

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 75910

**MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☒ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

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AUG 28 2009

Department of Water Resources

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75910AUG 23 2009 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Department of Water Resources
Eastern RegionName of Applicant(s) KBCP LLC Phone 208-226-2773Mailing address 3062 South Frontage Rd. American Falls, ID 83211 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543Mailing address 2016 North Washington St. Suite 4 Twin Falls, ID 83301 Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

KBCP LLC by Karen Koopman Karen Koopman manager 8-20-09
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Provide irrigation water to farm ground that is desired to be developed and include existing water rights into PPU.**

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	35-2172	2.16/580	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	35-13703	0.93/376	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	35-13897	2.04/487.4	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	35-13898	0.36/233.8	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.13 cfs and/or 1677.2 ac-ft

2. Total amount of water proposed to be transferred or changed 5.13 cubic feet per second and/or 1677.2 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☒ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NE	SE	27	08S	29E	Power	Ground Water	New Well
			SW	NE	27	08S	29E	Power	Ground Water	New Well

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	29E	27		3.4	16.8		4			18.7					31.7				74.6
		26			32.8	2.3	5.0			19.1	7.7	31.4	32.8	39	6.9	13.3	40	33.4	263.7
		25									8	29.9	35.9	7.2					81

Total Acres (for irrigation use) 419.3

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: New well, pump and piping will be connected to existing wells, pumps and piping.

- b. Who owns the property at the point(s) of diversion? KBC Farms LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☒ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____
Current 145 acres covered by 35-2172 will be dried up.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____
Water right 35-13703, 35-13987 and 35-13898 for shared POU.

- f. 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, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

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A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

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

Current Water Right No.: 35-2172

Current Owner: KBCP LLC

Priority Date: 4/7/1950

Origin: Adjudication Recommendation

Status: Active

Basis: License

Source

GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/01 to 10/31	2.16 CFS	580 AF
	Total Diversion	2.16 CFS	580 AF

Location of Point(s) of Diversion

GROUND WATER

L3(NE1/4SE1/4)

Sec. 25, Twp 07S, Rge 30E B.M.

POWER County

Place of UseIRRIGATION Within POWER County

T07S R30E S25	Lot 2	SENE	3.00	T07S R30E S25	SESW	1.00
T07S R30E S25	Lot 3	NESE	26.00	T07S R30E S25	NWSE	28.00
T07S R30E S25		SWSE	36.00	T07S R30E S25	SESE	30.00
T07S R31E S30		NWSW	3.00	T07S R31E S30	SWSW	18.00

Total Acres: 145

Conditions of Approval:

1. 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.
2. E02 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Page _____ of _____

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

Current Water Right No.: 35-13703

Current Owner: KBC FARMS LLC

Priority Date: 10/16/1974

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	0.93 CFS	376 AF
	Total Diversion	0.93 CFS	376 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4SW1/4

Sec. 26, Twp 08S, Rge 29E B.M.

POWER County

Place of Use**IRRIGATION Within POWER County**

T08S R29E S26	SWNE	24.00	T08S R29E S26	SENE	5.00
T08S R29E S26	SENE	10.00	T08S R29E S26	NESW	33.00
T08S R29E S26	NWSW	31.00	T08S R29E S26	SWSW	21.30
T08S R29E S26	SESW	16.00	T08S R29E S26	NESE	23.00
T08S R29E S26	NWSE	40.00	T08S R29E S26	SWSE	31.00
T08S R29E S26	SESE	10.00	T08S R29E S27	NESE	30.00

Total Acres: 274.3

Conditions of Approval:

1. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
2. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. T08 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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4. 201 The combination of changes under Transfer approvals 74093, 74094, 74095, 74096, 74396, 74719 and 74781 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 74094.
5. X27 This right is limited to the irrigation of 94 acres within the place of use described above in a single irrigation season.
6. 202 If the point(s) of diversion authorized under this right are included in an area subject to a conjunctive management order curtailing the diversion and use of ground water, this right shall be reduced in rate and remaining volume by the following percentages:

-Curtailment senior to 5/16/1980, 1% reduction
-Curtailment senior to 5/4/1978, 64% reduction
-Curtailment senior to 10/16/1974, 100% reduction

