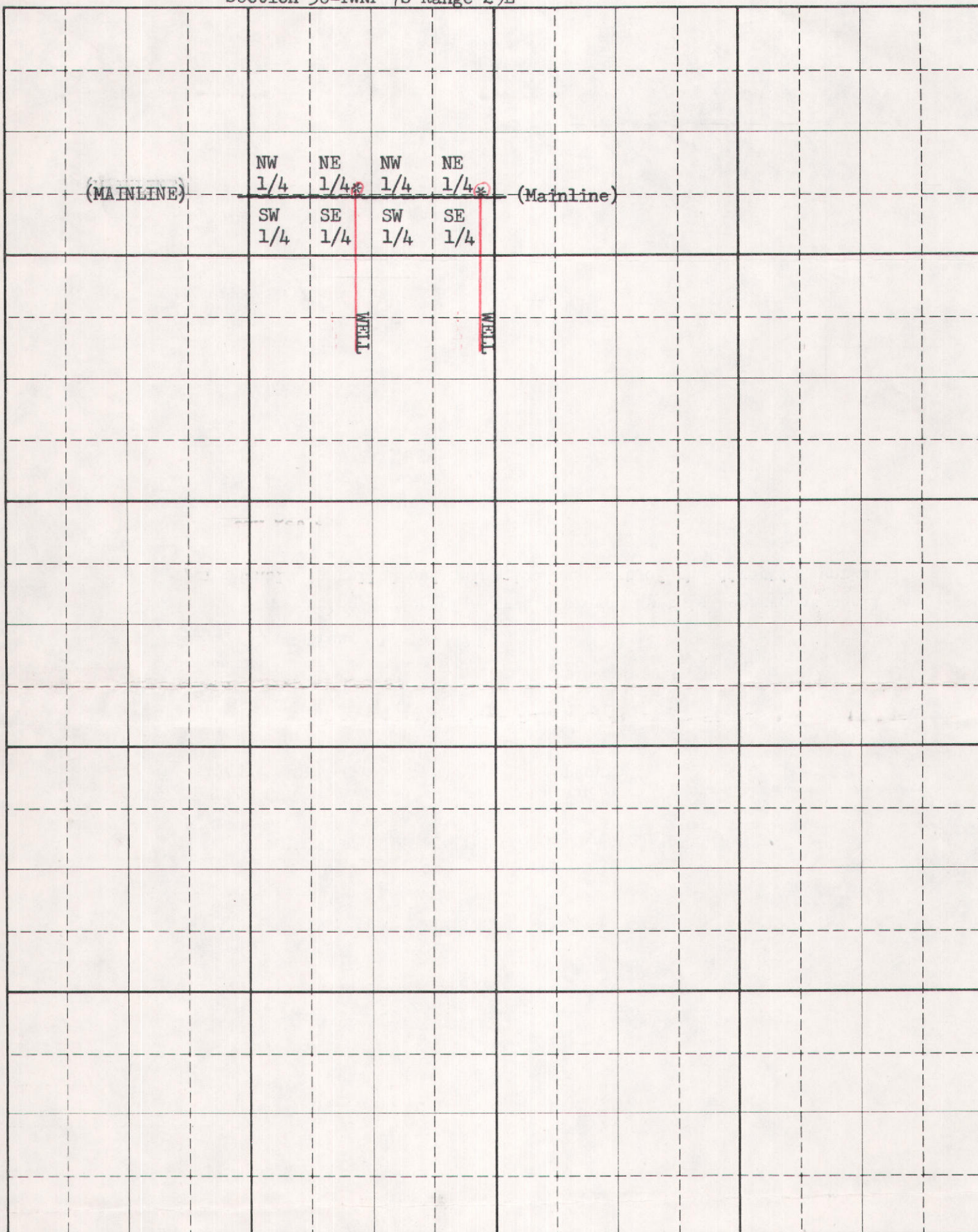


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Section 36-TWNP 7S Range 29E



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Wilbur Kent
(Applicant)

Affidavit of Publication

STATE OF IDAHO
COUNTY OF POWER } S.S.

