

RECEIVED

Rev. 01/15

JUN 11 2018

STATE OF IDAHO
 Department of Water Resources DEPARTMENT OF WATER RESOURCES
 Eastern Region

Transfer No. 82369

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) KINPORT MANAGEMENT

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

AMENDED

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
 ** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

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Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) KINPORT MANAGEMENT Phone 208-932-4040
Mailing address PO BOX 2082, POCATELLO, ID 83206 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative THOMAS J. BUDGE Phone 208-232-6101
Mailing address PO BOX 1391, POCATELLO, ID 83204-1391 Email tjb@racinelaw.net

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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.

Thomas J. Budge
Signature of Applicant or Authorized Representative

Thomas J. Budge, Attorney
Print Name and Title if applicable

6.9.18
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
Transfer a 43-acre portion (0.14 cfs, 67.8 af) of water right 29-2565 to a new point of diversion and place of use to be combined with water right 29-2470 to create a 235-acre place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	29-2565	0.14 / 67.8	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	29-2470	2.82 / 954.6	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.96 cfs and/or 1022.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.95 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
	4	SW	SW	SW	31	10S	34E	Power	Ground Water	WMIS #600821

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

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	
10S	34E	31					30	23	23	29	34	28	30	38					235
Total Acres (for irrigation use)																			235

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Ground water well with diesel pump. Regulated by WD29O. Flow meter already installed on well.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete **Attachment WSB**.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Acres removed from existing place of use for water right 29-2565 will be dried up.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No.: 29-2565

Current Owner: JACOB ANDERSEN FARM LLC
Priority Date: 9/12/1961
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 03/15 to 11/15
Total Diversion

0.81 CFS 394.2 AF
0.81 CFS 394.2 AF

Location of Point(s) of Diversion

GROUND WATER
POWER County

NE1/4NW1/4SE1/4 Sec. 7, Twp 10S, Rge 34E B.M.
(Rediversion)

GROUND WATER
POWER County

NW1/4NE1/4SE1/4 Sec. 7, Twp 10S, Rge 34E B.M.

Place of Use

IRRIGATION Within POWER County

T10S R34E S7	NENE	28.00	T10S R34E S7	SWNE	35.00
T10S R34E S7	SENE	36.00	T10S R34E S7	NESE	31.00
T10S R34E S7	NWSE	27.00	T10S R34E S7	SWSE	39.00
T10S R34E S8	SWNE	29.00	T10S R34E S8	NENW	6.00
T10S R34E S8	NWNW	39.00	T10S R34E S8	SWNW	40.00
T10S R34E S8	SENE	20.00	T10S R34E S8	NESW	39.00
T10S R34E S8	NWSW	40.00			

Total Acres: 409

Conditions of Approval:

1. This ground water right is entitled to the protections of paragraph x.c. of water right 29-12052.
2. X35 Rights 29-2565, 29-14164, 29-14165, 29-14166, 29-14167 and 29-14249 when combined shall not exceed the irrigation of 409 acres.
3. 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.
4. X27 This right is limited to the irrigation of 250 acres within the authorized place of use in a single irrigation season.