The preceding reductions shall not apply if the right holder (1) is participating in a mitigation plan approved by the director and administered by a ground water district or other recognized organization, or (2) to the extent that mitigation under item 1 is not sufficient, provides individual mitigation approved by the director. The mitigation under items 1 or 2 must provide compensation consistent with the requirements determined by the director in the curtailment order.
7. T19 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.
8. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. X35 Rights 35-13897, 35-13898 and 35-13703 when combined shall not exceed a total diversion rate of 2.97 cfs, a total annual maximum diversion volume of 1097.2 af at the field headgate, and the irrigation of 274.3 acres.
10. R64 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.
11. 214 Prior to the diversion and use of water under Transfer approval 74094, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.

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12. R05 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.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 1/31/2002

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

Current Water Right No.: 35-13897

Current Owner: KBC FARMS LLC

Priority Date: 5/4/1978

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 11/01	2.04 CFS	487.4 AF
	Total Diversion	2.04 CFS	487.4 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4SW1/4 Sec. 26, Twp 08S, Rge 29E B.M.

POWER County

Place of UseIRRIGATION Within POWER County

T08S R29E S26	SWNE	24.00	T08S R29E S26	SENE	5.00
T08S R29E S26	SENE	10.00	T08S R29E S26	NESW	33.00
T08S R29E S26	NWSW	31.00	T08S R29E S26	SWSW	21.30
T08S R29E S26	SESW	16.00	T08S R29E S26	NESE	23.00
T08S R29E S26	NWSE	40.00	T08S R29E S26	SWSE	31.00
T08S R29E S26	SESE	10.00	T08S R29E S27	NESE	30.00

Total Acres: 274.3

Conditions of Approval:

1. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Page _____ of _____

4. T19 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. R64 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.
6. 201 The combination of changes under Transfer approvals 74093, 74094, 74095, 74096, 74396, 74719 and 74781 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 74094.
7. X27 This right is limited to the irrigation of 121.9 acres within the place of use described above in a single irrigation season.
8. Rights 35-13897 and 35-13898 when combined shall not exceed a total diversion rate of 2.04 cfs, a total annual maximum diversion volume of 721.2 af at the field headgate, and the irrigation of 180.3 acres.
9. R05 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.
10. 202 If the point(s) of diversion authorized under this right are included in an area subject to a conjunctive management order curtailing the diversion and use of ground water, this right shall be reduced in rate and remaining volume by the following percentages:

-Curtailment senior to 5/16/1980, 1% reduction
-Curtailment senior to 5/4/1978, 100% reduction

The preceding reductions shall not apply if the right holder (1) is participating in a mitigation plan approved by the director and administered by a ground water district or other recognized organization, or (2) to the extent that mitigation under item 1 is not sufficient, provides individual mitigation approved by the director. The mitigation under items 1 or 2 must provide compensation consistent with the requirements determined by the director in the curtailment order.
11. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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12. 214 Prior to the diversion and use of water under Transfer approval 74094, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
13. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
14. X35 Rights 35-13897, 35-13898 and 35-13703 when combined shall not exceed a total diversion rate of 2.97 cfs, a total annual maximum diversion volume of 1097.2 af at the field headgate, and the irrigation of 274.3 acres.

Decreed Date: 7/26/2002

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

Current Water Right No.: 35-13898

Current Owner: KBC FARMS LLC

Priority Date: 5/23/1962

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 11/01	0.36 CFS	233.8 AF
	Total Diversion	0.36 CFS	233.8 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4SW1/4 Sec. 26, Twp 08S, Rge 29E B.M.

POWER County

Place of UseIRRIGATION Within POWER County

T08S R29E S26	SWNE	24.00	T08S R29E S26	SENE	5.00
T08S R29E S26	SENE	10.00	T08S R29E S26	NESW	33.00
T08S R29E S26	NWSW	31.00	T08S R29E S26	SWSW	21.30
T08S R29E S26	SESW	16.00	T08S R29E S26	NESE	23.00
T08S R29E S26	NWSE	40.00	T08S R29E S26	SWSE	31.00
T08S R29E S26	SESE	10.00	T08S R29E S27	NESE	30.00

Total Acres: 274.3

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. R05 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.
3. X27 This right is limited to the irrigation of 58.4 acres within the place of use described above in a single irrigation season.

