



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

**900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718**

**Phone: (208) 525-7161 FAX: (208) 525-7177 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)**

---

January 3, 2017

**C.L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Director

B & B Farms  
c/o Byron Jensen  
5975 W 3800 S  
Rexburg ID 83440

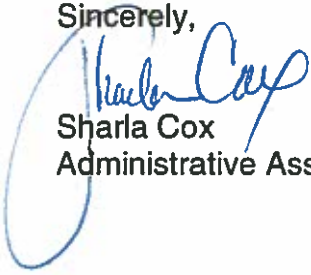
RE: Withdrawal of Application for Transfer No. 80903

Dear Mr. Jensen:

The Department acknowledges the withdrawal of Application for Transfer No. 80903.

The transfer has been voided and no further action will be taken.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sharla Cox", is written over a large, light blue circular stamp or watermark.  
Sharla Cox  
Administrative Assistant

## Cox, Sharla

---

**From:** Cox, Sharla  
**Sent:** Tuesday, January 03, 2017 11:07 AM  
**To:** Carlos, Rhea  
**Subject:** Refund Please

Please refund the following:

Receipt # E042052  
Amount of Refund: \$500.00  
Payable to:  
B & B Farms  
c/o Byron Jensen  
5975 W 3800 S  
Rexburg ID 83440

Reason: Applicant withdrew application for Transfer #80903.

Thank you.

*Sharla*

*Sharla Cox  
Administrative Assistant  
Idaho Dept of Water Resources  
900 N Skyline Dr. Ste A  
Idaho Falls ID 83402  
sharla.cox@idwr.idaho.gov  
208-525-7161 phone  
208-525-7177 fax*

RECEIVED

JAN 03 2017

Department of Water Resources  
Eastern Region

## WITHDRAWAL

OF

## APPLICATION FOR TRANSFER OF WATER RIGHT(S)

I/We, B & B Farms and \_\_\_\_\_,  
(Applicant's Printed Name) (Applicant's Printed Name)

\_\_\_\_\_ and \_\_\_\_\_,  
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 80903 of Water Right

No(s). \_\_\_\_\_.

Signed this 27<sup>th</sup> day of December, 20 16.

President

(Signature/Title of Applicant)

Bradley Jensen

(Signature/Title of Applicant)

\_\_\_\_\_  
(Signature/Title of Applicant)

\_\_\_\_\_  
(Signature/Title of Applicant)

RECEIVED

APR 26 2016

Department of Water Resources  
Eastern RegionSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of Applicant(s) B&B Farms c/o Byron Jensen Phone 356-3521  
 Mailing address 5975 W 3800 S Rexburg, ID 83440 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 \_\_\_\_\_ Phone \_\_\_\_\_  
 Mailing address \_\_\_\_\_ Email \_\_\_\_\_

- ☐ 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.

Bradley Jensen  
 Signature of Applicant or Authorized Representative

Bradley Jensen Pres  
 Print Name and Title if applicable

4/26/16  
 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.

This transfer proposes to rearrange the place of use for water right 22-13797 and 22-13958 to reflect current irrigated acres. Applicant owns the water right, but does not own any of the irrigated acres. Copies of the lease agreements which allow applicant to farm the ground are attached. Overall, 36.2 acres are being moved.

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.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 22-13797     | 0.68 / 289.9          | Irrigation    | 4/1 to 11/1   | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 22-13958     | 1.46 / 491            | Irrigation    | 4/1 to 10/31  | Ground Water       |
| <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            |                    |

Total authorized under rights 1.46 cfs and/or 491 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.38 cubic feet per second and/or 126.7 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 |             |
| 06N                              | 40E | 32  |      |    |    |    | 36.1 | 38.1 | 33.0 | 33.1 |      |    |    |    |      |    |    |    | 140.3       |
|                                  |     |     |      |    |    |    |      |      |      |      |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |      |      |      |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |      |      |      |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |      |      |      |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |      |      |      |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |      |      |      |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |      |      |      |      |    |    |    |      |    |    |    | 140.3       |

