

Transfer No. 76350

Receipt No. E0351637

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information KBCP LLC
 3062 S FRONTAGE RD
 AMERICAN FALLS ID 83211
 (208)226-2773

Will this transfer result in an ownership change? _____ Yes X No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
35-7402	WR/Decreed	1.94	388.0	97.0	100.9	GROUND WATER
35-13409	WR/Decreed	0.08	16.0	4.0	100.9	GROUND WATER
35-13414	WR/Decreed	4.64	928.0		232.0	GROUND WATER
35-13415	WR/Decreed	0.10	20.0	5.0	56.5	GROUND WATER
35-13411	WR/License	0.14	43.2	10.8	56.5	GROUND WATER
35-13413	WR/License	0.78	163.2	40.8	56.5	GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-7402	NO	NO	YES	NO	NO	NO
35-13409	NO	NO	YES	NO	NO	NO
35-13414	NO	NO	YES	NO	NO	NO
35-13415	NO	NO	YES	NO	NO	NO
35-13411	NO	NO	YES	NO	NO	NO
35-13413	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Applicants would like to combine all 6 water rights into one permissible place of use and change that place of use to match actual irrigation practices. All water rights use one common point of diversion.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
35-7402	1.94 cfs	97.0	389.4	388.0 af
35-13409	0.08 cfs	4.0	389.4	16.0 af
35-13414	4.64 cfs	232.0	389.4	928.0 af
35-13415	0.10 cfs	5.0	389.4	20.0 af
35-13411	0.14 cfs	10.8	389.4	43.2 af
35-13413	0.78 cfs	40.8	389.4	163.2 af
TOTAL	7.68 cfs	389.4	389.4	1,558.4 af

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DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

BCP LLC by Karen Scarpin
(Signature of Applicant)

gen partner
(Title or Office)

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

Current Water Right No. 35-7402

Priority Date: March 28, 1974

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.94 CFS	388.0 AFA	
Total Diversion		1.94 CFS	388.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNENW Sec. 23 Twp 08S Rge 29E POWER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
08S 29E 14									.5				19.0	2.4	10.0	39.0	30.0	100.9

Total Acres: 100.9

Conditions/Remarks:

1. Prior to the diversion and use of water under Transfer approval 70093, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
2. This right is limited to the irrigation of 97 acres within the place of use described above in a single irrigation season.
3. Rights 35-07402, 35-13409, 35-13411, 35-13413, 35-13414, and 35-13415 are also diverted through the point of diversion described above.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.120.
9. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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Receipt No. _____

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

Current Water Right No. 35-13409

Priority Date: March 28, 1974

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	0.08 CFS	16.0 AFA	
Total Diversion		0.08 CFS	16.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNENW Sec. 23 Twp 08S Rge 29E POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	29E	14									.5			19.0	2.4	10.0	39.0	30.0	100.9

Total Acres: 100.9

Conditions/Remarks:

1. Prior to the diversion and use of water under Transfer approval 70093, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
2. This right is limited to the irrigation of 4 acres within the place of use described above in a single irrigation season.
3. Rights 35-07402, 35-13409, 35-13411, 35-13413, 35-13414, and 35-13415 are also diverted through the point of diversion described above.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.120.
9. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Current Water Right No. 35-13414

Priority Date: March 28, 1974
 Origin: Water Right
 Basis: Decreed
 Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	4.64 CFS	928.0 AFA	
Total Diversion		4.64 CFS	928.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNENW Sec. 23 Twp 08S Rge 29E POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	29E	23	20.0	36.0	40.0	35.0	24.0				31.0	9.0				11.0	26.0	232.0	

Total Acres: 232

Conditions/Remarks:

1. Rights 35-07402, 35-13409, 35-13411, 35-13413, 35-13414, and 35-13415 are also diverted through the point of diversion described above.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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

Current Water Right No. 35-13415

Priority Date: March 28, 1974

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	0.10 CFS	20.0 AFA	
Total Diversion		0.10 CFS	20.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNENW Sec. 23 Twp 08S Rge 29E POWER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 29E 23							15.5	11.0	19.0	11.0							56.5

