

RECEIVED

OCT 16 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 15 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☒ Change diversion point(s)☐ Add diversion point(s)☐ Ownership change1. APPLICANT(S) KBC Farms, LLC Phone _____2. MAILING ADDRESS 3010 McKinley City American FallsState Idaho Zip 83211 Email _____☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed.☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.3. LIST WATER RIGHT NUMBER(S) 41-8D☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.4. TOTAL AMOUNT OF WATER transferred is 0.533 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
10S	31E	20		SW	NW		Power County	South Fork Rock Creek	Robert Spillett
10S	31E	20		NW	SW		Power County	South Fork Rock Creek	Robert Spillett

6. 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:

**

Pump and electric motor or gravity flow diversion structure. Applicant is acquiring the ~~Robert~~ Spillett Farm, including certain water rights which will also use this changed point of diversion as a common diversion.

- 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. 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(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and 1/4 1/4 of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

ABC Farm LLC by
Klaren Kooman
Signature of applicant or authorized agent

Klaren Kooman - gen. man.
Print name and title if applicable

8-11-14
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

** Property acquired from J. Juan & Carol T Spillett, per attached deed.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by TF / DM

Date 8/15/2014

Fee paid \$250 = Date 8/15/2014
\$250 = 11/7/2014

Receipted by DM
DM

Receipt # 5034237
5034391

Preliminary review completed by _____

Date _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/10/2014

WATER RIGHT NO. 41-8D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KBC FARMS LLC 3062 S FRONTAGE RD AMERICAN FALLS, ID 83211 (208)226-2773
Directors Report Owner	R SCOTT WESTON 4448 ROCKLAND HWY ROCKLAND, ID 83271 (208)548-2279
Original Owner	HERBERT R WESTON 4448 ROCKLAND HWY ROCKLAND, ID 83271 (208)548-2279

Priority Date: 10/01/1879

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH FORK ROCK CREEK	ROCK CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.533 CFS	
Total Diversion			0.533 CFS	

Location of Point(s) of Diversion:

ROCK CREEK|NENENW|Sec. 33|Township 10S|Range 31E|POWER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION POWER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	31E	20		NESW	9		SESW	17						

Total Acres: 26

Conditions of Approval:

1. N16 THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.
2. USE OF THIS RIGHT WITH RIGHT NO. 41-10251 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 26 ACRES IN A SINGLE IRRIGATION SEASON. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
3. C18 ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 03/12/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number: 41
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 26
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Surface Water

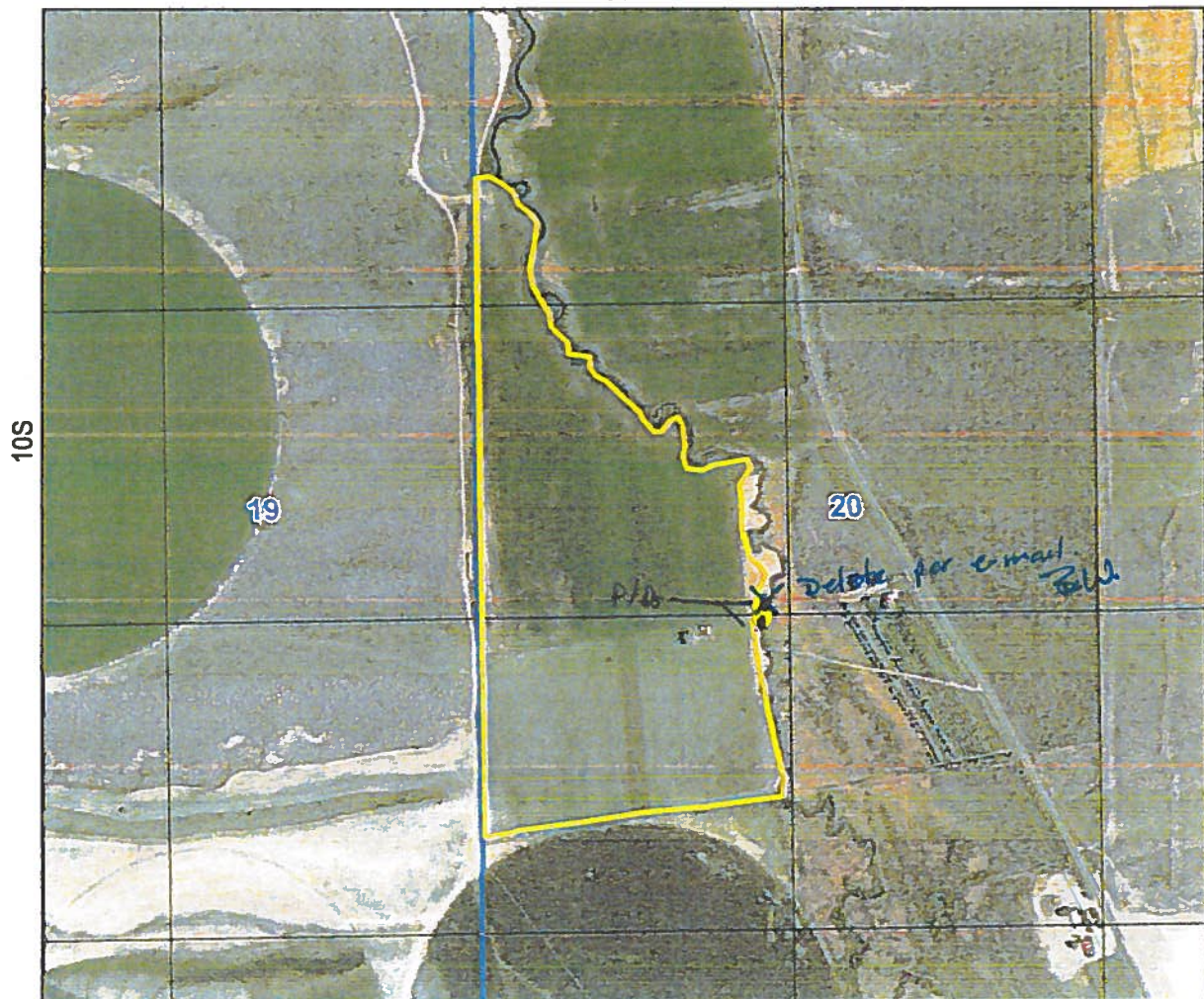
State of Idaho
Department of Water Resources

