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FEB 03 2009

Form 42-1761
01/03

DEPARTMENT OF
WATER RESOURCES
STATE OF IDAHO

Water Supply Bank No. _____

Water Right No. _____

DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor KIVI Land & Livestock, c/o Kit Christensen Phone (208) 589-0097

Post Office Address PO Box 645, Moore, ID 83255 Email: kivi@atcnet.net

c/o Keith C. Wilson Rocky Mountain Environmental Associates, Inc. Email: kwilson@rockymountainenvironmental.com
482 Constitution Way, Suite 303 (208) 524-2353
Idaho Falls, ID 83402 Fax 208) 524-1795

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

a. Decree No. 34-14039 Decreed to KIVI Land & Livestock

in case of _____ vs. _____

dated _____ in _____ county of _____
(Name of Court)

b. License No. _____ issued by the Idaho Department of Water
Resources.

c. Permit No. _____ issued by the Idaho Department of Water
Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease show
"all" on line a. below and skip the remainder of part 2).

a. Amount of water under right: ALL cubic feet per second &/or _____ acre-feet per annum

b. Point of Diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M., in
_____ County.

Additional points: _____

c. Place of use: Also known as "Parcel B" Big Lost River Subdivision

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

If right is for irrigation, show the number of acres for the part of the right to be put in the bank

Total number of Acres _____

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE.

a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Sec 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Applicant purchased Parcel "B" (34-14039) within the Big Lost River Subdivision

b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bill, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

Used on an annual basis with alfalfa grown during the 2007 irrigation system. Land was out of production in 2008. Water right decreed 11/08/2007.

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

N/A

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source?

That portion of water rights 34-0126 & 34-0127 surface water, in the name of Big Lost River Subdivision Homeowners Association, appurtenant to applicants land will also be placed into the water bank. The place of use under this water right will not be irrigated.

- e. If the water is a permit, describe the work accomplished toward developing the right.

N/A

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

N/A

4. REMARKS:

In addition to this water right offered in this application water rights 34-0126, 34-127, in the name of Big Lost River Subdivision, are also appurtenant to lands owned by the applicant and will be leased to the Water Bank.

5. SALE/LEASE AGREEMENT:

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For Sale;

☒ For lease for a period from 1 April 2009 to 1 November 2009
(Day, Month, Year) (Day, Month Year)

(The lease period may be shown as "indefinite", if the total duration of the lease is unknown); or

_____ As a gift to the state of Idaho

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

Current Rental Rate

I hereby assert that the information contained in the application is true to the best of my knowledge, and that I have the authority necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

1-9-2009
Date

[Signature]
Signature

Registered Agent/Manager
Title if applicable

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____



IDAHO SECRETARY OF STATE

Viewing Business Entity

Ben Ysursa, Secretary of State

KIVI LAND & LIVESTOCK, LLC

PO BOX 645
MOORE, ID 83255

Type of Business: LIMITED LIABILITY COMPANY
Status: EXISTING, ANREPT SENT 01 Nov 2007
State of Origin: IDAHO
Date of Origination/Authorization: 09 Jan 2001
Current Registered Agent: KIT L CHRISTENSEN
3427 WEST 3700 NORTH
MOORE, ID 83255
File Number: W14062

No. W 14062	Due no later than January 31, 2008		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080	Annual Report Form		KIT L CHRISTENSEN 3427 WEST 3700 NORTH MOORE, ID 83255	
	1. Mailing Address - Correct in this box, if applicable KIVI LAND & LIVESTOCK, LLC PO BOX 645 MOORE, ID 83255		3. New Registered Agent Signature	
NO FILING FEE IF RECEIVED BY DUE DATE				
4. Limited Liability Companies: Enter Names and Addresses of Managers.				
Office held	Name	Street or P.O. Address	City	State Zip
Manager	Kit Christensen	P.O. Box 645	Moore	ID 83255
Manager	Vickie Christensen	P.O. Box 645	Moore	ID 83255
5. Organized Under the Laws of: IDAHO W 14062		6. Signature <i>Vickie Christensen</i> Date <i>11-13-2007</i> Name (Typed or Printed) <i>Vickie Christensen</i> Title <i>Manager</i>		
Issued 11/01/2007		200801006296		