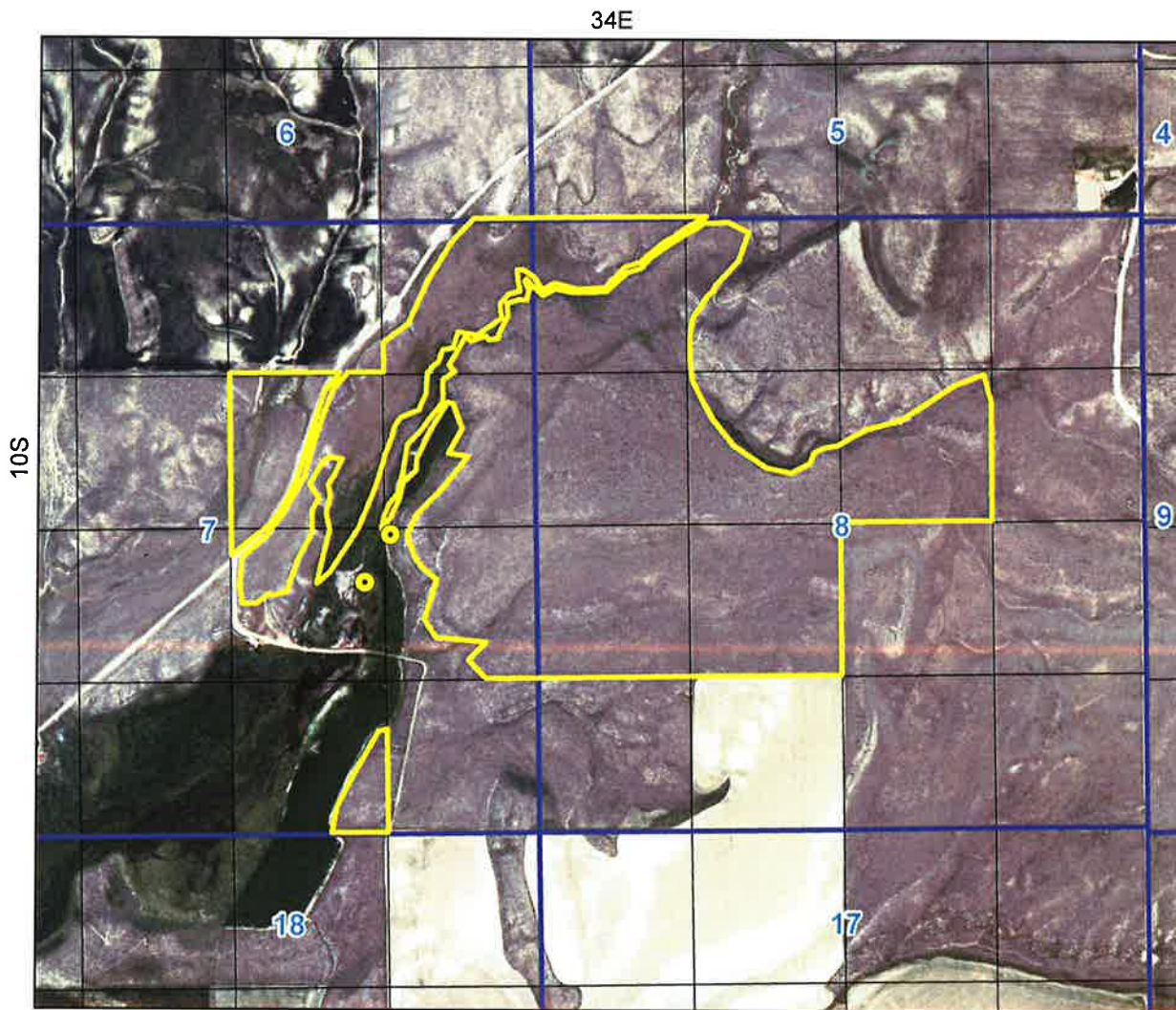
82369

State of Idaho
Department of Water Resources

Water Right 29-2565

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.175 0.35 0.7 Miles



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

Current Water Right No.: 29-2470

Current Owner: JACOB ANDERSEN FARM LLC
Priority Date: 12/11/1962
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.82 CFS	954.6 AF
	<u>Total Diversion</u>	2.82 CFS	954.6 AF

Location of Point(s) of Diversion

GROUND WATER L4(SW1/4SW1/4SW1/4) Sec. 31, Twp 10S, Rge 34E B.M.
POWER County

Place of Use

IRRIGATION Within POWER County

T10S R34E S31	NENW	40.00	T10S R34E S31	Lot 1	NWNW	3.00
T10S R34E S31	SENW	31.00	T10S R34E S31		NESW	31.00
T10S R34E S31	Lot 3 NWSW	25.00	T10S R34E S31	Lot 4	SWSW	27.00
T10S R34E S31	SESW	35.00				

