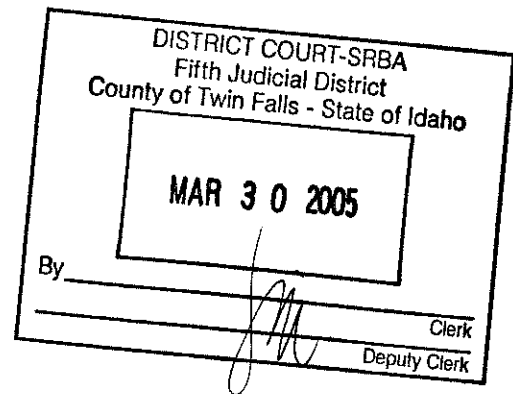


RECEIVED

MAR 31 2005

DEPARTMENT OF
WATER RESOURCES



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) SUBCASE: 29-02554

) ORDER OF REFERENCE APPOINTING
) BRIGETTE BILYEU SPECIAL MASTER
)

On March 30, 2005, a *Motion to Set Aside Partial Decree* was filed by Klaren Koompin, on behalf of Koompin Bros. LLC, for the above-captioned water right.

Therefore, IT IS ORDERED that Special Master Brigitte Bilyeu be appointed to preside over the above-captioned *Motion* and conduct all proceedings necessary to issue a recommendation consistent with AO1 as to the *Motion* and to the underlying merits as to how the *Partial Decree* should be amended, if it is determined that said *Partial Decree* should be set aside or amended.

Dated March 30, 2005.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

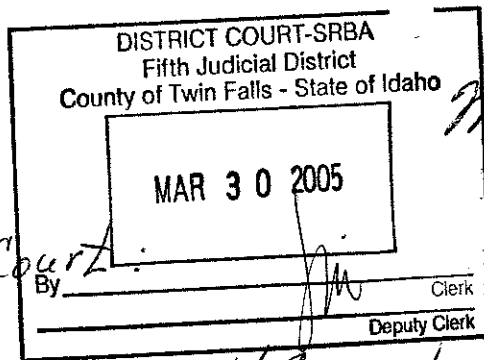
I certify that a true and correct copy of the **ORDER OF REFERENCE APPOINTING BRIGETTE BILYEU SPECIAL MASTER** was mailed on March 30, 2005, with sufficient first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Greg & Lloyd Farms
c/o Greg Cannell
PO Box 240
American Falls, ID 83211

Koompin Bros. LLC
c/o Klaren Koompin
3062 So. Frontage Rd.
American Falls, ID 83211


Deputy Clerk



March 28-2005

Dear SRBA Court:

Koompin Bros LLC has purchased ground & water right #29-2554 From Greg & Bloyde Farms. we would like to request change of ownership. We also would like to include The parcel of ground marked in Red lines to also be included as a place of use For water right #29-2554 which included all of The ground marked in Blue lines.

Thank you

Koompin Bros LLC by
Klaren Koompin

Klaren Koompin can be
reached @ 208-221-1317 & 208-226-2773
Fax- 208-226-2080

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2554 V1

WATER RIGHT NUMBER: 29-2554 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LEO G BURKETT
Original Owner	BRAD PETERSON
Original Owner	ROBERT M WRIGHT
Current Owner	GREG & LLOYDE FARMS C/O GREG CANNELL PO BOX 240 AMERICAN FALLS, ID 83211 (208)226-2872

Priority Date: 05/24/1967

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.460 CFS	280.00 AF
<u>Total Diversion:</u>		1.460 CFS	280.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 22, Twp 08S, Rge 30E, B.M.	POWER County
GROUND WATER	SW1/4SE1/4	Sec. 22, Twp 08S, Rge 30E, B.M.	POWER County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
08S 30E 22	3.3			30.0											7.9	25.0	4.2	70.4

Total Acres: 70.4

Conditions of Approval:

1. c18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
29-2554					

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Greg + Lloyd Farms % Greg Cornell
PO Box 240, American Falls, ID 83211

4. New Owner/Claimant(s)

Kaampin Bros LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

3062 S Frontage Rd

City, State and ZIP Code

American Falls Id 83211

New Telephone Number

(208) 226 2773

5. Date you acquired the property

Dec 11, 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the **water right or adjudication claim number(s)**. Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

T
8
S

R30E

22



Instrument # 184 ?