## 3/16/2016

| <u>Owner Type</u> | <u>Name and Address</u>                                               |
|-------------------|-----------------------------------------------------------------------|
| Current Owner     | B & B FARMS<br>C/O BYRON JENSEN<br>5975 W 3800 S<br>REXBURG, ID 83440 |

**Status:** Active

### Tributary

491.0 AF

Sec. 32, Twp 06N, Rge 40E, MADISON County

## IRRIGATION within MADISON County

|     |     |     | NE |    |    |     | NW |      |      |      | SW |      |    |    | SE  |    |    |    |        |
|-----|-----|-----|----|----|----|-----|----|------|------|------|----|------|----|----|-----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE  | NE | NW   | SW   | SE   | NE | NW   | SW | SE | NE  | NW | SW | SE | Totals |
| 06N | 40E | 31  |    |    |    | 1.8 |    |      |      |      |    |      |    |    | 0.5 |    |    |    | 2.3    |
| 06N | 40E | 32  |    |    |    |     |    | 38.0 | 38.0 | 35.0 |    | 27.0 |    |    |     |    |    |    | 138.0  |

POU Total Acres: 140.3

|    |     |                                                                                                                                                                                                                                                                                                                 |
|----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. |     | This right is a split from former right 22-2236A.                                                                                                                                                                                                                                                               |
| 2. | 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. |
| 3. | C03 | Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.                                                                                                                                                                                                               |
| 4. | E55 | Right Nos. 22-13797 and 22-13958 are limited to the irrigation of a combined total of 140.3 acres in a single irrigation season.                                                                                                                                                                                |
| 5. | E53 | Right Nos. 22-13797 and 22-13958 are limited to a total combined annual diversion volume of 491 AF.                                                                                                                                                                                                             |
| 6. | C05 | Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.                                                                                                                                                                                                                     |
| 7. | F06 | The following rights are diverted through point(s) of diversion described above: 22-13958, 22-13797 and 22-13746.                                                                                                                                                                                               |
| 8. | E60 | Right Nos. 22-13958 and 22-13746 are limited to a total combined diversion rate of 1.46 cfs and to a total combined annual diversion volume of 619.7 AF.                                                                                                                                                        |
| 9. | K01 | Right No. 22-13746 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.                                                                                                                                                                                                                     |

✓ 6/30/95

## 3/16/2016

| <u>Owner Type</u> | <u>Name and Address</u>                                               |
|-------------------|-----------------------------------------------------------------------|
| Current Owner     | B & B FARMS<br>C/O BYRON JENSEN<br>5975 W 3800 S<br>REXBURG, ID 83440 |

**Status:** Active

### Tributary

Sec. 32, Twp 06N, Rge 40E, MADISON County

|     |     |     | NE |    |    |     | NW |      |      |      | SW |      |    |    | SE  |    |    |    |        |
|-----|-----|-----|----|----|----|-----|----|------|------|------|----|------|----|----|-----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE  | NE | NW   | SW   | SE   | NE | NW   | SW | SE | NE  | NW | SW | SE | Totals |
| 06N | 40E | 31  |    |    |    | 1.8 |    |      |      |      |    |      |    |    | 0.5 |    |    |    | 2.3    |
| 06N | 40E | 32  |    |    |    |     |    | 38.0 | 38.0 | 35.0 |    | 27.0 |    |    |     |    |    |    | 138.0  |

|    |     |                                                                                                                                                                                                                                                                                                                 |
|----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | C05 | Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.                                                                                                                                                                                                                     |
| 2. | 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. |
| 3. |     | This right is renumbered from former right 22-7088 .                                                                                                                                                                                                                                                            |
| 4. |     | This right was renumbered to right 22-13797 .                                                                                                                                                                                                                                                                   |
| 5. | F06 | The following rights are diverted through point(s) of diversion described above: 22-13958, 22-13797 and 22-13746.                                                                                                                                                                                               |
| 6. | E55 | Right Nos. 22-13797 and 22-13958 are limited to the irrigation of a combined total of 140.3 acres in a single irrigation season.                                                                                                                                                                                |
| 7. | E53 | Right Nos. 22-13797 and 22-13958 are limited to a total combined annual diversion volume of 491 AF.                                                                                                                                                                                                             |

4.6.2010

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:

One well to one center pivot. Area is not currently in a water district. Measuring device can be installed in the future if necessary.

