said Section 28. The well site and strips of land are all in the said Section 28, Township 13 South, Range 23 East, Boise Meridian.

for the purpose of pumping and conveying the water from the well to the lands of H & E. Giving unto H & E the right of ingress and egress thereto for the purpose of maintaining, repairing, and/or replacing the well, equipment, pipeline and appurtenances thereto. H & E will at its own expense restore the premises of McIntosh to the condition that it was at the time of the commencement of any maintenance, repair, and/or replacement of the water system as previously described.

7. COVENANT RUNNING WITH THE LAND: This agreement and the easement granted hereby is deemed a covenant running with the land and it is for the benefit of lands owned by H & E described as follows:

Township 13 South, Range 23 East of the Boise Meridian
Section 19: Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the SE $\frac{1}{4}$ NE $\frac{1}{4}$.
Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.
Section 28: W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$,
EXCEPT the following described parcel: Beginning at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section

28, said point marked by a 5/8 inch rebar; thence South 0°02' East (Basis of Bearing) along section line for 10.70 feet to a 1/2 inch rebar which shall be the Point of Beginning; thence South 88°40'47" East for 490.61 feet to a 1/2 inch rebar on centerline of a county road; thence South 54°52'09" West along said county road centerline for 599.47 feet to a 1/2 inch rebar on section line; thence North 0°02' West along said section line for 356.36 feet to the Point of Beginning.

Section 29: NE 1/4, N 1/2 SE 1/4, E 1/2 NW 1/4 and the NE 1/4 SW 1/4, and any other lands of H & E which may utilize the water as part of its farming unit in the vicinity of said lands.

8. BINDING EFFECT: This agreement shall be binding upon the parties, their heirs, successors and assigns and of the owners of the respective lands herein described.

9. WELL CAPACITY: H & E shall be entitled to all of the water from the well for purpose of irrigation of lands of H & E herein described.

10. ELECTRIC LINE: McIntosh expressly grants to H & E the right to erect within the easement or such other place or places on the Southwest Quarter Southeast Quarter (SW 1/4 SE 1/4) of Section 28, Township 13 South, Range 23 East, Boise Meridian as may be designated the right to erect or have erected all necessary electrical poles and lines for the delivery of electric energy to the well site. It is recognized that the location of electrical lines and apparatus may from time to time, during the continuation of this easement, be altered for one reason or another and it is the express purpose of this paragraph to grant the easement on said Southwest Quarter Southeast Quarter (SW 1/4 SE 1/4) of Section 28, Township 13 South, Range 23 East, Boise Meridian, without pre-

1 clearly defined the location which shall be within the discretion
2 of McIntosh or successors and assigns, or the utility delivering
3 electrical energy.

4 IN WITNESS WHEREOF, the parties have executed this
5 agreement the day and year first above written.

6 Howard McIntosh
7 Howard McIntosh

8 Alta McIntosh
9 Alta McIntosh

10 H & A, Inc.

11 BY Robert L. Bodke
12 Pres.

13 ATTTEST:

14 Secretary

15 STATE OF IDAHO)
16) ss
17 County of Cassia)

18 On this 22 day of June, 1983, before me, the under-
19 signed, a Notary Public in and for said State, personally appeared
20 HOWARD MCINTOSH and ALTA MCINTOSH, husband and wife, known to me
21 to be the persons whose names are subscribed to the within
22 instrument, and acknowledged to me that they executed the same.

23 IN WITNESS WHEREOF, I have hereunto set my hand and
24 attested by official seal, the day and year in this certificate
25 first above written.

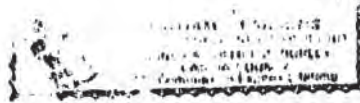
26 Notary Public for Idaho
27 Residing in Idaho

28 STATE OF IDAHO)
29) ss
30 County of Cassia)

31 On this 20 day of July, 1983, before me, the
32 undersigned, a Notary Public in and for said State, personally

1 appeared ROBERT L. BEDKE and CAROL L. BEDKE, known to me to be
2 the President and Secretary of H & E, INC., the Corporation that
3 executed the foregoing instrument, and acknowledged to me that
4 such corporation executed the same.

5 IN WITNESS WHEREOF, I have hereunto set my hand and
6 seal the day and year in this certificate first above written.



[Signature]
Notary Public for _____
Residing at _____

RECORDED AT THE REQUEST OF
[Signature]
JUL 20 4 37 PM '83
CASSIA COUNTY, IDAHO
FRANK S. KEARNS
REGISTER

153543

153546

EASEMENT FOR PIPELINE

2 AGREEMENT, made this 12 day of July, 1983, by and
3 between LEROY FAIRCHILD, a single man, and RUTH FAIRCHILD, a
4 widow, both of Oakley, Idaho, (herein "Fairchild"), and H & E,
5 INC., an Idaho corporation, with principal place of business at
6 Oakley, Idaho, (herein "H & E").

7 1. RECITALS: The parties recite and declare:

8 (a) Kenneth Fairchild and Leroy Fairchild granted to
9 Herschel Bedke and Ethel Bedke an easement dated September 13, 1966,
10 and which easement was recorded as instrument number 31572 on
11 film 44, records of Cassia County, Idaho, on September 16, 1966.

12 (b) Fairchild and H & E are successors in interest
13 of certain lands in Cassia County to Kenneth Fairchild and Leroy
14 Fairchild and Herschel Bedke and Ethel Bedke.

15 (c) Fairchild and H & E desire to revoke the
16 easement described in paragraph 1(a) and to execute this easement
17 agreement in the place and stead of the revoked easement.

18 In consideration of the Recitals and of the covenants
19 and agreements herein contained it is agreed:

20 2. REVOCATION: The easement for pipeline more
21 particularly described in paragraph 1(a) is hereby revoked and
22 this easement is executed in its place and stead.

23 3. DURATION: This easement is perpetual so long as
24 the pipeline is used by H & E or until such time as the parties
25 or their successors in interest shall execute a document in
26 writing cancelling this easement and which agreement, if any,

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

1 shall be recorded in the office of the County Recorder of the
2 County of Cassia, State of Idaho, provided, however, no cancellation
3 shall occur prior to the satisfaction of a Federal Land Bank
4 Mortgage dated the 14 day of April, 1983, and provided,
5 further in the event of a foreclosure of the Mortgage of the
6 Federal Land Bank, any purchaser at the foreclosure sale shall
7 have a continuing right to the use of the easement and access to
8 the facility for which this easement is executed.

9 4. EASEMENT: Fairchild hereby grants to H & E a
10 perpetual easement on, under, and across the following lands in
11 Cassia County: The Southeast Quarter Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
12 of Section 28, Township 13 South, Range 23 E.B.M. AND
13 the Northwest Quarter of the Northeast Quarter
14 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), the Southwest Quarter of the Northeast
15 Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), The Northwest Quarter of
16 the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33,
17 Township 13 South, Range 23 East, Boise Meridian.

18 for the purpose of installing, maintaining, repairing and/or
19 replacing a pipeline for the purpose of conveying water from a
20 certain well located in the Northwest Quarter Southeast Quarter
21 (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, Township 14 South, Range 23 East, Boise
22 Meridian. Giving unto H & E the right of ingress and egress
23 thereto for the purpose of installing, maintaining, repairing
24 and/or replacing the pipeline for the conveyance of such water.

25 5. COVENANT RUNNING WITH THE LAND: This easement is
26 deemed a covenant running with the land and it is for the benefit
27 of lands owned by H & E described as follows:

28 Township 13 South, Range 23 East of the Boise
29 Meridian
30 Section 19: Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the SE $\frac{1}{4}$ NE $\frac{1}{4}$

PARSONS, SMITH STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 28: W $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$,
EXCEPT the following described parcel: Beginning
at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section
28, said point marked by a 5/8 inch rebar; thence
South 0°02' East (Basis of Bearing) along section
line for 10.70 feet to a 1/2 inch rebar which shall be
the Point of Beginning; thence South 88°40'47" East
for 490.61 feet to a 1/2 inch rebar on centerline
of a county road; thence South 54°52'09" West along
said county road centerline for 599.47 feet to a
1/2 inch rebar on section line; thence North 0°02'
West along said section line for 356.36 feet to the
Point of Beginning.
Section 29: NE $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$.

and any other lands of H & E which may utilize the water as part
of its farming unit in the vicinity of said lands.

6. BINDING EFFECT: This agreement shall be binding
upon the parties, their heirs, successors and assigns and of the
owners of the respective lands herein described.

7. MAINTENANCE: H & E is solely obligated and
responsible for all costs of installing, maintaining and repairing
the pipeline. Additionally H & E will be responsible for the
maintenance and repair of all lands of Fairchild made necessary
by the use of this easement.

IN WITNESS WHEREOF, the parties have executed this
easement the day and year first above written.

LeRoy Fairchild
LeRoy Fairchild

Ruth Fairchild
Ruth Fairchild

H & E INC.

BY Robert Bedke
President

153546

RECORDED AT THE REQUEST OF

FILED 158

JUL 20 4 10 PM '83

CASSIA COUNTY, IDAHO

FRANK R. KEARNS

RECORDED

FEE \$11.00

1 STATE OF IDAHO)
2 County of Cassia) ss

3 On this 11 day of July, 1983, before me, the
4 undersigned, a Notary Public in and for said State, personally
5 appeared LEROY FAIRCHILD known to me to be the person whose name
6 is subscribed to the within instrument, and acknowledged to me
7 that said person executed the same.

8 IN WITNESS WHEREOF, I have hereunto set my hand and
9 affixed my official seal, the day and year in this certificate
10 first above written.

C. H. Hunter
Notary Public for Idaho
Residing at Cassia, Idaho

11 STATE OF IDAHO)
12 County of Cassia) ss

13 On this 12 day of July, 1983, before me, the
14 undersigned, a Notary Public in and for said State, personally
15 appeared RUTH FAIRCHILD, known to me to be the person whose name
16 is subscribed to the within instrument, and acknowledged to me
17 that said person executed the same.

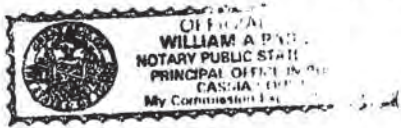
18 IN WITNESS WHEREOF, I have hereunto set my hand and
19 affixed my official seal, the day and year in this certificate
20 first above written.

C. H. Hunter
Notary Public for Idaho
Residing at Cassia, Idaho

21 STATE OF IDAHO)
22 County of Cassia) ss

23 On this 20 day of July, 1983, before me, the
24 undersigned, a Notary Public in and for said State, personally
25 appeared ROBERT L. BEDKE, known to me to be the President of H &
26 E, INC., the Corporation that executed the foregoing instrument,
and acknowledged to me that such corporation executed the same.

27 IN WITNESS WHEREOF, I have hereunto set my hand and seal
28 the day and year in this certificate first above written.



William A. P.
Notary Public for Idaho
Residing at

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BOISE, IDAHO

JOINT USE, OPERATION AND MAINTENANCE AGREEMENT

AGREEMENT, made this 12 day of July, 1983, by and between TOMMY C. GORRINGE, a married man, contracting with his sole and separate property, and CARL GORRINGE & SONS, a Partnership, of Oakley, Idaho, herein called "Gorringer" and H & E, INC., an Idaho corporation, whose principal place of business is at Oakley, Idaho, herein called "H & E."

1. RECITALS: The parties recite and declare:

(a) Gorringer and the predecessors in interest of certain lands of H & E, Inc. entered into an agreement dated December 18, 1951, concerning a well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 14 South, Range 23 East, Boise Meridian, and

(b) It is the intent and purpose of the parties by this agreement to revoke said agreement and to execute this agreement relative to the rights of the parties in and to said well, its operation and maintenance and the ingress and egress thereto.

(c) Gorringer is the successor in interest of the affected land to Wilfred W. Sagers and Ruth Sagers under that agreement dated December 18, 1951.

In consideration of the recitals and the covenants and agreements herein contained the parties agree:

2. REVOCATION: That certain agreement dated December 18, 1951 between Ed Gorringer and Marian Gorringer, on the one hand and Herschel Bedke and Ethel Bedke (predecessors in interest to H & E) is hereby revoked and this agreement is executed in its

1 place and stead.

2 3. WELL: The irrigation well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of
3 Section 3, Township 14 South, Range 23 East, Boise Meridian,
4 together with the pump, motor, panel and all apparatus and
5 equipment attached thereto, as well as the water pumped therefrom
6 are owned jointly by Gorringer and H & E equally as tenants in
7 common. This is the same well that was drilled and has been
8 owned by Gorringer and the predecessors in interest of H & E and
9 Gorringer does hereby acknowledge the ownerships of H & E in and
10 to said well in the place of its predecessors in interest. The
11 parties shall continue to jointly use said well, pump, motor, and
12 apparatus for supplying irrigation water to their respective
13 lands.

14 4. MAINTENANCE: The parties shall be and are hereby
15 obligated and responsible for one-half (1/2) each of the cost of
16 maintaining and repairing the well, pump, motor, and all apparatus
17 and equipment concerning the same. Such obligation shall include
18 the replacement of the well, pump, motor and apparatus appurtenant
19 thereto. The obligations in this paragraph shall not be construed
20 as requiring Gorringer to pay any of the costs of the pipeline
21 taking the water to the land of H & E nor to obligate H & E for
22 any delivery device to the Gorringer land and it is the express
23 intent and purpose of this agreement to only include the well,
24 pump, motor and its attendant apparatus.

25 5. DURATION: This agreement is perpetual so long as
26 the well produces water or until such time as the parties or

1 their successors in interest shall execute a document in writing
2 cancelling the agreement and which agreement shall be recorded in
3 the office of the County Recorder of the County of Cassia, State
4 of Idaho, PROVIDED, HOWEVER, no cancellation shall occur prior to
5 the satisfaction of a Federal Land Bank Mortgage dated the 14th
6 day of April, 1983, PROVIDED, FURTHER, in the event of a
7 foreclosure of the Mortgage of the Federal Land Bank, any purchaser
8 at the foreclosure sale shall have a continuing right to the use
9 of the easement and the access or the facility for which this
10 agreement is executed.

11 6. EASEMENT: Gorringer hereby grants to H & E a
12 perpetual easement on, under, and across the following lands in
13 Cassia County:

14 TOWNSHIP 13 SOUTH, RANGE 23 EAST, BOISE MERIDIAN

15 Section 33: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

16 TOWNSHIP 14 SOUTH, RANGE 23 EAST, BOISE MERIDIAN

17 Section 3: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

18 Section 4: NE $\frac{1}{4}$ NE $\frac{1}{4}$.

19 for the purpose of conveying water from the well located in said
20 Section 3 to lands of H & E, Inc. This easement is illustrated
21 on Exhibit A attached to this agreement with the express under-
22 standing that the attachment is for illustration only and is not
23 intended to be a representation of the precise location of the
24 easement or the conveyance of water but only as an aid to the
25 parties and to the public to demonstrate the general location of
26 the apparatus and the easement for the delivery of the water to

1 the H & E land. It is the express purpose of this easement to
2 enable H & E, Inc. to place, keep and maintain a water line for
3 carrying water from the well to the H & E lands and Gorringer
4 expressly gives to H & E, Inc. the right and authority to enter
5 in and upon the premises for the purpose of maintaining, repairing,
6 and/or replacing the water line and the well apparatus. All
7 costs of maintaining, repairing, and/or replacing the water line
8 will be at the expense of H & E, Inc. except to the extent of any
9 replacement, repair, and maintenance of the well as hereinbefore
10 provided. H & E will, at its cost and expense, upon the
11 completion of the maintenance, repair or replacement, restore the
12 premises of Gorringer to the condition that it was at the time of
13 commencement of the maintenance, repair or replacement.

14 7. COVENANT RUNNING WITH THE LAND: This agreement and
15 the easement granted hereby is deemed a covenant running with the
16 land and it is for the benefit of lands owned by H & E in Section
17 28, Township 13 South, Range 23 East, Boise Meridian, particularly
18 the W $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and any other land of H
19 & E which may utilize the water as part of its farming unit in
20 the vicinity of said Section 28, as well as the lands described
21 on Exhibit B

22 8. FIRST REFUSAL: Should Gorringer or H & E either
23 decide to sell their respective ownership interest in the well,
24 pump, motor and other apparatus, the selling party shall offer
25 the same first to the other party and the offerree shall have a
26 period of ten (10) days within which to accept the offer. If the

1 offer is not accepted then in such event the offeror may sell
2 the same to such other person or persons as may be desired.

3 9. BINDING EFFECT: This agreement shall be binding
4 upon the parties, their heirs, successors and assigns and of the
5 owners of the respective lands herein described.

6 10. CAPACITY: Each party shall be entitled to one-
7 half (1/2) of the proceeds of the water pumped from the well.
8 Each party shall share an appropriate reduction in the amount of
9 water should the same reduce its productivity over the years of
10 use.

11 11. ATTORNEY FEES: If either party is required to
12 engage an attorney for the enforcement of this agreement or the
13 defense of a claim under this agreement, the prevailing party
14 shall be entitled to reasonable attorney fees in addition to all
15 other costs and damages or other relief as may be awarded by the
16 court.

17 12. ARBITRATION: If the parties cannot otherwise
18 agree on matters pertaining to this agreement, such as but not
19 limited to whether or not a pump must be repaired or other
20 improvements to the well are needed the parties shall submit the
21 same to arbitration in accordance with the Uniform Arbitration
22 Act as being Idaho Code 7-901- 7-922.

23 13. MISCELLANEOUS: Gorringer executes this Joint Use,
24 Operation, and Maintenance Agreement as the respective interests
25 of Gorringer appear of record and by executing this agreement
26 Gorringer intends only to bond those parcels of which the

1 respective entities or entity or individual has a vested interest.

2 IN WITNESS WHEREOF, the parties have executed this
3 agreement the day and year first above written.

4 Tommy C. Gorringer
5 Tommy C. Gorringer

6 CARL GORRINGER & SONS

7 BY Carl Gorringer
8 General Partner

9 H & E, INC.

10 BY Robert L. Bedke
11 President

12 ATTEST:

13 Carol L. Bedke
14 Secretary

15 STATE OF IDAHO)
16) ss
17 County of Cassia)

18 On this 12 day of July, 1983, before me, the
19 undersigned, a Notary Public in and for said State, personally
20 appeared TOMMY C. GORRINGER, known to me to be the person whose
21 name is subscribed to the within instrument, and acknowledged to
22 me that said person executed the same.

23 IN WITNESS WHEREOF, I have hereunto set my hand and
24 affixed my official seal, the day and year in this certificate
25 first above written.

26 Alta Hunter
Notary Public for Idaho
Residing at Idaho

STATE OF IDAHO)
County of Cassia) ss

On this 12 day of July, 1983, before me, the

undersigned, a Notary Public in and for said State, personally appeared Don Harrison known to me to be one of the general Partners in the Partnership of CARL GORRINGE & SONS, and the Partner who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said Partnership name.

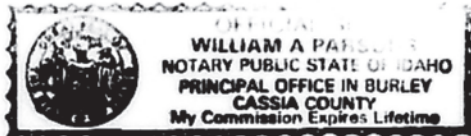
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Celia D. Hunt
Notary Public for Idaho
Residing at Burley, Idaho

STATE OF IDAHO)
County of Cassia) ss

On this 20 day of June, 1983, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT L. BEDKE and CAROL L. BEDKE, known to me to be the President and Secretary of H & E, INC. the Corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



William A. Parsons
Notary Public for _____
Residing at _____

EXHIBIT A

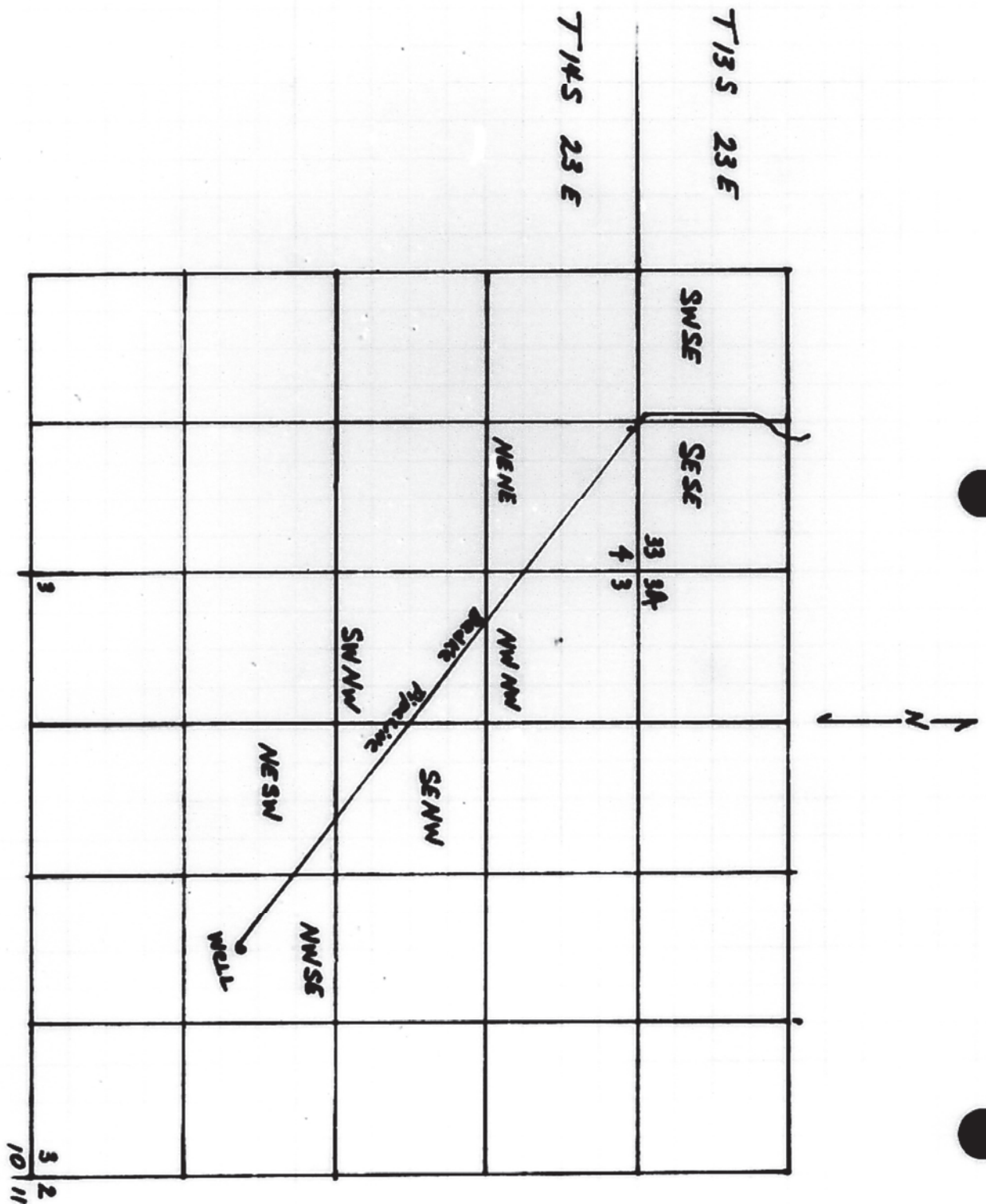


EXHIBIT B

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE
MERIDIAN.

Section 19: Lot 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.

EXCEPT the following described parcel: Beginning
at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28,
said point marked by a 5/8 inch rebar; thence
South 0°02' East (Basis of Bearing) along section
line for 10.70 feet to a $\frac{1}{2}$ inch rebar which shall
be the Point of Beginning; thence South 88°40'07"
East for 490.61 feet to a $\frac{1}{2}$ inch rebar on centerline
of a county road; thence South 54°52'09" West along
said county road centerline for 599.47 feet to a
 $\frac{1}{2}$ inch rebar on section line; thence North 0°02'
West along said section line for 356.36 feet to the
Point of Beginning.