POWER COUNTY, IDAHO

2003-12-11 02:59:23 No. of Pages: 2

Recorded for : KENNETH KOOMPIN

CHRISTINE STEINLICHT

Fee: 6.00

Ex-Officio Recorder Deputy

Margaret Schelke

WARRANTY DEED

FOR VALUE RECEIVED, GREG G. CANNELL, a single man (hereinafter "Grantor"), does hereby grant, bargain, sell and convey unto KOOMPIN BROS., L.L.C, an Idaho limited liability company, whose current address is 3062 S. Frontage Road, American Falls, Idaho 83211 (hereinafter "Grantee"), its successors and assigns forever, the following described premises in Power County, Idaho, to-wit:

E1/2 NE1/4 and the SE1/4 lying South of the right of way of Old Highway 30 North and North of right of way for Interstate 86 West in Section 22, Township 8 South, Range 30 East, Boise Meridian, Power County, Idaho.

EXCEPTING THEREFROM:

Lot 6, Block 1, Little Creek Ranches, a subdivision, Power County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Power County, Idaho.

ALSO EXCEPTING THEREFROM:

Power County Parcel No. RP D1209-06- Section 22, Township 8 South, Range 30 East, formerly Little Creek Ranches, Block 1, Lots 2 and 3.

TOGETHER WITH all appurtenant water rights.

TOGETHER WITH all irrigation sprinklers and equipment, including, but not limited to, two Valley Center Pivots, buried main line, hand lines, pumps, motors and control panels.

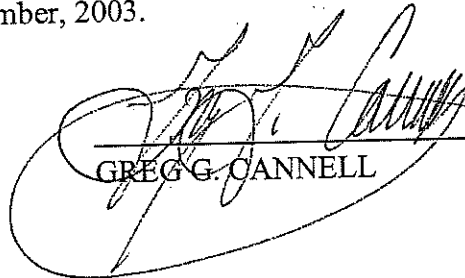
TOGETHER WITH all rights, title and interest under that certain Real Estate Agreement dated June 29, 1993, and recorded July 14, 1993, as Power County Instrument No. 159659.

TO HAVE AND TO HOLD the said premises, with their appurtenances, including all water, gas, oil and mineral rights.

Grantor does hereby covenant that it is the owner in fee simple of said premises, that they are free from all encumbrances excepting discrepancies, conflicts in boundary lines, shortage in area, encroachments

or any other facts which a correct survey would disclose, easements or claims of easement not shown by the public records, use restrictions and building and zoning regulations and ordinances of any governmental unit, and that it will warrant and defend the same from all lawful claims.

DATED this 8 day of December, 2003.

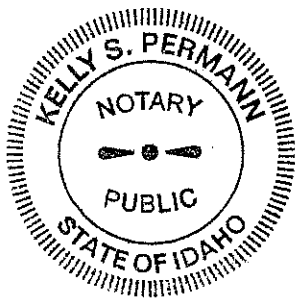


GREG G. CANNELL

STATE OF IDAHO)
 : ss
County of Power)

On this 8 day of December, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Greg G. Cannell, a single man, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that he executed the same.

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





NOTARY PUBLIC FOR IDAHO
Residing at: 490 Johnson, Am Falls, Id 83211
My Commission expires: 10/16/2008

Instrument # 1.001

POWER COUNTY, IDAHO

2003-12-11

02:58:33 No. of Pages: 3

Recorded for : KENNETH KOOMPIN

CHRISTINE STEINLICHT

Fee: 9.00

Ex-Officio Recorder Deputy

Maryann Schelke

WARRANTY DEED

FOR VALUE RECEIVED, KENNETH K. KOOMPIN and KATHLEEN J. KOOMPIN, husband and wife, and KLAREN P. KOOMPIN and CHERYL ANN KOOMPIN, husband and wife (hereinafter "Grantors"), do hereby grant, bargain, sell and convey unto KOOMPIN BROS., L.L.C, an Idaho limited liability company, whose current address is 3062 S. Frontage Road, American Falls, Idaho 83211 (hereinafter "Grantee"), its successors and assigns forever, the following described premises in Power County, Idaho, to-wit:

E1/2 NE1/4 and the SE1/4 lying South of the right of way of Old Highway 30 North and North of right of way for Interstate 86 West in Section 22, Township 8 South, Range 30 East, Boise Meridian, Power County, Idaho.