Do Not Tape or Staple

WATER RIGHT NO. **34-14039**

12/3/2008

Owner Type **Name and Address**
Current Owner KIVI LAND & LIVESTOCK LLC PO BOX 645 MOORE, ID 83255
(208)589-0097

Priority Date: 05/14/1977 Basis: Decreed Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use **From** **To** **Diversion Rate** **Volume**
IRRIGATION 04/15 10/15 0.29 CFS 53.2 AFA
Total Diversion 0.29 CFS

Location of Point(s) of Diversion:
GROUND WATER SENE Sec. 24 Township 06N Range 25E CUSTER County

Place of Use Legal Description: IRRIGATION CUSTER County

Township **Range** **Section** **Lot** **Tract** **Acres** **Lot** **Tract** **Acres** **Lot** **Tract** **Acres** **Lot** **Tract** **Acres**
06N 25E 24 NENE 15.2

Total Acres: 15.2

Conditions of Approval:

1. This right when combined with rights 34-126, 34-127, 34-14037 and 34-14038 shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 486.5 af at the field headgate for the lands below.
2. E56 The rights listed below are limited to the irrigation of a combined total of 139 acres in a single irrigation season. Combined Right Nos.: 34-126, 34-127, 34-14037, 34-14038 and 34-14039.
The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. The partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. C18 The water right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
- 5.

Decreed Date: 11/08/2007 Generic Max Rate per Acre: 0.02 Generic Max Volume per Acre: 3.5

BIG LOST RIVER

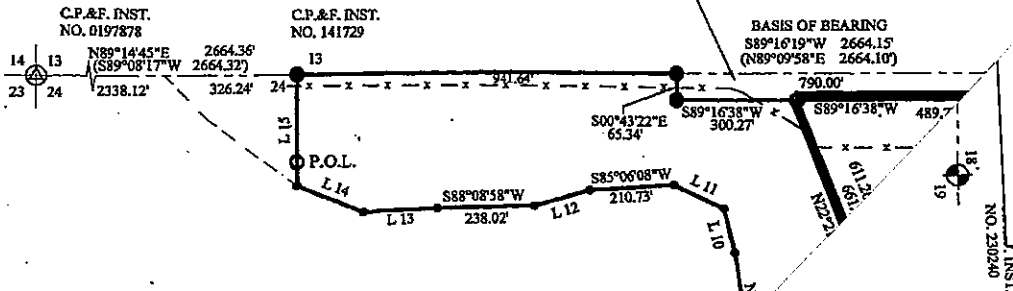
LOCATED IN THE NE 1/4
AND IN THE NW 1/4
BOISE MERIDIAN

KIVI Land & Livestock
Application to lease water rights 34-14038 & 34-14039 to Water Bank

R.O.S. INST. #0201373

LANDS OF
BRETT & TRUDY WILLIAMS

NOTE: RELOCATION OF A COMMON BOUNDARY
1.19 ACRES



LINE TABLE		
LINE	BEARING	LENGTH
L1	N65°52'03"W	62.14'
L2	N43°50'07"W	129.46'
L3	N11°45'50"E	108.50'
L4	N23°33'11"W	127.35'
L5	N31°18'10"W	101.65'
L6	N18°14'01"E	81.00'
L7	N45°15'20"E	151.89'
L8	N17°16'35"E	128.71'
L9	N23°05'42"W	149.43'
L10	N14°15'21"W	113.63'
L11	N65°57'18"W	138.95'
L12	S73°26'17"W	142.18'
L13	S86°53'21"W	185.23'
L14	N68°51'58"W	177.86'
L15	N00°38'35"W	277.65' (218'

R.O.S. INST.
NO. 0224194

REBAR W/ 1/2" ALUM. CAP BY LS
5/8" REBAR BY LS 3577
2 1/2" ALUM. CAP SET
BY WADE PLS 5080
REBAR W/ 1/2" ALUM. CAP BY LS
BY LS 826
REBAR WITH A YELLOW
MARKED WADE PLS.
WITH A YELLOW
MARKED WADE PLS.
NOT SET

LEGEND