Section 29: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$.

153544

RECORDED AT THE REQUEST OF
DANIEL SMITH
JUN 20 4 38 PM '83
SAGIA COUNTY, IDAHO
FRANK A. KEARNS
RECORDER
PER L. C. HUFFUT

153545

EASEMENT

OAKLEY HIGHWAY DISTRICT, a highway district organized and existing under the laws of the State of Idaho, does hereby grant and convey to H & E, INC., an Idaho Corporation, Oakley, Idaho, 83346, a permanent and perpetual easement and right of way in which to construct, reconstruct, operate, remove, repair and maintain an underground irrigation pipeline for the conveyance of water in, over, across, and through the following described real property, situated, lying and being in the County of Cassia, State of Idaho, to-wit:

(a) A thirty (30) foot strip of ground extending East and West across the public road that exists or that may exist between the Northeast Quarter Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 29, Township 13 South, Range 23 East, Boise Meridian, and the Northwest Quarter Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 29, Township 13 South, Range 23 East, Boise Meridian.

(b) A Thirty (30) foot strip of ground extending North and South across the public road that exists or may exist in the Southwest Quarter Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, Township 13 South, Range 23 East Boise Meridian.

Giving unto the Grantee the right of ingress and egress thereto for the purpose of utilizing this easement.

Grantor reserves the right at all times to enter upon and occupy the real property that is subject to the easement or any part thereof and make proper use thereof so long as said occupancy does not infringe upon, hinder, or limit the right herein granted.

The Grantee, by the acceptance of this easement, agrees

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

1 that it shall indemnify and save and keep harmless the Oakley
2 Highway District from any and all claims for damages to real and
3 personal property and injuries to or death suffered by a person
4 or persons by reason of the construction, reconstruction, opera-
5 tion, repair and maintenance of the pipeline within or about the
6 easement herein granted.

7 This easement shall be binding upon the Grantor and
8 the Grantee and their successors and assigns.

9 The Grantee, and its successors and assigns, shall
10 repair and maintain the road to the extent made necessary by the
11 acts of the Grantee in the utilization of the easement herein
12 granted.

13 This easement shall be deemed an easement running with
14 the land and shall be for the benefit of lands owned by the
15 Grantee in Section 28, Township 13 South, Range 23 East Boise
16 Meridian, and particularly the West Half Northwest Quarter
17 ($W\frac{1}{2}NW\frac{1}{4}$); West Half Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}$); Northeast Quarter
18 Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$); and the Northwest Quarter Southeast
19 Quarter ($NW\frac{1}{4}SE\frac{1}{4}$) and any other land of the Grantee contiguous
20 and adjacent thereto as involved in the common irrigation system
21 of the Grantee.

22 IN WITNESS WHEREOF, this Easement has been executed by
23 the Chairman of the Board of Commissioners of the Oakley Highway
24 District and attested by its Secretary this 17th day of July,
25 1983.
26 -----

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BOULEVARD, IDAHO

OAKLEY HIGHWAY DISTRICT

BY Willard Cranney
Chairman of the Board of
Commissioners

ATTEST:

Alta Hunter
Secretary

STATE OF IDAHO)
) ss
County of Cassia)

On this 27th day of July, 1983, before me, the under-
signed, a Notary Public in and for said State, personally appeared
WILLARD CRANNEY, JR., and ALTA HUNTER, known to me to be the
Chairman of the Board of Commissioners and Secretary of the
Board of Commissioners of OAKLEY HIGHWAY DISTRICT, the Corporation
that executed the foregoing instrument, and acknowledged to me
that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal
the day and year in this certificate first above written.

Helma L. Clark
Notary Public for Idaho
Residing at Oakley Idaho

ACCEPTANCE

H & E, INC., does hereby accept the foregoing Easement
and agrees to perform those covenants therein contained for which
it is obligated.

DATED this 20 day of July, 1983.

H & E, INC.

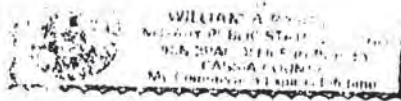
BY Robert L. Bedke
President

1 STATE OF IDAHO)
2) ss
3 County of Cassia)

4 On this 11 day of July, 1983, before me, the under-
5 signed, a Notary Public in and for said State, personally appeared
6 ROBERT L. BEDKE, known to me to be the President of H & F, INC.,
7 the Corporation that executed the foregoing instrument, and
8 acknowledged to me that such corporation executed the same.

9 IN WITNESS WHEREOF, I have hereunto set my hand and seal
10 the day and year in this certificate first above written.

11 William A. Bedke
12 Notary Public for
13 Residing at _____



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RECORDED AT THE REQUEST OF
FILM 153545
JUL 20 4 30 PM '83
CASSIA COUNTY, IDAHO
FRANK E. HARRIS
RECORDER
FEE 4.00

STONE & FLETCHER
ATTORNEYS
LEY, IDAHO

Attachment No. 2A
Water Right Reports

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

1/27/2025

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 45-586

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	H & E HOLDINGS LLC 1249 S HIGHWAY 27 OAKLEY, ID 83346-9755 2088623261
Directors Report Owner	ANDERSON FARMS 271 W HWY 30 BURLEY, ID 83318 2086784314
Original Owner	H & E INC C/O ROBERT BEDKE RT 1 OAKLEY, ID 83346 2088623475
Security Interest	METROPOLITAN LIFE INSURANCE COMPANY AGRICULTURAL INVESTMENTS 10801 MASTIN ST STE 930 OVERLAND PARK, KS 66210-1677 9132172986
Security Interest	METROPOLITAN LIFE INSURANCE CO C/O METLIFE INVESTMENT MANAGEMENT LLC 10801 MASTIN ST STE 700 OVERLAND PARK, KS 66210-1673 9132172986

Priority Date: 12/31/1879

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	
SPRING CREEK	MILL CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.6 CFS	
STOCKWATER	01/01	12/31	0.12 CFS	6.7 AFA
STOCKWATER STORAGE	01/01	12/31	0.12 CFS	11 AFA
Total Diversion			1.6 CFS	6.7 AFA

Location of Point(s) of Diversion:

SPRING CREEK	NESWSE	Sec. 03	Township 14S	Range 23E	CASSIA County
SPRING CREEK	NWNENE Lt 1	Sec. 04	Township 14S	Range 23E	CASSIA County
MILL CREEK	SWSENE	Sec. 10	Township 14S	Range 23E	CASSIA County

IRRIGATION Use:

Acre Limit: 175

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	23E	20		SENE	32									
				SESW	35									
				NESE	32		NWSE	35		SWSE	32			
		21		SWNW	40									
				NWSW	40		SWSW	40						
		28		NWNE	34		SWNE	33						
				NENW	33		NWNW	11		SWNW	5.5		SENE	34
				NESW	38		NWSW	29		SWSW	35		SESW	35
		29		NWSE	36									
				NENE	4.4		NWNE	35		SWNE	39		SENE	38
				NENW	34		SENE	35						
				NESW	35									
				NESE	40		NWSE	36						

Place of Use Legal Description: STOCKWATER CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	23E	28		NWSE			SWSE							

Place of Use Legal Description: STOCKWATER STORAGE CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	23E	28		NWSE			SWSE							

Total Acres: 905.9

Conditions of Approval:

1. Rights 45-586, 45-587, and 45-588 when combined shall not exceed the irrigation of 166.2 acres.
2. X35 Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed a total diversion rate of 3.83 cfs.
3. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed the irrigation of 527.2 acres.
4. 206 Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
5. K01 Right 45-12929 is an enlargement of Rights 45-14216, 45-586, 45-587, & 45-588 pursuant to Section 42-1426, Idaho Code.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
7. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. C21 During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
9. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

10. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
16. The use of this right is subject to the Amended Order Amending Transfer Approval dated July 20, 2010 with additional conditions as follows: (Continued) 2. Failure to adhere to the conditions of use and timelines set forth on the IRRIGATION PLAN shall be cause for this amended approval to be revoked with prejudice and the transfers to revert back to the approval established in the orders dated December 2, 2009.
17. 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.
18. Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed the irrigation of 289.2 acres.
19. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed a total diversion rate of 6.93 cfs.

20. The use of this right is subject to the Amended Order Amending Transfer Approval dated July 20, 2010 with additional conditions as follows: 1. The use of water is subject to the attached IRRIGATION PLAN. 1.1 Prior to August 31, 2010 the applicant shall report directly to the Department and the watermaster of Water District 140 the location of the 527.2 acres initially irrigated from March 15, 2010 to August 31, 2010. The applicant shall also report that portion of the 527.2 acres intended to be dried up (defined as A acres under the plan) in exchange for irrigation of other lands between September 1 and November 15 of 2010 (defined as B acres under the plan) necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. 1.2 Beginning in 2011 and for each successive year, the applicant shall report directly to the Department and the watermaster of Water District 140 prior to May 1, the location of the 527.2 acres of crops that will be irrigated between March 15 and August 31. The applicant shall also report prior to August 31, the location and number of the A acres (that portion of the 527.2 acres to be dried up on or before August 31), and the number and location of the B acres (the acres to be irrigated in the fall between September 1 and November 15). 1.3 Identification or reporting to the Department and the Water District 140 watermaster of the 527.2 cropped acres, the A acres, and the B acres shall be in the form of a land list and a map sufficiently detailed to allow creation of an electronic shape file. 1.4 The total number of B acres shall not exceed the number of A acres in any irrigation season. 1.5 Application of water to B acres in the fall is limited to water necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. Application of water to B acres shall not provide water to irrigate crops for harvest in the same fall. 1.6 The B acres identified for fall irrigation in any year shall be included in the 527.2 cropped acres for the subsequent season. 1.7 The watermaster of Water District 140 shall monitor the place of use and regulate the use of water under the approved transfers pursuant to these conditions of approval. The watermaster of Water District 140 shall coordinate delivery and regulation with the watermaster of Water District 45-A of the surface water rights covered by transfer No. 66133. 1.8 Original conditions of approval associated with transfer No. 66132 and transfer No. 66133 that are in the standard form of: "This right is limited to the irrigation of ### acres within the place of use described above in a single irrigation season", shall be amended to the form of: "This right is limited to the irrigation of ### acres within the place of use described above in accordance with the attached Irrigation Plan."

Dates:

Licensed Date:

Decreed Date: 10/29/2010

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 45A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 527.2

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old 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

WATER RIGHT REPORT

2/4/2025

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 45-708

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	E EUGENE MATTHEWS
Current Owner	HEIDI F MATTHEWS 1249 S HIGHWAY 27 OAKLEY, ID 83346-9755 2084313260
Directors Report Owner	RAY C BEDKE PO BOX 283 OAKLEY, ID 83346 2088623252

Priority Date: 07/01/1908

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CEDAR HOLLOW SPRING	BIG CEDAR CANYON

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.2 CFS	
STOCKWATER	03/15	11/15	0.02 CFS	
Total Diversion			1.2 CFS	

Location of Point(s) of Diversion:

CEDAR HOLLOW SPRING|SWSWSW|Sec. 14|Township 13S|Range 23E|CASSIA County

IRRIGATION Use:

Acre Limit: 60

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
-----------------	--------------	----------------	------------	--------------	--------------	------------	--------------	--------------	------------	--------------	--------------	------------	--------------	--------------

13S	23E	21		NENE	40		NWNE	40						
-----	-----	----	--	------	----	--	------	----	--	--	--	--	--	--

Total Acres: 80

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | N05 | The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day. |
| 2. | C03 | RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE. |
| 3. | D08 | The amount of water diverted under this water right may constitute up to the entire flow of Cedar Hollow Spring at the point of diversion described below at any given time in the irrigation season. This water right shall not provide more than .02 cubic feet per second per acre irrigated at any time. |
| 4. | C04 | RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE. |
| 5. | K06 | THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. |
| 6. | N08 | The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use. |
| 7. | C18 | This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code. |

Dates:

Licensed Date:

Decreed Date: 05/06/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 140

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old 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

WATER RIGHT REPORT

1/27/2025

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 45-14216

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	H & E HOLDINGS LLC 1249 S HIGHWAY 27 OAKLEY, ID 83346-9755 2088623261
Original Owner	H & E INC C/O ROBERT BEDKE RT 1 OAKLEY, ID 83346 2088623475
Security Interest	METROPOLITAN LIFE INSURANCE COMPANY AGRICULTURAL INVESTMENTS 10801 MASTIN ST STE 930 OVERLAND PARK, KS 66210-1677 9132172986
Security Interest	METROPOLITAN LIFE INSURANCE CO C/O METLIFE INVESTMENT MANAGEMENT LLC 10801 MASTIN ST STE 700 OVERLAND PARK, KS 66210-1673 9132172986

Priority Date: 08/12/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BEDKE SPRING	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.33 CFS	
STOCKWATER	01/01	12/31	0.1 CFS	5.6 AFA
DOMESTIC	01/01	12/31	0.04 CFS	1.6 AFA

Total Diversion | 0.33 CFS | 5.6 AFA

Location of Point(s) of Diversion:

BEDKE SPRING | SWSE | Sec. 27 | Township 13S | Range 23E | CASSIA County

IRRIGATION Use:

Acre Limit: 31.7

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	23E	20		SENE	32									
				SESW	35									
				NESE	32		NWSE	35		SWSE	32			
		21		SWNW	40									
				NWSW	40		SWSW	40						
		28		NWNE	34		SWNE	33						
				NENW	33		NWNW	11		SWNW	5.5		SENE	34
				NESW	38		NWSW	29		SWSW	35		SESW	35
		29		NWSE	36									
				NENE	4.4		NWNE	35		SWNE	39		SENE	38
				NENW	34		SENE	35						
				NESW	35									
				NESE	40		NWSE	36						

Place of Use Legal Description: STOCKWATER CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	23E	28		SWNW										
				NESW			NWSW			SWSW				
		29		SWNE			SENE							
				SENE										
				NESW										
				NESE			NWSE							

Place of Use Legal Description: DOMESTIC CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	23E	28		NWSW										

Total Acres: 905.9

Conditions of Approval:

- X27 This right is limited to the irrigation of 31.2 acres within the place of use described above in a single irrigation season.

2. X35 Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed a total diversion rate of 3.83 cfs.
3. Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed the irrigation of 527.2 acres.
4. 206 Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.
5. K01 Right 45-12929 is an enlargement of Rights 45-14216, 45-586, 45-587, & 45-588 pursuant to Section 42-1426, Idaho Code.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45A.
7. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. C21 During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.
9. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
10. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

- | | | |
|-----|-----|---|
| 11. | 104 | If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required. |
| 12. | R64 | This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above. |
| 13. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 14. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 15. | T09 | Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication. |
| 16. | | The use of this right is subject to the Amended Order Amending Transfer Approval dated July 20, 2010 with additional conditions as follows: (Continued) 2. Failure to adhere to the conditions of use and timelines set forth on the IRRIGATION PLAN shall be cause for this amended approval to be revoked with prejudice and the transfers to revert back to the approval established in the orders dated December 2, 2009. |
| 17. | 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. |
| 18. | | Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed the irrigation of 289.2 acres. |
| 19. | | Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, and 45-12927 when combined shall not exceed a total diversion rate of 6.93 cfs. |

20. The use of this right is subject to the Amended Order Amending Transfer Approval dated July 20, 2010 with additional conditions as follows: 1. The use of water is subject to the attached IRRIGATION PLAN. 1.1 Prior to August 31, 2010 the applicant shall report directly to the Department and the watermaster of Water District 140 the location of the 527.2 acres initially irrigated from March 15, 2010 to August 31, 2010. The applicant shall also report that portion of the 527.2 acres intended to be dried up (defined as A acres under the plan) in exchange for irrigation of other lands between September 1 and November 15 of 2010 (defined as B acres under the plan) necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. 1.2 Beginning in 2011 and for each successive year, the applicant shall report directly to the Department and the watermaster of Water District 140 prior to May 1, the location of the 527.2 acres of crops that will be irrigated between March 15 and August 31. The applicant shall also report prior to August 31, the location and number of the A acres (that portion of the 527.2 acres to be dried up on or before August 31), and the number and location of the B acres (the acres to be irrigated in the fall between September 1 and November 15). 1.3 Identification or reporting to the Department and the Water District 140 watermaster of the 527.2 cropped acres, the A acres, and the B acres shall be in the form of a land list and a map sufficiently detailed to allow creation of an electronic shape file. 1.4 The total number of B acres shall not exceed the number of A acres in any irrigation season. 1.5 Application of water to B acres in the fall is limited to water necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. Application of water to B acres shall not provide water to irrigate crops for harvest in the same fall. 1.6 The B acres identified for fall irrigation in any year shall be included in the 527.2 cropped acres for the subsequent season. 1.7 The watermaster of Water District 140 shall monitor the place of use and regulate the use of water under the approved transfers pursuant to these conditions of approval. The watermaster of Water District 140 shall coordinate delivery and regulation with the watermaster of Water District 45-A of the surface water rights covered by transfer No. 66133. 1.8 Original conditions of approval associated with transfer No. 66132 and transfer No. 66133 that are in the standard form of: "This right is limited to the irrigation of ### acres within the place of use described above in a single irrigation season", shall be amended to the form of: "This right is limited to the irrigation of ### acres within the place of use described above in accordance with the attached Irrigation Plan."

Dates:

Licensed Date:

Decreed Date: 10/29/2010

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: AND

Water District Number: 45A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 527.2

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

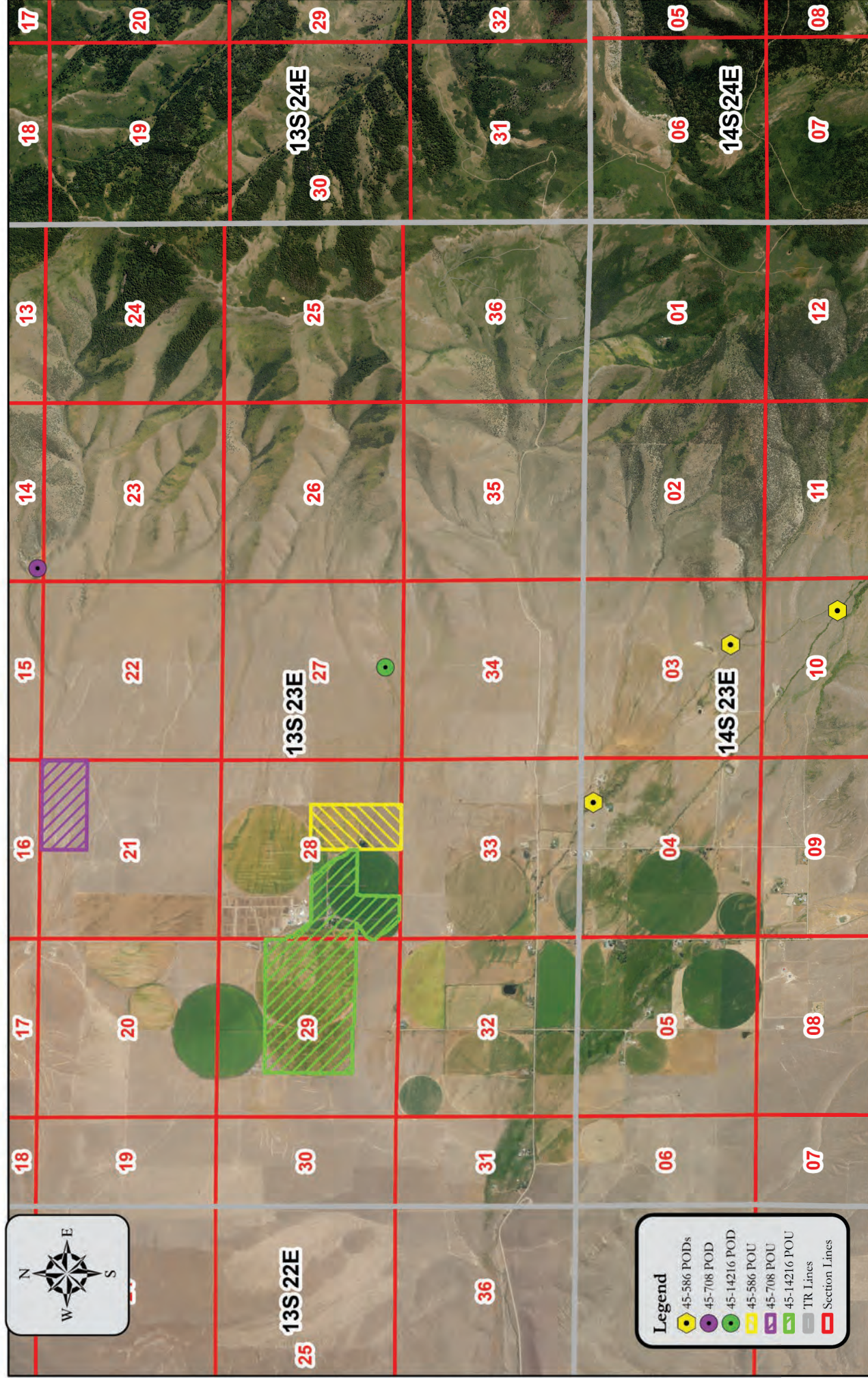
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Attachment No. 2B
Map of Current System

CURRENT PLACES OF USE AND POINTS OF DIVERSION



2023 NAIP Photo

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

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

Current Location of Irrigated Acres to be Changed

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

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:
This Application for Transfer proposes to change the stockwater place of use for Water Right Nos. 45-586, 45-708, and 45-14216. There will be no change to the irrigation place of use or the points of diversion of either of these water rights. This change will incorporate areas where stockwater has historically been used as well as add new areas where Applicant plans to install additional water troughs. This Application also proposes to correct a clerical/data entry error on the total diversion volume of Water Right No. 45-586. It currently shows 6.7 AFA. This number should be 17.7 AFA.