EXCEPTING THEREFROM:

Lot 6, Block 1, Little Creek Ranches, a subdivision, Power County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Power County, Idaho.

ALSO EXCEPTING THEREFROM:

Power County Parcel No. RP D1209-06- Section 22, Township 8 South, Range 30 East, formerly Little Creek Ranches, Block 1, Lots 2 and 3.

TOGETHER WITH all appurtenant water rights.

TOGETHER WITH all irrigation sprinklers and equipment, including, but not limited to, two Valley Center Pivots, buried main line, hand lines, pumps, motors and control panels.

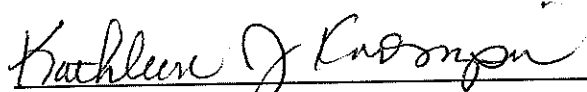
TOGETHER WITH all rights, title and interest under that certain Real Estate Agreement dated June 29, 1993, and recorded July 14, 1993, as Power County Instrument No. 159659.

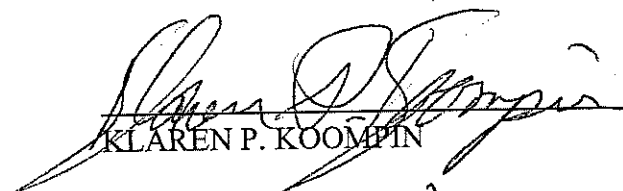
TO HAVE AND TO HOLD the said premises, with their appurtenances, including all water, gas, oil and mineral rights.

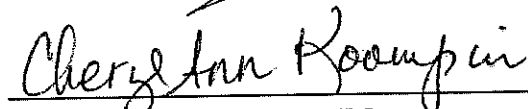
Grantors do hereby covenant that they are the owners in fee simple of said premises, that they are free from all encumbrances excepting discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, easements or claims of easement not shown by the public records, use restrictions and building and zoning regulations and ordinances of any governmental unit, and that they will warrant and defend the same from all lawful claims.

DATED this 10th day of December, 2003.


KENNETH K. KOOMPIN


KATHLEEN J. KOOMPIN

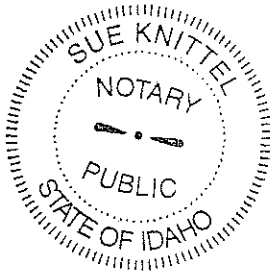

KLAREN P. KOOMPIN


CHERYL ANN KOOMPIN

STATE OF IDAHO)
 : ss
County of)

On this 10th day of December, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth K. Koompin and Kathleen J. Koompin, known to me to be the persons whose names are subscribed to the foregoing and acknowledged to me that they executed the same.

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

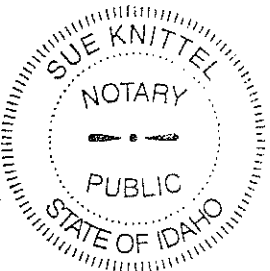


Sue Knittel
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello
My Commission expires: 1-11-06

STATE OF IDAHO)
 : ss
County of)

On this 10th day of December, 2003, before me, the undersigned Notary Public in and for said county and state, personally appeared Klaren P. Koompin and Cheryl Ann Koompin, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Sue Knittel
NOTARY PUBLIC FOR IDAHO,
Residing at: Pocatello
My Commission Expires: 1-11-06

Instrument # 34000

POWER COUNTY, IDAHO

2003-12-11 02:58:04 No. of Pages: 2

Recorded for : KENNETH KOOMPIN

CHRISTINE STEINLICH

Fee: 6.00

Ex-Officio Recorder Deputy

Mareen Schelata

WARRANTY DEED

FOR VALUE RECEIVED, S. LLOYDE HERBST, a single man (hereinafter "Grantor"), does hereby grant, bargain, sell and convey unto KOOMPIN BROS., L.L.C, an Idaho limited liability company, whose current address is 3062 S. Frontage Road, American Falls, Idaho 83211 (hereinafter "Grantee"), its successors and assigns forever, the following described premises in Power County, Idaho, to-wit:

E1/2 NE1/4 and the SE1/4 lying South of the right of way of Old Highway 30 North and North of right of way for Interstate 86 West in Section 22, Township 8 South, Range 30 East, Boise Meridian, Power County, Idaho.