Total Acres: 56.5

Conditions/Remarks:

1. Prior to the diversion and use of water under Transfer approval 70106, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
2. This right is limited to the irrigation of 5 acres within the place of use described above in a single irrigation season.
3. Rights 35-07402, 35-13409, 35-13411, 35-13413, 35-13414, and 35-13415 are also diverted through the point of diversion described above.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.120.
9. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Current Water Right No. 35-13411

Priority Date: December 05, 1983
 Origin: Water Right
 Basis: License
 Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.14 CFS	43.2 AFA	
Total Diversion		0.14 CFS	43.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNENW Sec. 23 Twp 08S Rge 29E POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	29E	23							15.5	11.0	19.0	11.0							56.5

Total Acres: 56.5

Conditions/Remarks:

1. Prior to the diversion and use of water under Transfer approval 70106, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
2. This right is limited to the irrigation of 10.8 acres within the place of use described above in a single irrigation season.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. Rights 35-7402, 35-13409, 35-13411, 13413, 35-13414, 35-13415 is also diverted through the point of diversion described above.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.120.
9. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
10. Rights 35-7401, 35-13410 and 35-13411 when combined shall not exceed a total diversion rate of 5.28 cfs.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Current Water Right No. 35-13413

Priority Date: April 17, 1984

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.78 CFS	163.2 AFA	
Total Diversion		0.78 CFS	163.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNENW Sec. 23 Twp 08S Rge 29E POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	29E	23							15.5	11.0	19.0	11.0							56.5

Total Acres: 56.5

Conditions/Remarks:

1. Prior to the diversion and use of water under Transfer approval 70106, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
2. This right is limited to the irrigation of 40.8 acres within the place of use described above in a single irrigation season.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. Rights 35-7402, 35-13409, 35-13411, 13413, 35-13414, 35-13415 is also diverted through the point of diversion described above.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.120.
9. The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
10. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 35-13411

Priority Date: December 05, 1983

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.14 CFS	43.2 AFA	
	Total Diversion	0.14 CFS	43.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNENW Sec. 23 Twp 08S Rge 29E POWER County

Describe the proposed diversion system

Point of Diversion # 1 well/pump to pivots

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
08S	29E	14									2.0				24.0				6.0	16.0	38.0	34.0	120.0
08S	29E	23	22.0	38.0	40.0	36.0	15.0		6.0	34.0	29.0	8.0							14.0	27.4			269.4

Total Acres: 389.4

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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 35-13413

Priority Date: April 17, 1984

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.78 CFS	163.2 AFA	
	Total Diversion	0.78 CFS	163.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNENW Sec. 23 Twp 08S Rge 29E POWER County

Describe the proposed diversion system

Point of Diversion # 1 well/pump to pivot

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
08S	29E	14									2.0				24.0	6.0	16.0	38.0	34.0	120.0
08S	29E	23	22.0	38.0	40.0	36.0	15.0		6.0	34.0	29.0	8.0				14.0	27.4			269.4

Total Acres: 389.4

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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 35-13414

Priority Date: March 28, 1974

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	4.64 CFS	928.0 AFA	
	Total Diversion	4.64 CFS	928.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNENW Sec. 23 Twp 08S Rge 29E POWER County

Describe the proposed diversion system

Point of Diversion # 1 WELL, PUMP, PIPELINE & SPRINKLERS.

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
08S	29E	14									2.0				24.0	6.0	16.0	38.0	34.0	120.0
08S	29E	23	22.0	38.0	40.0	36.0	15.0		6.0	34.0	29.0	8.0				14.0	27.4			269.4

Total Acres: 389.4

Transfer No. 76350

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 35-13415

Priority Date: March 28, 1974

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	0.10 CFS	20.0 AFA	
	Total Diversion	0.10 CFS	20.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNENW Sec. 23 Twp 08S Rge 29E POWER County

Describe the proposed diversion system

Point of Diversion # 1 well/pump to pivot

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
08S 29E 14									2.0				24.0	6.0	16.0	38.0	34.0	120.0
08S 29E 23	22.0	38.0	40.0	36.0	15.0		6.0	34.0	29.0	8.0				14.0	27.4			269.4

Total Acres: 389.4

Transfer No. 76350
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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 35-7402

Priority Date:

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.94 CFS	388.0 AFA	
	Total Diversion	1.94 CFS	388.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNENW Sec. 23 Twp 08S Rge 29E POWER County

Describe the proposed diversion system

Point of Diversion # 1 WELL, PUMP, PIPELINE & SPRINKLERS.