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4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Rights 43-13524 and 43-13530 when combined shall not exceed a total diversion rate of 2.04 cfs, a total annual maximum diversion volume of 721.2 af at the field headgate, and the irrigation of 180.3 acres.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 214 Prior to the diversion and use of water under Transfer approval 74094, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
8. X35 Rights 43-13524, 43-13530 and 35-13703 when combined shall not exceed a total diversion rate of 2.97 cfs, a total annual maximum diversion volume of 1097.2 af at the field headgate, and the irrigation of 274.3 acres.
9. T19 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.
10. 201 The combination of changes under Transfer approvals 74093, 74094, 74095, 74096, 74396, 74719 and 74781 provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right under Transfer approval 74094.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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Page _____ of _____

13. 202 If the point(s) of diversion authorized under this right are included in an area subject to a conjunctive management order curtailing the diversion and use of ground water, this right shall be reduced in rate and remaining volume by the following percentages:

- Curtailment senior to 5/16/1980, 1% reduction
- Curtailment senior to 5/4/1978, 64% reduction
- Curtailment senior to 10/16/1974, 64% reduction
- Curtailment senior to 9/12/1973, 67% reduction
- Curtailment senior to 5/26/1971, 68% reduction
- Curtailment senior to 11/15/1970, 72% reduction
- Curtailment senior to 5/23/1962, 100% reduction

The preceding reductions shall not apply if the right holder (1) is participating in a mitigation plan approved by the director and administered by a ground water district or other recognized organization, or (2) to the extent that mitigation under item 1 is not sufficient, provides individual mitigation approved by the director. The mitigation under items 1 or 2 must provide compensation consistent with the requirements determined by the director in the curtailment order.

14. R64 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.

Decreed Date: 7/26/2002

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Exhibit 2 - Step by Step Process for Evaluating Mitigation Requirements Combined Reaches- New Trnsf Memo 24

ESPA Transfer Tool	Year Transfer Takes Affect		2010		Proposed - Stead State***		Increase in Reach Depletion	
	Pre-Existing*		Proposed - Transient**		ac-ft/tri ac-ft/yr		ac-ft/tri ac-ft/yr	
Ashton to Rexburg:	1.2	3.5	1.4	4.1	1.4	4.1	0.2	0.6
Heise to Shelley:	1.4	4.2	1.6	4.8	1.6	4.8	0.2	0.6
Shelley to Near Blackfoot	11.7	35.2	13.2	39.5	13.2	39.5	1.4	4.3
Near Blackfoot to Neeley	175.8	527.3	173.7	521.0	167.6	502.7	-8.2	-24.6
Neeley to Minidoka								
Devil's Washbowl to Buhl:	1.6	4.7	4.9	14.8	4.9	14.8	3.4	10.1
Buhl to 1000 Springs:	0.6	1.8	1.9	5.7	1.9	5.7	1.3	3.9
1000 Springs:	0.4	1.2	1.2	3.6	1.2	3.6	0.8	2.5
1000 Springs to Malad:	0.0	0.1	0.1	0.4	0.1	0.4	0.1	0.3
Malad:	0.4	1.1	1.1	3.4	1.1	3.4	0.8	2.3
Malad to Bancroft:	0.0	0.0	0.0	0.1	0.0	0.1	0.0	0.1
Sum:	193.1	579.3	197.8	597.5	193.1	579.2	0	0

*Preexisting depletion at time of transfer; value obtained from ESPA Trnsf Model "Total Effect w/out Transfer"

**Maximum model predicted increase in depletion; values obtained from time step w/ largest depletion value in the ESPA Trnsf Model "Total Effect w/ Transfer"

***Model predicted increase in depletion at future steady state condition; values obtained from last time step of the ESPA Trnsf Model "Total Effect w/ Transfer"

Step 1: Check to determine if the maximum increase in depletion to a single reach due to the conditions proposed by the transfer, including increases during the transient state, is greater than 2 ac-ft/trimester.