RECEIVED

DEC 16 1974

Department of Water Resources
Eastern District Office

Phyllis Ringe being first duly sworn
on oath, states:

That she is the principal clerk of the printer
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
in said County; that said newspaper has been published in said
County uninterruptedly and continuously for over seventy-
eight consecutive weeks, prior to the first publication of the
annexed notice or advertisement:

That the annexed notice or advertisement was published as
per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2
successive weekly issues thereof, the date of the first publica-
tion being the 5th day of Dec., 1974

the date of last publication being the

12th day of Dec., 1974

(Signed) Phyllis Ringe

Subscribed and sworn to before me this

11 day of Dec., 1974

Robert D. Hays
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL) day of, 19

Notary Public
Residing at Am. Falls, Idaho
My Commission Expires
July 15, 1977

Legal Notice

Published in The Power County
Press Dec. 5 and 12, 1974
NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that
Gilbert Kent, Jr., 476 Polk
Street, American Falls, Idaho
has on 11-25-74 submitted Ap-
plication No. 35-7457 for a
permit to appropriate 6.4 cubic
feet per second of water for
ground-water sources by
means of wells and pumps
within the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7S, R.
29E, B.M., Power County; to
be used from Apr. 1 to Oct. 1
for the irrigation of 320 acres
within the S $\frac{1}{2}$, Sec. 36, T. 7S,
R. 29E, B.M.

If issued, this permit will be
subject to all prior water
rights. Protests against the
granting of the permit must be
filed with the Idaho Depart-
ment of Water Resources,
1515 Lincoln Road, Idaho
Falls, Idaho, 83401 on or be-
fore December 23, 1974. W

R. KEITH HIGGINSON
Director

MICROFILMED

GILBERT

BREDDING

Gilbert
Kent Trs
35-7457

II
5-0

II
5-0

GILBERT BREDDING & STATE
CONT. # 23819

40a VII

well #2

STATE

39.73

39.81

39.89

39.97

MICROFILMED

D-7

This is the only aerial photo available

35-7457

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7457 Priority November 25, 1974 Amount 6.40 cfs

THIS IS TO CERTIFY, that GILBERT KENT JR.
of American Falls, Idaho, has complied with the terms and conditions of Permit
No. 35-7457 issued pursuant to Application for Permit dated November 25, 1974,
and has submitted proof to the Department of Water Resources on December 9, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 6.90 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>October 1</u>	at <u>6.40</u> cfs and	<u>1120</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 6.40 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1120 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36,
Twp. 7S, Rge. 29E, B.M. in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7S	29E	36									40	40	40	40	40	40	40	40	320

Total number of acres irrigated 320

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of

February, 19 81.

Director

Identification No. 35 7457

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant Gilbert Kent, Jr. Phone: Office 226-2134 Home 226-2941

post office address 476 Polk St. American Falls, ID. 83211

2. Source of water supply Ground Water which is a tributary of _____

3. a. Location of point of diversion is NE 1/4 of SW
NE 1/4 of SE 1/4 of Section 36 Township 7S

Range 29E B.M. Power County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into none at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 6.4 for irrigation purpose from April 1 to October 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 6.4 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. two (2) wells approx. 500'
two (2) 200 H.P. Pumps, 1 mile 8" and 10" mainline for sprinkler irrigation

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 3 years.

b. Estimated construction cost is \$ 120,000.00.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ 1/4 of _____ 1/4 of Section _____ Township _____
Range _____ B.M. _____

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	29E	36									40	40	40	40	40	40	40	40	320

Total number of acres to be irrigated 320

c. Describe any other water rights used for the same purposes as described above. none

9. a. Who owns the property at the point of diversion Gilbert Kent, Jr.