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
<input type="checkbox"/> <input checked="" type="checkbox"/>	45-586	0.12/6.7	Stockwater	01/01 to 12/31	Mill/Spring Creek
<input type="checkbox"/> <input checked="" type="checkbox"/>	45-586	17.7	Stockwater/StW Storage	01/01 to 12/31	Mill/Spring Creek
<input type="checkbox"/> <input checked="" type="checkbox"/>	45-708	0.02	Stockwater	03/15 to 11/15	Cedar Hollow Spring
<input type="checkbox"/> <input checked="" type="checkbox"/>	45-14216	0.1/5.6	Stockwater	01/01 to 12/31	Bedke Spring
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				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: 0.24 cfs and/or 23.3 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

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	
13S	23E	17	S	S	S	S	S			S				S	S	S	S	S	
		19	S	L1/S		S													
		20	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	
		21	S	S			S	S	S			S	S						
		27						S	S										
		28	S	S	S	S	S	S	S	S	S	S	S	S		S			
		29	S	S	S	S	S			S	S			S	S	S		S	

Total Irrigated Acres: _____

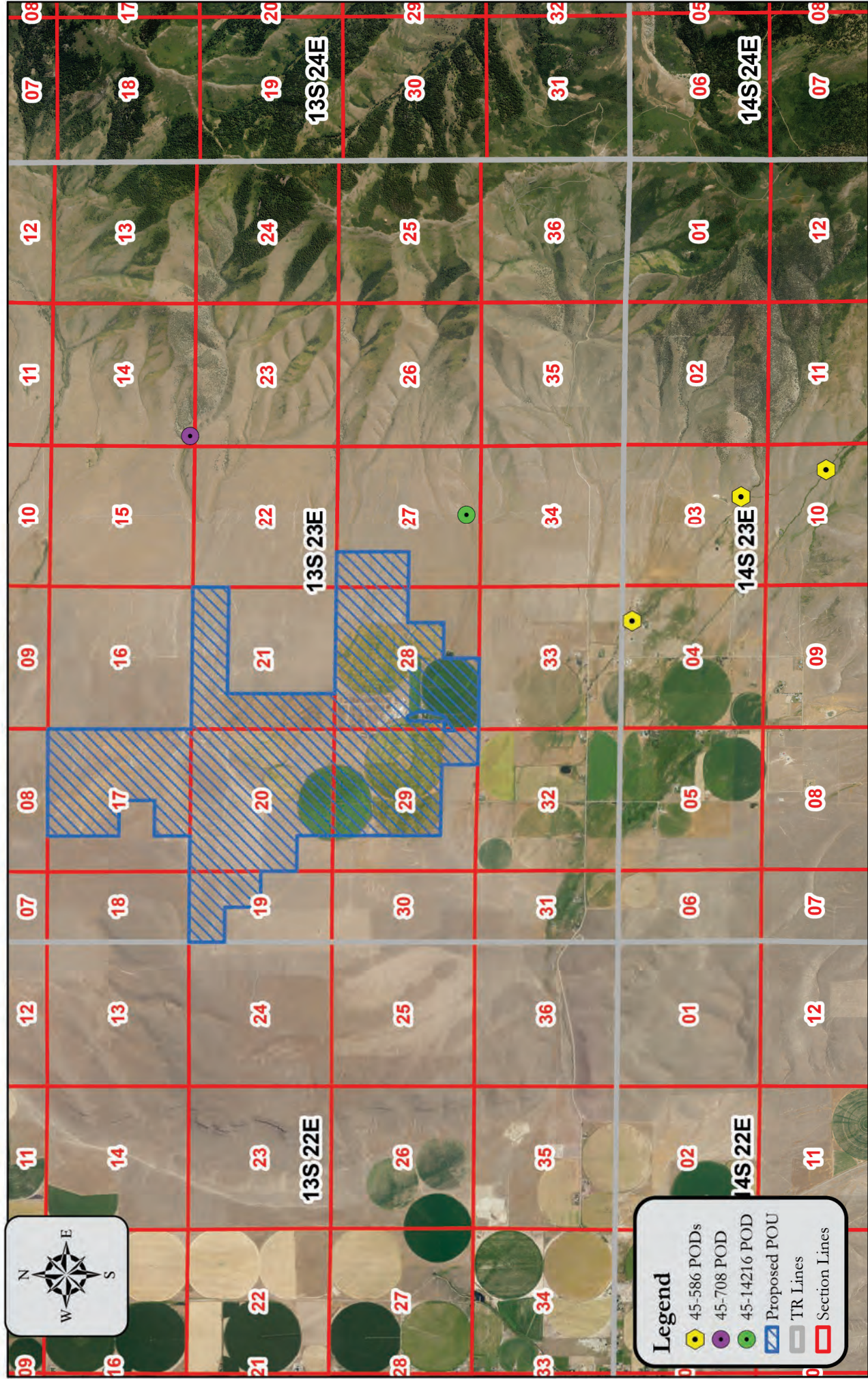
5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal 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

Attachment No. 3C
Map of Proposed System
(GIS Shapefiles Available
Upon Request)

PROPOSED PLACE OF USE AND POINTS OF DIVERSION



2023 NAIP Photo



Prepared by:
Luke H. Marchant
02/04/2025

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.

See attached page (4B-1).

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

No change is proposed to the points of diversion. See Attachment 4B-1.

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 45A. ☐ 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.

Attachment No. 4B-1
Other Water Rights at Current
POD

WRs with same POD as 45-586	WRs with same POD as 45-708	WRs with same POD as 45-14216
45-540	45-2766	45-12590
45-541		45-12929
45-542		45-13575
45-543		43-14217
45-564A		
45-564B		
45-565		
45-566A		
45-566B		
45-567A		
45-567B		
45-568		
45-569		
45-574		
45-576		
45-577A		
45-577B		
45-578B		
45-579A		
45-579B		
45-580A		
45-580B		
45-581B		
45-581C		
45-582C		
45-584		
45-585		
45-587		
45-588		
45-685		
45-7746		
45-12927		
45-12929		

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.

Multiple irrigation water rights cover the current place of use. There will be no change to the irrigation component of any of these water rights.

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.

Multiple irrigation water rights cover the proposed place of use. There will be no change to the irrigation component of any of these water rights.

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

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

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

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

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

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

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

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

Yes No

☐
☒

currently leased to the Water Supply Bank?

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

☐
☒

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

☐
☒

subject to an agreement not to divert (CREP)?

☐
☒

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

D. Local Public Interest

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

E. Conservation of Water Resources

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

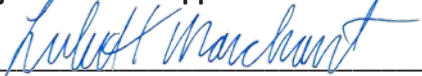
Water is diverted from multiple surface water sources into pipelines that carry the water
to the place of use.

PART 5 – FILING FEE AND SIGNATURE

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

B. Affidavit of Applicant or Representative:

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

 _____ Signature of Applicant or Representative*	Luke H. Marchant, Attorney _____ Print Name and Title, if applicable	February 4, 2025 _____ 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: \$ _____	Receipt #: _____	Date: _____	Received by: _____
Add'l Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____

Statement of Compliance

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC

ENGINEERING, PLANNING, CONSULTING & REAL ESTATE
HQ & Mailing: 3050 67th Avenue, Suite 200, Greeley, CO 80634 | 970-535-9318 office | 970-535-9854 fax
Idaho: 213 Canyon Crest Drive, Suite 100, Twin Falls, ID 83301 | 208-595-5301
www.agpros.com

Three Bar Cattle Co.

Eugene Matthews, Manager

STATE OF Idaho }
 } ss.
County of Cassia }

JANICE C. THOMPSON
NOTARY PUBLIC - STATE OF IDAHO
COMMISSION NUMBER 60271
MY COMMISSION EXPIRES 9-20-2030

My commission expires: 09-20-2030

[Signature]
629 E 400 S Notary Public
Burley ID 83318

District Impact Statements

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC

February 21, 2025

WD 140 - Oakley Valley Area
355 W 500 S
Burley, ID 83318-5229

RE: H&E Holdings LLC Feedlot - CAFO Amendment
AGPRO Project # 2382-01

To Whom It May Concern,

We kindly request your review for an amended Conditional Use Permit (CUP) for an existing Confined Animal Feeding Operation (CAFO). H&E Holdings LLC is proposing corrals and manure management systems for their custom cattle feedyard that will be added to the north of an existing grandfathered feedlot operation located at 1840 S 50 E, City of Oakley, Cassia County, Idaho. The facility is located in part of Section 28 and 29, Township 13 South, Range 23 East of the B.M., Town of Oakley, Cassia County, Idaho. There is a section of corrals and a barn used for calving and intermittent housing of cows that is being included in this request. These corrals are located in part of Section 17, Township 13 South, Range 23 East of the B.M., Town of Oakley, Cassia County, Idaho.

The grandfathered CAFO is not a part of this request to maintain their historical rights and density to the facility. It was documented as being on site prior to July 1, 1993, and allows for 3,000 head of cattle. The new facility will be located north of this area and there will be a new CAFO permit for the new corrals and manure management system. The new CAFO facility is being permitted for 6,110 Animal Units.

We kindly request your review and formal response of the enclosed Site Plan to meet the Cassia County Conditional Use Permit requirements. Please reach out if you require additional information to complete this review.

Please contact me at (208) 595-5301 or hdutrow@agpros.com if you have any questions.

Sincerely,

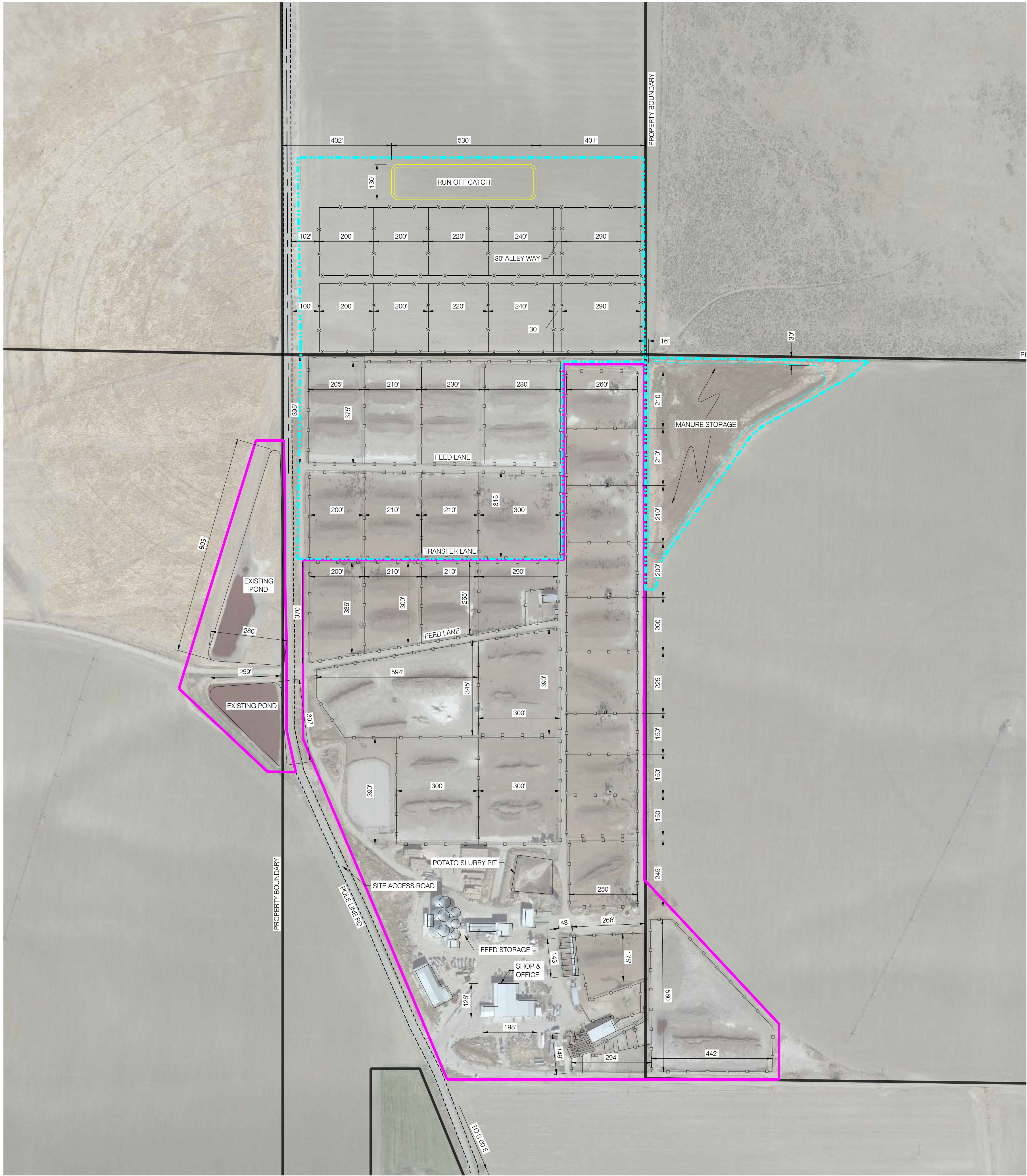
Hannah Dutrow

Hannah Dutrow
Land Planner/Idaho Planning Coordinator

CC: jaxon@waterwellconsultants.com

Encl. - Site Plan

ENGINEERING, PLANNING, CONSULTING & REAL ESTATE
HQ & Mailing: 3050 67th Avenue, Suite 200, Greeley, CO 80634 | 970.535.9318 office | 970.535.9854 fax
Idaho: 213 Canyon Crest Drive, Suite 100, Twin Falls, ID 83301 | 208.595.5301
www.agpros.com



LEGEND

PROPERTY BOUNDARY

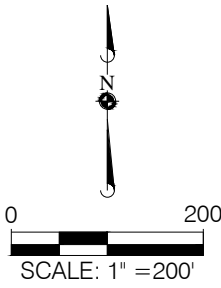
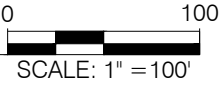
PROPOSED CAFO BOUNDARY

NOTE

1. 1993 GRANDFATHERED CAFO WHICH IS ALLOWED 3,000 HEAD FEEDYARD ON 229.16 CAFO ACRES (PARCEL NO. RP13523E283001) NOT A PART OF THIS REQUEST



NORTH CALVING BARN & PENS



DATE: February 20, 2025

ISSUE / REVISION:

ISSUED FOR REVIEW

A

DRAWN BY: AGPRO

02/2025

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AGPROfessionals

DEVELOPERS OF AGRICULTURE

3050 67th Avenue, Suite 200,
Greeley, CO 80634
(970) 535-9318 • fax: (970) 535-9854

APPROVAL

ONLY FOR CONSTRUCTION

H & E HOLDINGS, LLC

SITE PLAN

CASSIA COUNTY, IDAHO

SHEET:

S-1



STATE OF IDAHO
WATER DISTRICT 140

c/o Water Well Consultants, Inc.
355 West 500 South, Burley, ID 83318
Phone (208) 650-6605
Fax (866) 604-4640

EXHIBIT
12 b

WATERMASTER
JAXON B HIGGS
208.604.1282
adam@waterwellconsultants.com

ASST. WATERMASTER

Hannah Dutrow
AGPROfessionals
3050 67th Avenue
Suite 200
Greeley, CO 80634

Ms. Dutrow,

This letter is in response to your request for a signed document related to the expansion of the Three Bar Cattle Feedlot. Three Bar Cattle has presented three surface water (spring) rights that will be used for stockwater at the feedlot expansion. Changes to the use of these three rights will not impact the groundwater resource in the Water District. I have been assured that the water right places of use and points of diversions are being amended through transfer at the IDWR Southern Region office. Water District 140 does not oppose this expansion.

Sincerely,

Jaxon Higgs
WD140 Watermaster

February 21, 2025

WD 45 A – Basin Creek
2066 S 50 E
Oakley, ID 83346-8705

RE: H&E Holdings LLC Feedlot - CAFO Amendment
AGPRO Project # 2382-01

To Whom It May Concern,

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We kindly request your review and formal response of the enclosed Site Plan to meet the Cassia County Conditional Use Permit requirements. Please reach out if you require additional information to complete this review.

Please contact me at (208) 595-5301 or hdutrow@agpros.com if you have any questions.

Sincerely,

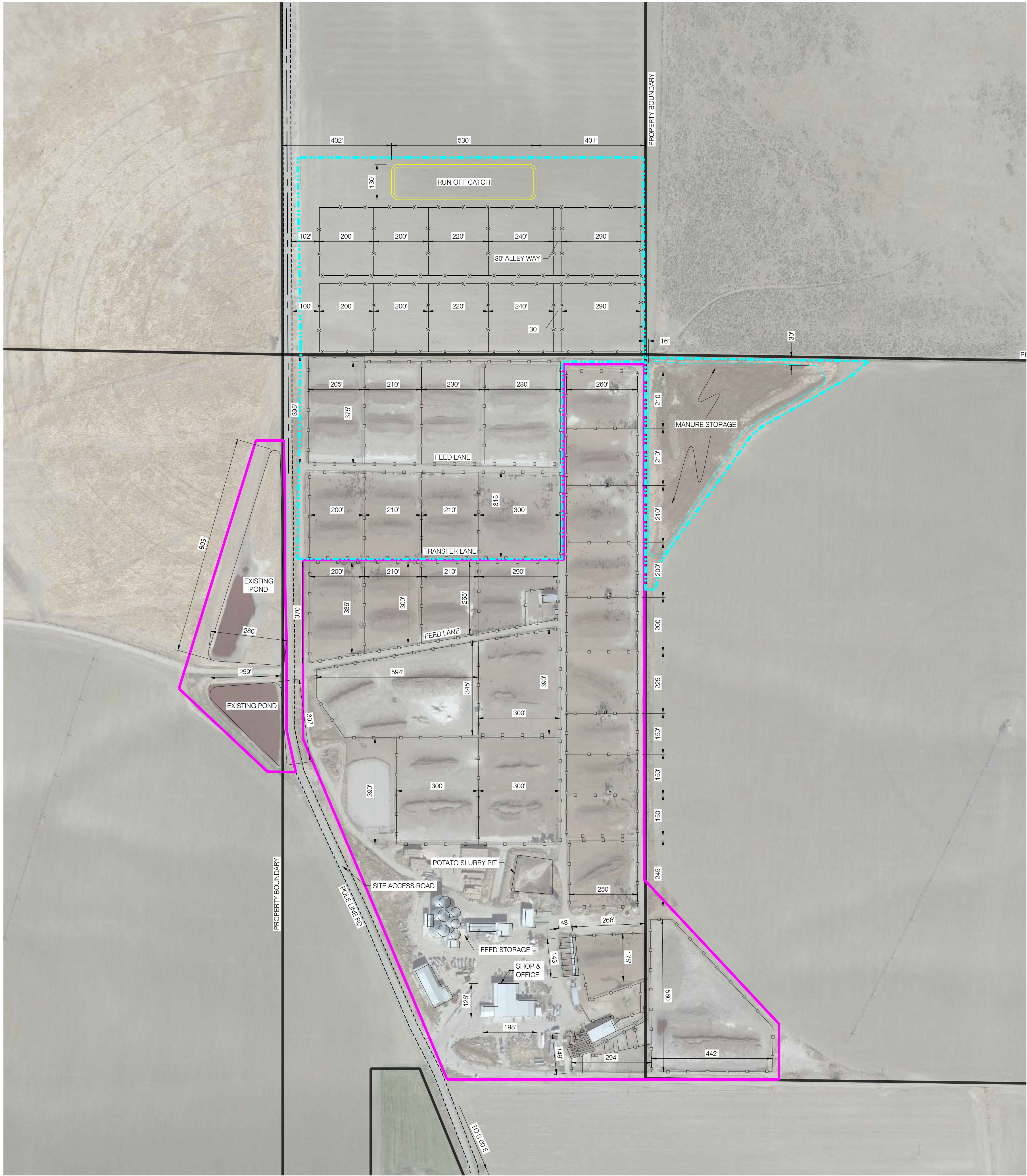
Hannah Dutrow

Hannah Dutrow
Land Planner/Idaho Planning Coordinator

CC: wendylouisewells@gmail.com

Encl. - Site Plan

ENGINEERING, PLANNING, CONSULTING & REAL ESTATE
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LEGEND

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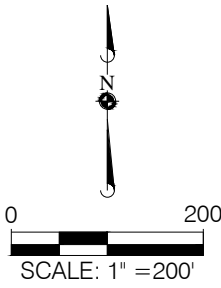
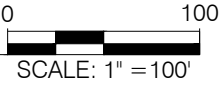
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NORTH CALVING BARN & PENS



DATE: February 20, 2025

ISSUE / REVISION:

ISSUED FOR REVIEW

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DRAWN BY: AGPRO

02/2025

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DEVELOPERS OF AGRICULTURE

3050 67th Avenue, Suite 200,
Greeley, CO 80634
(970) 535-9318 • fax: (970) 535-9854

NOT FOR
APPROVAL
ONLY

H & E HOLDINGS, LLC

SITE PLAN

CASSIA COUNTY, IDAHO

SHEET:

S-1

From: [Wendy Wells](#)
To: [Hannah Dutrow](#)
Subject: H&E Holding LLC Feedlot - CAFO Amendment
Date: Monday, March 31, 2025 11:26:54 AM

Hannah Dutrow,

Hello, I'm Wendy Wells and I am the water master for the water district 45A in the Basin area of Oakley, Idaho. I received a letter from you regarding an amendment to a confined animal feeding operation. I know personally the family and owners of the H&E Holding LLC and they run a very well managed feedlot operation. Their cattle are well cared for and managed very well. The feedlot is located north of me about 2 miles and does not interfere with any other rancher's operations. They manage the waste very well, the upkeep on the roads, and the farm ground surrounding their operation.

Therefore, after a review, I will give my recommendation that they be given the permits needed to construct the new and expanded corals for their CAFO.

Please contact me at 208-479-6521 if you have any follow up questions.

Best Regards,
Wendy Wells

Comment Letters

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC

February 21, 2025

Oakley Highway District
PO Box 155
Oakley, ID 83346

RE: H&E Holdings LLC Feedlot - CAFO Amendment
AGPRO Project # 2382-01

To Whom It May Concern,

We kindly request your review for an amended Conditional Use Permit (CUP) for an existing Confined Animal Feeding Operation (CAFO). H&E Holdings LLC is proposing corrals and manure management systems for their custom cattle feedyard that will be added to the north of an existing grandfathered feedlot operation located at 1840 S 50 E, City of Oakley, Cassia County, Idaho. The facility is located in part of Section 28 and 29, Township 13 South, Range 23 East of the B.M., Town of Oakley, Cassia County, Idaho. There is a section of corrals and a barn used for calving and intermittent housing of cows that is being included in this request. These corrals are located in part of Section 17, Township 13 South, Range 23 East of the B.M., Town of Oakley, Cassia County, Idaho.

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The facility operates from 7:00 a.m. to 5:00 p.m. with occasional operations outside of these hours when needed. The expansion will result in a minimal increase in truck traffic as documented below. Employees will generally show up between 7:00-8:00 am and leave between 4:00-5:00 pm. The trips listed in the table below are roundtrips.

	<i>Current</i>	<i>Proposed</i>
<i>Employees</i>	10 Full-time/day	14 Full-time/day
<i>Feed Trucks</i>	2 Trucks/day	3 Trucks/day
<i>Cattle Trucks</i>	1 Truck/week	2 Trucks/week

Traffic access is from Pole Line Road, west of the existing facility. Traffic will primarily travel to or from the north to Highway 27. If trucks come or go from the south, they will travel along Pole Line Road to or from the west on Main St.

We kindly request your review and formal response of the enclosed Site Plan to meet the Cassia County Conditional Use Permit requirements. Please reach out if you require additional information to complete this review.

Please contact me at (208) 595-5301 or hdutrow@agpros.com if you have any questions.