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
08S	29E	14									2.0				24.0				6.0	16.0	38.0	34.0	120.0
08S	29E	23	22.0	38.0	40.0	36.0	15.0			6.0	34.0	29.0	8.0						14.0	27.4			269.4

Total Acres: 389.4

Transfer No. 76350

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 35-13409

Priority Date: March 28, 1974

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	0.08 CFS	16.0 AFA	
	Total Diversion	0.08 CFS	16.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNENW Sec. 23 Twp 08S Rge 29E POWER County

Describe the proposed diversion system

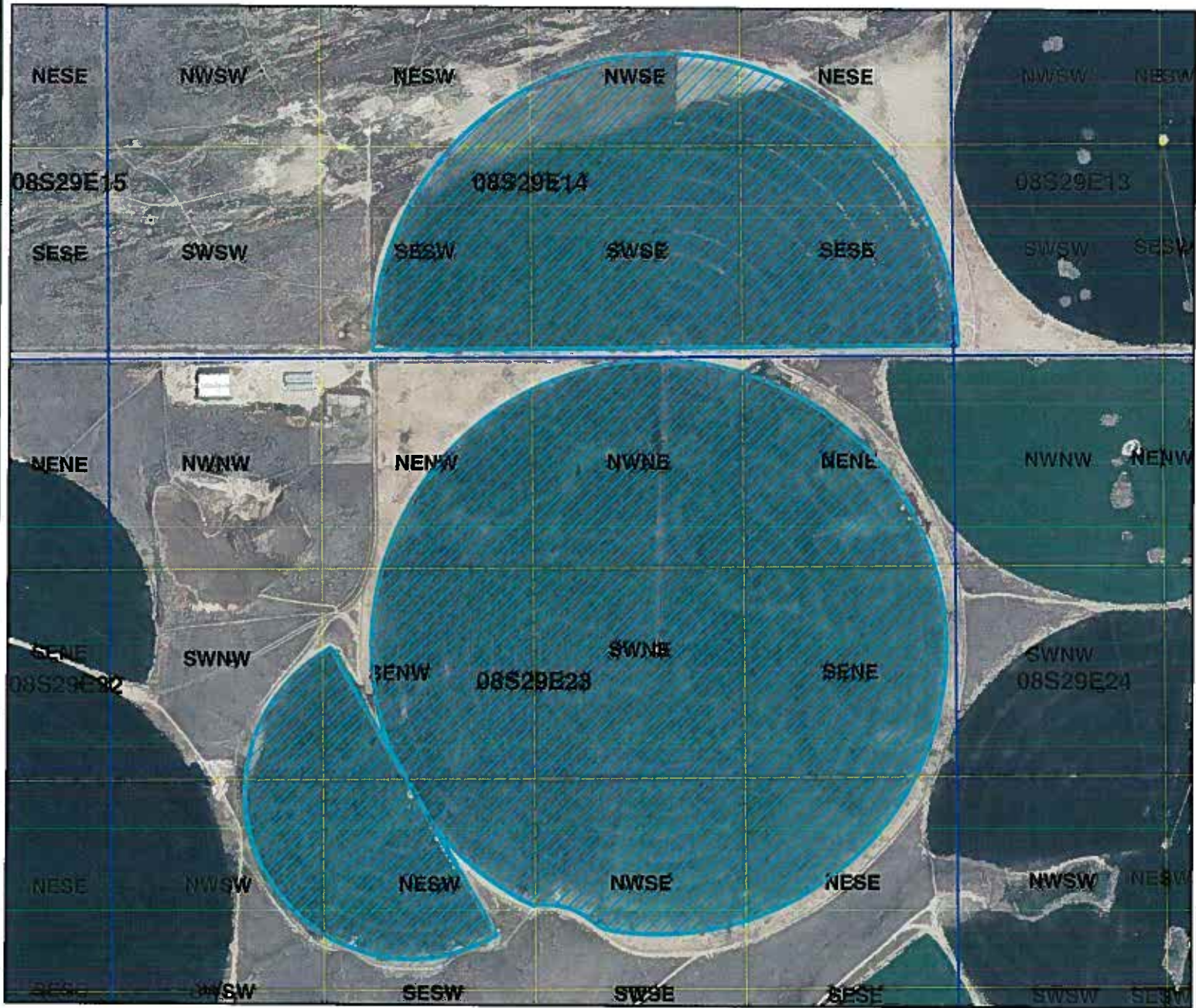
Point of Diversion # 1 WELL, PUMP, PIPELINE & SPRINKLERS.