Water Right
41-10258

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.

31E



☼ Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

Taxlots

0 0.075 0.15 0.3 Miles



TRANSFER 79677

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:237127

FOR VALUE RECEIVED

J. Juan Spillett and Carol T. Spillett, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

KBC Farms LLC

whose current address is

**3010 McKinley St
American Falls, ID 83211**

the grantee(s), the following described premises, in Power County, Idaho, TO WIT:

All that portion of the Northwest 1/4 and the North 1/2 of the North 1/2 of the Southwest 1/4 of Section 20, Township 10 South, Range 31 East, Boise Meridian, Power County, Idaho, lying West of State Highway No. 37.

****See attached Exhibit "A"**

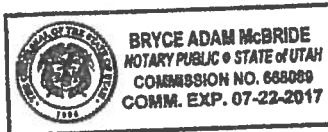
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 9/30/14

J. Juan Spillett
J. Juan Spillett

Carol T. Spillett
Carol T. Spillett



State of Utah } ss
County of Box Elder }

On this 30 day of September, 2014, before me, the undersigned, a Notary Public in and for said state, personally appeared J. Juan Spillett and Carol T. Spillett, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

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

Bryce Adam McBride
Notary Public for the State of Utah

Residing at: 5 North Main St Brigham city - UT 84302
Commission Expires: 7/22/2017

Exhibit "A"

Together with any and all appurtenant water rights, including but not limited to, Idaho Department of Water Resources Water Right Nos. 41-8B, 41-13B, 41-7053, 41-10258 and 41-10259.

Together with all wheel lines, main lines, pumps, motors and other sprinkler equipment located upon the described real property.

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our 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 my/our behalf.

DATED this 11th day of August, 2014.

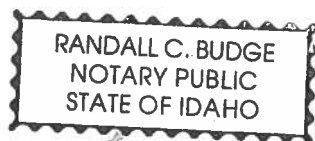
KBC FARMS, LLC
KBCP FARMS, LLC
KOOMPIN BROS., LLC

By: Klaren Koopman
Name: Klaren Koopman
Title: Manager

STATE OF IDAHO)
) ss
County of Bannock)

On this 11th day of August, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Klaren Koompin, known or identified to me to be the Manger of KBC Farms, LLC, KBCP Farms, LLC and Koompin Bros., LLC that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

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



Donald C. Budge
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID. 83204
Commission expires: 10/11/2016