- 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:

Retained ownership of well and easement for pipeline

- 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 Water right is owned separate from the property. Irrigated acres are rented by water right holder.

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:

Water rights authorize 140.3 acres of irrigation. Proposed place of use covers 140.3 acres. All other ground 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

- |                          |                                     |                                                                                               |
|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

**A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)**

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it Attachment #7a.
- ☒ 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. Label it Attachment #7b.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

**B. CHANGES IN NATURE OF USE (Water Balance)**

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it Attachment #8a.

**C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS**

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it Attachment #8b.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid 1500.00 Date 4-29-16 Receipted by JS Receipt # E042052

Add'l fee paid \_\_\_\_\_ Date \_\_\_\_\_ Receipted by \_\_\_\_\_ Receipt # \_\_\_\_\_

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

|                                                                                                                                                        |                   |                                                                                                                                                         |             |                                                        |                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------------------------------|----------------------------|
| No. <b>L 856</b>                                                                                                                                       |                   | <b>Due no later than Jan 31, 2016</b>                                                                                                                   |             | <b>2. Registered Agent and Address<br/>(NO PO BOX)</b> |                            |
| Return to:<br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b> |                   | <b>1. Mailing Address: Correct in this box if needed.</b><br>B & B FARMS LIMITED PARTNERSHIP<br>BYRON JENSEN<br>5975 W. 3800 S.<br>REXBURG ID 83440     |             | BYRON JENSEN<br>5975 W 3800 S<br>REXBURG ID 83440      |                            |
|                                                                                                                                                        |                   |                                                                                                                                                         |             | <b>3. <u>New</u> Registered Agent Signature:*</b>      |                            |
| <b>Office Held</b>                                                                                                                                     | <b>Name</b>       | <b>Street or PO Address</b>                                                                                                                             | <b>City</b> | <b>State</b>                                           | <b>Country Postal Code</b> |
| GENERAL PARTNER                                                                                                                                        | BYRON G. JENSEN   | 5975 W 3800 S                                                                                                                                           | REXBURG     | ID                                                     | USA 83440                  |
| GENERAL PARTNER                                                                                                                                        | BRADLEY B. JENSEN | 2509 S 5500 W                                                                                                                                           | REXBURG     | ID                                                     | USA 83440                  |
| <b>5. Organized Under the Laws of:</b><br><b>ID</b><br><b>L 856</b>                                                                                    |                   | <b>6. Annual Report must be signed.*</b><br>Signature: BYRON JENSEN<br>Name (type or print): BYRON JENSEN<br>Date: 12/21/2015<br>Title: GENERAL PARTNER |             |                                                        |                            |
| Processed 12/21/2015                                                                                                                                   |                   | * Electronically provided signatures are accepted as original signatures.                                                                               |             |                                                        |                            |

80903

## SETTLEMENT AGREEMENT

THIS AGREEMENT made and entered into this 29 day of March, 2005, by and between Stewart Laney Oaas, Inc., an Idaho corporation (SLO); Byron G. Jensen and Bradley B. Jensen, d/b/a B & B Farms (B & B); Stephen Blair Cook and Nancy Cook, husband and wife (Cooks); Frank VanderSloot, a private individual (VanderSloot); and Natural Guardian an Idaho Limited Partnership (Natural Guardian).

### WITNESSETH:

WHEREAS the parties hereto were parties to that certain civil action, Case No. CV-03-478, pending in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Madison, Stewart Laney Oaas, Inc. vs. Byron G. Jensen; Bradley B. Jensen; Stephen Blair Cook and Nancy Cook, husband and wife; Frank VanderSloot; and Natural Guardian Limited Partnership; and,

WHEREAS the parties accompanied by their counsel of record attended a court-ordered mediation before the Honorable N. Randy Smith on February 2, 2005; and,

WHEREAS at that mediation the parties reached an agreement for the settlement of all claims by all parties against all other parties and settled their lawsuit by agreeing to its dismissal with prejudice and to a general release of all parties by all other parties to the action, which agreement was put on the record before Judge Smith.