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 29E 14									2.0			24.0	6.0	16.0	38.0	34.0	120.0
08S 29E 23	22.0	38.0	40.0	36.0	15.0		6.0	34.0	29.0	8.0			14.0	27.4			269.4

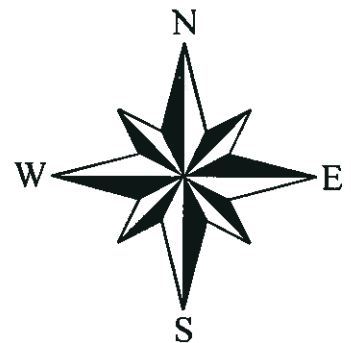
Total Acres: 389.4

Proposed Water Use



Legend

-  Proposed Water Use
-  Township/Range
-  Sections
- QQ



0 0.05 0.1 0.2 0.3 0.4 Miles

Image: NAIP 2009
Idaho Department of Water Resources
Map Prepared by Heather Bohac, March 4, 2010

76350



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

08 DEC 11 AM 8:37

SECRETARY OF STATE
STATE OF IDAHO

FILED EFFECTIVE

1. The name of the limited liability company is:

KBCP, LLC

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

3062 S. Frontage Road, American Falls, Idaho 83211

(Street Address)

(Mailing Address, if different than street address)

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

Kenneth Kooplin

(Name)

3062 S. Frontage Rd., American Falls, ID 83211

(Street Address)

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

Name

Address

Kenneth Kooplin

3062 S. Frontage Rd., American Falls, ID 83211

Klaren Kooplin

3062 S. Frontage Rd., American Falls, ID 83211

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

3062 S. Frontage Road, American Falls, Idaho 83211

6. Future effective date of filing (optional):

Signature of organizer(s). (An organizer is a member, or is acting in behalf of a member or members).

Signature

Kenneth Kooplin

Typed Name:

KENNETH KOOPLIN

Signature

Klaren Kooplin

Typed Name:

KLAREN KOOPIN

Secretary of State use only

g:\corpform\llc\form\llc_07_2006_07_2006

IDAHO SECRETARY OF STATE
12/11/2008 05:00
CK: 6320 CT: 179474 BH: 1147845
1 @ 100.00 = 100.00 ORGAN LLC # 2

W79785



WARRANTY DEED

For value received, Bowler Ranches, Inc., an Idaho corporation ("Grantor"), whose address is 246 Roosevelt Street, American Falls, Idaho 83211, does hereby grant, sell and convey unto KBCP, LLC, a(n) Idaho limited liability company ("Grantee"), whose address is 3062 South Frontage Road, American Falls, Idaho 83211, and its successors and assigns forever, the following described real property located in Power County, Idaho, as described in Schedule "1," attached hereto and incorporated by this reference (the "Property").

TOGETHER WITH all and singular the tenements, hereditaments, easements, rights and appurtenances thereunto belonging or in any way appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, and interest in and to the Property, as well in law as in equity, including any and all water rights appurtenant to the Property.

SUBJECT only to rights reserved in federal patents, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements of record, and taxes and assessments for the current year not yet due and payable.