No. W 8416	Due no later than Apr 30, 2014 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. KBC FARMS, LLC KENNETH K KOOMPIN 3010 MCKINLEY AMERICAN FALLS ID 83211		KENNETH KENT KOOMPIN 3010 MCKINLEY AMERICAN FALLS ID 83211			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MEMBER	KENNETH KENT KOOMPIN	3066 S FRONTAGE RD	AMERICAN FALLS	ID	USA	83211
MEMBER	KATHY KOOMPIN	3066 S FRONTAGE RD	AMERICAN FALLS	ID	USA	83211
MEMBER	BERNARDINE W CASENAS BEARUP	3062 S FRONTAGE RD	AMERICAN FALLS	ID	USA	83211
MEMBER	CHARLES BEARUP	3062 S FRONTAGE RD	AMERICAN FALLS	ID	USA	83211
MEMBER	CHERYL A KOOMPIN	300 SNAKE RIVER DRIVE	AMERICAN FALLS	ID	USA	83211
MANAGER	KLAREN KOOMPIN	300 SNAKE RIVER DRIVE	AMERICAN FALLS	ID	USA	83211
5. Organized Under the Laws of: ID W 8416		6. Annual Report must be signed.* Signature: Kenneth Koompin Name (type or print): Kenneth Koompin Date: 02/17/2014 Title: Memeber				
Processed 02/17/2014		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 79677



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 31, 2014

KBC FARMS LLC
3010 MCKINLEY ST
AMERICAN FALLS, ID 83211

RE: Transfer No. 79677
Water Right No(s). 41-8D

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **POWER COUNTY PRESS on 1/7/2015 and 1/14/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**January 26, 2015**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Denise Maline
Administrative Assistant

cc:

RACINE OLSON NYE BUDGE & BAILEY
C/O RANDALL C BUDGE
PO BOX 1391
POCATELLO, ID 83204-1391

Maline, Denise

From: Maline, Denise
Sent: Wednesday, December 31, 2014 10:09 AM
To: 'press1@press-times.com'; 'press6@press-times.com' *Power County Press*
Subject: LEGAL NOTICE
Attachments: Power County Press Cover Letter.docx; Power County Press Ad.doc

Attached please find (1) legal notice being submitted for publication on January 7th & 14th, 2015. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance & Happy New Year !

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 31, 2014

LEGAL NOTICE DEPARTMENT
POWER COUNTY PRESS
PO BOX 547
AMERICAN FALLS, ID 83211

RE: Transfer No. 79677
Water Right No(s): 41-8D

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before January 26, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79677**

KBC FARMS LLC, 3010 MCKINLEY ST, AMERICAN FALLS, ID 83211; has filed Application No. 79677 for changes to the following water rights within POWER County(s): Right No(s). 41-8D; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the current point of diversion for a surface water right from the South Fork Rock Creek located approximately 4.0 miles south and 1.75 miles east from the center of the city of Rockland to an existing point of diversion from the South Fork Rock Creek located approximately 2.5 miles south and 0.6 miles east from the center of the city of Rockland. The proposed change will allow for the diversion of 0.533 cfs for the irrigation of 26.0 acres.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before January 26, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on January 7th & 14th, 2015



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 31, 2014

JAMES ROBINSON
WATER DISTRICT #41
PO BOX 157
ROCKLAND, ID 83271-0157

RE: Transfer No. 79677
Water Right No(s): 41-8D

Dear Mr. Robinson:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

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

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 31, 2014

IDAHO DEPT OF FISH & GAME
324 S 417 E, STE 1
JEROME, ID 83338

RE: Transfer No. 79677
Water Right No(s). 41-8D

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Southern Region

Enclosure(s)

Walker, Benny

From: Skinner, Corey
Sent: Monday, December 15, 2014 7:58 AM
To: Walker, Benny
Subject: FW: KBC Farms - Application for Transfer re 41-8D

From: Randy Budge [<mailto:rcb@racinelaw.net>]
Sent: Sunday, December 14, 2014 5:25 PM
To: Skinner, Corey
Cc: Randy Budge; Kenneth Koopin
Subject: KBC Farms - Application for Transfer re 41-8D

Corey,

Per our phone conversation, this will confirm amend to the Application for Transfer for W. R. NO. 41-8D, par. 5 to delete as a point of diversion SWNW in Section 20, leaving only NWSW.

Only 41-8D is intended to be transferred to the new P/D as per this Application to provide a common P/D for this right and W.R. No. 41-10258. Both rights will be pumped from the P/D with meter into an adjacent irrigation pond from which the use for irrigation with both rights will be pumped to sprinklers.

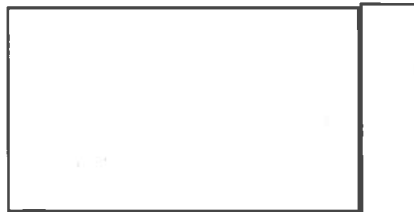
W.R. Nos. 41-13A and 41-10251 will remain diverted into the Ahead Ditch.