b. Who owns the land to be irrigated or place of use same

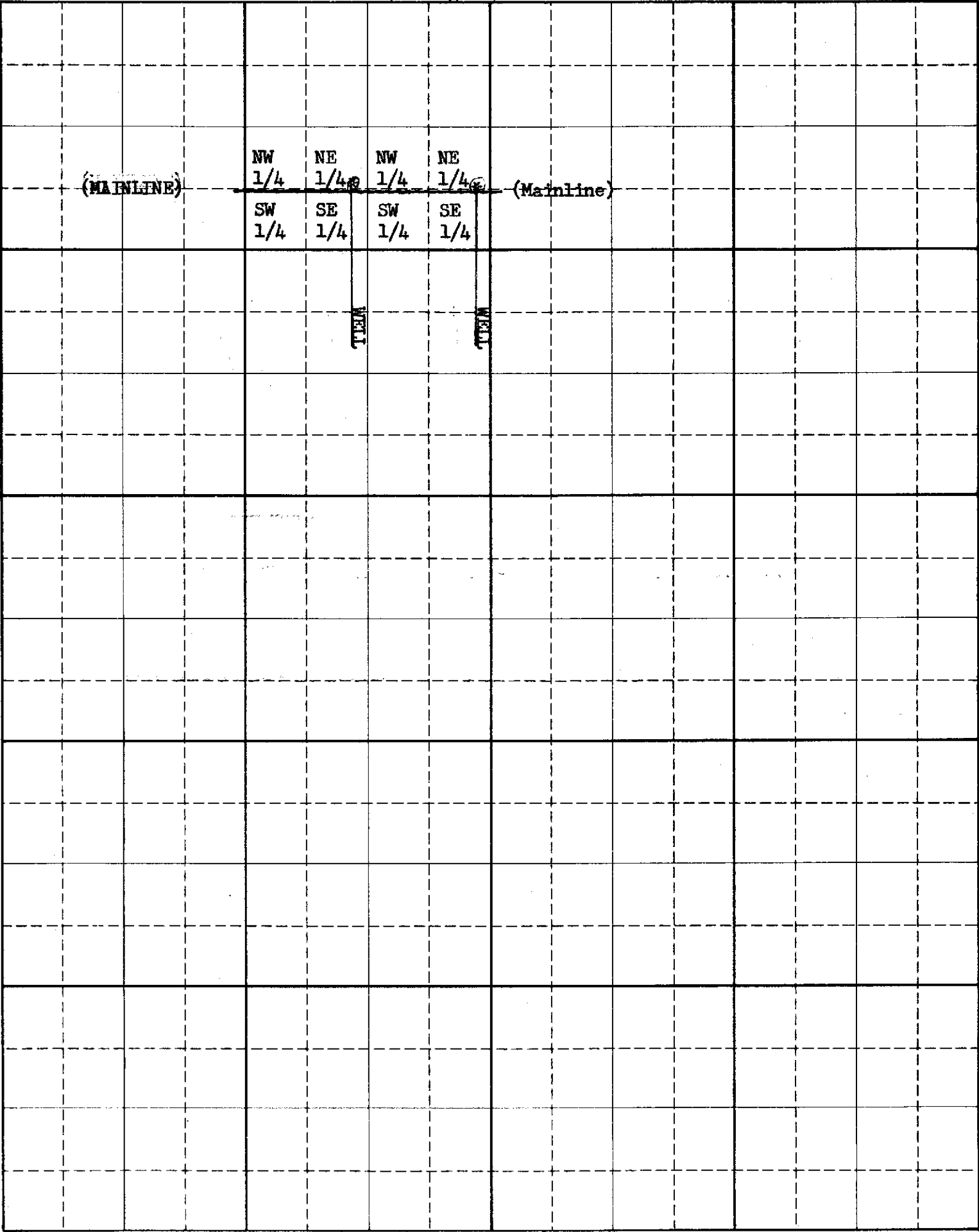
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing I bought this land from the State of Idaho. August 16, 1974
Sale #7958 Units #1 and #2

10. Remarks We plan to do necessary leveling to the land and drill both wells by
by early spring 1975.

If we can get all the equipment we will finish the system in early 1975,
if not we will finish in 1976.