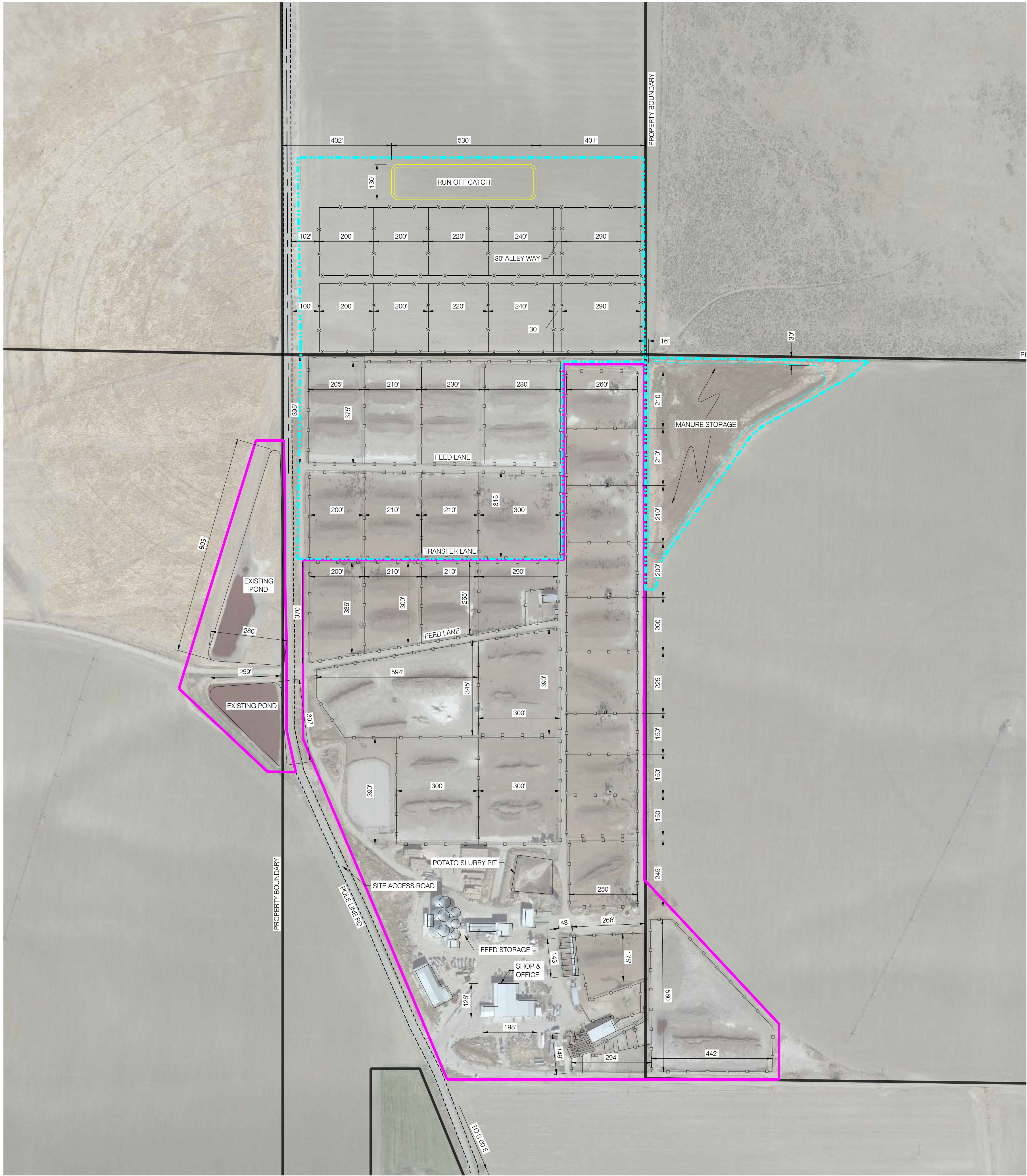
Sincerely,

Hannah Dutrow

Hannah Dutrow
Land Planner/Idaho Planning Coordinator

CC: ohd@pmt.org

Encl. - Site Plan



LEGEND

PROPERTY BOUNDARY

PROPOSED CAFO BOUNDARY

1993 GRANDFATHERED CAFO BOUNDARY

EXISTING PENS

EXISTING PONDS

PROPOSED PENS

PROPOSED PONDS

MANURE STORAGE

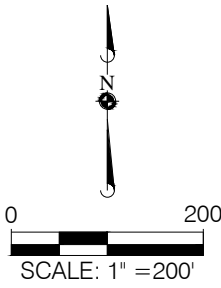
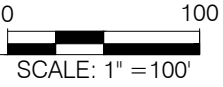
EXISTING STRUCTURES

NOTE

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NORTH CALVING BARN & PENS



DATE: February 20, 2025
DRAWN BY: AGPRO

ISSUE / REVISION:
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ISSUED FOR REVIEW
02/20/25

AGPROfessionals
DEVELOPERS OF AGRICULTURE

3050 67th Avenue, Suite 200,
Greeley, CO 80634
(970) 535-9318 • fax: (970) 535-9854



H & E HOLDINGS, LLC
SITE PLAN
CASSIA COUNTY, IDAHO

February 21, 2025

Idaho Power
PO Box 70
Boise, ID 83707

RE: H&E Holdings LLC Feedlot - CAFO Amendment
AGPRO Project # 2382-01

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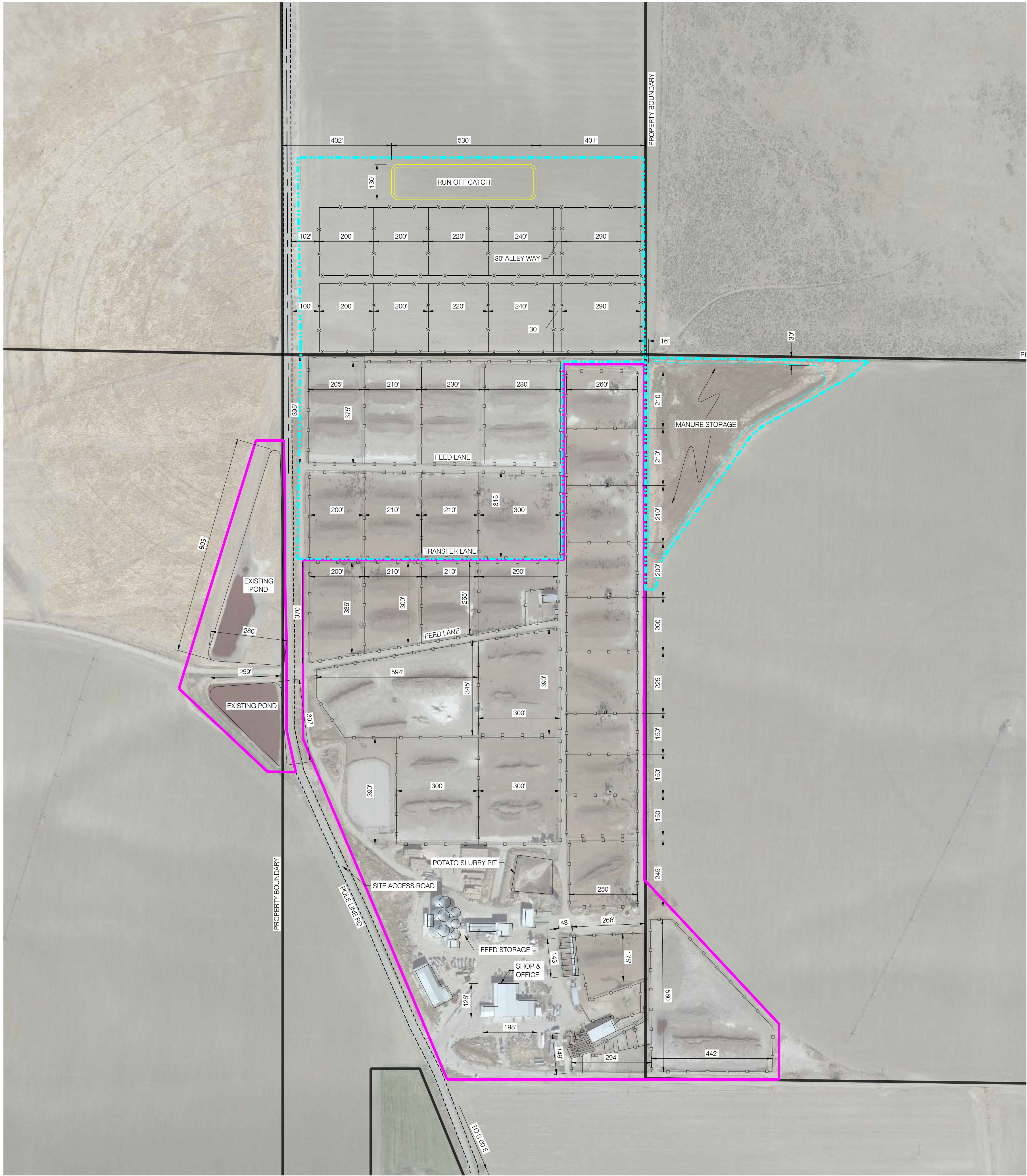
Please contact me at (208) 595-5301 or hdutrow@agpros.com if you have any questions.

Sincerely,

Hannah Dutrow

Hannah Dutrow
Land Planner/Idaho Planning Coordinator

Encl. - Site Plan



LEGEND

PROPERTY BOUNDARY

PROPOSED CAFO BOUNDARY

1993 GRANDFATHERED CAFO BOUNDARY

EXISTING PENS

EXISTING PONDS

PROPOSED PENS

PROPOSED PONDS

MANURE STORAGE

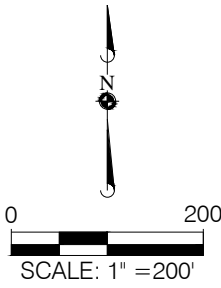
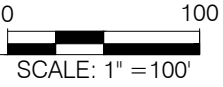
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NORTH CALVING BARN & PENS



DATE: February 20, 2025

ISSUE / REVISION:

ISSUED FOR REVIEW

A

02/20/25

DRAWN BY: AGPRO

PROJECT: H & E HOLDINGS, LLC - 229.16 CAFO

CLIENT: H & E HOLDINGS, LLC

LOCATION: 213 Canyon Crest Dr, Suite 100, Twin Falls, ID 83301

PHONE: (208) 595-5301

FAX: (208) 595-5301

811

CALL 811

COM

AGPRO

DEVELOPERS OF AGRICULTURE

3050 67th Avenue, Suite 200,
Greeley, CO 80634
(970) 535-9318 • fax: (970) 535-9854

APPROVAL

ONLY FOR CONSTRUCTION

H & E HOLDINGS, LLC

SITE PLAN

CASSIA COUNTY, IDAHO

SHEET:

S-1

Neighboring Property Owners

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC

Parcel_Num	MailToName	MailToAddr	MailToCity	MailToStat	MailToPost
RP13S23E323603	ADAMS, BRYCE M	2030 S 00 E	OAKLEY	ID	83346
RP14S23E104800	ADAMS, LAURELL M	12 GRANADA PLACE	BURLEY	ID	83318
RP13S23E285575	BEDKE SPRING LLC	4696 W 1200 N	DAYTON	ID	83232
RP13S23E327799	BEDKE, JARED K	42 E 1975 S	OAKLEY	ID	83346
RP13S23E278600	BEDKE, ROBERT	1872 S 50 E	OAKELY	ID	83346
RP13S23E293000	BEDKE, TRACE L	395 SOUTH 350 EAST	BURLEY	ID	83318
RP13S22E239999	BLM				
RP13S23E325840	CICOTTE, GEORGE	2804 SARAH CT	KENNEWICK	WA	99338
RP13S23E164800	CLAYVILLE, EARL	150 E 400 S	RUPERT	ID	83350
RP13S23E160000	CLAYVILLE, EARL 1/3 INT	150 E 400 S	RUPERT	ID	83350
RP13S23E276000	CLAYVILLE, EARL, ETUX	150 E 400 S	RUPERT	ID	83350
RP13S23E353000	CLAYVILLE, EARL, ETUX 1/3	150 E 400 S	RUPERT	ID	83350
RP14S23E113000	CRITCHFIELD, ROBERT D	P O BOX 99	OAKLEY	ID	83346
RP14S23E040600	DREW, JEFFREY JOHN	PO BOX 147	OAKLEY	ID	83346
	ERICKSON, JOHN E & DEBRA K				
RP14S23E049000	REVOCABLE LIVING TRUST	5852 S 2775 W	ROY	UT	84067
RP13S23E326600	FAIRCHILD, BASIL K, FAM TR	2025 SOUTH 00 EAST	OAKLEY	ID	83346
RP13S23E338400	GORRINGE, TOMMY C	1985 S 100 E	OAKLEY	ID	83346
RP13S23E200000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E339000	HAWKER, RYAN C	2024 S 00 E	OAKLEY	ID	83346
RP14S23E103600	HIRSCH, DONALD LEE	352 EAST 300 SOUTH	BURLEY	ID	83318
RP14S23E103750	JENSEN, FRANK	233 SOUTH 100 WEST	RUPERT	ID	83350
RP14S23E110000	JUSTESEN, NEIL	147 E 100 S	BURLEY	ID	83318
RP13S23E088700	LAMBERT PRODUCE INC	203 E 1100 S	BURLEY	ID	83318
RP13S23E320001	MARCHANT RANCH PROPERTY LLC	24 E 1975 S	OAKLEY	ID	83346
RP13S23E321201	MARCHANT RANCH PROPERTY, LLC	24 E 1975 S	OAKLEY	ID	83346
RP13S23E321202	MARCHANT, GERALD L	24 E 1975 S	OAKLEY	ID	83346
RP13S23E333000	MARCHANT, GERALD L	24 EAST 1975 S	OAKLEY	ID	83346
RP13S23E336600	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E299001	MATTHEWS LAND & CATTLE LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E335391	MATTHEWS, BLAKE E	84 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E335300	MATTHEWS, BRODEN K	94 E 1975 S	OAKLEY	ID	83346
RP13S23E263600	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E325200	PRESBA, HAROLD B	P O BOX 273	OAKLEY	ID	83346
RP14S23E034900	ROBERTS, STEVEN E	656 54TH AVE	POCATELLO	ID	83201
RP13S22E130000	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E286176	SEVERE, AMANDA	1876 SOUTH 50 EAST	OAKLEY	ID	83346
RP13S23E317876	SHAW, MEGAN WASHBURN	94 WEST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E311221	SHAW, NATHAN	94 W 1975 S	OAKLEY	ID	83346
RP14S23E036160	SMITH, CRAIG	155 EAST 2070 SOUTH	OAKLEY	ID	83346
RP14S23E118400	SMITH, GINGER	238 N 125 W	RUPERT	ID	83350
RP14S23E115400	WALKING Y RANCH LLC	2066 S 50 E	OAKLEY	ID	83346
RP13S23E320750	WILLIAMS, JASON	3 E 1900 S	OAKLEY	ID	83346
RP13S23E083000	WILLOW CREEK FARMS LLC	203 E 1100 S	BURLEY	ID	83318
RP13S23E336300	ZOLLINGER, WADE	1994 S 100 E	OAKLEY	ID	83346
RP13S22E120002	M & N LAND LLC	211 W 1525 S	OAKLEY	ID	83346
RP13S22E121650	ROBINSON, COLT T	1927 OCCIDENTAL AVE	BURLEY	ID	83318

1 MILE RADIUS PROPERTY OWNERS FOR H&E / MATTHEWS LAND & LIVESTOCK PROVIDED BY HANNAH DUTROW

This information is provided in regards to a public records request.

THIS INFORMATION IS LISTED BY THE COUNTY TAX ASSESSOR AS OWNING REAL PROPERTY

LOCATED WITHIN ONE MILE (OR AS REQUIRED) OF ANY EXTERNAL BOUNDARY OF SITE LISTED IN APPLICATION.

CASSIA COUNTY ASSUMES NO LIABILITY OR RESPONSIBILITY FOR ERRORS OR OMISSIONS WHEN THE

INFORMATION IS USED FOR ANY OTHER PURPOSE.

County Weed Plan

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC



Burley, ID 83318
Phone: 208-878-4043
Fax: 208-878-7862

Applicant:

Name: H & E Holdings, LLC c/o Eugene Matthews

Address: 1840 S 50 E, Oakley, ID 83446

Phone: 208-431-3260

Map of property must be attached or drawn on back; include address of property, all existing buildings and ect. and all proposed changes. If all of the above items are not attached the Noxious Weed Superintendent will not sign off.

County Weed Plan:

This noxious weed control plan is developed IAW with Idaho State Law Title 22 Chapter 24, IDAPA 02.06.22, and the Cassia County Weed Plan requiring all land owners to control noxious weeds on their properties.

Goals: The goal for this facility is to prevent the establishment of noxious weeds on the property. A secondary goal is to eradicate weeds that do establish on the property.

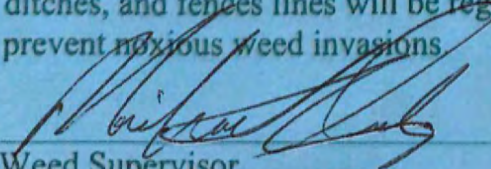
Survey: During the late spring, early summer and/or fall of 2025 (year) a survey will be conducted to identify any noxious weeds listed below:

Black Henbane
Canada Thistle
Curley Pondweed
Dalmation Toadflax
Diffuse Knapweed
Field Bindweed
Houndstongue
Jointed Goatgrass
Leafy Spurge
Musk Thistle

Puncture Vine
Perennial Pepperweed
Poison Hemlock
Rush Skeletonweed
Russian Knapweed
Saltcedar
Scotch Thistle
Spotted Knapweed
White Bryony
Whitetop

If there are any questions in the identification of weeds, the county weed agent will be contacted to assist in identification.

Eradication and Prevention (Applicant/Landowner responsibilities): Any noxious weeds identified during the survey will be physically removed or spot sprayed with herbicides. During the construction of the facilities, invasive weeds will be prevented from establishing by the use of the appropriate herbicides and mechanical tillage. Post construction, any disturbed soil that was not developed and is non-high traffic will be seeded to native grass species. During the operation of the facilities, any areas susceptible to invasive weeds such as barrow pits, drainage ditches, and fences lines will be regularly surveyed and sprayed with appropriate herbicides to prevent noxious weed invasions.


Weed Supervisor

Date: 4-3-25


Applicant

Date: 3/19/25



[†] 0169-8004/97/\$04.00 + 00.00 © 1997 by John Wiley & Sons, Inc.
CCC 0169-8004/97/040231-04

Figure 1: Schematic representation of the experimental setup. The diagram shows a top-down view of a rectangular arena with a central black circle. A subject is positioned at the top left, facing the arena. A video camera is positioned at the top right, pointing down at the arena. The arena is divided into four quadrants by a central vertical line and a horizontal line. The quadrants are labeled: 'TOP LEFT' (white), 'TOP RIGHT' (black), 'BOTTOM LEFT' (white), and 'BOTTOM RIGHT' (black). The central circle is labeled 'O'. The subject is labeled 'SUBJECT' and the camera is labeled 'CAMERA'.

From: [Hannah Dutrow](#)
To: mottley@cassiacounty.org; [Somsen, Sarah \(ssomsen@uidaho.edu\)](mailto:Somsen_Sarah(ssomsen@uidaho.edu))
Cc: [Valene Cauhorn](#); [Kelsey Bruxvoort](#); [Shirley Archambault](#); [Tim Naylor](#)
Subject: H&E Holdings - Weed Mgmt. Plan
Date: Thursday, March 20, 2025 4:56:00 PM
Attachments: [H&E Holdings Weed Management Plan CLEAN.pdf](#)
[image002.png](#)
[County weed Form.pdf](#)

Good afternoon,

We are working on an amendment to a CAFO application and CUP application in the county. As a part of the submittal, an executed weed management plan is required. Attached for your review is the weed plan form and a prepared Weed Management Plan.

If you have any questions, please feel free to contact me.

Thank you,

Hannah Dutrow
Land Planner
Idaho Planning Coordinator

AGPROprofessionals

3050 67th Avenue, Suite 200

Greeley, CO 80634

970-535-9318 office

303-775-0780 cell

970-535-9854 fax

www.agpros.com



Weed Management Plan

for

H & E Holdings, LLC

*Located in Part of Section 28, 29, & 17, all in Township 13 South, Range 23 East of the B.M.,
Town of Oakley, Cassia County, Idaho*

by



AGPROfessionals
HQ: 3050 67th Avenue, Greeley, CO 80634
Idaho: 213 Canyon Crest Drive, Suite 100, Twin Falls, ID 83301
(970) 535-9318

February 2025

Summary

This Weed Management Plan for the H & E Holdings, LLC Conditional Use Permit (CUP) for a Confined Animal Feeding Operation (CAFO), has been developed in accordance with Idaho State Law Title 22 Chapter 24, IDAPA 02.06.22, and the Cassia County Weed Plan.

The H & E Holdings, LLC CUP site is an existing agricultural/rural property facility. The proposed CUP is to permit a new CUP north of a grandfathered CAFO operation for an existing custom cattle feedlot. The additional properties owned by Matthews Land & Livestock LLC associated with this request will continue to be farmed. The site is within the Cassia County Weed District.

Property owners and operators will use the Best Management Practices (BMPs) described below to control noxious weeds. Each operator is responsible for weed management within the boundary of their lot.

Legal Owner, Contacts, and Authorized Persons

Correspondence and contact should be made to:

*H & E Holdings, LLC
c/o Eugene Matthews
1840 S 50 E
Oakley, ID 83346
208-431-3260*

The individual at this facility who is responsible for developing the implementation, maintenance, and revision of this supplemental plan is listed below.

Eugene Matthews

(Name)

(208) 431-3260

(Phone Number)

Location

There are two distinct locations associated with this operation. The main custom feedlot facility is located over several parcels located in part of Section 28 and 29, all located in Township 13 South, Range 23 East of the B.M., Town of Oakley, Cassia County, Idaho. There is a small section of corrals and a calving barn utilized by the facility that is also included with this request, which is located in part of Section 17, Township 13 South, Range 23 East of the B.M., Town of Oakley, Cassia County, Idaho.

Property Description

The facility currently contains a grandfathered cattle feedyard. The remaining land contains primarily irrigated crops, rangeland, and a small area of corrals and a barn for calving. The Matthews Land & Livestock LLC property is used to meet county density requirements and will remain unchanged based on the proposed CUP.

Regulations

Idaho State Law Title 22, Chapter 24, requires all landowners to control noxious weeds on their properties. Idaho administrative rules IDAPA 02.06.22 were developed in accordance with Title 22 and further explain the requirements for landowners in regard to weed control. This county weed plan is intended to aid and empower the landowner with an action plan to identify and control noxious weeds on their property. It is not expected that the landowner or his agent is or will become an expert on noxious weeds and their control. However, this plan will aid the producer in managing weeds and making the owner aware of the tools and resources that are available to aid in the management of noxious weeds.

Weed Management Plan Goal

The goal for this facility is to prevent the establishment of weeds on the property. A secondary goal is to eradicate weeds that are established on the property.

Identification

Noxious Weed Classification

The noxious weed list can be found in its entirety in IDAPA 02.06.22. The following weeds have been identified as being found in Cassia County from the Idaho Noxious Weeds 5th Edition.

- Black Henbane
- Canada Thistle
- Curlyleaf Pondweed
- Dalmation Toadflax
- Diffuse Knapweed
- Field Bindweed
- Houndstongue
- Jointed Goatgrass
- Leafy Spurge
- Musk Thistle
- PunctureVine
- Perennial Pepperweed
- Poison Hemlock
- Rush Skeletonweed
- Russian Knapweed
- Saltcedar
- Scotch Thistle
- Spotted Knapweed
- White Bryony
- Whitetop

These weeds will be the main focus of the survey; however, any other strange plants should be investigated to maintain the integrity of the property.

Weed Management

Survey

The first step in a noxious weed control plan is the survey. The property must be surveyed to determine the presence of noxious weeds. Surveys done during the summer months are easier as plants are mature; however, removal of noxious weeds is more difficult when plants are mature and in the process of propagating. Surveys must be done at various times of the year to identify weeds and problem areas. The best times to do surveys are early spring after emergence, middle of summer, and fall. The survey consists of walking the property and looking for weeds. Once weeds are found, it must then be determined if the weed is a noxious weed. Idaho Noxious Weeds 5th edition is an extension publication to aid in the identification of noxious weeds.

Currently, there are no noxious weeds identified on the site. The site has been under continuous crop cultivation and has been disked, so there is nothing currently growing on the site. However, as the land use changes there will be additional opportunities for the establishment of weeds on the property. The main phases for weed establishment are during construction which is a short term opportunity, and post construction which is the remainder of the life of the property.

If, during a survey, a suspect plant is discovered that cannot be identified, there are resources available to aid in the identification of the plant. The following is a list of the resources available to identify suspect plants.