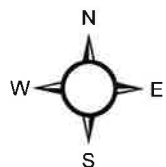
Total Acres: 192

Conditions of Approval:

1. This ground water right is entitled to the protections of paragraph x.c. of water right 29-12052.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Decreed Date: 3/22/2004

82369



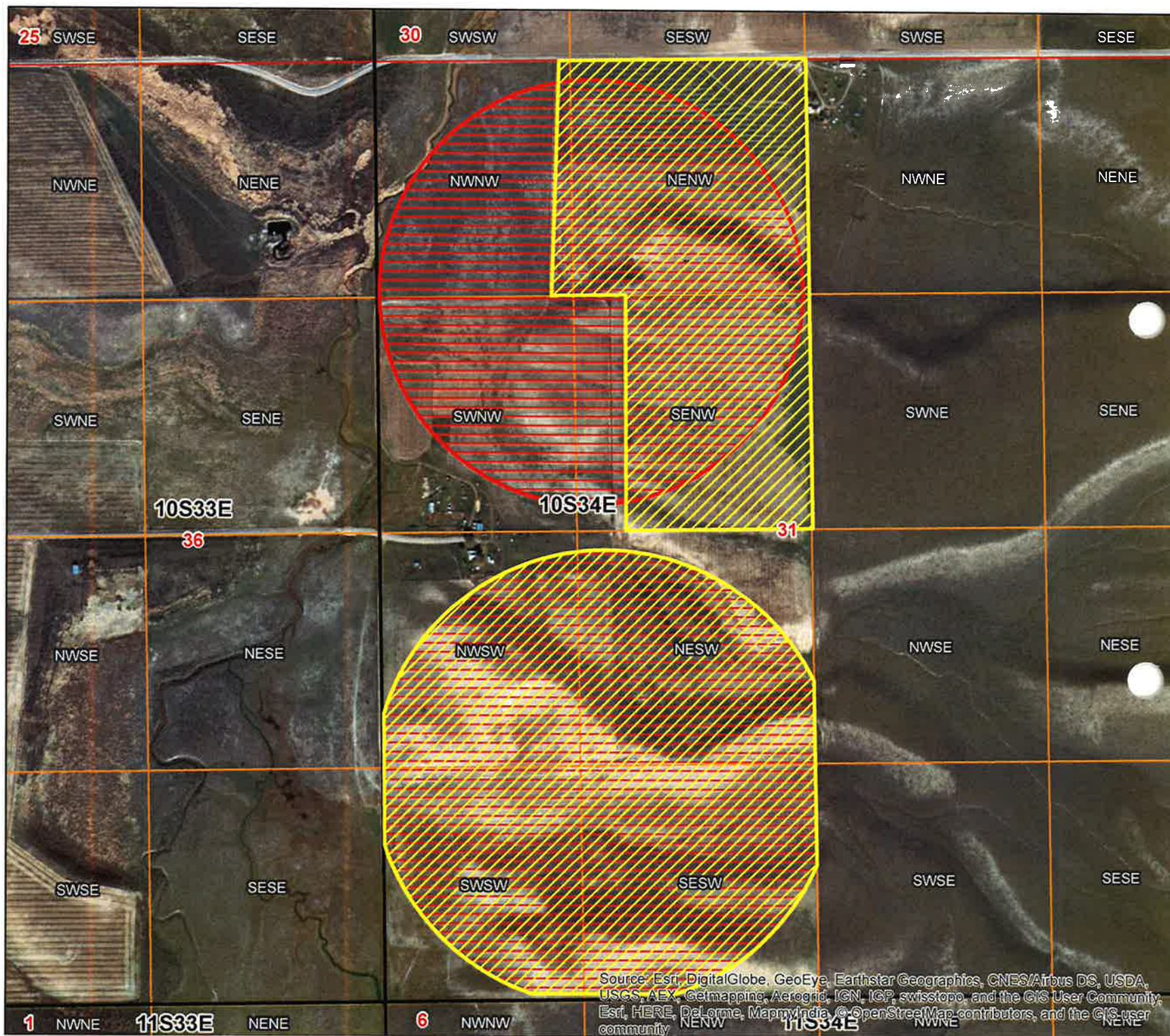
Legend

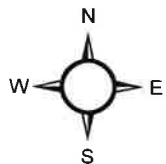
- Current POU
- New POU
- TR Lines
- Section Lines
- Quarter Quarters