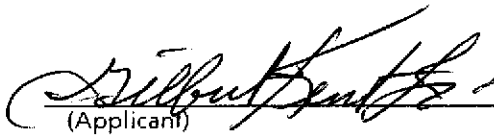
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Section 36-TWNP 7S Range 29E



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.


(Applicant)

Proposed Priority 11-25-1974

Received by MB Date 11-27-74 Time 11:15 A
Preliminary check by W Fee \$ 85.00
Receipted by ex Date 11-25-74 Receipt # 199
Publication prepared by MB Date 11-20-74
Published in The Blaine County Press
Publication dates Dec 5 & 12, 1974
Publication approved W Date 12-16-74
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for (approval) denial by RDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7457, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 78.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 9 day of January 1975.

P. Keith Higgins
Director

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date
25 11/27/74

Application No. 35 7457 Kent

- ☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) 25 11/27/74

In form to receipt yes

(2) 25 "

Send Copies to:

- ☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) " "

- ☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(4) 25 "

In form for advertising yes

(5) " "

Platted on Map No. T 75. R 29E

(6) " N/A

Located within Water District No. "

(7) 25 11/27/74

Critical groundwater area: yes " no ✓

(8) " "

Groundwater levels:

" Declining, " Stable, ✓ Increasing

(comment) Abwell at T 75 R 30 E 28 bbl shows
1 increase Spring '71 - Spring '72

(9) " "

Other rights on the same place of use "

(10) 25 "

Comments: No conflicting G.W. rights

(11) MB 12/16/74

Affidavit of Publication received(date) 12-16-74

(12) ew 12-23-74

Final date for protests December 23, 1974
Protests received: yes " no ✓

(13) ew N.A.

All requested information received from agencies or applicant: yes " no "

(14) LH 12.23.74

Action recommended:

✓ Approve " Deny

11-75-74 Proposed Priority

" Reason for Reduction "

✓ Measuring device required

" See attached sheet for other conditions of approval

" No special conditions for approval

(15) District Eastern

By Loren O Halmer Date Dec 23, 1974

MICROFILMED

Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER

} S.S.

.....Phyllis Ringe..... being first duly sworn
on oath, states:

That ~~she~~..... is the ~~principal clerk of the printer~~
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
in said County; that said newspaper has been published in said
County uninterruptedly and continuously for over seventy-
eight consecutive weeks, prior to the first publication of the
annexed notice or advertisement:

That the annexed notice or advertisement was published as
per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for ..2.....
successive weekly issues thereof, the date of the first publica-
tion being the 5th day of Dec., 1974

the date of last publication being the

12th day of Dec., 1974

(Signed) *Phyllis Ringe*

Subscribed and sworn to before me this

day of *Dec*, 1974

Robert D. King
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

..... day of, 19

Notary Public
Residing at Am. Falls, Idaho
My Commission Expires
July 15, 1977

RECEIVED

DEC 16 1974

Department of Water Resources
Eastern District Office

Legal Notice

Published in The Power County Press Dec. 5 and 12, 1974
NOTICE OF APPLICATION
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Notice is hereby given that
Gilbert Kent, Jr., 476 Polk
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means of wells and pumps
within the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7S, R.
29E, B.M., Power County; to
be used from Apr. 1 to Oct. 1
for the irrigation of 320 acres
within the S $\frac{1}{2}$, Sec. 36, T. 7S,
R. 29E, B.M.

If issued, this permit will be
subject to all prior water
rights. Protests against the
granting of the permit must be
filed with the Idaho Depart-
ment of Water Resources,
1515 Lincoln Road, Idaho
Falls, Idaho, 83401 on or be-
fore December 23, 1974. *dw*

R. KEITH HIGGINS
Director



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 7, 1988

RE: Water Right Nos. 35-7163/7196/7457

Larry E. Prince
Holland & Hart,
Langroise, Sullivan
Box 2527
Boise, ID 83701

Dear Mr. Prince:

We are in receipt of the Assignment for Security concerning the above referenced water rights and have placed a copy in each of the files.