- County Weed Agent: Michael T. Ottley
1459 Overland Ave., Room 4
Burley, ID 83318
208-878-4043
- University of Idaho - Idaho Weed Resource -
http://www.cals.uidaho.edu/weeds2/IWR/iwr-v6_website/index.html
 - This web site includes a form and address where a sample of the weed can be sent to the Idaho Weed Lab for identification. Pictures of the plant can also be emailed to the lab for identification.

Eradication and Prevention

Prevention and eradication will vary between the two phases of development on the property. The construction phase is expected to occur over a two-year period. The facility will utilize the existing grandfathered operational area while construction of the new CAFO area occurs. The various stages of construction are expected to occur in 3 to 4 months increments or one growing season. During the construction phase, the ground surface will be disturbed and little to no vegetation, native or otherwise, will be growing on the site. The site will be susceptible to any weed or other seeds that are blown or

deposited at the site during this time and the site will be disked or harrowed to disturb and prevent weed establishment. Spraying will also be used in those areas where tillage cannot be performed. Chemicals used for weed elimination will be determined after weeds have been identified and the appropriate chemical will be chosen which will be effective for the species identified.

Post construction will consist of the remainder of the life of the site and use. After construction of the site, the undeveloped areas of the site will be seeded to grasses or perennials to make the establishment of weeds in the future more difficult and to add to the aesthetics of the site. Larger areas capable of being farmed will be seeded to alfalfa or grain. The remaining open areas, which are not high traffic, will be seeded to a native grass species. After construction, it is the goal of the facility to have all non-traffic areas seeded. Once these areas are established, weed generation will be greatly diminished. When perennials are established, eradication will consist mainly of chemical spraying. Large areas should be sprayed with a fan nozzle to allow greater coverage. Larger areas of weeds should be over sprayed ten feet beyond the visible weeds to ensure any smaller plants just emerging are eliminated. Spot spraying can be done with a cone nozzle. Large plants that are forming flowers or seeds should be pulled and disposed of.

Suppression

Suppression of noxious weeds involves reducing the ability of noxious weed species to thrive, reproduce, and spread to surrounding properties.

Control

The following weed control methods may be employed to suppress noxious weeds:

- Cultural controls such as proper grazing management, irrigation, and seeding to grow desirable plant species
- Mechanical control such as pulling, mowing, tillage, mulching, burning, and flooding
- Chemical control with the use of herbicides
- Biological control such as insect or disease organisms, or large herbivores

The above methods can be used individually or in combination to effectively control the specific weed. Each weed species is unique and will respond differently to various control measures. Proper identification of the suspected noxious weed will ensure the appropriate control methods are utilized.

Long Term Management

Monitoring

Property should be monitored yearly for changes in infestation and written records kept. A photographic record can also be kept. At a minimum, identify the size of the infestation and the general abundance of weeds in the area. If infestations are not controlled, revise management as necessary.

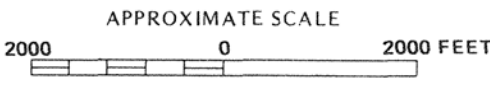
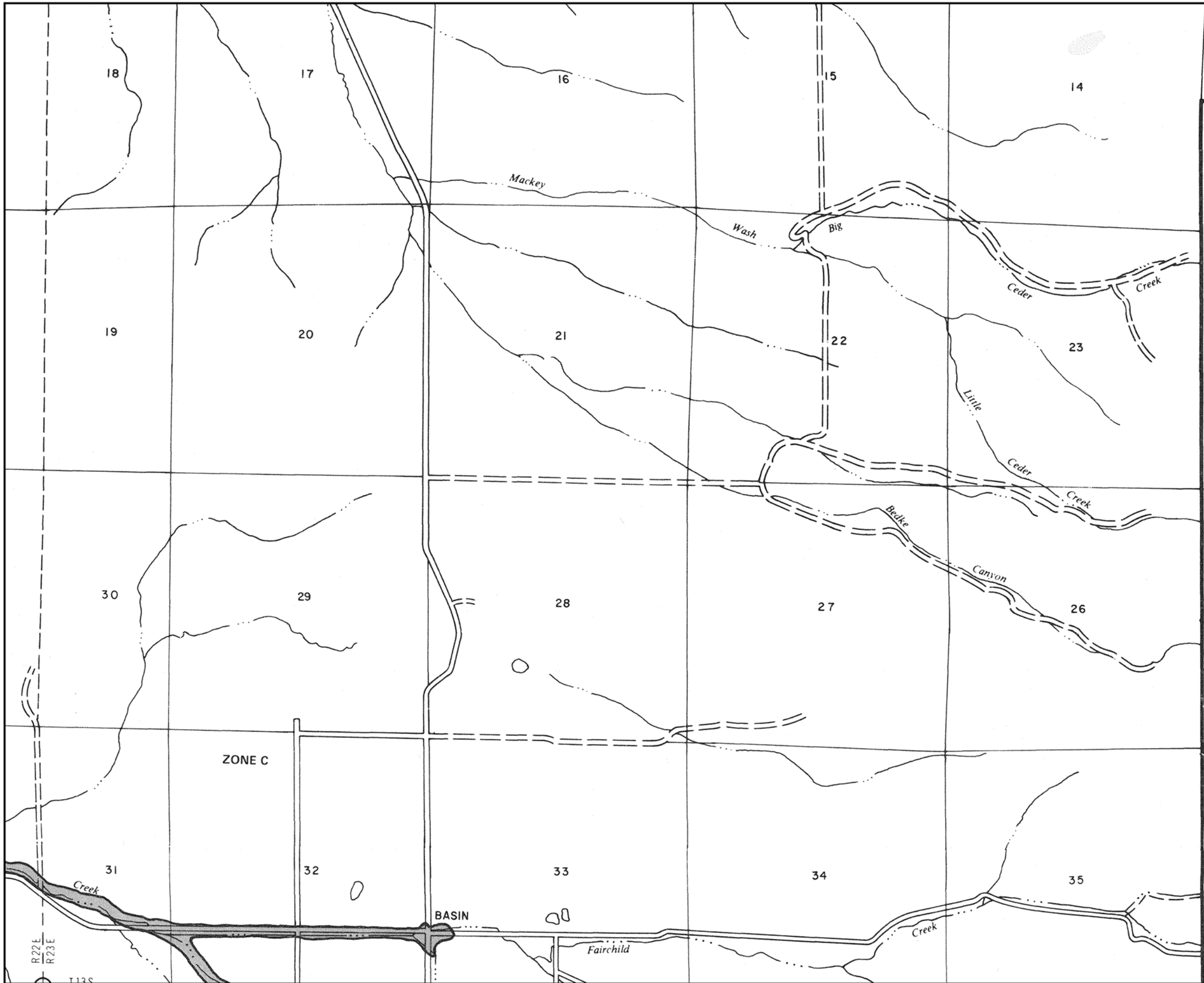
Noxious weed control BMPs should be employed over an extended period of time. Weed management typically requires input for several growing seasons and persistence is necessary. Creeping perennials' vast root systems and the dormancy of most weed seeds typically requires long-term management, especially in rangeland, pasture, and natural areas.

FEMA Flood Map

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**CASSIA COUNTY,
IDAHO**
(UNINCORPORATED AREAS)

PANEL 400 OF 775
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
160041 0400 B

EFFECTIVE DATE:
AUGUST 15, 1983



Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.

NRCS Soil Survey

Cassia County CAFO Permit Application

Prepared for

H & E Holdings LLC



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Cassia County, Idaho, West Part

**EXHIBIT
17**



February 18, 2025

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.


Custom Soil Resource Report Soil Map



Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cassia County, Idaho, West Part
Survey Area Data: Version 18, Aug 22, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 17, 2021—Oct 21, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3	Alpowa loam, 1 to 3 percent slopes	1.3	1.1%
8	Bedke silt loam, 1 to 3 percent slopes	86.8	69.6%
9	Bedke silt loam, 3 to 12 percent slopes	18.8	15.1%
18	Disautel loam, 1 to 3 percent slopes	7.1	5.7%
33	Kucera silt loam, 12 to 30 percent slopes	10.6	8.5%
Totals for Area of Interest		124.6	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

Custom Soil Resource Report

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Cassia County, Idaho, West Part

3—Alpowa loam, 1 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2rpv
Elevation: 4,300 to 5,000 feet
Mean annual precipitation: 12 to 16 inches
Mean annual air temperature: 46 to 54 degrees F
Frost-free period: 100 to 180 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Alpowa and similar soils: 80 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Alpowa

Setting

Landform: Fan remnants
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Mixed alluvium and/or loess and/or colluvium

Typical profile

A - 0 to 10 inches: loam
Bk - 10 to 60 inches: very cobbly loam

Properties and qualities

Slope: 1 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 5.2 inches)

Interpretive groups

Land capability classification (irrigated): 2e
Land capability classification (nonirrigated): 3c
Hydrologic Soil Group: A
Ecological site: R025XY003ID - LOAMY 12-16
Hydric soil rating: No

8—Bedke silt loam, 1 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2rrd

Elevation: 4,500 to 5,500 feet

Mean annual precipitation: 10 to 14 inches

Mean annual air temperature: 46 to 52 degrees F

Frost-free period: 100 to 140 days

Farmland classification: Prime farmland if irrigated and reclaimed of excess salts and sodium

Map Unit Composition

Bedke and similar soils: 80 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bedke

Setting

Landform: Fan remnants, terraces

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Loess and/or mixed alluvium and colluvium

Typical profile

A - 0 to 8 inches: silt loam

Bt - 8 to 18 inches: silty clay loam

Bkq - 18 to 37 inches: loam

C - 37 to 60 inches: loam

Properties and qualities

Slope: 1 to 3 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.60 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 20 percent

Maximum salinity: Very slightly saline to moderately saline (2.0 to 8.0 mmhos/cm)

Sodium adsorption ratio, maximum: 12.0

Available water supply, 0 to 60 inches: High (about 9.1 inches)

Interpretive groups

Land capability classification (irrigated): 2e

Land capability classification (nonirrigated): 4c

Hydrologic Soil Group: C

Ecological site: R025XY003ID - LOAMY 12-16

Hydric soil rating: No

9—Bedke silt loam, 3 to 12 percent slopes

Map Unit Setting

National map unit symbol: 2rrf
Elevation: 5,000 to 6,000 feet
Mean annual precipitation: 10 to 14 inches
Mean annual air temperature: 46 to 52 degrees F
Frost-free period: 100 to 140 days
Farmland classification: Not prime farmland

Map Unit Composition

Bedke and similar soils: 80 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bedke

Setting

Landform: Fan remnants, terraces
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loess and/or mixed alluvium and colluvium

Typical profile

A - 0 to 8 inches: silt loam
Bt - 8 to 18 inches: silty clay loam
Bkq - 18 to 37 inches: loam
C - 37 to 60 inches: loam

Properties and qualities

Slope: 3 to 12 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.60 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 20 percent
Maximum salinity: Very slightly saline to moderately saline (2.0 to 8.0 mmhos/cm)
Sodium adsorption ratio, maximum: 12.0
Available water supply, 0 to 60 inches: High (about 9.1 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 4c
Hydrologic Soil Group: C
Ecological site: R025XY003ID - LOAMY 12-16
Hydric soil rating: No

18—Disautel loam, 1 to 3 percent slopes

Map Unit Setting

National map unit symbol: 2rpf
Elevation: 4,180 to 5,170 feet
Mean annual precipitation: 12 to 14 inches
Mean annual air temperature: 48 degrees F
Frost-free period: 100 to 115 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Disautel and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Disautel

Setting

Landform: Drainageways
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Mixed alluvium

Typical profile

A - 0 to 4 inches: loam
Bw - 4 to 24 inches: loam
Bk - 24 to 42 inches: loam
C - 42 to 60 inches: loam

Properties and qualities

Slope: 1 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Sodium adsorption ratio, maximum: 5.0
Available water supply, 0 to 60 inches: High (about 9.8 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4c
Hydrologic Soil Group: B
Ecological site: R011XA014ID - Sandy 8-14 PZ ARTRT/HECOC8-ACHY
Hydric soil rating: No

33—Kucera silt loam, 12 to 30 percent slopes

Map Unit Setting

National map unit symbol: 2rpz
Elevation: 4,000 to 6,500 feet
Mean annual precipitation: 12 to 18 inches
Mean annual air temperature: 41 to 46 degrees F
Frost-free period: 80 to 120 days
Farmland classification: Not prime farmland

Map Unit Composition

Kucera and similar soils: 90 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Kucera

Setting

Landform: Hillslopes
Landform position (two-dimensional): Backslope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Silty alluvium and/or loess

Typical profile

A - 0 to 34 inches: silt loam
Bw - 34 to 47 inches: silt loam
Bk - 47 to 60 inches: silt loam

Properties and qualities

Slope: 12 to 30 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: High (about 12.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R025XY003ID - LOAMY 12-16
Hydric soil rating: No

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Agriculture

NRCS

Natural
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Conservation
Service

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participants

Custom Soil Resource Report for Cassia County, Idaho, West Part



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cassia County, Idaho, West Part
Survey Area Data: Version 18, Aug 22, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 17, 2021—Oct 21, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
19	Disautel loam, 3 to 7 percent slopes	8.4	100.0%
Totals for Area of Interest		8.4	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Cassia County, Idaho, West Part

19—Disautel loam, 3 to 7 percent slopes

Map Unit Setting

National map unit symbol: 2rpg

Elevation: 4,180 to 6,400 feet

Mean annual precipitation: 12 to 14 inches

Mean annual air temperature: 48 degrees F

Frost-free period: 100 to 115 days

Farmland classification: Farmland of statewide importance, if irrigated

Map Unit Composition

Disautel and similar soils: 80 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Disautel

Setting

Landform: Drainageways

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Mixed alluvium

Typical profile

A - 0 to 4 inches: loam

Bw - 4 to 24 inches: loam

Bk - 24 to 42 inches: loam

C - 42 to 60 inches: loam

Properties and qualities

Slope: 3 to 7 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 2.00 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 15 percent

Maximum salinity: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)

Sodium adsorption ratio, maximum: 5.0

Available water supply, 0 to 60 inches: High (about 9.8 inches)

Interpretive groups

Land capability classification (irrigated): 4e

Land capability classification (nonirrigated): 4c

Hydrologic Soil Group: B

Ecological site: R011XA014ID - Sandy 8-14 PZ ARTRT/HECOC8-ACHY

Hydric soil rating: No

References

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- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelpdb1043084>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

CASSIA COUNTY VARIANCE APPLICATION

Prepared for

H & E Holdings LLC

1850 S 50 E, Oakley, Cassia County, Idaho

By



ENGINEERING, PLANNING, CONSULTING & REAL ESTATE

HQ & Mailing: 3050 67th Avenue, Suite 200, Greeley, CO 80634 | 970.535.9318 office | 970.535.9854 fax

Idaho: 213 Canyon Crest Drive, Suite 100, Twin Falls, ID 83301 | 208.595.5301

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- 02 – Deeds & Authorization
- 03 – Property Descriptions
- 04 – Variance Request
- 05 – Site Plan
- 06 – Neighboring Property Owners

Application Forms

Cassia County Variance Application

Prepared for

H & E Holdings LLC



CASSIA COUNTY ZONING & BUILDING

1459 Overland Ave., Room 210, Burley, ID 83318 Ph: 208.878.7302 Fax: 208.878.3510
Email: bldgdept@cassia.gov

EXHIBIT
18

REQUEST FOR VARIANCE APPLICATION

Applicant/Owner Information:

<u>Property Owner of Record</u> (Attach additional pages if Necessary)	<u>Applicant/Authorized Agent</u> (Attach additional pages if Necessary)
Name: <u>Eugene Matthews</u>	Name: <u>Hannah Dutrow</u>
Address: <u>1840S 50 E</u>	Address: <u>213 Canyon Crest Drive</u>
City: <u>Oakley</u>	City: <u>Twin Falls</u>
State: <u>ID</u> Zip: <u>83446</u>	State: <u>ID</u> Zip: <u>83301</u>
Contact Phone # <u>208-431-3260</u>	Contact Phone # <u>208-595-5301</u>
Email: <u>ematt1954@gmail.com</u>	Email: <u>hdutrow@agpros.com</u>

Property Information:

Physical Address/ Location of Property: 1850 S 50 E, Oakley, Cassia County, ID
Parcel Number(s) RP13S23E213600 & RP13S23E170000
Legal Description of Property: (Attach if necessary) TAX 14446 (SW4NW4, W2SW4) S21 T13S R23E & E2, E2NW4, SE4SW4 S17 T13S R23E
Current Zoning District of the premises: MU - Multi Use
Existing Use of Property: Grandfathered CAFO: Custom Cattle Feedyard
Nature of Variance: *(Provide a description of the nature of the variance requested and the specific Article or Section of the County Zoning Ordinance for which the variance request relates to)*
Sec. 9-11-2.E. Regulations/Setbacks – Proximity to Right of Way
Request detailed in attached variance request

Required Submittals:

- ☐ 1. Variance Application and fee.
- ☐ 2. Site Plan of the premises indicating the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the commission may require to determine if the proposed use meets the intent and requirements of this title.
- ☐ 3. Statement of Conformity: Attach a narrative statement demonstrating that requested variance conforms to the following standards, as listed in 9-5-5-E.5 of County Code:
 - A. Special Circumstances: That special conditions and circumstances exist which are not applicable to other lands, structures, or buildings in the same district.
 - B. Deprivation of Rights: That a literal interpretation of the provisions of the title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the title.

- C. Circumstances Unavoidable: That such special conditions and circumstances do not result from the actions of the applicant.
- D. Not a Special Privilege: That granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.
- E. Minimum Change: That the variance requested is the minimum change necessary to alleviate the hardship. A Variance shall not be granted unless the planning and zoning commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that the above mentioned standards and conditions have been met by the applicant.

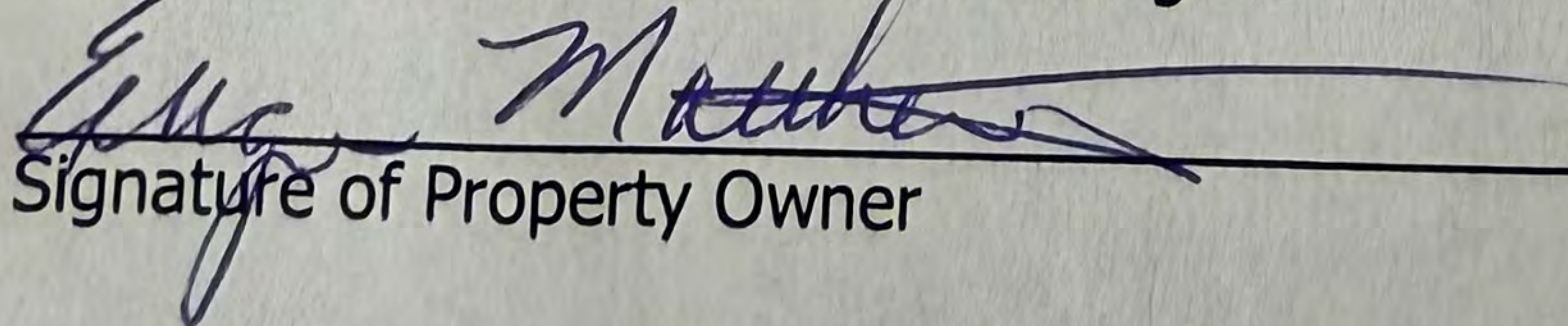
- ☐ 4. List of Property Owners within a one-mile radius of the exterior boundaries of the premises.
- ☐ 5. Certificate of Mailing, Notice of Hearing, Affidavit of Publication & Affidavit of Posting (to be submitted after hearing date has been scheduled, and in accordance with 9-13-3 of County Code).
- ☐ 6. Supplementary Conditions and Safeguards: Under no circumstances shall the planning and zoning commission grant an appeal or variance to allow a use not permissible under the terms of this title in the zone involved, or any use expressly or by implication prohibited by the terms of this title in said zone. In granting any appeal or variance, the planning and zoning commission may prescribe appropriate conditions and safeguards in conformity with the title. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this title. (Ord. 99-1-1,1-4-1999) (9-5-5 of County Code.)
- Upon departmental review for completeness of the application and accompanying documentation, the application will be scheduled for hearing and placed on the next available Planning and Zoning agenda.
 - Applicant is obligated to provide Notice as set forth in Cassia County Code, Title 9.
 - Applicant will be notified of the scheduled hearing information, or if additional information is needed to process the application. Attached to this application is a copy of County Code 9-5-5 containing the Variance Request requirements and sample notice of hearing protocol for the applicant's review and reference.

Applicant/Owner Certification:

I hereby certify that all information submitted for this application is true and accurate, is prepared to the best of my ability and knowledge, and request that this application be processed for consideration as a Request for Variance. Additionally, I hereby authorize agents of the county to enter upon this subject property for purposes of review concerning the pending application and for determining compliance with applicable county regulations.

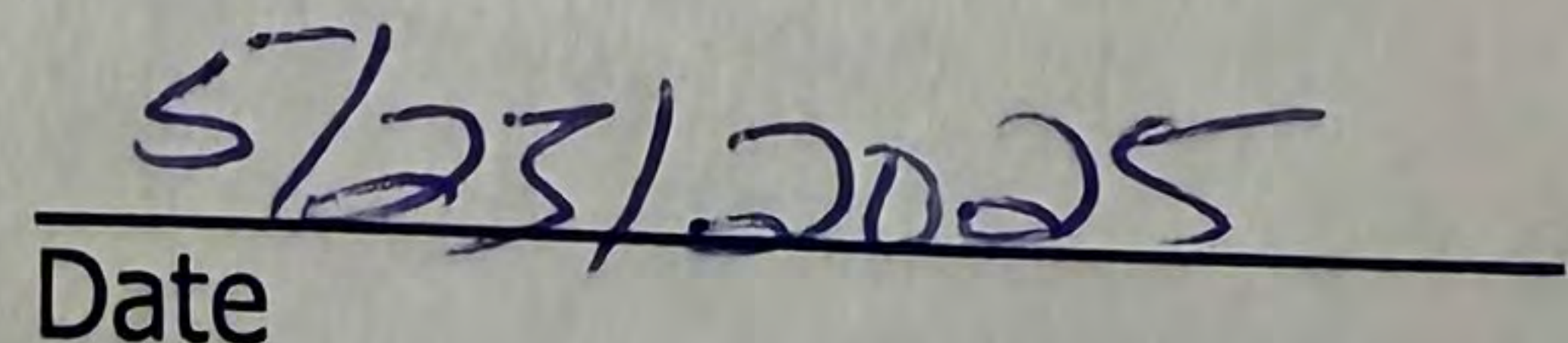
Hannah Dutrow, AGPROfessionals

Signature of Applicant/Authorized Agent


Signature of Property Owner

5/22/2025

Date


Date

For Office Use Only:

Date Application Lodged: _____ By: _____

Fee Amount Paid: \$ _____ Check# _____ Credit Card _____ Cash _____

☐ (Fee: \$500) Application # _____

Deeds & Authorization

Cassia County Variance Application

Prepared for

H & E Holdings LLC

EXHIBIT
19

Instrument # 2021001457
BURLEY, CASSIA, IDAHO
3-18-2021 10:27:22 AM No. of Pages: 12
Recorded for : FLETCHER LAW OFFICE
JOSEPH LARSEN Fee: 15.00
Ex-Officio Recorder Deputy
Index to: DEED

EV

QUITCLAIM DEED

For value received, **E. EUGENE MATTHEWS**, also known as **EUGENE MATTHEWS**, also known as **ENNIS EUGENE MATTHEWS**, and **HEIDI F. MATTHEWS**, also known as **HEIDI MATTHEWS**, also known as **HEIDI FRANKS MATTHEWS**, husband and wife, whose address is 1249 South Highway 27, Oakley, Idaho 83346 (Grantor) remise, release and forever quitclaim to **H & E HOLDINGS, LLC**, an Idaho limited liability company, whose address is 1249 South Highway 27, Oakley, Idaho 83346 (Grantee), all of Grantor's interest of every kind and nature in the premises in Cassia County, Idaho, more particularly described as follows:

SEE EXHIBIT A ATTACHED.