Grantor hereby, for itself and its successors and assigns, covenants and agrees with Grantee that Grantor is lawfully seized in fee simple of the Property herein conveyed; that it has good right to sell and convey the same in the manner set forth herein and the Property is free and clear of all liens, claims and encumbrances by and through and under the Grantor; that Grantor, its successors and assigns shall warrant and defend the same unto Grantee forever against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed this 18 day of December, 2008.

Bowler Ranches, Inc.


By: Nancy Ross, President

State of Idaho
County of Bannock)ss.

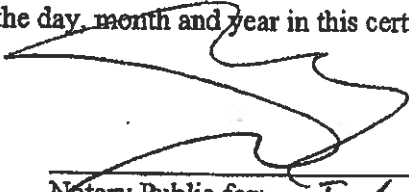
Instrument # 195302
POWER COUNTY, IDAHO
12-23-2008 04:10:19 No. of Pages: 9
Recorded for: ALLIANCE TITLE CO.
CHRISTINE STEINLIGHT Fee: 27.00
Ex-Officio Recorder Deputy 

On December 18, 2008, before me personally appeared Nancy Ross, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the entity upon behalf

of which the person acted, executed the instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.




Notary Public for: Edley
Residing at: Pointello
My commission expires: _____

THE PROPERTY

Parcel 1:

Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho.

Section 25:

The West ½ of the Northeast ¼ and the Southwest ¼ and the Northwest ¼ and the West ½ of the Southeast ¼, and Lots 1, 2 3, and 4.

NE SE NE SE
NE NE SE SE

Excepting that portion of Highway 39 Deeded to the State of Idaho in Deed on April 24, 1958 as Instrument No. 77765.

Except:

A tract of land in the Northeast ¼ of Section 25, Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho, described as follows:

COMMENCING at the Northeast corner of said Section 25;
Thence South, along the East line of said Section 1062.18 feet;
Thence South 56°35' West, 35.94 feet to a ½" iron pin marking the Northeast corner of Funk Irrigation Company property, the TRUE POINT OF BEGINNING.
Thence South 56°35' West, along said North line 1047.86 feet to the Northwestern right-of-way of Federal Aid Project No. SDS-1721(4) (State Highway 39) to a ½" iron pin marking the Northwest corner of said Funk property;
Thence North 30°50' West, along said right of way 1919.09 feet to a Highway monument that is 50.00 feet right of Station 90+01.6 Point of Spiral;
Thence along a parallel spiral to the right and 50.00 feet right of a centerline spiral having a spiral angle of 5°24', "a" value of 5/6, and a spiral length of 360.00 feet, for a distance along said parallel spiral of 6.31 feet to the South side of South Pleasant Valley Road;
Thence South 89°16' East, along the South side of said Road, 1644.44 feet;
Thence along a curve to the right, having a radius of 220.00 feet; through a central angle of 89°16', for an arc length of 342.76 feet;
Thence South 835.15 feet to the TRUE POINT OF BEGINNING.

Except:

A parcel of land, partly in Lot 2 and Lot 3 of Section 25, Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho, described as follows:

COMMENCING at the West ¼ corner of Section 30, Township 7 South, Range 31 East, Boise Meridian, Power County, Idaho;
Thence North, along the East line of said Section 25, 577.75 feet;
Thence South 56°55' West, 35.80 feet, to the West side of an existing county road, and the TRUE POINT OF BEGINNING;

Thence South along the West side of said County road, 884.26 feet to the Northeasterly right of way of State Highway 39;

Thence North 30°50' West, along said highway right-of-way, 741.47 feet;

Thence North 56°55' East 453.57 feet to the TRUE POINT OF BEGINNING.

Except:

A parcel of land in Lots 1 and 2 of Section 25, Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho, described as follows:

COMMENCING at the West $\frac{1}{4}$ corner of Section 30 on the Range line between Range 30 East, and Range 31 East;

Thence North 577.53 feet;

Thence South 56°55' West, 35.80 feet to the West side of an existing County road and the TRUE POINT OF BEGINNING;

Thence South 56°55' West 453.57 feet to the East right of way of State Highway No. 39;

Thence North 30°50' West, along said right of way 965.00 feet;

Thence North 56°35' East, 1047.86 feet to the West side of the above mentioned County Road;

Thence South along said County road 1158.11 feet to the TRUE POINT OF BEGINNING.