82369



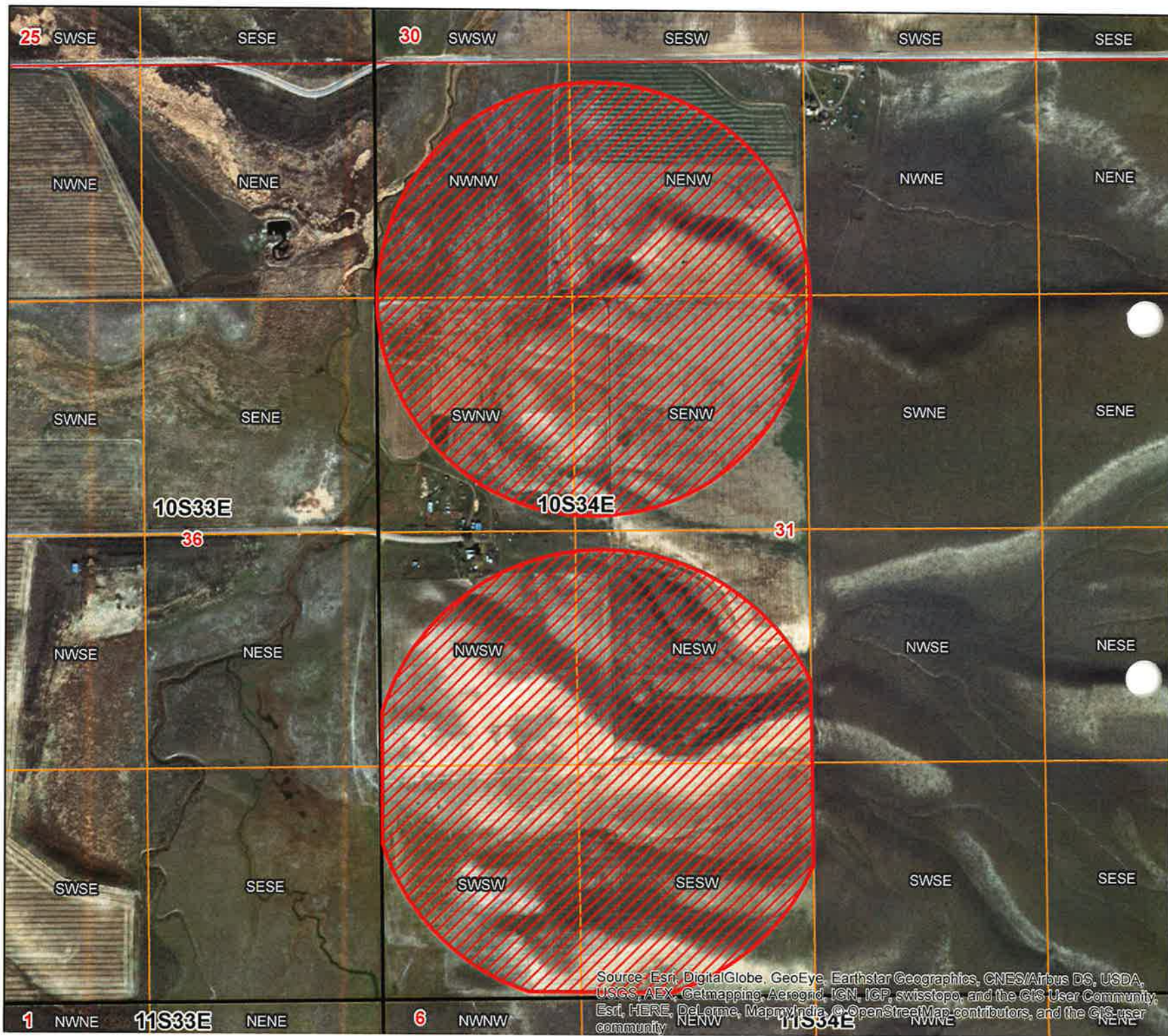
936.45117.06





Legend

-  New POU (Blake)
-  TR Lines
-  Section Lines
-  Quarter Quarters



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community
 Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community



936.45117.06

02369

ATTACHMENT 2a

CERTIFICATE OF ASSUMED BUSINESS NAME

Title 30, Chapter 21, Part 8, Idaho Code.

Filing fee: \$25.00.

FILED EFFECTIVE

2017 JUN -5 PM 1:58

SECRETARY OF STATE
STATE OF IDAHO

1. The assumed business name which the undersigned use(s) in the transaction of business is:

Kinport Management

2. The individual and/or entity names and business address(es) of those doing business under the assumed business name (do not include the name you listed in #1):

Jacob Andersen Farm, LLC 1170 Lusk Loop, Arbon, Idaho 83212

(Name) (W/20206) (Address)

(Name) (Address)

(Name) (Address)

(Name) (Address)

3. The general type of business transacted under the assumed business name is:

☐ Retail Trade	☐ Construction	☐ Transportation and Public Utilities
☐ Wholesale Trade	☒ Agriculture	☐ Mining
☐ Services	☐ Manufacturing	☐ Finance, Insurance, and Real Estate

4. Mailing address for future correspondence:

Kinport Management

(Name)

PO Box 2082

(Address)

Pocatello, Idaho 83206

(City)

(State)

(Zipcode)