NOW THEREFORE, for and in consideration of the mutual terms and conditions contained herein, the parties hereto do hereby agree as follows:

1. REAL PROPERTY PURCHASE:

That SLO shall purchase from B & B and B & B shall sell to SLO that certain real property located in Madison County, Idaho, which is described approximately, as follows:

A parcel of land located in the NE1/4 and the SE1/4 of Section 31, Township 6 North, Range 40 E.B.M., containing 1.61 acres more or less; and

NW1/4SW1/4 Section 32, Township 6 North, Range 40 E.B.M., containing 38 acres more or less.

EXCEPTING THEREFROM: A 1/2 acre parcel surrounding the pump house located on the above described real property.

A map generally depicting the property, boldly outlined, is attached hereto as Exhibit A. A survey of the property, to more accurately describe the same, shall be conducted in accordance with the provisions of paragraph 10 hereof.

2. PURCHASE PRICE AND PAYMENT:

That SLO shall pay to B & B and B & B shall accept from SLO the sum of \$[REDACTED] for the purchase of said property, with [REDACTED] being payable simultaneously with the execution of this agreement and with the balance of said purchase price in the amount of \$[REDACTED] being payable, without interest, on or before January 31, 2006. There shall be no penalty for prepayment of all or any portion of the purchase price.

3. EASEMENT:

That SLO shall grant to B & B a 10 ft. wide easement along the east boundary line of the above described real property for the purpose of an underground irrigation water mainline for irrigation of adjacent properties currently owned and farmed

6. PUMP AND PIPE:

That the pump currently located in the pump house and the related pipe utilized for surface irrigation of both B & B farms and SLO farms belong to B & B and B & B shall remove the same when they are no longer being used to irrigate either the B & B or SLO farms..

7. WATER RIGHTS:

That SLO's purchase of the real property hereinabove described shall include all water rights that are appurtenant thereto, whether represented by license, permit or otherwise. When SLO shall no longer utilize said water rights for irrigation of the above described property for agricultural purposes, the same shall at that time be transferred to B & B.

8. Qwest LEASE:

That the parties acknowledge the above described property is subject to a communication tower lease to the Qwest Corporation. B & B shall assign all of their right, title and interest in said lease to SLO simultaneously with the execution of this Agreement. If any payments have been made by Qwest to B & B for the period subsequent to the execution of this agreement, B & B shall relinquish all such payments to SLO simultaneously with the execution of this Settlement Agreement.

9. FARM LEASE:

That SLO and B & B shall enter into an exclusive farm lease agreement whereby B & B will farm the above described real property on a cash lease basis at the rate of ~~XXXX~~ per acre, per year. The lease shall run from year-to-year from