Township 7 South, Range 31 East, Boise Meridian, Power County, Idaho.

Section 30:

Lots 10 and 11, lying South and West of Highway 39 in Section 30, Township 7 South, Range 31 East, Boise Meridian, Power County, Idaho, except:

A parcel of land being on the Southwesterly side of the centerline of State Highway No. 39, Project No. ST-1721(518) Highway survey as shown on the plans thereof now on file in the Office of the Department of Highways of the State of Idaho, and being a portion of Government Lot 11 of Section 30, Township 7 South, Range 31 East, Boise Meridian, Described as follows, to-wit:

BEGINNING at the point of intersection of the Southwesterly right of way line of existing State Highway No. 39, Project No. S-1721(4) Highway survey as shown on the plans thereof now on file in the Office of the Department of Highway of the State of Idaho and as described in that certain Warranty Deed dated December 16, 1957, recorded March 13, 1958 in Book 102 of Deeds on page 484 as Instrument No. 77623 Records of Power County, Idaho and the East line of Government Lot 11, Section 30, Township 7 South, Range 31 East, Boise Meridian, which point is approximately 873.0 feet North and 647.0 feet East from the Southwest corner of said Section 30;

Thence Northwesterly along said existing Southwesterly right of way line 248.0 feet, more or less, to a point that bears South 58°39' West 65.0 feet from station 41+20.5 of said existing Highway Survey;

Thence South 27°40'16" East 50.0 feet to a point that bears South 59°35'24" West 48.85 feet from station 7+56.95 of said State Highway No. 39, Project No. ST-1721(518) Highway Survey;

Thence South 28°54'18" East 231.43 feet to a point in the East line of said Government Lot 11;
Thence North 0°10'16" East along said East line 40.0 feet to the REAL POINT OF
BEGINNING.

Parcel 2:

Township 8 South, Range 29 East, Boise Meridian, Power County, Idaho.

Section 9: Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and that portion of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$
that is South of the railroad right of way.

Section 10: Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the South $\frac{1}{2}$.

Section 11: The East $\frac{1}{2}$ and the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northwest
 $\frac{1}{4}$ and the Southwest $\frac{1}{4}$.

Section 12: The West $\frac{1}{2}$ of the West $\frac{1}{2}$.

Section 13: The South $\frac{1}{2}$ and the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$.

Section 14: All

Section 15: All

Section 21: Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Southeast $\frac{1}{4}$.

Except:

A tract of land in the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 21, Township 8 South, Range
29 East, Boise Meridian, Power County, Idaho, described as follows:

BEGINNING at the South $\frac{1}{4}$ corner of said Section 21;
Thence North 89°54'46" East along the South line of said Section, 200.00 feet;
Thence North 0°18'29" East, parallel with the West line of said Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$,
435.60 feet;
Thence South 89°54'46" West, parallel with the South line of said Section, 200.0 feet to the
West line of said Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$;
Thence South 0°18'29" West, along said West line, 435.60 to the POINT OF BEGINNING.

Section 22: All

Section 23: All

Except:

A parcel of land in the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 23, Township 8 South, Range

29 East, Boise Meridian, Power County, Idaho, described as follows:

COMMENCING at the Northwest corner of said Section 23;
Thence South $89^{\circ}54'51''$ East, along the North line of said Section, 327.11 feet to the TRUE POINT OF BEGINNING;
Thence South $89^{\circ}54'51''$ East, continuing along said North line, 475.00 feet;
Thence South $00^{\circ}05'04''$ West, leaving said North line, 330.00 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;
Thence North $89^{\circ}54'51''$ West, on a line parallel with said North line, 457.52 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843, said rebar falls in a fence line running in a North-South direction;
Thence North $02^{\circ}56'50''$ West, along said fence line, 330.46 feet to the TRUE POINT OF BEGINNING.