If increase is greater than 2 ac-ft/trimester mitigation may be required. If increase is less than 2 ac-ft/trimester then mitigation will not be required for the reach in question.

$$\text{Eqn 1: Increase} = (D_{\text{transf, max}} - D_{\text{pre}}) / 3$$

If Increase > 2 ac-ft then 'mitigate' (1), else 'no mitigation' (0)

Step 2: Check to determine if the maximum increase in depletion to a single reach due to the conditions proposed by the transfer, at the steady state condition, is greater than the preexisting condition by 10.0%.

If increase is greater than 10% mitigation may be required. If increase is less than 10% then mitigation will not be required for the reach in question.

$$\text{Eqn 2: \% Increase} = 100 * (D_{\text{transf, ss}} / D_{\text{pre}} - 1)$$

If % Increase > 10% of Preexisting then 'mitigate' (1) else 'no mitigation' (0)

Step 3: Check to determine if the depletion to a single reach due to the conditions proposed by the transfer, at the steady state condition, is greater than 10% of the total anticipated depletions to the Snake River.

If increase in depletions to the reach in question is greater than 10% of the total depletions to the River, mitigation may be required. If increase is less than 10% of the total, then mitigation will not be required for the reach in question.

$$\text{Eqn 3: \% Increase} = 100 * (D_{\text{transf, ss}} / \sum D_{\text{transf, ss}})$$

If Increase to Reach > 10% of Total Increase Then 'mitigate' (1), else 'no mitigation' (0)

Check 1 - 2 ac-ft/trimester

Value*	Mitigation Req'd?	
Ashton to Rexburg: 0.2	NO MITIGATION	0
Heise to Shelley: 0.2	NO MITIGATION	0
Shelley to Near Blackfoot 1.4	NO MITIGATION	0
Near Blackfoot to Neeley -2.1	NO MITIGATION	0
Neeley to Minidoka		
Devil's Washbowl to Buhl: 3.4	MITIGATION	1
Buhl to 1000 Springs: 1.3	NO MITIGATION	0
1000 Springs: 0.8	NO MITIGATION	0
1000 Springs to Malad: 0.1	NO MITIGATION	0
Malad: 0.8	NO MITIGATION	0
Malad to Bancroft: 0.0	NO MITIGATION	0

*Obtained by using Eqn. 1

Check 2 - 10% Dep. Increase

Value*	Mitigation Req'd?	
Ashton to Rexburg: 16%	MITIGATION	1
Heise to Shelley: 15%	MITIGATION	1
Shelley to Near Blackfoot 12%	MITIGATION	1
Near Blackfoot to Neeley 0%	NO MITIGATION	0
Neeley to Minidoka		
Devil's Washbowl to Buhl: 213%	MITIGATION	1
Buhl to 1000 Springs: 212%	MITIGATION	1
1000 Springs: 212%	MITIGATION	1
1000 Springs to Malad: 212%	MITIGATION	1
Malad: 212%	MITIGATION	1
Malad to Bancroft: 215%	MITIGATION	1

*Obtained by using Eqn. 2

Check 3 - 10% of Total Dep.

Value*	Mitigation Req'd?	
Ashton to Rexburg: 0.7%	NO MITIGATION	0
Heise to Shelley: 0.8%	NO MITIGATION	0
Shelley to Near Blackfoot 6.8%	NO MITIGATION	0
Near Blackfoot to Neeley 86.8%	MITIGATION	1
Neeley to Minidoka		
Devil's Washbowl to Buhl: 2.6%	NO MITIGATION	0
Buhl to 1000 Springs: 1.0%	NO MITIGATION	0
1000 Springs: 0.6%	NO MITIGATION	0
1000 Springs to Malad: 0.1%	NO MITIGATION	0
Malad: 0.6%	NO MITIGATION	0
Malad to Bancroft: 0.0%	NO MITIGATION	0

*Obtained by using Eqn. 3

Ashton to Rexburg:	No Mitigation Required
Heise to Shelley:	No Mitigation Required
Shelley to Near Blackfoot	No Mitigation Required
Near Blackfoot to Neeley	No Mitigation Required
Neeley to Minidoka	
Devil's Washbowl to Buhl:	No Mitigation Required
Buhl to 1000 Springs:	No Mitigation Required
1000 Springs:	No Mitigation Required
1000 Springs to Malad:	No Mitigation Required
Malad:	No Mitigation Required
Malad to Bancroft:	No Mitigation Required