We cannot, however, guarantee that The Idaho First National Bank will receive further correspondence pertaining to the water rights because the recorded ownership of these rights will not be changed in the Department's computer records, since the water rights involved are licensed rights.

If you have any questions, please let us know.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:sc

HOLLAND & HART,
LANGROISE, SULLIVAN
ATTORNEYS AT LAW

DENVER
DENVER TECH CENTER
COLORADO SPRINGS
ASPEN
BILLINGS
BOISE
CHEYENNE
WASHINGTON, D.C.

SUITE 1400
IDAHO FIRST PLAZA
BOISE, IDAHO
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701

TELEPHONE (208) 343-3676
TELECOPIER (208) 343-8869

LARRY E. PRINCE

April 26, 1988

RECEIVED

APR 28 1988

Jim Johnson
Water Rights Supervisor
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706-2237

Department of Water Resources

RE: The Idaho First National Bank - Kent

Dear Jim:

I have enclosed with this letter an assignment for security executed by Gilbert Kent, Jr., Wanda Kent, Kentco Farms, Inc., and Kentco, Inc. in favor of The Idaho First National Bank. As you can see, this assignment covers all of their water rights related to the described real property, including the following:

1. License of water right #35-7457 with a priority of November 25, 1974 in the amount of 6.40 cfs issued in favor of Gilbert Kent, Jr.
2. License of water right #35-7196 with a priority of December 22, 1971 in the amount of 7.00 cfs issued in favor of Gilbert Kent, Jr.
3. License of water right #35-7163 with a priority of January 22, 1971 in the amount of 7.16 cfs issued in favor of Gilbert Kent, Jr.

When we last discussed the Department's ability to notify parties other than the record owner of the water right, you indicated the Department was in the process of obtaining new computer software to allow notices to be sent to multiple parties. In the event this has been completed, I have enclosed a proposed approval of Department of Water Resources form. If the form meets with your approval, please sign and return it to me in the enclosed self-addressed stamped envelope. In the event the Department is not presently able to insure that notices will be

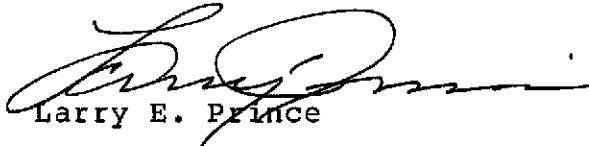
Jim Johnson
April 26, 1988
Page 2

sent to interested parties other than the record owner, please acknowledge receipt of the assignment, place copies of the assignment in the appropriate files, and indicate that the Department will make every effort to notify Idaho First of information affecting the assigned water rights. Perhaps a letter similar to the one sent to me dated January 22, 1988 in the Blaine Larsen matter would be appropriate.

Thank you for your fine assistance.

Very truly yours,

HOLLAND & HART, LANGROISE, SULLIVAN



Larry E. Prince

LEP:gw

Enc.

cc: William Thomas
Rich Humphrey

MAR 31 1988

POWER COUNTY AMT FALLS
IN CLASCO, IDAHO

BY G. H. Kent, Jr. 2:00 ASSIGNMENT FOR SECURITY
DEPUTY

PCA H. K. J. K.

11
12
12
15 THIS ASSIGNMENT FOR SECURITY is made as of this 31st day
15 of March, 1988, by GILBERT KENT, JR. and WANDA KENT, husband and
17 wife, KENTCO FARMS, INC., an Idaho corporation, and KENTCO, INC.,
18 an Idaho corporation (the "Assignors"), to THE IDAHO FIRST
20 NATIONAL BANK, a national banking association (the "Assignee").