To have and to hold the said premises, with their appurtenances unto said Grantee, and the Grantee's heirs and assigns forever.

DATED: March 17, 2021.

E. Eugene Matthews
E. Eugene Matthews
Heidi F. Matthews
Heidi F. Matthews

STATE OF IDAHO)
County of Cassia) ss

On this 17 day of March, in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared **E. EUGENE MATTHEWS and HEIDI F. MATTHEWS**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



W. Kent Fletcher
Notary Public for Idaho
Residing at Burley
My commission expires on 3-22

EUGENE MATTHEWS LEGAL DESCRIPTION

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 17: $E\frac{1}{2}$, $E\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$

EXCEPTING THEREFROM that portion deed for highway purposes

Section 19: $NE\frac{1}{4}NE\frac{1}{4}$

Section 20: $N\frac{1}{2}N\frac{1}{2}$, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$

Section 21: $N\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: Lot 1 ($NW\frac{1}{4}NE\frac{1}{4}$) and the $SE\frac{1}{4}NE\frac{1}{4}$

Section 20: $SE\frac{1}{4}NE\frac{1}{4}$; $SE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$ and the $SE\frac{1}{4}SW\frac{1}{4}$

Section 21: $SW\frac{1}{4}NW\frac{1}{4}$; $W\frac{1}{2}SW\frac{1}{4}$

Section 28: $N\frac{1}{2}$; $SW\frac{1}{4}$ and the $NW\frac{1}{4}SE\frac{1}{4}$ EXCEPT the following described tracts:

Tract No. 1:

Beginning at the Northwest corner of the $SW\frac{1}{4}SW\frac{1}{4}$ of said Section 28, said point marked by a 5/8 inch rebar; thence South $0^{\circ}02'$ East (Basis of Bearing) along section line for 10.70 feet to a 1/2 inch rebar which shall be the Point of Beginning; Thence South $88^{\circ}40'47''$ East for 490.61 feet to a 1/2 inch rebar on centerline of a county road; Thence South $54^{\circ}52'09''$ West along said county road centerline for 599.47 feet to a 1/2 inch rebar on section line; Thence North $0^{\circ}02'$ West along said section line for 356.36 feet to the Point of Beginning.

Tract No. 2:

Beginning at the Southwest corner of said Section 28, said corner marked by a 5/8 inch rebar; Thence North $0^{\circ}02'00''$ West along section line for 1316.56 feet to a 1/2 inch rebar, said rebar lying South $0^{\circ}02'00''$ East for 10.70 feet from the Northwest corner of the $SW\frac{1}{4}SW\frac{1}{4}$; Thence South $88^{\circ}40'07''$ East for 313.96 feet to a 1/2 inch rebar which shall be the Point of Beginning; Thence North $00^{\circ}37'13''$ East for a distance of 1348.96 feet to a 1/2 inch rebar; Thence South $89^{\circ}27'28''$ East for a distance of 183.99 feet to a 1/2 inch rebar on the approximate centerline of a county road; Thence South $21^{\circ}47'38''$ East along the approximate centerline of said county road for a distance of 324.41 feet to a 1/2 inch rebar; Thence South $11^{\circ}13'53''$ East along the approximate centerline of said county road for a distance of 217.58 feet to a 1/2 inch rebar; Thence South $01^{\circ}32'50''$ East along the approximate centerline of said county road for a distance of 123.16 feet to a 1/2 inch rebar; Thence South $13^{\circ}07'24''$ West along the approximate centerline of said county road for a distance of 614.48 feet to a 1/2 inch rebar; Thence South $22^{\circ}54'21''$ West along the approximate centerline of said county road for a distance of 124.91 feet to a 1/2 inch rebar; Thence North $88^{\circ}40'07''$ West for a distance of 176.65 feet to the Point of Beginning.

Section 29: $NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$ and the $NE\frac{1}{4}SW\frac{1}{4}$

Section 27: $W\frac{1}{2}NW\frac{1}{4}$

PARCEL NO. 3:

Easement for the benefit of Parcel No. 2 for Well, Ditch, and/or Pipeline as created by Instrument between Howard McIntosh and Alta McIntosh, husband and wife, and H & E, Inc., an Idaho corporation, dated July 17, 1983 and recorded July 20, 1983 as Instrument No. 153543 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: A parcel of land formed with a radius of 20 feet with the center thereof being the well owned by H & E and together with a strip of land 30 feet in width from said well North to the North boundary line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28, and extending South to the South boundary line of said Section 28.

PARCEL NO. 4:

An Easement for the benefit of Parcel No. 2 for the purpose of conveying water from a well located in Section 3, Township 14 South, Range 23 East of the Boise Meridian, as created by Instrument entitled Joint Use, Operation and Maintenance Agreement, between Tommy C. Gorringer, Carl Gorringer & Sons, a partnership and H & E, Inc., an Idaho corporation, dated July 12, 1983 and recorded July 20, 1983 as Instrument No. 153544 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 4: NE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 5:

An easement and right of way for the benefit of Parcel No. 2 to construct, reconstruct, operate, remove, repair and maintain an underground irrigation pipeline, as created by Instrument entitled Easement from Oakley Highway District, to H & E, Inc., an Idaho corporation, dated July 17, 1983 and recorded July 20, 1983 as Instrument No. 153545 on Film No. 158, records of Cassia County, Idaho, in, over, across and through the following described property:

- (a) A thirty (30) foot strip of ground extending East and West across the public road that exists or that may exist between the Northeast Quarter Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 29, Township 13 South, Range 23 East, Boise Meridian, and the Northwest Quarter Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 28, Township 13 South, Range 23 East, Boise Meridian.
- (b) A Thirty (30) foot strip of ground extending North and South across the public road that exists or may exist in the Southwest Quarter Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, Township 13 South, Range 23 East, Boise Meridian.

PARCEL NO. 6:

Easement for the benefit of Parcel No. 2 for the purpose of installing, maintaining, repairing and/or replacing a pipeline for the purpose of conveying water, as created by Instrument entitled Easement for Pipeline, between LeRoy Fairchild, a single man, Ruth Fairchild, a widow, and H & E Inc., an Idaho corporation, dated July 12, 1983 and recorded July 20, 1983 as Instrument No. 153546 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: SE¼SW¼

Section 33: NW¼NE¼, SW¼NE¼, NW¼SE¼

PARCEL NO. 7:

TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 29: N½, SAVE AND EXCEPT the following described tracts:

Tract No. 1:

Beginning at a point 525 feet North of the Southwest corner of the SW¼NW¼ of said Section 29;
Thence East 208.5 feet;
Thence North 208.5 feet;
Thence West 208.5 feet;
Thence South 208.5 feet to the Point of Beginning.

Tract No. 2:

Beginning at a point 295 feet North of the Southwest corner of the SW¼NW¼ of said Section 29;
Thence East 208.5 feet;
Thence North 230 feet;
Thence West 208.5 feet;
Thence South 230 feet to the Point of Beginning.

Tract No. 3:

Commencing at the an aluminum cap marking the northwest corner of Section 29, CP & F Instrument Number 155296, records of Cassia County, Idaho, Station 800+08.72, 38.20' right as shown on State Highway 27 plans, F.A.P WPMS 170 B from which an aluminum cap marking the southeast corner of the NW¼ of Section 29, CPF Inst No. 161919 bears South 0°48'18" West, a distance of 2653.34 feet; Thence along the northerly line of Section 29, North 89°50'04" East, a distance of 2.36 feet to the easterly right-of-way of State Highway 27, Station 800+10.29, 40' right and the Point of Beginning;
Thence continuing along said northerly line, North 89°50'04" East for a distance of 103.17 feet to Station 800+82.89, 117.08 feet right;
Thence at right angles South 00°09'56" East for a distance of 25.00 feet to Station 800+62.76, 134.03 feet right and the southerly prescriptive right-of-way line of W 600 S Rd;
Thence along a non-tangent curve to the left 129.25 feet, having a radius of 958.89 feet a central angle of angle of 7°43'23" and a long chord bearing South 39°36'45" West for a distance of 129.15 feet to Station 799+20.25, 133.37 feet right to the prescriptive right-of-way line of S 50 W/Pole Line Rd;
Thence North 89°11'42" West for a distance of 25 feet, to the westerly line of Section 29 and Station 799+04.43, 112.97 feet right;
Thence along said westerly line, North 00°48'18" East for a distance of 121.00 feet to the easterly right-of-way line of State Highway 27 and Station 800+06.45, 40.00 feet right;
Thence along said easterly right-of-way line along a non-tangent a curve to the right 3.73 feet, having a radius of 1392.50 feet, , a central angle of 0°09'13" and a long chord bearing North 39°59'14' East, a distance of 3.73 feet to the POINT OF BEGINNING.

PARCEL NO. 8:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 4: SE¼

Section 9: NE¼

SAVE AND EXCEPT the following described tract:

Beginning at the Southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 9, said corner marked by a 5/8 inch rebar; thence South 89°30'56" East along the South line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 45.02 feet to a ½ inch rebar on the East right of way of State Highway 27 which shall be the Point of Beginning;

Thence North 00°05'18" East along the East right of way of said highway for a distance of 180.00 feet to a ½ inch rebar;

Thence South 89°31'16" East for a distance of 282.26 feet to a ½ inch rebar;

Thence North 36°48'21" East for a distance of 357.16 feet to a ½ inch rebar;

Thence South 89°30'15" East for a distance of 116.24 feet to a ½ inch rebar;

Thence South 02°16'42" East for a distance of 289.66 feet to a ½ inch rebar;

Thence South 14°11'13" West for a distance of 104.80 feet to a ½ inch rebar;

Thence South 07°51'21" West for a distance of 77.27 feet to a ½ inch rebar on the South line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence North 89°30'56" West along the South line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 588.02 feet to the Point of Beginning.

PARCEL NO. 9:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 17: Part of the SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southwest corner of said Section 17, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;

Thence North 00°00'00" East along section line for a distance of 1111.08 feet to a ½ inch rebar;

Thence South 89°12'21" East for a distance of 87.00 feet to a ½ inch rebar;

Thence North 24°11'31" East for a distance of 221.94 feet to a ½ inch rebar on the South line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence North 24°11'31" East for a distance of 15.38 feet to a point that lies 39 rods South of the North line of the S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence South 89°09'41" East parallel with the North line of the S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of 145.74 feet to a point that lies 330.00 feet South 89°09'41" East from the West line of Section 17;

Thence North 00°00'01" West for a distance of 643.14 feet (39 rods) to a ½ inch rebar on the North line of the S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence South 89°09'41" East along the North line of the S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ for a distance of 2319.70 feet to a ½ inch rebar at the Northeast corner of the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence South 00°03'00" East along the East line of the SW $\frac{1}{4}$ for a distance of 1966.05 feet to a 5/8 inch rebar at the South quarter section corner of Section 17;

Thence North 89°17'40" West along the section line for a distance of 2182.76 feet to a ½ inch rebar;

Thence North 03°11'13" East for a distance of 269.46 feet to a ½ inch rebar;

Thence North 89°30'09" West for a distance of 240.36 feet to a ½ inch rebar;

Thence South 00°24'15" West for a distance of 268.34 feet to a ½ inch rebar on section line;

Thence North 89°17'40" West along section line for a distance of 241.30 feet to the Point of Beginning.

PARCEL NO. 10:

TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: Part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the South quarter section corner of said Section 27, said corner marked by a 5/8 inch rebar; Thence South 89°28'31" East for a distance of 16.53 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence North 21°21'59" East for a distance of 320.87 feet to a ½ inch rebar;

Thence South 89°28'31" East for a distance of 225.87 feet to a ½ inch rebar;

Thence South 53°13'50" East for a distance of 333.88 feet to a ½ inch rebar;

Thence South 00°31'29" West for a distance of 102.47 feet to a ½ inch rebar on the South line of Section 27;

Thence North 89°28'31" West along the South line of Section 27 for a distance of 609.31 feet to the Point of Beginning.

PARCEL NO. 11:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 10: Part of the SE¼, more particularly described as follows:

Beginning at the South quarter section corner of said Section 10, said corner marked by a 5/8 inch rebar; thence South 89°05'15" East along section line for 830.53 feet to a point; thence North 54°36'45" East along the Northwestern right-of-way of a county road for 600.98 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence North 35°23'12" West for 242.82 feet to a ½ inch rebar;

Thence North 54°36'45" East for 358.79 feet to a ½ inch rebar;

Thence South 35°23'12" East for 242.82 feet to a ½ inch rebar on the Northwestern right-of-way of a county road;

Thence South 54°36'45" West along said right-of-way for 358.79 feet to the Point of Beginning.

PARCEL NO. 12:

An easement for ingress and egress and water line easement for the benefit of Parcel No. 11 as created by Warranty Deed from Keith P. Critchfield and Mary Critchfield, husband and wife to Eugene Matthews and Heidi Matthews, husband and wife, dated August 8, 1990 and recorded October 16, 1990 as Instrument No. 209950 on Film No. 220, records of Cassia County, Idaho over and across the following described property:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 10: Part of the SE¼, more particularly described as follows:

Beginning at the South quarter section corner of said Section 10, said corner marked by a 5/8 inch rebar; thence South 89°05'15" East along section line for 830.53 feet to a point; thence North 54°36'45" East along the Northwestern right-of-way of a county road for 296.45 feet to the Point of Beginning;

Thence North 35°23'12" West for 242.82 feet to a point;

Thence North 54°36'45" East for 304.53 feet to a ½ inch rebar;

Thence South 35°23'12" East for 242.82 feet to a ½ inch rebar on the Northwestern right-of-way of a county road;

Thence South 54°36'45" West along said right-of-way for 304.53 feet to the Point of Beginning.

PARCEL NO. 13:

An easement for ingress and egress for the benefit of Parcel No. 11 as created by Warranty Deed from Keith P. Critchfield and Mary Critchfield, husband and wife to Eugene Matthews and Heidi Matthews, husband and wife, dated August 8, 1990 and recorded October 16, 1990 as Instrument No. 209950 on Film No. 220, records of Cassia County, Idaho over and across the following described property:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 10: Part of the SE¼, more particularly described as follows:

Beginning at the South quarter section corner of said Section 10, said corner marked by a 5/8 inch rebar; thence South 89°05'15" East along section line for 830.53 feet to a point; thence North 54°36'45" East along the Northwestern right-of-way of a county road for 959.77 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence North 35°23'12" West for 242.82 feet to a ½ inch rebar;

Thence North 54°36'45" East for 122.97 feet to a point;

Thence South 35°23'12" East for 242.82 feet to a point on the Northwestern right-of-way of a county road;

Thence South 54°36'45" West along said right-of-way for 122.97 feet to the Point of Beginning.

PARCEL NO. 14:

TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: S½, EXCEPTING the following described tracts:

Tract No. 1:

Beginning at the Southwest corner of said Section 27, said corner marked by a 5/8 inch rebar which shall be the POINT OF BEGINNING;

Thence North 00°34'10" East along the West line of Section 27 for a distance of 189.09 feet to a ½ inch rebar;

Thence South 88°35'43" East for a distance of 96.57 feet to a ½ inch rebar;

Thence South 17°46'01" West for a distance of 7.58 feet;

Thence South 88°10'47" East for a distance of 341.51 feet to a ½ inch rebar;

Thence North 00°58'07" West for a distance of 120.09 feet to a ½ inch rebar;

Thence along a non-tangent curve to the left for a distance of 556.46 feet to a ½ inch rebar, said curve having a radius of 1373.98 feet and a central angle of 23°12'17" with a long chord bearing of South 60°17'31" East for a distance of 552.67 feet;

Thence South 00°34'10" West for a distance of 23.21 feet to a ½ inch rebar on the South line of Section 27;

Thence North 89°28'31" West along the South line of Section 27 for a distance of 915.25 feet to the POINT OF BEGINNING.

Tract No. 2:

Beginning at the S¼ section corner of said Section 27; said corner marked by a 5/8 inch rebar; Thence South 89°28'31" East for a distance of 16.53 feet to a ½ inch rebar which shall be the POINT OF BEGINNING;

Thence North 21°21'59" East for a distance of 320.87 feet to a ½ inch rebar;

Thence South 89°28'31" East for a distance of 225.87 feet to a ½ inch rebar;

Thence South 53°13'50" East for a distance of 333.88 feet to a ½ inch rebar;

Thence South 00°31'29" West for a distance of 102.47 feet to a ½ inch rebar on the South line of Section 27;

Thence North 89°28'31" West along the South line of Section 27 for a distance of 609.31 feet to the POINT OF BEGINNING.

PARCEL NO. 15:

TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: E½, EXCEPTING the Highway Right-of-Way, and ALSO EXCEPTING the following described tracts:

Tract No. 1:

All that portion of the NE¼ of said Section 28 which lies North and West of State Highway 27.

Tract No. 2:

Beginning at a point which is North 30 feet and East 45 feet from the S¼ corner of said Section 28 and which is the True Point of Beginning;

Thence North 150 feet;

Thence East 100 feet;

Thence South 150 feet;

Thence West 100 feet to the Point of Beginning.

Tract No. 3:

Beginning at the Northeast corner of said Section 28, said corner marked by a U.S. General Land Office Brass Cap; Thence South 0°32'24" West along section line for 750.12 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence South 0°32'24" West along said Section line for 114.43 feet to a ½ inch rebar;

Thence North 86°24'54" West for 1995.49 feet to a ½ inch rebar on the East right-of-way of State Highway 27;

Thence North 33°37'16" East along said right-of-way for 11.20 feet to a ½ inch rebar;

Thence South 89°25'58" East for 1986.58 feet to the Point of Beginning.

Tract No. 4:

Beginning at the Northeast corner of said Section 28, said point marked by a U.S. General Land office Brass Cap which shall be the Point of Beginning;

Thence South 0°32'24" West along section line for 750.12 feet to a ½ inch rebar;

Thence North 89°25'58" West for 1986.58 feet to a ½ inch rebar on the East right-of-way of State Highway 27;

Thence North 33°37'16" East along said right-of-way for 894.84 feet to a ½ inch rebar on section line;

Thence South 89°25'58" East along said section line for 1498.15 feet to the Point of Beginning.

Tract No. 5:

Beginning at the S¼ section corner of said Section 28, said corner marked by a ½ inch rebar; Thence South 89°15'00" East along section line for 118.02 feet to a point on the East right-of-way of State Highway 27; Thence North 0°33'41" West along said right-of-way for 2610.08 feet to a ½ inch rebar; Thence South 89°46'37" East for 509.80 feet to a ½ inch rebar; Thence North 16°36'04" East for 137.17 feet to a ½ inch rebar; Thence North 59°02'00" East for 126.46 feet to a ½ inch rebar; Thence North 90°00'00" East for 47.94 feet to the Point of Beginning;

Thence North 0°32'36" East for 112.31 feet to a ½ inch rebar;

Thence South 89°27'24" East for 208.71 feet to a ½ inch rebar;

Thence South 0°32'36" West for 208.71 feet to a ½ inch rebar;

Thence North 89°27'24" West for 208.71 feet to a ½ inch rebar;

Thence North 0°32'36" East for 96.40 feet to the Point of Beginning.

PARCEL NO. 16: [RESERVED]

PARCEL NO. 17: [RESERVED]

PARCEL NO. 18: [RESERVED]

PARCEL NO. 19:

TOWNSHIP 14 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 26: SW¼SW¼

Section 27: SE¼SE¼

Section 33: E½NE¼SE¼, SW¼NE¼SE¼, SE¼NW¼SE¼ and E½SW¼SE¼

Section 34: SW¼NE¼, E½SE¼NW¼, SW¼SE¼NW¼, SE¼SW¼NW¼, N½NW¼SW¼ and N½NE¼

SAVE AND EXCEPT the following described tracts:

Tract No. 1:

Beginning at the quarter section corner common to said Sections 33 and 34; Thence South 00°00' East 50.00 feet to the TRUE POINT OF BEGINNING;

Thence South 89°39' East 347.48 feet;

Thence South 05°45' West 334.48 feet;

Thence South 68°12' West 390.24 feet;

Thence South 55°22' West 625.49 feet;

Thence North 20°26' West 146.32 feet;

Thence North 0°24' East 235.46 feet;
Thence North 48°39' East 118.58 feet;
Thence North 48°30' East 251.20 feet;
Thence North 56°57' East 399.78 feet to the TRUE POINT OF BEGINNING.

Tract No. 2:

Beginning at the Northwest corner of the SW¼SE¼NW¼ (also known as C-S-NW 1/64 corner) of said Section 34; Thence South 43°29' East 100.30 feet to the TRUE POINT OF BEGINNING;
Thence North 62°03' East 103.63 feet;
Thence North 89°43' East 352.49 feet;
Thence South 08°43' East 297.35 feet;
Thence South 63°14' West 939.69 feet;
Thence North 29°47' West 108.04 feet;
Thence North 53°41' East 282.55 feet;
Thence North 06°21' West 80.05 feet;
Thence North 16°47' East 132.67 feet;
Thence North 36°25' East 247.66 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 20:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 7: Part of the E½SE¼, more particularly described as follows:

Beginning at the Southeast Corner of Section 7, said corner marked by a 5/8 inch rebar; Thence North 89°46'18" West along the south line of Section 7 for a distance of 673.64 feet to the POINT OF BEGINNING;
Thence North 89°46'18" West along said section line for a distance of 645.41 feet to a 5/8 inch rebar at the Southwest Corner of the E½SE¼;
Thence North 00°13'02" West along the west line of the E½SE¼ for a distance of 2535.49 feet to a ½ inch rebar;
Thence South 89°49'39" East for a distance of 1063.57 feet to a ½ inch rebar;
Thence South 04°55'59" West for a distance of 108.76 feet to a ½ inch rebar;
Thence South 20°51'51" West for a distance of 93.71 feet to a ½ inch rebar;
Thence South 38°23'34" West for a distance of 315.33 feet to a ½ inch rebar;
Thence South 25°02'49" West for a distance of 100.43 feet to a ½ inch rebar;
Thence South 13°04'42" East for a distance of 201.66 feet to a ½ inch rebar;
Thence South 16°54'18" West for a distance of 301.72 feet to a ½ inch rebar;
Thence South 52°22'20" East for a distance of 319.70 feet to a ½ inch rebar;
Thence South 84°00'43" West for a distance of 122.60 feet to a ½ inch rebar;
Thence South 81°03'18" West for a distance of 216.55 feet to a ½ inch rebar;
Thence South 00°00'38" East for a distance of 418.02 feet to a ½ inch rebar;
Thence South 00°11'16" West for a distance of 809.57 feet to a ½ inch rebar;
Thence South 00°11'16" West for a distance of 46.45 feet to the POINT OF BEGINNING.