Klaren Koopin discussed the proposed transfer with Rockland water master James Robinson and understand he has no objection and that this transfer should injure no other rights.

Thanks!

Randy

Randall C. Budge
Attorney



OFFICE 208.232.6101
FAX 208.232.6109

201 East Center Street
Pocatello, ID 83201

CONFIDENTIALITY NOTICE - This email and its attachments may contain information that is confidential, privileged, or otherwise protected from disclosure. If you believe this email may have been sent to you in error, please notify me immediately and delete this email.

MEMORANDUM

Date: December 3, 2014
To: Transfer 79677 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to change the current point of diversion for a surface water right from the South Fork Rock Creek located approximately 4.0 miles south and 1.75 miles east from the center of the city of Rockland to an existing point of diversion from the South Fork Rock Creek located approximately 2.5 miles south and 0.6 miles east from the center of the city of Rockland. The proposed change will allow for the diversion of 0.533 cfs for the irrigation of 26.0 acres. The application proposes to move the point of diversion approximately 2.0 miles downstream to an existing point of diversion. The applicant has other water rights being diverted at the proposed existing point of diversion.

The point of diversion is located within Water District 41 therefore watermaster comments will be requested.

- **Authority to File:**
The applicant owns the water right involved with the transfer according to department records
- **Water Right Validity:**
The right involved with the transfer was decreed in the SRBA. Aerial photography indicates use of the right in recent years. Therefore forfeiture of the right involved with the transfer does not appear to be an issue.
- **Injury to Other Water Rights:**
The water right involved with the transfer currently shares a point of diversion and ditch(es) with a number of other water rights. Transferring water out of shared diversion and ditch(es) may impact other water rights. Application will be subject to public notice and protest
- **Enlargement of Use:**
None anticipated. There is no change to the place of use.
- **Local Public Interest:**
No negative impact anticipated. Application will be subject to public notice and protest
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Walker, Benny

From: Tessa Sparrow [tps@racinelaw.net]
Sent: Monday, November 24, 2014 3:44 PM
To: Walker, Benny
Cc: Randy Budge
Subject: KBC Farms, LLC -- Address

RECEIVED
NOV 24 2014
DEPT OF WATER RESOURCES
SOUTHERN REGION

Benny,

Per our phone conversation today, please use the following current address for KBC Farms, LLC on the Application and water right information:

3010 McKinley
American Falls, Idaho 83211

Feel free to contact me with any questions. Thank you for your assistance with this matter.

Sincerely,

Tessa Sparrow
Legal Assistant



OFFICE 208.232.6101
FAX 208.232.6109

201 East Center Street
Pocatello, ID 83201

CONFIDENTIALITY NOTICE - This email and its attachments may contain information that is confidential, privileged, or otherwise protected from disclosure. If you believe this email may have been sent to you in error, please notify me immediately and delete this email.



RACINE
OLSON
NYE
BUDGE
BAILEY

201 E. Center St.
P.O. Box 1391
Pocatello, ID 83204
O 208.232.6101
F 208.232.6109
racinelaw.net

RANDALL C. BUDGE
rcb@racinelaw.net

November 5, 2014

RECEIVED
NOV 07 2014
DEPT OF WATER RESOURCES
SOUTHERN REGION

Idaho Department of Water Resources
Southern Region Office
Benny Walker
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

Re: KBC Farms, LLC – Application for Transfer of Water Right No. 41-8D

Dear Benny:

Enclosed please find a check in the amount of \$250.00 to be applied to the \$500.00 application fee based on the 0.533 cfs. Pursuant to your November 3, 2014 letter, you are holding the payment of \$250.00 previously submitted with the transfer to be applied to the fee.

Thank you for your assistance. If you have any questions please contact us.

Sincerely,

TESSA SPARROW
Legal Assistant to
RANDALL C. BUDGE

Enclosure

#S034391 DM 11/7/2014

COPY

November 3, 2014

Randall C. Budge
201 E. Center St
P.O. Box 1391
Pocatello, ID 83204

RE: KBC Farms, LLC Transfer application.

Dear Mr. Budge

Our office recently received a water right transfer application that you submitted on behalf of KBC Farms, LLC. This transfer application deals with surface water right 41-8D and seeks to change the point of diversion.

The fee submitted with the transfer is insufficient. The transfer application fee is based upon the amount of water allowed to be diverted under the right to be changed. Water right 41-8D allows for 0.533 cubic feet per second (cfs) of water to be diverted. The processing fee required based on 0.533 cfs is \$500.00.