ENHANCED GROUND-WATER RIGHTS TRANSF

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPA

Cells this color are
set up for user entries

1	2	3
4		

ENTER STARTING DATE FO
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

TRANSFER NO:

KBCFarms 1

YEAR

1950

TRANSFER NAME

SEASON

SPRING

KBCFarms

ENTER CELL LOCATIONS:

	TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	94	94	0	0
COLUMN	89	99	0	0

TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1950	0	251	251	0	0	0	0
SUM 1950	0	329	329	0	0	0	0
WIN 1950	0	0	0	0	0	0	0
SPR 1951	0	251	251	0	0	0	0
SUM 1951	0	329	329	0	0	0	0
WIN 1951	0	0	0	0	0	0	0
SPR 1952	0	251	251	0	0	0	0
SUM 1952	0	329	329	0	0	0	0
WIN 1952	0	0	0	0	0	0	0
SPR 1953	0	251	251	0	0	0	0
SUM 1953	0	329	329	0	0	0	0
WIN 1953	0	0	0	0	0	0	0
SPR 1954	0	251	251	0	0	0	0
SUM 1954	0	329	329	0	0	0	0
WIN 1954	0	0	0	0	0	0	0
SPR 1955	0	251	251	0	0	0	0
SUM 1955	0	329	329	0	0	0	0
WIN 1955	0	0	0	0	0	0	0
SPR 1956	0	251	251	0	0	0	0
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WIN 1956	0	0	0	0	0	0	0
SPR 1957	0	251	251	0	0	0	0
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WIN 1957	0	0	0	0	0	0	0
SPR 1958	0	251	251	0	0	0	0
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WIN 1958	0	0	0	0	0	0	0
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WIN 1959	0	0	0	0	0	0	0
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WIN 1960	0	0	0	0	0	0	0
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WIN 1962	0	0	0	0	0	0	0
SPR 1963	0	251	251	0	0	0	0
SUM 1963	0	329	329	0	0	0	0
WIN 1963	0	0	0	0	0	0	0

SPR 1964	0	251	251	0	0	0	0
SUM 1964	0	329	329	0	0	0	0
WIN 1964	0	0	0	0	0	0	0
SPR 1965	0	251	251	0	0	0	0
SUM 1965	0	329	329	0	0	0	0
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WIN 1968	0	0	0	0	0	0	0
SPR 1969	0	251	251	0	0	0	0
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WIN 1969	0	0	0	0	0	0	0
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WIN 1970	0	0	0	0	0	0	0
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WIN 1971	0	0	0	0	0	0	0
SPR 1972	0	251	251	0	0	0	0
SUM 1972	0	329	329	0	0	0	0
WIN 1972	0	0	0	0	0	0	0
SPR 1973	0	251	251	0	0	0	0
SUM 1973	0	329	329	0	0	0	0
WIN 1973	0	0	0	0	0	0	0
SPR 1974	0	251	251	0	0	0	0
SUM 1974	0	329	329	0	0	0	0
WIN 1974	0	0	0	0	0	0	0
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SUM 1975	0	329	329	0	0	0	0
WIN 1975	0	0	0	0	0	0	0
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WIN 1976	0	0	0	0	0	0	0
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WIN 1977	0	0	0	0	0	0	0
SPR 1978	0	251	251	0	0	0	0
SUM 1978	0	329	329	0	0	0	0
WIN 1978	0	0	0	0	0	0	0
SPR 1979	0	251	251	0	0	0	0
SUM 1979	0	329	329	0	0	0	0
WIN 1979	0	0	0	0	0	0	0
SPR 1980	0	251	251	0	0	0	0
SUM 1980	0	329	329	0	0	0	0
WIN 1980	0	0	0	0	0	0	0
SPR 1981	0	251	251	0	0	0	0
SUM 1981	0	329	329	0	0	0	0
WIN 1981	0	0	0	0	0	0	0
SPR 1982	0	251	251	0	0	0	0
SUM 1982	0	329	329	0	0	0	0
WIN 1982	0	0	0	0	0	0	0
SPR 1983	0	251	251	0	0	0	0
SUM 1983	0	329	329	0	0	0	0
WIN 1983	0	0	0	0	0	0	0
SPR 1984	0	251	251	0	0	0	0
SUM 1984	0	329	329	0	0	0	0
WIN 1984	0	0	0	0	0	0	0
SPR 1985	0	251	251	0	0	0	0
SUM 1985	0	329	329	0	0	0	0
WIN 1985	0	0	0	0	0	0	0
SPR 1986	0	251	251	0	0	0	0
SUM 1986	0	329	329	0	0	0	0
WIN 1986	0	0	0	0	0	0	0
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WIN 1987	0	0	0	0	0	0	0
SPR 1988	0	251	251	0	0	0	0
SUM 1988	0	329	329	0	0	0	0
WIN 1988	0	0	0	0	0	0	0