5. Name and address for this acknowledgment copy is (if other than # 4):

Willard Lynn Andersen

(Name)

1258 Andersen Road

(Address)

Arbon, Idaho 83212

(City)

(State)

(Zipcode)

Printed Name: Jacob Andersen, Manager

Signature: [Signature]

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Secretary of State use only

IDAHO SECRETARY OF STATE

06/06/2017 05:00

CK:5908 CT:169988 BH:1587474
10 25.00 = 25.00 ASSUM NAME #2

D194945

ATTACHMENT 4

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

Jacob Andersen Farm, LLC, doing business as Kinport Management, hereby appoints the law firm of RACINE OLSON NYE & BUDGE, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on its behalf.

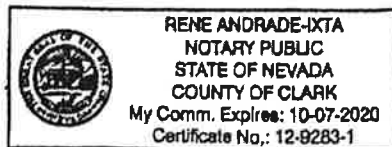
DATED this 2nd day of June, 2017

Jacob Andersen Farm, LLC D/B/A/ Kinport Management

By: [Signature]
Anthony Jacob Andersen, Manager

STATE OF ~~IDAHO~~ Nevada)
County of Clark) :SS

On this 2nd day of June, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Anthony Jacob Andersen, known to me to be the person whose name is subscribed to the foregoing and the Manager of Jacob Andersen Farm, LLC, doing business as Kinport Management, and acknowledged to me that he executed the same as Manager of Jacob Andersen Farm, LLC, doing business as Kinport Management.