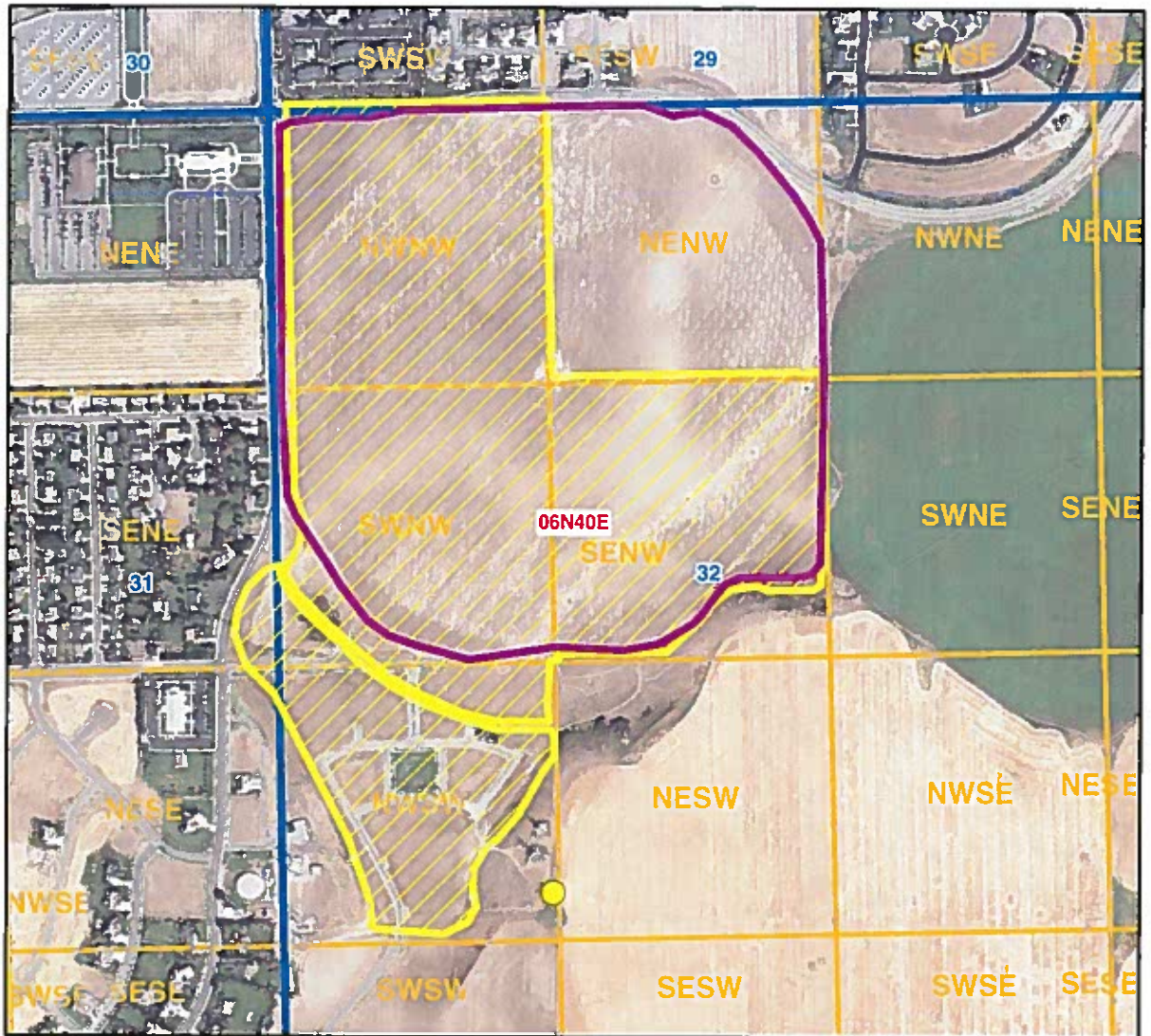
10. The parties agree to execute the documents and provide the information reasonably necessary to complete the purchase of the leased property, including but not limited to promissory notes for the loan amounts. Natural Guardian also agrees to provide reasonable assurances of its ability to provide the funding necessary for the Jensens or High Point to complete the terms of the sale agreement with the Cooks.

SECTION II  
OPTION TO PURCHASE PROPERTY

11. In lieu of the payment of interest to Natural Guardian and in consideration of the loan of funds to Jensens and/or High Point, Jensens and/or High Point hereby give to Natural Guardian or its assigns an option to purchase a ninety percent (90%) interest in the leased property. The parties agree that the purchase price for the ninety percent (90%) interest in the property shall be [REDACTED] plus ninety percent (90%) of all interest payments made by the Jensens or High Point to the Cooks under the terms of the sale of the leased property. The option may be exercised by Natural Guardian at any time agreed to between the parties hereto and the Cooks but no later than the date of full payment of the purchase price for the leased property. Currently it is anticipated that full payment of the purchase price will be completed no later than May 23, 2007. Jensens agree that if the leased property is not purchased through High Point, Jensens will transfer their interest in the property to High Point no later than the date of full payment of the purchase price for the leased property.

12. If Natural Guardian exercises this option, Jensens and/or High Point will retain ownership of all water rights associated with the leased property with the exception of a proportionate share of the water rights for five (5) acres of the leased property which water rights shall be transferred to Natural Guardian free of charge as part of its ninety percent (90%) interest in the leased property.

# Application for Transfer (B&B Farms)



2013 Aerial Photo



0 0.1 0.2 Miles





State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 13, 2016

B & B Farms  
2509 S 5500 W  
Rexburg ID 83440

RE: Transfer application #80903

Dear Mr. & Mrs. Jensen:

It was a pleasure speaking with you on the telephone today. As we discussed, I am sending you a form to withdraw the transfer application. Please have Bradley sign (he signed the transfer application) the form and return it to me. I will then close the application.