SPR 1989	0	251	251	0	0	0	0
SUM 1989	0	329	329	0	0	0	0
WIN 1989	0	0	0	0	0	0	0
SPR 1990	0	251	251	0	0	0	0
SUM 1990	0	329	329	0	0	0	0
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SPR 1991	0	251	251	0	0	0	0
SUM 1991	0	329	329	0	0	0	0
WIN 1991	0	0	0	0	0	0	0
SPR 1992	0	251	251	0	0	0	0
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WIN 1993	0	0	0	0	0	0	0
SPR 1994	0	251	251	0	0	0	0
SUM 1994	0	329	329	0	0	0	0
WIN 1994	0	0	0	0	0	0	0
SPR 1995	0	251	251	0	0	0	0
SUM 1995	0	329	329	0	0	0	0
WIN 1995	0	0	0	0	0	0	0
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WIN 1997	0	0	0	0	0	0	0
SPR 1998	0	251	251	0	0	0	0
SUM 1998	0	329	329	0	0	0	0
WIN 1998	0	0	0	0	0	0	0
SPR 1999	0	251	251	0	0	0	0
SUM 1999	0	329	329	0	0	0	0
WIN 1999	0	0	0	0	0	0	0
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WIN 2000	0	0	0	0	0	0	0
SPR 2001	0	251	251	0	0	0	0
SUM 2001	0	329	329	0	0	0	0
WIN 2001	0	0	0	0	0	0	0
SPR 2002	0	251	251	0	0	0	0
SUM 2002	0	329	329	0	0	0	0
WIN 2002	0	0	0	0	0	0	0
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WIN 2004	0	0	0	0	0	0	0
SPR 2005	0	251	251	0	0	0	0
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WIN 2005	0	0	0	0	0	0	0
SPR 2006	0	251	251	0	0	0	0
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WIN 2006	0	0	0	0	0	0	0
SPR 2007	0	251	251	0	0	0	0
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WIN 2007	0	0	0	0	0	0	0
SPR 2008	0	251	251	0	0	0	0
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WIN 2008	0	0	0	0	0	0	0
SPR 2009	0	251	251	0	0	0	0
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WIN 2009	0	0	0	0	0	0	0
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WIN 2010	0	0	0	0	0	0	0
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WIN 2011	0	0	0	0	0	0	0
SPR 2012	251	0	251	0	0	0	0
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WIN 2012	0	0	0	0	0	0	0
SPR 2013	251	0	251	0	0	0	0
SUM 2013	329	0	329	0	0	0	0
WIN 2013	0	0	0	0	0	0	0