[Signature]
NOTARY PUBLIC FOR Nevada, Clark County
Commission expires: 10-07-2020

WATER RIGHT ALLOCATION AGREEMENT

William H. Bolingbroke, individually ("William") and as Personal Representative of the Estate of Dale A. Bolingbroke (the "Estate"), Robert Bodlak and Rhonda Bodlak, husband and wife (the "Bodlaks"), Jeffrey L. Campbell and Katie Campbell, husband and wife (the "Campbells"), and Jacob Andersen Farm, LLC ("Andersen") enter into this Water Right Allocation Agreement ("Agreement") for the purpose of defining their respective interests in water right nos. 29-477, 29-13234, 29-10857 and 29-2565 (the "Bolingbroke Rights") as decreed in the Snake River Basin Adjudication ("SRBA") by the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Twin Falls in the Final Decree entered August 26, 2014, *In re SRBA case no. 39576*. William, the Estate, the Bodlaks, the Campbells, and Andersen are referred to herein individually as a "Party" and collectively as the "Parties".

The Bolingbroke Rights were decreed in the SRBA to the same 409 acre place of use. The Bolingbroke Rights have subsequently been conveyed to William, the Bodlaks, and Andersen, resulting in several splits of the Bolingbroke Rights. However, many of the split rights continue to share the same place of use. The purpose of this Agreement is to properly allocate the Bolingbroke Rights among the current owners thereof.

The records of the Idaho Department of Water Resources presently identify the owners of the Bolingbroke Rights and progeny thereof as follows: (a) water right nos. 29-477, 29-13234 and 29-10857 in the name of Dale A. Bolingbroke, deceased; (b) water right nos. 29-14247 and 29-14249 in the name of William; (c) water right nos. 29-14164, 29-14165, 29-14166, 29-14167 in the name of the Bodlaks; and (d) water right no. 29-2565 in the name of Andersen.

The Campbells own land to which the Bolingbroke Rights are appurtenant. The Campbells have conveyed their interest in water right no. 29-2565 to Andersen. The Campbells hereby quitclaim any interest they may have in the remaining Bolingbroke Rights and progeny thereof to the other Parties in such quantities as are needed to accomplish the allocation set forth below.

The Estate is the successor in interest to all water rights owned by Dale A. Bolingbroke. The Estate hereby acknowledges that all interests in the Bolingbroke Rights have been conveyed to William, the Bodlaks, or Andersen. The Estate hereby quitclaims any interest it may have in the Bolingbroke Rights and progeny thereof to the other Parties in such quantities as are needed to accomplish the allocation set forth below.

The Parties agree that the Bolingbroke Rights are presently owned as set forth in the following table:

Owner	WR#	Source	CFS	AF	Acres
William H. Bolingbroke	29-14249	Rattlesnake Creek	0.42	n/a	40
	29-14247	Rattlesnake Creek	0	0	0
Rhonda Bodlak & Robert Bodlak	29-14164	Rattlesnake Creek	0.28	n/a	119
	29-14165	Ground Water	0.23	111.2	
	29-14166	Spring	0.08	n/a	
	29-14167	Rattlesnake Creek	n/a	198.5	
Jacob Andersen Farm, LLC	29-2565	Ground Water	0.81	411.7	250
Jeffer L. Campbell & Katie Campbell	none				
Estate of Dale A. Bolingbroke	29-477	Rattlesnake Creek	0	0	0
	29-13234	Rattlesnake Creek	0	0	0
	29-10857	Spring	0	0	0

To the extent the foregoing water right allocation requires a conveyance of any interest in the Bolingbroke Rights from one Party to another Party, this Agreement shall constitute a quitclaim conveyance of such interest.

The Parties acknowledge and agree that water right nos. 29-477, 29-13234 and 29-10857 have been fully conveyed to William and the Bodlaks as set forth in the above table, and that water right no. 29-14247 has been fully conveyed to the Bodlaks as set forth in the above table, that no water remains associated with these water right numbers, and that these water right numbers are of no further force or effect and may be extinguished or rendered inactive by IDWR.

[End of Agreement; Signatures Below]

COUNTERPART SIGNATURE PAGE

DATED this 24th day of March, 2018.