Also, if you would like the address updated on the water rights, please send me a short note or an email requesting that the address be updated. If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kerrie'.

Kerrie Mathews  
[Kerrie.mathews@idwr.idaho.gov](mailto:Kerrie.mathews@idwr.idaho.gov)



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 5, 2016

B & B Farms  
5975 W 3800 S  
Rexburg ID 83440

RE: Transfer Application;

Dear Applicant;

On June 20, 2016 the Department sent you a request for addition documentation in order to continue processing your application. The following information is needed:

1. A Copy of the lease agreement to farm property, and
2. Confirmation that the water was withheld from the sale of the property.

The Department cannot hold your application indefinitely. If the needed information is not received by January 5, 2017 your application and fee will be returned, unprocessed.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Kerrie Mathews".

Kerrie Mathews



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 20, 2016 *2ND Request 7.26.2016*

B&B Farms  
5975 W 3800 S  
Rexburg ID 83440

RE: Transfer Application

Dear Applicant:

I was in the process of completing the final review of the transfer application that you submitted to update your place of use. I found that there is an important document missing from the application.

Your proposed place of use is owned by Rexburg Hill Properties and MBP Industries LC CRUT.. In order to continue processing your application, I will need a copy of the lease agreement – showing that you have authority to use this property. Any sensitive information may be blacked out. There was some documentation included with your application. However, there were pages missing. Please submit the agreement in its entirety.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kerrie'.

Kerrie Mathews

| No. <b>W 97351</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Due no later than Oct 31, 2015</b><br><b>Annual Report Form</b>                                                                           |                                                                           | 2. Registered Agent and Address<br><b>(NO PO BOX)</b>              |             |         |                      |      |       |         |             |         |                            |              |             |    |     |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|--------------------------------------------------------------------|-------------|---------|----------------------|------|-------|---------|-------------|---------|----------------------------|--------------|-------------|----|-----|-------|
| Return to:<br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b>                                                                                                                                                                                                                                                                                                          | 1. Mailing Address: Correct in this box if needed.<br>REXBURG HILL PROPERTIES, LLC<br>DAVID J. DANCE<br>PO BOX 50277<br>IDAHO FALLS ID 83405 |                                                                           | DAVID J DANCE<br>497 N CAPITAL AVE STE 100<br>IDAHO FALLS ID 83402 |             |         |                      |      |       |         |             |         |                            |              |             |    |     |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                              |                                                                           | 3. <u>New</u> Registered Agent Signature:*                         |             |         |                      |      |       |         |             |         |                            |              |             |    |     |       |
| 4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.<br><table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>MANAGER</td> <td>RIVERBEND MANAGEMENT, INC.</td> <td>PO BOX 50277</td> <td>IDAHO FALLS</td> <td>ID</td> <td>USA</td> <td>83405</td> </tr> </tbody> </table> |                                                                                                                                              |                                                                           |                                                                    | Office Held | Name    | Street or PO Address | City | State | Country | Postal Code | MANAGER | RIVERBEND MANAGEMENT, INC. | PO BOX 50277 | IDAHO FALLS | ID | USA | 83405 |
| Office Held                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Name                                                                                                                                         | Street or PO Address                                                      | City                                                               | State       | Country | Postal Code          |      |       |         |             |         |                            |              |             |    |     |       |
| MANAGER                                                                                                                                                                                                                                                                                                                                                                                                                                                         | RIVERBEND MANAGEMENT, INC.                                                                                                                   | PO BOX 50277                                                              | IDAHO FALLS                                                        | ID          | USA     | 83405                |      |       |         |             |         |                            |              |             |    |     |       |
| 5. Organized Under the Laws of:<br><br><b>ID</b><br><b>W 97351</b>                                                                                                                                                                                                                                                                                                                                                                                              | 6. Annual Report must be signed.*<br>Signature: David Dance<br>Name (type or print): David Dance<br>Date: 11/02/2015<br>Title: Counsel       |                                                                           |                                                                    |             |         |                      |      |       |         |             |         |                            |              |             |    |     |       |
| Processed 11/02/2015                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                              | * Electronically provided signatures are accepted as original signatures. |                                                                    |             |         |                      |      |       |         |             |         |                            |              |             |    |     |       |



# CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

10 OCT 21 AM 8:16

SECRETARY OF STATE  
STATE OF IDAHO

1. The name of the limited liability company is:

Rexburg Hill Properties, LLC

2. The complete street and mailing addresses of the initial designated/principal office:

2880 N. 55th West, Idaho Falls, ID 83402

(Street Address)

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

Michael D. Batt

(Name)

2880 N. 55th West, Idaho Falls, ID 83402

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

Natural Guardian Limited Partnership

2880 N 55th West, Idaho Falls, ID 83402

5. Mailing address for future correspondence (annual report notices):

2880 N. 55th West, Idaho Falls, ID 83402

6. Future effective date of filing (optional):

Signature of a manager, member or authorized person.

Signature

*Michael D. Batt*

Typed Name: Michael D. Batt

Signature

Typed Name:

Secretary of State use only

IDAHO SECRETARY OF STATE  
10/21/2010 05:00  
CK: 4683 CT: 252186 BH: 1244825  
1 @ 100.00 = 100.00 ORGAN LLC # 2

W97351

# MBP INDUSTRIES L.C.

|                                    |                                   |                       |             |
|------------------------------------|-----------------------------------|-----------------------|-------------|
| <b>Business Entity Information</b> |                                   |                       |             |
| Status:                            | Active                            | File Date:            | 1/17/2003   |
| Type:                              | Foreign Limited-Liability Company | Entity Number:        | LLC686-2003 |
| Qualifying State:                  | DE                                | List of Officers Due: | 1/31/2017   |
| Managed By:                        | Managers                          | Expiration Date:      | 1/17/2503   |
| NV Business ID:                    | NV20031009151                     | Business License Exp: | 1/31/2017   |

|                               |  |
|-------------------------------|--|
| <b>Additional Information</b> |  |
| Central Index Key:            |  |

|                                     |                                |                    |                  |
|-------------------------------------|--------------------------------|--------------------|------------------|
| <b>Registered Agent Information</b> |                                |                    |                  |
| Name:                               | WAYNE TEW                      | Address 1:         | 7788 WILLOW COVE |
| Address 2:                          |                                | City:              | LAS VEGAS        |
| State:                              | NV                             | Zip Code:          | 89129            |
| Phone:                              |                                | Fax:               |                  |
| Mailing Address 1:                  |                                | Mailing Address 2: |                  |
| Mailing City:                       |                                | Mailing State:     |                  |
| Mailing Zip Code:                   |                                |                    |                  |
| Agent Type:                         | Noncommercial Registered Agent |                    |                  |

|                                         |      |
|-----------------------------------------|------|
| <b>Financial Information</b>            |      |
| No Par Share Count:                     | 0    |
| Capital Amount:                         | \$ 0 |
| No stock records found for this company |      |

|                                                                                                        |                  |
|--------------------------------------------------------------------------------------------------------|------------------|
| <input checked="" type="checkbox"/> <b>Officers</b> <input type="checkbox"/> Include Inactive Officers |                  |
| <b>Manager - PATRICE TEW</b>                                                                           |                  |
| Address 1:                                                                                             | 7788 WILLOW COVE |
| Address 2:                                                                                             |                  |
| City:                                                                                                  | LAS VEGAS        |
| State:                                                                                                 | NV               |
| Zip Code:                                                                                              | 89129            |
| Country:                                                                                               | USA              |
| Status:                                                                                                | Active           |
| Email:                                                                                                 |                  |
| <b>Manager - WAYNE TEW</b>                                                                             |                  |
| Address 1:                                                                                             | 7788 WILLOW COVE |
| Address 2:                                                                                             |                  |
| City:                                                                                                  | LAS VEGAS        |
| State:                                                                                                 | NV               |
| Zip Code:                                                                                              | 89129            |
| Country:                                                                                               | USA              |
| Status:                                                                                                | Active           |
| Email:                                                                                                 |                  |

|                                                               |
|---------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>Actions\Amendments</b> |
|---------------------------------------------------------------|