SPR 2014	251	0	251	0	0	0	0
SUM 2014	329	0	329	0	0	0	0
WIN 2014	0	0	0	0	0	0	0
SPR 2015	251	0	251	0	0	0	0
SUM 2015	329	0	329	0	0	0	0
WIN 2015	0	0	0	0	0	0	0
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WIN 2016	0	0	0	0	0	0	0
SPR 2017	251	0	251	0	0	0	0
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WIN 2017	0	0	0	0	0	0	0
SPR 2018	251	0	251	0	0	0	0
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WIN 2018	0	0	0	0	0	0	0
SPR 2019	251	0	251	0	0	0	0
SUM 2019	329	0	329	0	0	0	0
WIN 2019	0	0	0	0	0	0	0
SPR 2020	251	0	251	0	0	0	0
SUM 2020	329	0	329	0	0	0	0
WIN 2020	0	0	0	0	0	0	0
SPR 2021	251	0	251	0	0	0	0
SUM 2021	329	0	329	0	0	0	0
WIN 2021	0	0	0	0	0	0	0
SPR 2022	251	0	251	0	0	0	0
SUM 2022	329	0	329	0	0	0	0
WIN 2022	0	0	0	0	0	0	0
SPR 2023	251	0	251	0	0	0	0
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WIN 2023	0	0	0	0	0	0	0
SPR 2024	251	0	251	0	0	0	0
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WIN 2024	0	0	0	0	0	0	0
SPR 2025	251	0	251	0	0	0	0
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WIN 2025	0	0	0	0	0	0	0
SPR 2026	251	0	251	0	0	0	0
SUM 2026	329	0	329	0	0	0	0
WIN 2026	0	0	0	0	0	0	0
SPR 2027	251	0	251	0	0	0	0
SUM 2027	329	0	329	0	0	0	0
WIN 2027	0	0	0	0	0	0	0
SPR 2028	251	0	251	0	0	0	0
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WIN 2028	0	0	0	0	0	0	0
SPR 2029	251	0	251	0	0	0	0
SUM 2029	329	0	329	0	0	0	0
WIN 2029	0	0	0	0	0	0	0
SPR 2030	251	0	251	0	0	0	0
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WIN 2030	0	0	0	0	0	0	0
SPR 2031	251	0	251	0	0	0	0
SUM 2031	329	0	329	0	0	0	0
WIN 2031	0	0	0	0	0	0	0
SPR 2032	251	0	251	0	0	0	0
SUM 2032	329	0	329	0	0	0	0
WIN 2032	0	0	0	0	0	0	0
SPR 2033	251	0	251	0	0	0	0
SUM 2033	329	0	329	0	0	0	0
WIN 2033	0	0	0	0	0	0	0
SPR 2034	251	0	251	0	0	0	0
SUM 2034	329	0	329	0	0	0	0
WIN 2034	0	0	0	0	0	0	0
SPR 2035	251	0	251	0	0	0	0
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WIN 2037	0	0	0	0	0	0	0
SPR 2038	251	0	251	0	0	0	0
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WIN 2038	0	0	0	0	0	0	0

SPR 2039	251	0	251	0	0	0	0
SUM 2039	329	0	329	0	0	0	0
WIN 2039	0	0	0	0	0	0	0
SPR 2040	251	0	251	0	0	0	0
SUM 2040	329	0	329	0	0	0	0
WIN 2040	0	0	0	0	0	0	0
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WIN 2041	0	0	0	0	0	0	0
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WIN 2042	0	0	0	0	0	0	0
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75 91 0