Section 24: All

Section 25: All

Section 26: All

Except:

A tract of land in Sections 23, 24, 25 and 26, Township 8 South, Range 29 East, Boise Meridian, Power County, Idaho, described as follows:

COMMENCING at the Northeast corner of Section 24;
Thence South $89^{\circ}52''$ West along the North line of said Section 2511.80 feet;
Thence South $00^{\circ}08'$ East 30.00 feet to the TRUE POINT OF BEGINNING;
Thence along a curve to the right having a radius of 1560.00 feet, through a central angle of $25^{\circ}48'20''$ for an arc length of 702.61 feet;
Thence South $25^{\circ}40'20''$ West 545.04 feet;
Thence South $03^{\circ}13'26''$ East 428.48 feet;
Thence along a curve to the left, having a radius of 1440.00 feet, through a central angle of $22^{\circ}18'$ for an arc length of 560.46 feet;
Thence South $25^{\circ}31'26''$ East 673.99 feet;
Thence South $01^{\circ}27'04''$ East 336.77 feet;
Thence along a curve to the right, having a radius of 1500.00 feet, through a central angle of $27^{\circ}30'50''$ for an arc length of 720.32 feet;
Thence from a tangent bearing South $22^{\circ}39'25''$ West along a curve to the left, having a radius of 1350.00 feet through a central angle of $65^{\circ}55'51''$ for an arc length of 1553.46 feet;
Thence from a tangent bearing South $43^{\circ}16'26''$ East along a curve to the right, having a radius of 1660.00 feet, through a central angle of $209^{\circ}03'58''$ for an arc length of 6057.16 feet;
Thence North $14^{\circ}12'28''$ West 493.58 feet to a point which intersects the North, South Section line common to Section 25 and 26;
Thence North $00^{\circ}14'37''$ East along said Section line 574.26 feet;
Thence North $89^{\circ}50'$ West 200.00 feet;

Thence South 00°14'37" West 620.02 feet;
Thence from a tangent bearing South 43°33'13" West along a curve to the right, having a radius of 2000.00 feet, through a central angle of 102°11'31" for an arc length of 3567.17 feet;
Thence North 55°44'44" East 4004.71 feet;
Thence from a tangent bearing North 28°15'12" West along a curve to the right having a radius of 1500.00 feet, through a central angle of 51°54'06" for an arc length of 1358.79 feet;
Thence from a tangent bearing North 23°38'54" East along a curve to the left having a radius of 1900.00 feet through a central angle of 54°05'49" for an arc length of 1793.92 feet;
Thence from a tangent bearing North 30°26'54" West along a curve to the right having a radius of 1560.00 feet, through a central angle of 30°24'21" for an arc length of 827.86 feet to a point on the Southerly right of way of an existing County Road;
Thence South 89°43' East along said right of way 340.00 feet to a point on the North, South Section line common to Section 23 and 24;
Thence North 89°52' East continuing along said right of way 2780.01 feet to the TRUE POINT OF BEGINNING.

Section 27: North ½ and the Northeast ¼ of the Southeast ¼.

Township 8 South, Range 30 East, Boise Meridian, Power County, Idaho;

Section 18: Southwest ¼.

Section 19: West ½.

Section 30: Northwest ¼ and the North ½ of the Southwest ¼.

Parcel 3:

Lots 4-13, and the East 23.83 feet of Lot 14, Block 35, American Falls Reclamation Addition, as the same appears on the official plat thereof, in the Records of Power County, Idaho.