EXCEPTING THEREFROM:

Lot 6, Block 1, Little Creek Ranches, a subdivision, Power County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Power County, Idaho.

ALSO EXCEPTING THEREFROM:

Power County Parcel No. RPD1209-06- Section 22, Township 8 South, Range 30 Eat, formerly Little Creek Ranches, Block 1, Lots 2 and 3.

TOGETHER WITH all appurtenant water rights.

TOGETHER WITH all irrigation sprinklers and equipment, including, but not limited to, two Valley Center Pivots, buried main line, hand lines, pumps, motors and control panels.

TOGETHER WITH all rights, title and interest under that certain Real Estate Agreement dated June 29, 1993, and recorded July 14, 1993, as Power County Instrument No. 159659.

TO HAVE AND TO HOLD the said premises, with their appurtenances, including all water, gas, oil and mineral rights.

Grantor does hereby covenant that it is the owner in fee simple of said premises, that they are free from all encumbrances excepting discrepancies, conflicts in boundary lines, shortage in area, encroachments

or any other facts which a correct survey would disclose, easements or claims of easement not shown by the public records, use restrictions and building and zoning regulations and ordinances of any governmental unit, and that it will warrant and defend the same from all lawful claims.

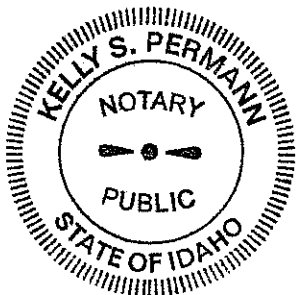
DATED this 8 day of December, 2003.

S. Lloyd Herbst
S. LLOYDE HERBST

STATE OF IDAHO)
 : ss
County of Power)

On this 8 day of December, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared S. Lloyd Herbst, a single man, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that he executed the same.

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



Kelly S. Permann
NOTARY PUBLIC FOR IDAHO
Residing at: 490 Johnson, Am Falls Id 83211
My Commission expires: 10/16/2008

QUITCLAIM DEED

FOR VALUE RECEIVED, Plaintiff Teri Cannell does hereby convey, release, remise, and forever quit claim unto Defendant, Greg Cannell, whose current address is 3374 Cannell Lane American Falls, Idaho, the following described premises, to wit:

All of that portion of the SE¼ and E½NE¼ lying South of old U.S. Highway 30 North and North of Interstate #15, in Section 22, Township 8 South, Range 30 E.B.M.; and

Lots 1,2,3,4, & 5 in Block 1 and all of Block 2 in the Little Creek Ranches Subdivision in Power County, Idaho.

together with their appurtenances.

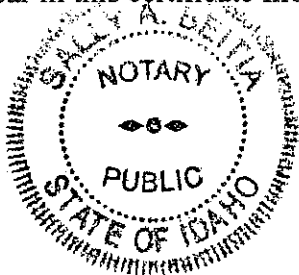
DATED this 6th day of May, 2003

Teri Cannell
TERI CANNELL

STATE OF IDAHO, County of Bannock

On this 6th day of May, 2003, before me, a Notary Public in and for said state, personally appeared Teri Cannell, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

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



Sally A. Britia
Notary Public for Idaho
Residing at Bozello American Falls
My Commission Expires: 10-01-04

Instrument # 183966

POWER COUNTY, IDAHO

2003-12-05

11:29:05 No. of Pages: 1

Recorded for : GREG CANNELL

CHRISTINE STEINLICHT

Ex-Officio Recorder Deputy

Fee: 3.00

Deanna L. Curry