

RECEIVED

FEB 03 2009

Form 42-1761
01/03

DEPARTMENT OF
WATER RESOURCES

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO

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.com

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. 34-14038 Decreed to KIVI Land & Livestock

Application to Sell/Lease a Water Right to the Water Supply Bank S. _____
KIVI Land & Livestock

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 A" 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 "A" (34-14038) 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 these water rights 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.

1-9-09
Date

Keith Christensen
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 09 Jan 2001

Origination/Authorization:

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 1. Mailing Address - Correct in this box, if applicable KIVI LAND & LIVESTOCK, LLC PO BOX 645 MOORE, ID 83255		KIT L CHRISTENSEN 3427 WEST 3700 NORTH MOORE, ID 83255	
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature	
4. Limited Liability Companies: Enter Names and Addresses of Managers.					
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
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> Name (Typed or Printed) Vickie Christensen		Date 11-19-2007 Title Manager	

Issued 11/01/2007

Do Not Tape or Staple

200801006296

WATER RIGHT NO. 34-14038

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 0.16 CFS 28.3 AFA
Total Diversion 0.16 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 7.6 NWNE 0.5

Total Acres: 8.1

Conditions of Approval:

1. 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.
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. 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, and 34-127, 34-14037, 34-14038 and 34-14039.
4. This right when combined with rights 34-126, 34-127, 34-14037 and 34-14039 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.
5. 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.

Decreed Date: 11/08/2007

Generic Max Rate per Acre: 0.02

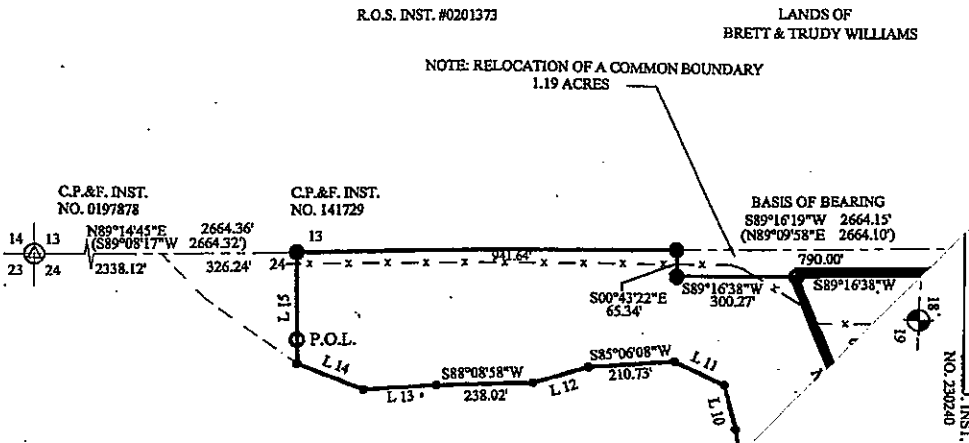
Generic Max Volume per Acre: 3.5

BIG LOST RIVER

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

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

KIVI Land & Livestock



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	185.00'
L14	N68°51'58"W	185.00'
L15	N00°38'35"W	185.00'

R.O.S. INST. NO. 022117
WITH A YELLOW
KED WADE PLS:
A YELLOW
WADE PLS:

LS 826

W/ 1/2" ALUM. CAP BY LS

2 1/2" ALUM. CAP SET
BY WADE PLS 5080

REBAR BY LS 3577

LEGEND

(IN FEET)
1 inch = 300 ft.



GRAPHIC SCALE