Together with the following easements:

The easement reserved in that certain "Warranty Deed" recorded on October 21, 1999 in Power County as Instrument Number 173783 in the real property records of Power County, Idaho, where Bowler Ranches, Inc. granted, bargained, sold, and conveyed certain property to KBC Farms, L.L.C., described as follows:

An easement 15.00 feet in width, 7.50 feet on each side of the following described centerline:
COMMENCING at the Northeast corner of Section 24;
Thence South 89°52' West along the North line of said Section 2511.80 feet;
Thence South 00°08' East 30.00 feet to the TRUE POINT OF BEGINNING;
Thence along a curve to the right having a radius of 1560.00 feet, through a central angle of 25°48'20" for an arc length of 702.61 feet;
Thence South 25°40'20" West 545.04 feet;
Thence South 03°13'26" East 428.48 feet;

Thence along a curve to the left, having a radius of 1440.00 feet, through a central angle of 22°18' for an arc length of 560.46 feet;
 Thence South 25°31'26" East 673.99 feet;
 Thence South 01°27'04" East 336.77 feet;
 Thence along a curve to the right, having a radius of 1500.00 feet, through a central angle of 27°30'50" for an arc length of 720.32 feet;
 Thence from a tangent bearing South 22°39'25" West along a curve to the left, having a radius of 1350.00 feet through a central angle of 65°55'51" for an arc length of 1553.46 feet;
 Thence from a tangent bearing South 43°16'26" East along a curve to the right, having a radius of 1660.00 feet, through a central angle of 209°03'58" for an arc length of 6057.16 feet;
 Thence North 14°12'28" West 493.58 feet to a point which intersects the North, South Section line common to Section 25 and 26;
 Thence North 00°14'37" East along said Section line 574.26 feet;
 Thence North 89°50' West 200.00 feet;
 Thence South 00°14'37" West 620.02 feet;
 Thence from a tangent bearing South 43°33'13" West along a curve to the right, having a radius of 2000.00 feet, through a central angle of 102°11'31" for an arc length of 3567.17 feet;
 Thence North 55°44'44" East 4004.71 feet;
 Thence from a tangent bearing North 28°15'12" West along a curve to the right having a radius of 1500.00 feet, through a central angle of 51°54'06" for an arc length of 1358.79 feet;
 Thence from a tangent bearing North 23°38'54" East along a curve to the left having a radius of 1900.00 feet through a central angle of 54°05'49" for an arc length of 1793.92 feet;
 Thence from a tangent bearing North 30°26'54" West along a curve to the right having a radius of 1560.00 feet, through a central angle of 30°24'21" for an arc length of 827.86 feet to a point on the Southerly right of way of an existing County Road;
 Thence South 89°43' East along said right of way 340.00 feet to a point on the North, South Section line common to Section 23 and 24;
 Thence North 89°52' East continuing along said right of way 2780.01 feet to the TRUE POINT OF BEGINNING.

The easement reserved in that certain "Warranty Deed" recorded on September 21, 2004 as Instrument Number 185736 in the real property records of Power County, Idaho, where Bowler Ranches, Inc. granted, bargained, sold, and conveyed certain property to Koompin Bros., L.L.C., described as follows:

An easement for ingress and egress 60.00 feet wide with the east line of said easement running contiguous with and along the west line of the following property:

A parcel of land in the Northwest ¼ of the Northwest ¼ of Section 23, Township 8 South, Range 29 East, Boise Meridian, Power County, Idaho, described as follows:

COMMENCING at the Northwest corner of said Section 23;
 Thence South 89°54'51" East, along the North line of said Section, 327.11 feet to the TRUE POINT OF BEGINNING;
 Thence South 89°54'51" East, continuing along said North line, 475.00 feet;
 Thence South 00°05'04" West, leaving said North line, 330.00 feet to a ½" rebar and plastic cap

stamped PLS 843;

Thence North $89^{\circ}54'51''$ West, on a line parallel with said North line, 457.52 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843, said rebar falls in a fence line running in a North-South direction;

Thence North $02^{\circ}56'50''$ West, along said fence line, 330.46 feet to the TRUE POINT OF BEGINNING.

Also a water line easement being 10.00 feet in width, 5.00 feet on each side of the following described centerline:

Commencing at the NE corner of the above described parcel; thence, S $00^{\circ}05'04''$ W, along the East line of said parcel, 35.00 feet to the TRUE POINT OF BEGINNING; thence, S $89^{\circ}54'51''$ E, on a line parallel with and 5.00 feet south of the Southerly right-of-way line of Lake Channel Road, 714.44.44 feet; thence, S $00^{\circ}07'51''$ W, 144.28 feet.