24 W I T N E S S E T H:

26 WHEREAS, at the date of execution of this Assignment for
27 Security, Assignee has entered into a certain Loan Restructure
29 Agreement of even date herewith (the "Agreement"), whereby it has
30 loaned certain amounts to the Assignors and has restructured the
31 repayment of certain indebtedness due it from the Assignors; and

34 WHEREAS, to induce Assignee to make such loans and
35 restructure such debt, Assignors have agreed to assign all of
37 their right, title and interest in and to all of their water
38 applications, permits, licenses, claims, decreed rights or other
39 water rights or interests now existing or at any time hereafter
40 arising, related to or in any way concerning the real property
42 described in Exhibit "A" annexed hereto including the water
43 rights and interests described in Exhibit "B" annexed hereto,
44 said exhibits being, by this reference, incorporated herein as if
45 set forth in full (the "Water Rights"), as security for the
47 repayment of such indebtedness, and as security for Assignors'
48 performance of their obligations to Assignee under the Agreement
49 and the Loan Documents as that term is defined in the Agreement,
51 it is therefore agreed:

53 1. Assignment. In consideration of all sums loaned by
54 Assignee to Assignors and to secure repayment of such sums and to
55 secure Assignors' performance under the Agreement, Assignors do
56 hereby assign all of their right, title and interest in and to
57 the Water Rights to Assignee and do hereby grant Assignee a secu-
58 rity interest in any and all rights of Assignors thereunder.

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61 2. Rights of Assignee. Upon any Default as defined in the
62 Agreement, Assignee shall have exercisable in its sole discre-
63 tion, individually or jointly, the following rights:

65 (a) To take any action as provided in the Agreement and
66 any collateral documents as defined therein;

68 (b) Without notice or regard to the adequacy of the
69 security, to take possession of the Water Rights and hold, lease
70 or use the same on such terms and for such period of time as
71 Assignee deems proper;

73 (c) To cause all of the Water Rights to be transferred
74 into its name as the owner thereof;

76 (d) To sell, lease, or otherwise convey the Water
77 Rights; and/or

79 (e) To exercise any and all other rights at law or in
80 equity.

82 3. Transfer of Water Rights. Assignors hereby direct the
83 Department of Water Resources for the State of Idaho or any other
84 department or agency having the right or power to, upon request
85 of Assignee, transfer into Assignee's name as owner all of
86 Assignors' Water Rights.

88 4. Proceeds. Any proceeds received by Assignee pursuant
89 to the terms of this Assignment of Security will be applied first
90 to the costs and expenses, including reasonable attorneys' fees,
91 incurred or paid by Assignee in enforcing its rights under this
92 Assignment for Security, then to any obligations owed by
93 Assignors, or any of them, to Assignee under the Agreement, or
94 Collateral Documents as defined therein, in any manner as the
95 Assignee shall choose. All proceeds to be received by Assignee
96 pursuant to this Assignment for Security shall be forwarded di-
97 rectly to Assignee at the address set forth below Assignee's sig-
98 nature hereto.

100 5. No Waiver or Prejudice to Other Rights. Nothing
101 contained in this Assignment for Security, nor any acts done or

102 omitted by Assignee pursuant to the terms of this Assignment for
103 Security shall be deemed a waiver by Assignee of any rights or
104 remedies under the Agreement or under any document mentioned
105 therein or herein, and this Assignment for Security is executed
106 without prejudice to any such rights or remedies, and Assignee
107 may exercise any or all of said rights or remedies either before,
108 concurrent with, or after any action taken pursuant to the terms
109 of this Assignment for Security.

111 6. Liability. Assignors shall be and remain responsible
112 and obligated for the fulfillment of all terms and conditions of
113 the Water Rights.

115 7. Notices Concerning Water Rights. Upon receipt of any
115 notice, correspondence or other document concerning or in any way
117 related to any of the Water Rights, Assignors shall provide
119 Assignee with a copy of the same and, when applicable, the steps
120 necessary to protect said Water Rights, and the steps taken or
121 planned to be taken by said Assignors to protect said Water
122 Rights.