PARCEL NO. 21:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 7: Part of the E½E½, more particularly described as follows:

Beginning at the Northeast corner of Section 7, said corner marked by a 5/8 inch rebar with 3 inch aluminum cap on top which shall be the POINT OF BEGINNING;
Thence South 13°09'15" West (South 12°45'30" West, rec.) for a distance of 32.24 feet (32.27 feet, rec.) to a ½ inch rebar;

Thence South 01°47'45" West (South 1°46'08" West, rec.) for a distance of 569.69 feet (569.59 feet, rec.) to a ½ inch rebar;
 Thence South 01°51'50" West for a distance of 720.87 feet to a ½ inch rebar;
 Thence South 00°42'02" East for a distance of 381.68 feet to a ½ inch rebar;
 Thence South 00°44'25" East for a distance of 289.81 feet to a ½ inch rebar;
 Thence South 25°59'00" West for a distance of 359.92 feet to a ½ inch rebar;
 Thence South 02°36'06" West for a distance of 361.60 feet to a ½ inch rebar;
 Thence South 18°50'02" West for a distance of 77.23 feet to a ½ inch rebar set;
 Thence North 89°49'39" West for a distance of 1063.57 feet to a ½ inch rebar on the west line of the E½SE¼;
 Thence North 00°13'02" West along the west line of the E½SE¼ for a distance of 107.29 feet to the Southwest corner of the E½NE¼;
 Thence North 00°13'02" West along the west line of the E½NE¼ for a distance of 2634.44 feet to a 5/8 inch rebar at the Northwest corner of the E½NE¼;
 Thence North 89°45'10" East along the north line of Section 7 for a distance of 1313.23 feet to the POINT OF BEGINNING.

PARCEL NO. 22:

H. E. Survey No. 304, described as follows:

Beginning at corner No. 1, which is the Northeast corner of Section 12, Township 15 South, Range 20 East of the Boise Meridian, Cassia County, Idaho;

Thence South 0°3' East 9.82 chains to Corner No. 2;
 Thence South 87°0' West 48.36 chains to Corner No. 3;
 Thence South 19°20' West 32.48 chains to Corner No. 4;
 Thence North 86°52' West 5.14 chains to Corner No. 5;
 Thence North 25°39' West 20.88 chains to Corner No. 6;
 Thence North 12°21' East 10.26 chains to Corner No. 7;
 Thence South 84°22' West 8.49 chains to Corner No. 8;
 Thence North 1°56' West 15.14 chains to Corner No. 9;
 Thence South 89°42' East 79.99 chains to Corner No. 1, to the Point of Beginning.

EXCEPT the Southern portion of H.E. Survey No. 304, more particularly described as follows:

Beginning at Corner No. 3 of H.E. Survey No. 304, The True Point of Beginning;
 Thence South 19°20' West, 2143.68 feet to Corner No. 4;
 Thence North 86°52' West, 339.24 feet to Corner No. 5;
 Thence North 25°39' West, 1378.08 feet to Corner No. 6;
 Thence North 12°21' East, 677.16 feet to Corner No. 7;
 Thence North 86°10' East, 1503.49 feet to Corner No. 3, the True Point of Beginning.

H. E. Survey No. 303, described as follows:

Beginning for the description of Tract "A" Corner No. 1 identical with corner of Sections 1 and 12, Township 15 South, Range 20 East of the Boise Meridian and Section 6 and 7, Township 15 South, Range 21 East of the Boise Meridian, Cassia County, Idaho;

Thence North 67°15' East 59.74 chains to Corner No. 2;
 Thence South 8°58' East 11.25 chains to Corner No. 3;
 Thence South 69°2' West 33.6 chains to Corner No. 4;
 Thence South 69°2' West 27.32 chains to Corner No. 5;
 Thence North 3° West 9.82 chains to Corner No. 1, the Point of Beginning.

Beginning for the description of Tract "B" at Corner No. 6 from which Corner No. 1 of said "A" bears South 0°8' West 18.99 chains distant;

Thence North 23°58' East 34.52 chains to corner No. 7;
 Thence South 38°53' East 41.85 chains to Corner No. 8;

Thence South 67°15' West 25.94 chains to Corner No. 9;
Thence North 55°36' West 19.68 chains to Corner No. 6, the Point of Beginning.

H. E. Survey No. 414, described as follows: Tax No. 7 in Sections 11 and 12, Township 15 South, Range 20 East of the Boise Meridian, Cassia County, Idaho, described as follows:

Beginning at Corner No. 1 from which the West corner of Sections 6 and 7, Township 15 South, Range 21 East of the Boise Meridian bears South 89°45' East 80.08 chains distant;
Thence South 1°56' East 15.14 chains to Corner No. 2;
Thence South 21°49' West 32.8 chains to Corner No. 3;
Thence South 1°15' East 28.77 chains to Corner No. 4;
Thence South 70°31' West 12.63 chains to Corner No. 5;
Thence North 13°44' West 53.35 chains to Corner No. 6;
Thence South 88°56' East 12.75 chains to Corner No. 7;
Thence North 28°27' West 20.53 chains to Corner No. 8;
Thence North 74°44' East 33.77 chains to Corner No. 1, the Point of Beginning.

EXCEPT the Southern portion of H.E. Survey No. 414, more particularly described as follows:

Beginning at Corner No. 2 of H.E. Survey No. 414 the True Point of Beginning;
Thence South 21°49' West, 2164.80 feet to Corner No. 3;
Thence South 1°15' East, 1898.82 feet to Corner No. 4;
Thence South 70°31' West 833.58 feet to Corner No. 5;
Thence North 13°44' West 3521.10 feet to Corner No. 6;
Thence South 88°56' East 841.50 feet to Corner No. 7;
Thence North 63°09' East 1730.02 feet to Corner No.2, the True Point of Beginning.

PARCEL NO. 23:

H. E. Survey No. 305 lying in Sections 2 and 3 in Township 15 South, Range 20 East of the Boise Meridian, Cassia County, Idaho, more particularly described as follows, to-wit:

Beginning at the corner No. 1 from which the quarter corner between Section 1 in Township 15 South, Range 20 East of the Boise Meridian and Section 6 in Township 15 South, Range 21 East of the Boise Meridian bears North 81°17' East 119.31 chains distant;
Thence South 53°51' West 11.49 chains to corner No. 2;
Thence North 41°33' West 77.40 chains to corner No. 3;
Thence North 81°59' East 19.75 chains to corner No. 4;
Thence South 43°21' East 24.05 chains to corner No. 5;
Thence North 82°43' East 21.62 chains to corner No. 6;
Thence South 4°30' East 39.31 chains to corner No. 1 the Place of Beginning.

PARCEL NO. 24:

H. E. Survey No. 415, embracing a portion of approximately Sections 33 and 34 in Township 14 South and Section 3 in Township 15 South, all in Range 20 East of the Boise Meridian, Cassia County, Idaho, more particularly bounded and described as follows:

Beginning at corner No. 1, from which U.S. Location Monument No. 412 bears South 7°5' West 103.93 chains distant;
Thence North 49°43' West 54.88 chains to Corner No. 2;
Thence North 68°40' West 12.37 chains to Corner No. 3;
Thence North 7°24' East 15.4 chains to Corner No. 4;
Thence South 64°7' East 76.93 chains to Corner No. 5;

Thence South 1°2' West 11.04 chains to Corner No. 6;
Thence South 41°37' East 9.1 chains to Corner No. 7;
Thence South 80°47' West 23.96 chains to Corner No. 1, the Place of Beginning.



Order Number: 22462019

Warranty Deed

For Value Received,

Ryan C. Hawker and Christy A Hawker, husband and wife, the Grantor, does hereby grant, bargain sell and convey unto, **Matthews Land & Cattle, LLC, an Idaho limited liability company**, whose current address is **1249 S Highway 27, Oakley, ID 83346**, the Grantee, the following described premises, in **Cassia County, Idaho**, To Wit:

See Exhibit A, attached hereto and incorporated herein.

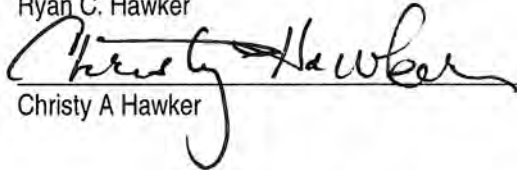
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

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Dated: December 14, 2022



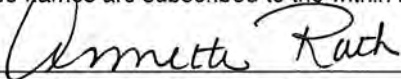
Ryan C. Hawker



Christy A Hawker

State of Idaho, County of Cassia, ss.

On this 14 day of December in the year of 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Ryan C. Hawker and Christy A Hawker, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Notary Public

Residing In: Rupat Id

My Commission Expires: 8-4-2023
(seal)

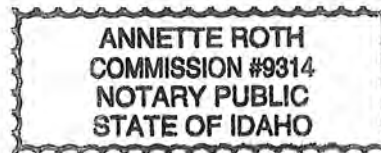


EXHIBIT A
LEGAL DESCRIPTION OF THE PREMISES

PARCEL NO. 1:
TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 23: $SE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$

Section 26: $E\frac{1}{2}$, $E\frac{1}{2}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$

Section 34: $SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$

Section 35: $E\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$

PARCEL NO. 2:
TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: Lots 2, 3, 4, $SW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$

Section 3: Lots 2, 3, 4, $S\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$

Section 8: $SE\frac{1}{4}$, SAVE AND EXCEPT the following described property:

Beginning at the Northwest corner of the $NW\frac{1}{4}SE\frac{1}{4}$ of said Section 8;
Thence East to a point 2 rods East of Warm Springs;
Thence South 4 rods;
Thence West to the road on the West line of said property;
Thence North to the Point of Beginning.

Section 17: $NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$

PARCEL NO. 3:
TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 16: ALL SAVE AND EXCEPT the South 50 feet

PARCEL NO. 4:
TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 29: $SE\frac{1}{4}SE\frac{1}{4}$

SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Section 29, said corner marked by a 5/8 inch rebar;
Thence South $00^{\circ}24'26''$ (South $0^{\circ}02'$ East, rec.) along the East line of Section 29 for a distance of 10.73 feet
(10.70 feet, rec.) to a 1/2 inch rebar which shall be the Point of Beginning;

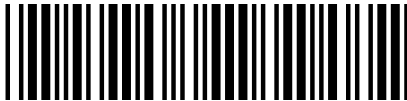
Thence South 00°24'26" East (South 0°02' East, rec.) along the East line of Section 29 for a distance of 356.36 feet to a ½ inch rebar;

Thence South 89°58'56" West for a distance of 28.00 feet to a ½ inch rebar;

Thence North 00°44'51" West for a distance of 356.89 feet to a ½ inch rebar;

Thence South 89°02'25" East for a distance of 30.13 feet to the Point of Beginning.

TOGETHER WITH AND EASEMENT FROM INGRESS AND EGRESS OVER AND ACROSS the SE1/4SE1/4 of Section 33 Township 13 South Range 23 East and the NE1/4NE1/4 of Section 4 Township 14 South Range 23 East, Boise Meridian Cassia County, State of Idaho following the existing roadway. FOR THE BENEFIT of the NW1/4 of Section 3 Township 14 South Range 23 East, Boise Meridian, Cassia County, State of Idaho.



0006001111

**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 #: 0006001111

Date Filed: 12/3/2024 10:11:02 AM

Entity Name and Mailing Address:

Entity Name: H & E HOLDINGS, LLC
The file number of this entity on the records of the Idaho
Secretary of State is: 0000485955
Address: 1249 S HIGHWAY 27
OAKLEY, ID 83346-9755

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: W160064

The registered agent on record is:

Registered Agent: E EUGENE MATTHEWS
Registered Agent
Physical Address
1249 S HWY 27
OAKLEY, ID 83346
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
HEIDI F. MATTHEWS	Member	1249 S. HIGHWAY 27 OAKLEY, ID 83346
E EUGENE MATTHEWS	Manager	1249 S. HIGHWAY 27 OAKLEY, ID 83346

The annual report must be signed by an authorized signer of the entity.

Job Title: Member

Heidi Matthews

Sign Here

12/03/2024

Date

B0967-6961 12/03/2024 10:11 AM Received by Office of the Idaho Secretary of State

Property Descriptions

Cassia County Variance Application

Prepared for

H & E Holdings LLC

EXHIBIT
20

Owner	Parcel #	Legal Description	Deed Rec #	Acres
H & E Holdings LLC	RP13S23E170000	E2, E2NW4, SE4SW4 S17 T13S R23E	2021-001457	440.00
	RP13S23E213600	TAX 14446 (SW4NW4, W2SW4) S21 T13S R23E	2021-001457	129.51

Variance Request

Cassia County Variance Application

Prepared for

H & E Holdings LLC

May 22, 2025

Mr. Kerry McMurray
Cassia County Planning & Zoning
1459 Overland Ave., Room 210
Burley, ID 83318

RE: H & E Holdings LLC – Variance Request
AGPRO Project # 2382-01

Dear Mr. McMurray:

AGPROfessionals, on behalf of H & E Holdings LLC, is requesting a variance from *Section 9-11-2. Standards on Setbacks* as part of the Confined Animal Feeding Operation (CAFO) and Conditional Use Permit (CUP) applications for the proposed feedlot facility located at parcel no. RP13S23E213600 and RP13S23E170000. An exception is requested from the following sections of the Cassia County Municipal Code based on site specific conditions:

Sec. 9-11-2.E. Regulations/Setbacks – Proximity to Right of Way: Any structure confining animals in a CAFO Site, whether barn, corral, or other structure, shall be located at least one hundred feet (100') from the external boundary of any public right of way.

RP13S23E213600 Request: to reduce the required setbacks for the corrals in conjunction with the CAFO/CUP permit application to sixty (60) feet.

The new H & E Holdings LLC feedyard is being constructed north of the existing grandfathered feedyard. The facility is engineered to function dependently. The drainage systems and alleyways in the northernmost pens must be aligned to function properly, helping to minimize both the required improvements and the overall footprint of the new feedyard. The pens of the grandfathered CAFO are approximately 50-60 feet from public right-of-way. The new pens are approximately 60 feet from public right-of-way. Below is the information requested to show this request is in conformance with *Sec. 9-5-5.B.5. Statement Of Conformity*.

a. Special Circumstances: That special conditions and circumstances exist which are not applicable to other lands, structures, or buildings in the same district;

The grandfathered feedyard has been in existence since before 1993 and the structures and systems function adequately. The site has historically had stormwater runoff drain west where it is piped to the existing ponds on the west side of Pole Line Road. The new north open lots will flow to the new north runoff pond. The new south open lots will flow to the south and divert along the west end of the main facility where they are subsequently piped to the existing ponds.

The runoff will use the existing diversions on site and will ultimately be piped to the existing pond system west of Pole Line Road. The alleyways between all the pens have been aligned to allow adequate circulation throughout the site for feed trucks and cattle trucks. With the drainage requirements, and existing layout, the location of the corrals is the most ideal. The site design utilizes the existing drainage and will align with the existing grandfathered facility.

- *b. Deprivation of Rights: That a literal interpretation of the provisions of the title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the title;*

Due to the site's existing infrastructure, the enforcement of the setback will result in a significant portion of the site no longer being functional for the feedlot operation. Major grading of the site would be needed to get the existing corrals to drain to an existing pond which has historically flowed to the west.

- *c. Circumstances Unavoidable: That such special conditions and circumstances do not result from the actions of the applicant;*

The grandfathered facility was designed and built prior to the county's setback regulations. The existing infrastructure on site has been adequately engineered to drain to the western pond system. Removal of the western most corrals would require significant site design changes that would impact the functionality of the entire site. The general layout and topography of the site lends itself to the current layout, maximizes the benefits of the facility, and will allow the new feedyard to blend into the existing grandfathered CAFO operation.

- *d. Not A Special Privilege: That granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district; and*

The Cassia County Municipal Code allows the review and approval of a variance to the setback requirements when the county is provided proof that the request complies with the details here. This is not conferred as a special privilege that others in similar situations would be denied from requesting.

- *e. Minimum Change: That the variance requested is the minimum change necessary to alleviate the hardship.*

The variance requested is the minimum change required for the corrals as shown.

RP13S23E170000 Request: to reduce the required setbacks for the existing corrals on parcel no. RP13S23E170000 in conjunction with the CAFO/CUP permit application to thirty-six (36) feet.

The corrals located on this parcel have been in place since 2014-2015. They are being included in this request since the property is being used for animal unit density. The corrals and barn are used for calving from the operators' private herd and are typically only stocked with animals during calving season or when heifers are getting ready to leave the facility for breeding. They are not regularly used in the CAFO operations; however, this area is being included to prevent any potential issues in the future as a result of potential code or regulatory changes. Below is the information requested to show this request is in conformance with *Sec. 9-5-5.B.5. Statement Of Conformity*.

a. Special Circumstances: That special conditions and circumstances exist which are not applicable to other lands, structures, or buildings in the same district;

Calving areas are common practice for operations that own cow/calf pairs that graze on the open grasses and not typically a matter for Feedyard CAFO regulations. These corrals are not directly adjacent and not physically connected to the feedyard operation. These corrals are being included in the CAFO request to mitigate potential compliance issues in the future since the property the corrals are located on is included in the overall CAFO request.

- *b. Deprivation of Rights: That a literal interpretation of the provisions of the title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the title;*

Corrals and calving areas are a common agricultural practice and do not independently trigger the need for a CAFO permit. The corrals are placed close to the road to promote better transportation of the cattle, especially during wet and snowy seasons. This area is close to the feedyard operation and allows for feed trucks or maintenance trucks to travel internally between the sites when this area is occupied.

- *c. Circumstances Unavoidable: That such special conditions and circumstances do not result from the actions of the applicant;*

The original placement of the corrals did not take into consideration the CAFO requirements as it is not an integral part of the request. This area is now being included in the overall CAFO operation to prevent future regulatory issues and is therefore part of this request.

- *d. Not A Special Privilege: That granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district; and*

The Cassia County Municipal Code allows the review and approval of a variance to the setback requirements when they are able to provide proof that the request complies with the details here. This is not conferred as a special privilege that others in similar

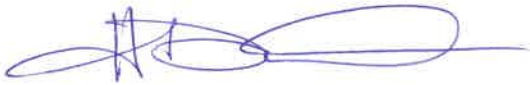
situations would be denied from requesting.

- *e. Minimum Change: That the variance requested is the minimum change necessary to alleviate the hardship.*

The variance requested is the minimum change required for the corrals as shown.

AGPROfessionals will be representing H & E Holdings LLC. Please remit responses to AGPROfessionals. If you have any questions, please contact me at (208) 595-5301.

Sincerely,



Hannah Dutrow
Idaho Planning Coordinator

Encl.

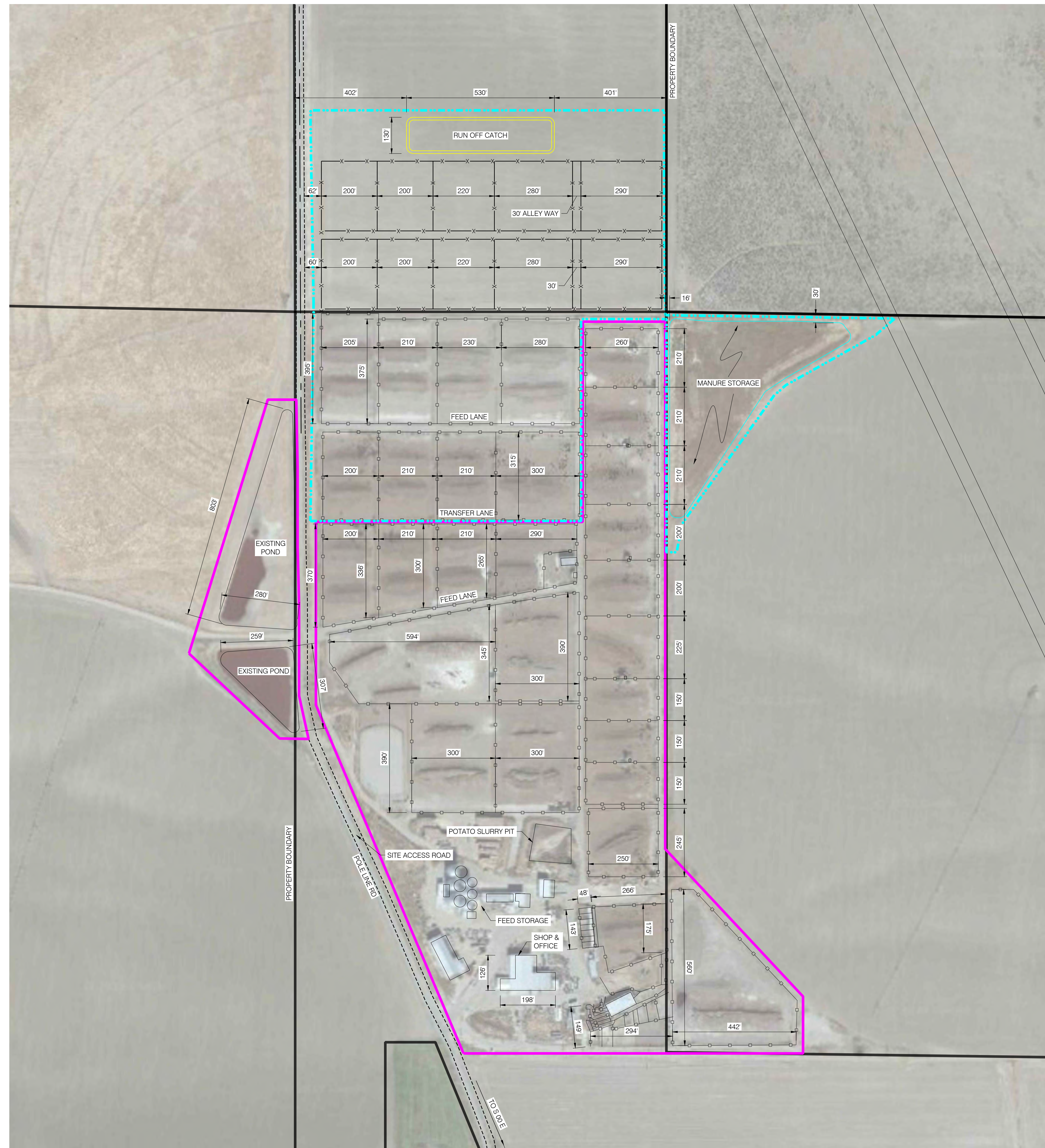
1. Application Form
2. Deeds and Authorization
3. Property Descriptions
4. Site Plan
5. Neighboring Property Owners List

Site Plan

Cassia County Variance Application

Prepared for

H & E Holdings LLC



**EXHIBIT
22**

NOTE

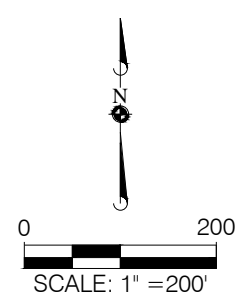
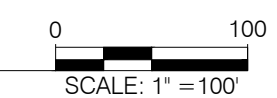
1. 1993 GRANDFATHERED CAFO WHICH IS ALLOWED 3,000 HEAD FEEDYARD ON 229.16 CAFO ACRES (PARCEL NO. RP13S23E283001) NOT A PART OF THIS REQUEST

LEGEND

-
- PROPERTY BOUNDARY
- PROPOSED CAFO BOUNDARY
- 1993 GRANDFATHERED CAFO BOUNDARY
- EXISTING PENS
- EXISTING PONDS
- PROPOSED PENS
- PROPOSED PONDS
- MANURE STORAGE
- EXISTING STRUCTURES