|                                   |                                      |                        |   |
|-----------------------------------|--------------------------------------|------------------------|---|
| <b>Action Type:</b>               | Application for Foreign Registration |                        |   |
| <b>Document Number:</b>           | LLC686-2003-001                      | <b># of Pages:</b>     | 2 |
| <b>File Date:</b>                 | 1/17/2003                            | <b>Effective Date:</b> |   |
| (No notes for this action)        |                                      |                        |   |
| <b>Action Type:</b>               | Annual List                          |                        |   |
| <b>Document Number:</b>           | LLC686-2003-003                      | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>                 | 3/27/2003                            | <b>Effective Date:</b> |   |
| (No notes for this action)        |                                      |                        |   |
| <b>Action Type:</b>               | Annual List                          |                        |   |
| <b>Document Number:</b>           | LLC686-2003-004                      | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>                 | 12/11/2004                           | <b>Effective Date:</b> |   |
| (No notes for this action)        |                                      |                        |   |
| <b>Action Type:</b>               | Annual List                          |                        |   |
| <b>Document Number:</b>           | LLC686-2003-002                      | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>                 | 1/27/2005                            | <b>Effective Date:</b> |   |
| List of Officers for 2005 to 2006 |                                      |                        |   |
| <b>Action Type:</b>               | Annual List                          |                        |   |
| <b>Document Number:</b>           | 20050573130-26                       | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>                 | 11/23/2005                           | <b>Effective Date:</b> |   |
| (No notes for this action)        |                                      |                        |   |
| <b>Action Type:</b>               | Annual List                          |                        |   |
| <b>Document Number:</b>           | 20060760251-79                       | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>                 | 11/27/2006                           | <b>Effective Date:</b> |   |
| (No notes for this action)        |                                      |                        |   |
| <b>Action Type:</b>               | Annual List                          |                        |   |
| <b>Document Number:</b>           | 20070833596-03                       | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>                 | 12/5/2007                            | <b>Effective Date:</b> |   |
| (No notes for this action)        |                                      |                        |   |
| <b>Action Type:</b>               | Annual List                          |                        |   |
| <b>Document Number:</b>           | 20090225214-47                       | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>                 | 3/9/2009                             | <b>Effective Date:</b> |   |
| (No notes for this action)        |                                      |                        |   |
| <b>Action Type:</b>               | Annual List                          |                        |   |
| <b>Document Number:</b>           | 20100249312-64                       | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>                 | 4/19/2010                            | <b>Effective Date:</b> |   |
| (No notes for this action)        |                                      |                        |   |
| <b>Action Type:</b>               | Annual List                          |                        |   |
| <b>Document Number:</b>           | 20100883344-83                       | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>                 | 11/26/2010                           | <b>Effective Date:</b> |   |
| (No notes for this action)        |                                      |                        |   |
| <b>Action Type:</b>               | Annual List                          |                        |   |

|                            |                |                        |   |
|----------------------------|----------------|------------------------|---|
| <b>Document Number:</b>    | 20120032763-66 | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>          | 1/18/2012      | <b>Effective Date:</b> |   |
| (No notes for this action) |                |                        |   |
| <b>Action Type:</b>        | Annual List    |                        |   |
| <b>Document Number:</b>    | 20130042040-56 | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>          | 1/23/2013      | <b>Effective Date:</b> |   |
| (No notes for this action) |                |                        |   |
| <b>Action Type:</b>        | Annual List    |                        |   |
| <b>Document Number:</b>    | 20130762022-95 | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>          | 11/21/2013     | <b>Effective Date:</b> |   |
| (No notes for this action) |                |                        |   |
| <b>Action Type:</b>        | Annual List    |                        |   |
| <b>Document Number:</b>    | 20150000656-55 | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>          | 1/2/2015       | <b>Effective Date:</b> |   |
| (No notes for this action) |                |                        |   |
| <b>Action Type:</b>        | Annual List    |                        |   |
| <b>Document Number:</b>    | 20160002107-79 | <b># of Pages:</b>     | 1 |
| <b>File Date:</b>          | 1/4/2016       | <b>Effective Date:</b> |   |
| (No notes for this action) |                |                        |   |