William H. Bolingbroke

William H. Bolingbroke, individually and as
Personal Representative of the Estate of Dale A.
Bolingbroke

STATE OF Maryland)
County of Frederick) : ss.

This record was acknowledged before me on this 24th day of March, 2018, by William H. Bolingbroke, individually and as Personal Representative of the Estate of Dale A. Bolingbroke.

[Signature]

NOTARY PUBLIC FOR State of Maryland
My Commission Expires: 6/9/2018

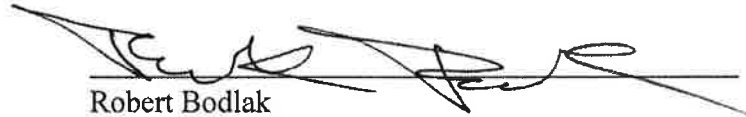
(SEAL)



COUNTERPART SIGNATURE PAGE

DATED this 28TH day of March, 2018.


Rhonda Bodlak


Robert Bodlak

STATE OF CALIFORNIA)
County of SAN MATEO : ss.

This record was acknowledged before me on this 28TH day of March, 2018, by Rhonda Bodlak and Robert Bodlak.

(SEAL)


NOTARY PUBLIC FOR CALIFORNIA, SAN MATEO COUNTY
My Commission Expires: 05/24/2019

** SEE ATTACHMENT* 

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

County of San Mateo

S.S.

On March 28, 2018 before me, John Reginald Roxas, Notary Public

personally appeared Rhonda Bodlak

Robert Bodlak

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



OPTIONAL INFORMATION

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Water Right Allocation Agreement - Counterpart Signature Page

containing 6 pages, and dated 03/28/2018

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-fact
☐ Corporate Officer(s)

☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing:

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

- ☐
- form(s) of identification
- ☐
- credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact:

Other

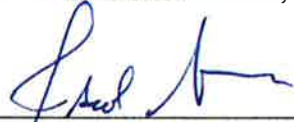
- ☐ Additional Signer ☐ Signer(s) Thumbprints(s)

Q

COUNTERPART SIGNATURE PAGE

DATED this 13th day of March, 2018.

JACOB ANDERSEN FARM, LLC

By: 
Jacob Andersen, Manager

STATE OF IDAHO)
County of Bannock) ss.

This record was acknowledged before me on this 13th day of March, 2018, by Jacob Andersen, as Manager of Jacob Andersen Farm, LLC.

(SEAL)




NOTARY PUBLIC FOR Idaho
My Commission Expires: 10/05/2021

COUNTERPART SIGNATURE PAGE

DATED this 19th day of March, 2018.

Jeffrey L. Campbell
Jeffrey L. Campbell

Katie Campbell
Katie Campbell

STATE OF IDAHO)
County of Bannock) : ss.

This record was acknowledged before me on this 19th day of March, 2018, by Jeffrey L. Campbell and Katie Campbell.

(SEAL)



Tessa P. Sparrow
NOTARY PUBLIC FOR Idaho
My Commission Expires: 10/05/2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 07 2018

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources
Eastern Region

Name of Applicant(s) KINPORT MANAGEMENT Phone 208-932-4040

Mailing address P. O. BOX 2082, POCA TELLO, IDAHO 83206 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☒ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative THOMAS J. BUDGE Phone 208-232-6101

Mailing address P. O. BOX 1391, POCA TELLO, IDAHO 83204-1391 Email tjb@racinelaw.net

- ☒ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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 Authorized Representative

THOMAS J. BUDGE
Print Name and Title if applicable

5.1.18
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
TRANSFER A 0.14 CFS PORTION OF WATER RIGHT 29-2565 TO NEW PLACE OF USE TO BE COMBINED
WITH 29-2470

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☒	29-2565	0.14/68	IRRIGATION	03/15 to 11/15	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.85 cfs and/or 411.7 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.14 cubic feet per second and/or 68 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
	4	SW	SW	SW	31	10S	34E	POWER	GROUND WATER	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