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75 91 0



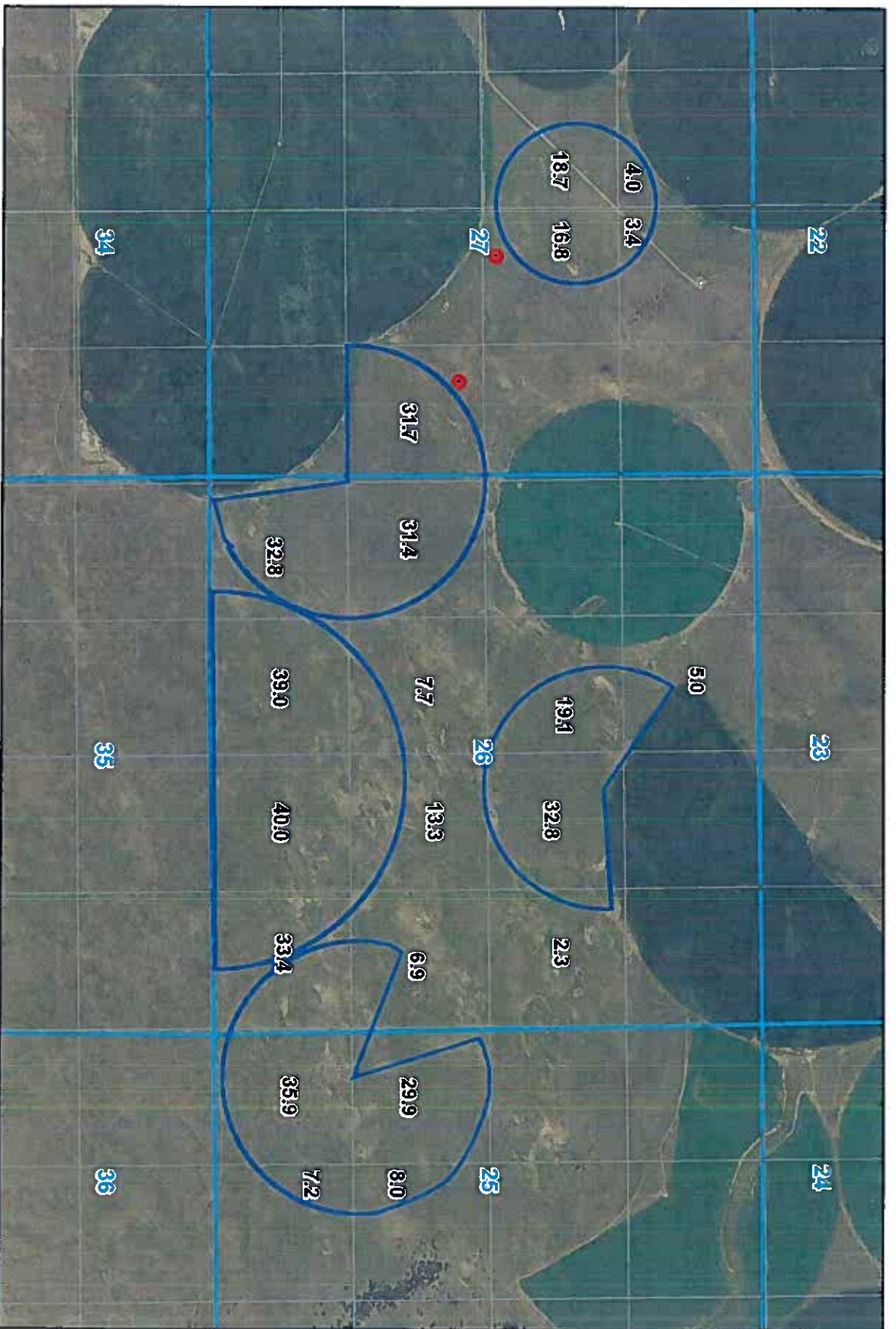
KOOHPIN TRANSFER MAP

- Legend
- Proposed POB
 - From POB
 - ssrf123_bol_NAD83
 - Distance
 - Trans 75147 Points
 - desc_
 - From Location
 - To Location
 - sr303d

75 91 0

N

1 inch equals 2.75 miles



1 inch equals 1,320.0 feet

BROCKWAY ENGINEERING, PLLC.
ALR - DEC. 14, 2009
(ZL- 12/23/09)

KOOMPIN- TRANSFER NEW PIVOT CONFIGURATION NAIP 2004 AERIAL PHOTO

Legend

- Proposed Points of Diversion
- New Pivot configuration=419.3 ac.
- sections
- 108s29e



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 Koompin

(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 Koompin

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

Klaren Koompin

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 Koompin

Typed Name:

KENNETH KOOMPIN

Signature

Klaren Koompin

Typed Name:

KLAREN KOOMPIN

Secretary of State use only

g:\corp\form\llc\form\llc_org_8-1-04-05
Revised 07/2005

IDAHO SECRETARY OF STATE
12/11/2008 05:00
CK: 6320 CT: 179474 BH: 1147845
1 @ 100.00 = 100.00 ORDN 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.

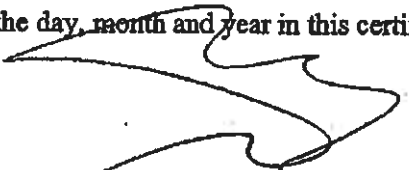
Instrument # 195302
POWER COUNTY, IDAHO
12-23-2008 04:40:19 No. of Pages: 9
Recorded for: ALLIANCE TITLE CO.
CHRISTINE STERNLIGHT Fee: 27.00
Ex-Officio Recorder Deputy 

On Dec 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: Edna
Residing at: Payette
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
X 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 ¼ 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 Eats 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 $00^{\circ}05'd'04''$ 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.