NORTH CALVING BARN & PENS



Neighboring Property Owners

Cassia County Variance Application

Prepared for

H & E Holdings LLC

Parcel_Num	MailToName	MailToAddr	MailToCity	MailToStat	MailToPost
RP13S23E285575	BEDKE SPRING LLC	4696 W 1200 N	DAYTON	ID	83232
RP13S23E296650	BEDKE, JARED K	42 E 1975 S	OAKLEY	ID	83346
RP13S23E298400	BEDKE, JARED K	42 E 1975 S	OAKLEY	ID	83346
RP13S23E296001	BEDKE, JARED K	42 E 1975 S	OAKLEY	ID	83346
RP13S23E293000	BEDKE, TRACE L	395 SOUTH 350 EAST	BURLEY	ID	83318
RP13S23E300000	BEDKE, TRACE L	395 SOUTH 350 EAST	BURLEY	ID	83318
RP13S23E206000	BEDKE, TRACE L	395 SOUTH 350 EAST	BURLEY	ID	83318
RP13S23E197200	BEDKE, TRACE L	395 SOUTH 350 EAST	BURLEY	ID	83318
RP13S23E164800	CLAYVILLE, EARL	150 E 400 S	RUPERT	ID	83350
RP13S23E160000	CLAYVILLE, EARL 1/3 INT	150 E 400 S	RUPERT	ID	83350
RP13S23E162401	CLAYVILLE, EARL 1/3 INT	150 E 400 S	RUPERT	ID	83350
RP13S23E288400	CLAYVILLE, EARL, ETUX	150 E 400 S	RUPERT	ID	83350
RP13S23E274800	CLAYVILLE, EARL, ETUX	150 E 400 S	RUPERT	ID	83350
RP13S23E287200	CLAYVILLE, EARL, ETUX	150 E 400 S	RUPERT	ID	83350
RP13S23E200000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E190000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E190601	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E273000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E280002	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E280600	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E283001	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E290000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E213600	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E201800	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E191800	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E210000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E212400	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E170000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E286601	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E088700	LAMBERT PRODUCE INC	203 E 1100 S	BURLEY	ID	83318
RP13S23E080026	LAMBERT PRODUCE INC	203 E 1100 S	BURLEY	ID	83318
RP13S23E057200	LAMBERT PRODUCE INC	203 E 1100 S	BURLEY	ID	83318
RP13S23E045401	LAMBERT PRODUCE INC	203 E 1100 S	BURLEY	ID	83318
RP13S22E120002	M & N LAND LLC	211 W 1525 S	OAKLEY	ID	83346
RP13S23E333000	MARCHANT, GERALD L	24 EAST 1975 S	OAKLEY	ID	83346
RP13S23E3330600	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E191200	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E299001	MATTHEWS LAND & CATTLE LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E270000	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E226600	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E225400	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E211800	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E211200	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E220000	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E150000	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E087200	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346

RP13S23E100000	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E090001	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E090600	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S22E121650	ROBINSON, COLT T	1560 S 500 W	OAKLEY	ID	83346
RP13S22E130000	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E180600	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S22E127200	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E077200	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E083601	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E071800	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E082402	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E070000	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E286176	SEVERE, AMANDA	1876 SOUTH 50 EAST	OAKLEY	ID	83346
RP13S23E083000	WILLOW CREEK FARMS LLC	203 E 1100 S	BURLEY	ID	83318
RP13S23E080001	WILLOW CREEK FARMS LLC	203 E 1100 S	BURLEY	ID	83318
RP13S23E054800	WILLOW CREEK FARMS LLC	203 E 1100 S	BURLEY	ID	83318
RP13S23E179999					
RP13S23E189999					
RP13S22E139999					
RP13S23E179999					
RP13S23E189999					
RP13S22E139999					
RP13S23E089999					
RP13S22E129999					

**NOTICE OF HEARING
BEFORE CASSIA COUNTY PLANNING AND ZONING COMMISSION**

2025-03-CU/CAFO/VAR

NOTICE IS HEREBY GIVEN: that a hearing will be held on Thursday, the 17th day of July, 2025, beginning at the hour of three (3) o'clock P.M., in the Cassia County Courthouse, 1459 Overland Avenue, Room 206, Burley, Idaho 83318, before the Cassia County Planning & Zoning Commission on the application of:

(Names and Addresses of ALL Applicants)

Applicant: Hannah Dutrow, AGPROfessionals 213 Canyon Crest Dr. Suite 100, Twin Falls, ID 83301

Property Owner: H & E HOLDINGS LLC, 1840 S 50 E, Oakley, ID 83446

regarding an Application for a Conditional Use Permit/Confined Animal Feeding Operation/Variance, which application was received by the County on the 3rd day of April, 2025.

The Nature of the Proposed Application is:

Conditional Use Permit for a 6,110.52 animal unit custom cattle feedyard operation on 3,055.26 acres.

The property is located on lands at approximately:

Being in Parts of Sections 17, 19, 20, 21, 23, 27, 28, and 29, all in Township 13 South, Range 23 East of the Boise Meridian, Cassia County, Idaho

Being in Parts of Sections 26, 27, 33, and 34, Township 14 South, Range 21 East of the Boise Meridian, Cassia County, Idaho

Being in Parts of Sections 33 and 34, Township 14 South, Range 20 East of the Boise Meridian, Cassia County, Idaho

Being in Parts of Sections 2, 3, 11, and 12, Township 15 South, Range 20 East of the Boise Meridian, Cassia County, Idaho

Being in Parts of Sections 6 and 7, Township 15 South, Range 21 East of the Boise Meridian, Cassia County, Idaho

Such lands are located within the Multiple Use Zone. Pursuant to the Cassia County Zoning Ordinance a Conditional Use Permit is required for development in said zone.

The applicant will appear at this hearing to provide to the Cassia County Planning & Zoning Commission all the information required for issuance of a conditional use permit for the proposed use under the Cassia County Zoning Ordinance, before such permit can be issued.

A copy of the Application for Conditional Use Permit, including relevant maps and drawings, and information concerning the hearing process is available for review by the public at the office of the Zoning Administrator, Room 210 of the Cassia County Courthouse, 1459 Overland Ave., Burley, Idaho,

prior to the hearing.

All other interested persons are invited to attend the hearing on the question of issuance of the requested conditional use permit. Such other interested persons are advised that in order to participate in the hearing, the following regulations apply:

- A. Written Statements of Support Or Objection:** All persons to whom notice is mailed shall be advised in that notice that they and others who can establish that their substantial rights would be affected by the approval or denial of the permit may file written objections or supporting statements with the planning and zoning commission secretary, 1459 Overland Ave. Rm. 210, Burley, ID 83318, no later than ten (10) days prior to the hearing setting forth in that writing that person's support or objection to the issuance of the new conditional use permit.
1. Written objections shall set forth each requirement of law (local, state or federal) which the objecting party believes the conditional use permit would violate.
 2. Written statements shall also set forth either that the party making the statement owns property within:
 - one (1) mile of any external boundaries of the conditional use permit site described in the application, or
 - in the designated Areas of City Impact only, within three hundred feet (300') of any external boundaries of the conditional use permit site described in the application and/or otherwise setting forth the substantial rights that would be affected by the approval or denial of the permit.
 3. Additionally, any party desiring to file any document(s) exceeding one (1) one-sided, 8 ½" x 11" sized page, shall file such document(s) at least ten (10) days prior to the hearing, with the planning and zoning commission secretary. The planning and zoning commission reserves the right to reject any proffered documentation that violates the intent of this regulation.
- B. Providing Testimony at the Public Hearing:** Any person who files a statement in support or objection to the issuance of a new conditional use permit shall indicate in such statement whether or not such person desires to testify at the hearing.
1. Prior to the hearing the planning and zoning commission shall determine which of those persons who desire to testify will be permitted to testify at the hearing.
 2. All statements of support or objections shall be made a part of the record at the hearing, but no person except the applicant shall be permitted to testify at the hearing unless they have previously filed a written statement of support for or objection to the issuance of the permit.

DATED this 10th day of June, 2025.

Signature: _____

Applicant Printed Name: Hannah Dutrow, AGPROfessionals

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing document (*Notice of Hearing* - ***Please Attach signed copy***) was on this date June 11, 2025 served upon the persons listed, at the addresses set out below their names, (***list of mailing addresses attached***) by mailing to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid.

Dated 11th day of June 20 25.

Shirley Archambault
Applicant Signature

Shirley Archambault
Applicant Printed Name

State of Colorado)
County of Weld) ss

Subscribed and sworn to be before me this 11th day of June, 2____, personally appeared before me and proved to me on the basis of satisfactory evidence to be the person (s) whose name(s) are subscribed to this instrument, and acknowledged that they executed the same.

KARILYN BAUGHMAN
Notary NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174032330
MY COMMISSION EXPIRES AUGUST 1, 2025

Karlyn Baughman
Notary Signature

Residing at 3050 67th Ave. #200 Greeley, Co 80631
Commission expires 8-1-2025

NOTE: This form is general in nature. Users are responsible for any form that is used, and must ensure that it is accurate in content and should also ascertain that it meets the requirements of state statutes and county ordinances applicable thereto.

Parcel_Num	MailToName	MailToAddr	MailToCity	MailToStat	MailToPost
RP13S23E323603	ADAMS, BRYCE M	2030 S 00 E	OAKLEY	ID	83346
RP13S23E285575	BEDKE SPRING LLC	4696 W 1200 N	DAYTON	ID	83232
RP13S23E327799	BEDKE, JARED K	42 E 1975 S	OAKLEY	ID	83346
RP13S23E322400	BEDKE, JARED K	42 E 1975 S	OAKLEY	ID	83346
RP13S23E310002	BEDKE, JARED K	42 E 1975 S	OAKLEY	ID	83346
RP13S23E296650	BEDKE, JARED K	42 E 1975 S	OAKLEY	ID	83346
RP13S23E298400	BEDKE, JARED K	42 E 1975 S	OAKLEY	ID	83346
RP13S23E296001	BEDKE, JARED K	42 E 1975 S	OAKLEY	ID	83346
RP13S23E301200	BEDKE, JARED K	42 E 1975 S	OAKLEY	ID	83346
RP13S23E321801	BEDKE, JARED K	42 E 1975 S	OAKLEY	ID	83346
RP13S23E278600	BEDKE, ROBERT	1872 S 50 E	OAKELY	ID	83346
RP13S23E293000	BEDKE, TRACE L	395 SOUTH 350 EAST	BURLEY	ID	83318
RP13S23E300000	BEDKE, TRACE L	395 SOUTH 350 EAST	BURLEY	ID	83318
RP13S23E206000	BEDKE, TRACE L	395 SOUTH 350 EAST	BURLEY	ID	83318
RP13S23E197200	BEDKE, TRACE L	395 SOUTH 350 EAST	BURLEY	ID	83318
RP13S23E325840	BIRD, BRADY	PO BOX 4	OAKLEY	ID	83346
RP13S23E164800	CLAYVILLE, EARL	150 E 400 S	RUPERT	ID	83350
RP13S23E160000	CLAYVILLE, EARL 1/3 INT	150 E 400 S	RUPERT	ID	83350
RP13S23E162401	CLAYVILLE, EARL 1/3 INT	150 E 400 S	RUPERT	ID	83350
RP13S23E276000	CLAYVILLE, EARL, ETUX	150 E 400 S	RUPERT	ID	83350
RP13S23E288400	CLAYVILLE, EARL, ETUX	150 E 400 S	RUPERT	ID	83350
RP13S23E274800	CLAYVILLE, EARL, ETUX	150 E 400 S	RUPERT	ID	83350
RP13S23E287200	CLAYVILLE, EARL, ETUX	150 E 400 S	RUPERT	ID	83350
RP13S23E353000	CLAYVILLE, EARL, ETUX 1/3	150 E 400 S	RUPERT	ID	83350
RP13S23E340000	CLAYVILLE, EARL, ETUX 1/3	150 E 400 S	RUPERT	ID	83350
RP13S23E326600	COGGINS, PAULA	1853 GLACIER SUMMIT CT	DRAPER	UT	84020
RP13S23E324800	COGGINS, PAULA	1853 GLACIER SUMMIT CT	DRAPER	UT	84020
RP13S23E323001	COGGINS, PAULA	1853 GLACIER SUMMIT CT	DRAPER	UT	84020
RP15S20E037050	CRANER, MARJORIE, IRREV FAM TR	583 W 2000 S	OAKLEY	ID	83346
RP15S20E037050	CRANER, MARJORIE, IRREV FAM TR	583 W 2000 S	OAKLEY	ID	83346
RP14S23E040600	DREW, JEFFREY JOHN	PO BOX 147	OAKLEY	ID	83346
RP14S21E345580	FOSS, R A	4385 N 1159 E	BUHL	ID	83316
RP14S21E344500	FOSS, R A	4385 N 1159 E	BUHL	ID	83316
RP14S21E337220	FOSS, R A	4385 N 1159 E	BUHL	ID	83316
RP13S23E338400	GORRINGE, TOMMY C	1985 S 100 E	OAKLEY	ID	83346
RP13S23E200000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E190000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E190601	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP15S20E120000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP15S21E064050	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP15S21E064050	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP15S20E023300	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP14S20E345700	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP14S21E337500	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP14S21E344200	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP14S21E340000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP14S21E279000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP14S21E266000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E273000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E280002	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346

RP13S23E280600	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E283001	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E290000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E213600	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E201800	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E191800	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E210000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E212400	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E170000	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E286601	H & E HOLDINGS LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E339000	HAWKER, RYAN C	2024 S 00 E	OAKLEY	ID	83346
RP13S23E325100	HAWKER, RYAN C	2024 S 00 E	OAKLEY	ID	83346
RP13S23E088700	LAMBERT PRODUCE INC	203 E 1100 S	BURLEY	ID	83318
RP13S23E080026	LAMBERT PRODUCE INC	203 E 1100 S	BURLEY	ID	83318
RP13S23E057200	LAMBERT PRODUCE INC	203 E 1100 S	BURLEY	ID	83318
RP13S23E045401	LAMBERT PRODUCE INC	203 E 1100 S	BURLEY	ID	83318
RP13S22E120002	M & N LAND LLC	211 W 1525 S	OAKLEY	ID	83346
RP13S23E320001	MARCHANT RANCH PROPERTY LLC	24 E 1975 S	OAKLEY	ID	83346
RP13S23E321201	MARCHANT RANCH PROPERTY, LLC	24 E 1975 S	OAKLEY	ID	83346
RP13S23E321202	MARCHANT, GERALD L	24 E 1975 S	OAKLEY	ID	83346
RP13S23E333000	MARCHANT, GERALD L	24 EAST 1975 S	OAKLEY	ID	83346
RP13S23E328401	MARCHANT, GERALD L	24 E 1975 S	OAKLEY	ID	83346
RP13S23E336600	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E334800	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E335400	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E331200	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E334200	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E333600	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E340600	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E330002	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
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RP13S23E277200	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E300600	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E191200	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S22E250000	MARTIN, ANNE R	75 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E299001	MATTHEWS LAND & CATTLE LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E260000	MATTHEWS LAND & CATTLE LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E236600	MATTHEWS LAND & CATTLE LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E346000	MATTHEWS LAND & CATTLE LLC	1249 S HWY 27	OAKLEY	ID	83346
RP13S23E335391	MATTHEWS, BLAKE E	84 EAST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E335300	MATTHEWS, BRODEN K	94 E 1975 S	OAKLEY	ID	83346
RP13S23E263600	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E263000	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E270000	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E236000	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E229000	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E226600	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E225400	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E233600	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E211800	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346

RP13S23E211200	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E220000	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E154200	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E140300	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E150000	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E087200	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E100000	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E090001	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E090600	PICKETT RANCH & SHEEP CO	568 W 1650 S	OAKLEY	ID	83346
RP13S23E325200	PRESBA, HAROLD B	P O BOX 273	OAKLEY	ID	83346
RP13S22E121650	ROBINSON, COLT T	1560 S 500 W	OAKLEY	ID	83346
RP15S20E111650	SAWTOOTH NATIONAL FOREST	Address Not Provided			
RP15S20E122700	SAWTOOTH NATIONAL FOREST	Address Not Provided			
RP13S22E130000	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E180600	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S22E127200	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E077200	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E083601	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E071800	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E082402	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E070000	SCHENK LAND & CATTLE LP	1300 S 50 W	OAKLEY	ID	83346
RP13S23E286176	SEVERE, AMANDA	1876 SOUTH 50 EAST	OAKLEY	ID	83346
RP13S23E317876	SHAW, MEGAN WASHBURN	94 WEST 1975 SOUTH	OAKLEY	ID	83346
RP13S23E311221	SHAW, NATHAN	94 W 1975 S	OAKLEY	ID	83346
RP15S20E107200	U S A	3650 OVERLAND AVE	BURLEY	ID	83318
RP13S23E320750	WILLIAMS, JASON	3 E 1900 S	OAKLEY	ID	83346
RP13S23E083000	WILLOW CREEK FARMS LLC	203 E 1100 S	BURLEY	ID	83318
RP13S23E080001	WILLOW CREEK FARMS LLC	203 E 1100 S	BURLEY	ID	83318
RP13S23E054800	WILLOW CREEK FARMS LLC	203 E 1100 S	BURLEY	ID	83318
RP13S23E336300	ZOLLINGER, WADE	1994 S 100 E	OAKLEY	ID	83346
RP13S23E331801	ZOLLINGER, WADE	1994 S 100 E	OAKLEY	ID	83346
RP14S23E043100	ZOLLINGER, WADE	1994 SOUTH 100 EAST	OAKLEY	ID	83346
RP13S23E343600	ZOLLINGER, WADE	1994 SOUTH 100 EAST	OAKLEY	ID	83346
RP13S22E239999	Government Ground				
RP15S20E109999	Government Ground				
RP15S20E129999	Government Ground				
RP15S20E109999	Government Ground				
RP15S20E119999	Government Ground				
RP15S21E069999	Government Ground				
RP15S20E029999	Government Ground				
RP15S20E039999	Government Ground				
RP15S20E039999	Government Ground				
RP14S20E349999	Government Ground				
RP14S21E339999	Government Ground				
RP14S21E349999	Government Ground				
RP14S21E349999	Government Ground				
RP14S21E339999	Government Ground				
RP14S20E349999	Government Ground				
RP14S21E279999	Government Ground				
RP14S21E269999	Government Ground				
RP13S23E319999	Government Ground				

RP13S23E309999	Government Ground
RP13S23E239999	Government Ground
RP13S23E179999	Government Ground
RP13S23E189999	Government Ground
RP13S22E139999	Government Ground
RP13S22E139999	Government Ground
RP13S22E149999	Government Ground
RP13S23E179999	Government Ground
RP13S23E189999	Government Ground
RP13S22E139999	Government Ground
RP13S22E139999	Government Ground
RP13S23E089999	Government Ground
RP13S22E129999	Government Ground
RP14S21E259999	Government Ground

AFFIDAVIT OF PUBLICATION

Magic Valley Times-News
132 Fairfield ST W, Twin Falls, ID 83301
(208) 735-3253

State of Florida, County of Orange, ss:

I, Ankit Sachdeva, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Magic Valley Times-News, a newspaper printed and published at Twin Falls on Tuesday, Thursday and Saturday, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

Publication Dates:

- Jun 12, 2025

Notice ID: s5jwCC1LJPnPYjYFcUqP

Notice Name: Project # 2382-01

Publication Fee: \$182.82

Ankit Sachdeva

Agent

VERIFICATION

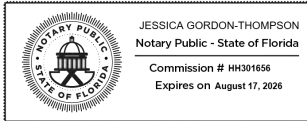
State of Florida
County of Orange

Signed or attested before me on this: 06/13/2025

J. Thompson

Notary Public

Notarized remotely online using communication technology via Proof.



**NOTICE OF HEARING
BEFORE CASSIA COUNTY PLANNING AND ZONING
COMMISSION**

2025-03-CU/CAFO/VAR

NOTICE IS HEREBY GIVEN : that a hearing will be held on **Thursday, the 17th day of**

July, 2025, beginning at the hour of three (3) o'clock P.M., in the Cassia County Courthouse, 1459 Overland Avenue, Room 206, Burley, Idaho 83318, before the Cassia County Planning & Zoning Commission on the application of:

(Names and Addresses of ALL Applicants)

Applicant: Hannah Dutrow, AGPROfessionals 213 Canyon Crest Dr. Suite 100, Twin Falls, ID 83301

Property Owner: H & E HOLDINGS LLC, 1840 S 50 E., Oakley, ID 83446

regarding an Application for a Conditional Use Permit/Confined Animal Feeding Operation/Variance, which application was received by the County on the 3rd day of April, 2025.

The Nature of the Proposed Application is:

Conditional Use Permit for a 6,110.52 animal unit custom cattle feedyard operation on 3,055.26 acres.

The property is located on lands at approximately:

Being in Parts of Sections 17, 19, 20, 21, 23, 27, 28, and 29, all in Township 13 South, Range 23 East of the Boise Meridian, Cassia County, Idaho

Being in Parts of Sections 26, 27, 33, and 34, Township 14 South, Range 21 East of the Boise Meridian, Cassia County, Idaho

Being in Parts of Sections 33 and 34, Township 14 South, Range 20 East of the Boise Meridian, Cassia County, Idaho

Being in Parts of Sections 2, 3, 11, and 12, Township 15 South, Range 20 East of the Boise Meridian, Cassia County, Idaho

Being in Parts of Sections 6 and 7, Township 15 South, Range 21 East of the Boise Meridian, Cassia County, Idaho

Such lands are located within the **Multiple Use Zone**. Pursuant to the Cassia County Zoning Ordinance a Conditional Use Permit is required for development in said zone.

The applicant will appear at this hearing to provide to the Cassia County Planning & Zoning Commission all the information required for issuance of a conditional use permit for the proposed use under the Cassia County Zoning Ordinance, before such permit can be issued.

A copy of the Application for Conditional Use Permit, including relevant maps and drawings, and information concerning the hearing process is available for review by the public at the office of the Zoning Administrator, Room 210 of the Cassia County Courthouse, 1459 Overland Ave., Burley, Idaho, prior to the hearing.

All other interested persons are invited to attend the hearing on the question of issuance of the requested conditional use permit. Such other interested persons are advised that in order to participate in the hearing, the following regulations apply:

A. Written Statements of Support Or Objection : All persons to whom notice is mailed shall be advised in that notice that they and others who can establish that their substantial rights would be affected by the approval or denial of the permit may file written objections or supporting statements with the planning and zoning commission secretary, 1459 Overland Ave. Rm. 210, Burley, ID 83318, no later than ten (10) days prior to the hearing setting forth in that writing that person's support or objection to the issuance of the new conditional use permit.

1. Written objections shall set forth each requirement of law

cal, state or federal) which the objecting party believes the conditional use permit would violate.

2. Written statements shall also set forth either that the party making the statement owns property within:

- one (1) mile of any external boundaries of the conditional use permit site described in the application, or

- in the designated Areas of City Impact only, within three hundred feet (300') of any external boundaries of the conditional use permit site described in the application and/or otherwise setting forth the substantial rights that would be affected by the approval or denial of the permit.

3. Additionally, any party desiring to file any document(s) exceeding one (1) one-sided, 8 1/2" x 11" sized page, shall file such document(s) at least ten (10) days prior to the hearing, with the planning and zoning commission secretary. The planning and zoning commission reserves the right to reject any proffered documentation that violates the intent of this regulation.

B. Providing Testimony at the Public Hearing: Any person who files a statement in support or objection to the issuance of a new conditional use permit shall indicate in such statement whether or not such person desires to testify at the hearing.

1. Prior to the hearing the planning and zoning commission shall determine which of those persons who desire to testify will be permitted to testify at the hearing.

2. All statements of support or objections shall be made a part of the record at the hearing, but no person except the applicant shall be permitted to testify at the hearing unless they have previously filed a written statement of support for or objection to the issuance of the permit.

DATED this 06th day of June, 2025.

Applicant Printed Name: Hannah Dutrow, AGPROfessionals

Publish: June 12, 2025

COL-NV-2178