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	
10S	34E	31					30	23	23	29	34	28	30	38					235
Total Acres (for irrigation use)																			235

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

GROUND WATER WELL WITH DIESEL PUMP

- b. Who owns the property at the point(s) of diversion? APPLICANT

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **If yes**, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
WILL BE DRIED UP

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

WATER RIGHT NO. 29.2470 HAS THE SAME PLACE OF USE

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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MAY 07 2018

Department of Water Resources
Eastern Region

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THOMAS J. BUDGE
Print Name and Title if applicable

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Date

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A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
REARRANGE THE PLACE OF USE FOR WATER RIGHT NO. 29-2470 TO ACCOMMODATE INSTALLATION OF
CENTER PIVOT AND TRANSFER OF A 0.14 CFS PORTION OF 29-2565

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
1. All or Part ☒ ☐	29-2470	2.82/954.6	IRRIGATION	03/15 to 11/15	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.82 cfs and/or 954.6 acre-feet.

2. Total amount of water proposed to be transferred or changed 2.82 cubic feet per second and/or 954.6 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

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	
10S	34E	31					30	23	23	29	34	28	30	38					235
Total Acres (for irrigation use)																			235

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

GROUND WATER WELL WITH DIESEL PUMP

- b. Who owns the property at the point(s) of diversion? APPLICANT

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

LAND REMOVED FROM PLACE OF USE WILL BE DRIED UP

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

A 0.14 PORTION OF 29-2565 IS BEING TRANSFERRED TO SAME PLACE OF USE AND POINT OF DIVERSION

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

May 3, 2018

James Cefalo
Idaho Department of Water Resources
Eastern Region Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Kinport Management Transfer applications

Dear James:

Enclosed are six transfer applications filed on behalf of Kinport Management (a DBA of Jacob Andersen Farm, LLC). You will recall that Jacob Andersen Farm, LLC acquired water right 29-2565 from Dale Bolingbroke, and that Mr. Andersen and the other owners of the Bolingbroke water rights recently entered into a Water Right Allocation Agreement that allocates between them the diversion rate and acres associated with the Dale Bolingbroke water rights. The purpose of the enclosed transfer applications is to move the portion of water right 29-2565 owned by Jacob Andersen Farm, LLC, to lands where Kinport Management is able to place them to beneficial use.

Kinport Management desires to split its share of water right 29-2565 into three parts to be combined with water right nos. 29-14242, 29-14187 and 29-2470. Combining parts of 29-2565 with these three water rights will allow Kinport Management to install center pivots. Consequently, it is necessary that the current places of use of these three water rights also be changed to accommodate pivot irrigation. Thus, there are six total transfer applications enclosed herewith.

The transfers of 29-2565 should be viewed as companion applications with the other three transfers. Specifically, the 0.54 cfs portion of 29-2565 is associated with 29-14242, the 0.13 cfs portion of 29-2565 is associated with 29-14187, and the 0.14 cfs portion of 29-2565 is associated with 29-2470. We view these as three separate sets of transfer, and we kindly ask that the two applications within each set be processed in tandem since the installation of pivot irrigation is dependent on both applications being approved.

By our calculation these six transfer applications require a cumulative filing fee of \$2,640, calculated as follows: 29-14242 (\$580), 0.54 cfs portion of 29-2565 (\$500), 29-14187 (\$500), 0.13 cfs portion of 29-2565 (\$200), 29-2470 (\$660), and 0.14 cfs portion of 29-2565 (\$200). Please let us know if you calculate the filing fees differently. Enclosed herewith is a check in the amount of \$2,640 for the cumulative filing fee as we have calculated.

There is the original and one copy of each application enclosed herewith. Please file the originals and conform stamp and return the copies to me in the enclosed return envelope.

Should you have any questions, please give me a call.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T.J. Budge', with a stylized flourish at the end.

T.J BUDGE

c: Jacob Andersen