The department will hold the \$250.00 submitted with this transfer. Unless the additional \$250.00 is submitted within 30 days of this letter, the application will be returned and the fee will be refunded.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,



Benny Walker
Water Resource Agent



RACINE
OLSON
NYE
BUDGE
BAILEY

201 E. Center St.
P.O. Box 1391
Pocatello, ID 83204
O 208.232.6101
F 208.232.6109
racinelaw.net

RECEIVED

OCT 16 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

RANDALL C. BUDGE
rcb@racinelaw.net

October 13, 2014

Idaho Department of Water Resources
Southern Region Office
Benny Walker
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

Re: KBC Farms, LLC – Application for Transfer of Water Right No. 41-8D

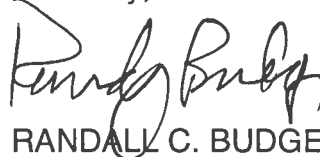
Dear Benny:

Enclosed please find the original and extra copy of an Application for Transfer of Water Right to change the point of diversion on KBC Farms, LLC's water right no. 41-8D. You will note paragraph 6b has been changed to reflect the Applicant as the owner of the property at the point of diversion and I have attached a copy of the recorded Warranty Deed confirming ownership. Also on the map, we have identified the two points of diversion consistent with the points identified in paragraph 5.

Please file and process the original and conform stamp and return the extra copy in the stamped and addressed return envelope enclosed. Also advise of the publication dates and any protests received.

Thank you for your assistance. If you have any questions please contact me.

Sincerely,



RANDALL C. BUDGE

RCB:ts

Enclosure

c: KBC Farms, LLC w/enclosures

COPY

September 2, 2014

Randall C. Budge
201 E. Center St
P.O. Box 1391
Pocatello, ID 83204

RE: KBC Farms, LLC Transfer application.

Dear Mr. Budge

Our office recently received a water right transfer application that you submitted on behalf of KBC Farms, LLC. This transfer application deals with surface water right 41-8D and seeks to change the point of diversion. However, review of the transfer application revealed issues that make it unacceptable for processing. As a result, we are returning the transfer application to make the necessary changes in order to process the application.

The transfer proposes to change the point of diversion to a place not owned by the applicant. If the application for transfer purposes to change the point of diversion authorized under the water right and the applicant does not own the land at the proposed point of diversion, then the applicant must provide documentation that authorizes the change on behalf of the current owner of the proposed point of diversion. The applicant stated that they have signed a contract to purchase the Spillett property, the location of the proposed point of diversion. The department therefore suggests that the applicant file the transfer after the purchase of the property to provide the appropriate deeds showing ownership of the proposed point of diversion or submit some form of authorization to use the point of diversion of the Spillett property.

It is unclear of the location of the proposed point of diversion. The application for transfer identifies two point of diversion, one in the SWNW and the second one in the NWSW of section 20 on the South Fork of Rock Creek. The map provided identifies only one point of diversion in the NWSW of section 20. The application for transfer and the map must match to correctly identify the proposed point of diversion.

Page 2

KBC Farms, LLC Transfers application
September 2, 2014

In addition the fee submitted with the transfer is insufficient. The transfer application fee is based upon the amount of water allowed to be diverted under the right to be changed. Water right 41-8D allows for 0.533 cubic feet per second (cfs) of water to be diverted. The processing fee required based on 0.533 cfs is \$500.00.

The department will hold the \$250.00 submitted with this transfer. Unless the application is resubmitted within 30 days of its return, the application fee will be refunded.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Benny Walker". The signature is written in a cursive, flowing style.

Benny Walker
Water Resource Agent

Enclosures

cc: KBC Farms, LLC
w/o Enclosures



RACINE
OLSON
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BAILEY

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racinelaw.net

RANDALL C. BUDGE
rcb@racinelaw.net

RECEIVED

AUG 15 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

August 12, 2014

Idaho Department of Water Resources
Southern Region Office
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

Re: KBC Farms, LLC – Application for Transfer of Water Right No. 41-8D

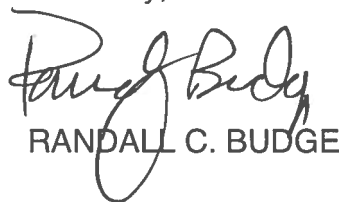
To Whom It May Concern:

Enclosed please find for filing and processing:

1. One original and extra copy of an Application for Transfer of Water Right – Points of Diversion;
2. \$250.00 check for filing fees; and
3. Stamped and addressed return envelope.

Please file and process the original application and conform stamp and return the extra copy. If you have any questions, please contact me. Thank you for your assistance.

Sincerely,



RANDALL C. BUDGE

RCB:ts

Enclosure

c: KBC Farms, LLC