124 In the event that Assignors fail to protect said Water
124 Rights, the Assignee may in its sole discretion take such steps
126 as it deems advisable to protect the same. In the event Assignee
128 incurs any costs in connection with protecting any of the Water
129 Rights, including, but not limited to, attorneys' fees, Assignors
130 agree that such costs shall be added to all sums due and owing to
131 the Assignee from the Assignors pursuant to the Agreement.

134 8. Binding Effect: Assignment. This Assignment for Secu-
135 rity shall be binding upon and inure to the benefit of the
136 Assignors and the Assignee and their respective heirs, successors
137 and assigns.

139 9. Governing Law: Jurisdiction. This Assignment for
140 Security shall in all respects be governed by, and construed in
141 accordance with, the law of the State of Idaho.

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143 IN WITNESS WHEREOF, the parties hereto have caused this
144 Assignment for Security to be executed the day and year first
145 above written.

146
146
149 Gilbert Kent Jr.
150 GILBERT KENT, JR.

151
151
152 Wanda Kent
153 WANDA KENT

154
154
155 KENTCO FARMS, INC., an
156 Idaho corporation

157
157
158 By Gilbert Kent Jr.
159 Its President

160
160
161 KENTCO, INC., an
162 Idaho corporation

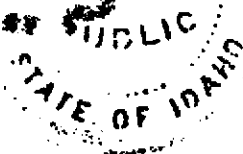
163
163
164 By Gilbert Kent Jr.
165 Its President

166
166
168 STATE OF IDAHO)
169) ss:
170 County of Power)

171
174 On this 31st day of MARCH, in the year 1988,
175 before me, BEN CAVANESS, notary public, per-
176 sonally appeared GILBERT KENT., JR., and WANDA KENT, known or
178 identified to me to be the persons who executed the instrument,
179 and acknowledged to me that they executed the same.

181
182 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
183 my official seal the day and year in this certificate first above
184 written.

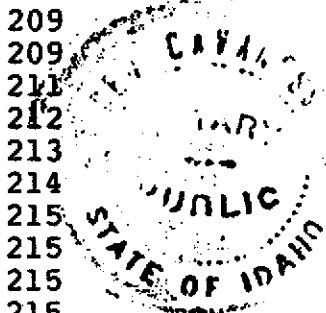
185
185
187 BEN CAVANESS
188 Notary Public
189 Residing at Ann. Falls, Idaho
190 My Commission Expires 10/26/90



192 STATE OF IDAHO)
193) ss:
194 County of Power)
195

198 On this 31st day of March, in the year 1988, before me,
199 BEN CAVANESS, notary public, personally appeared
200 GILBERT KENT JR., known or identified to me to be the
201 president/~~vice-pres/secretary~~, of the corporation that executed
202 the instrument or the person who executed the instrument on
203 behalf of said corporation, and acknowledged to me that such
204 corporation executed the same.

205
206 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
207 my official seal the day and year in this certificate first above
208 written.

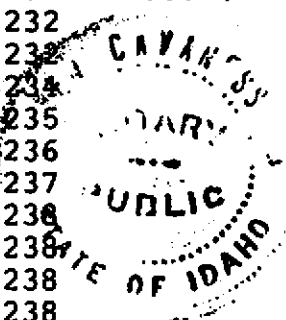


209 BEN CAVANESS
210 Notary Public for Idaho
211 Residing at Ann. Falls, Idaho
212 My Commission Expires 10/26/90
213
214
215
215
215

216 STATE OF IDAHO)
217) ss:
218 County of Power)
219

221 On this 31st day of March, in the year 1988, before me,
222 BEN CAVANESS, notary public, personally appeared
223 GILBERT KENT JR., known or identified to me to be the
224 president/~~vice-pres/secretary~~, of the corporation that executed
225 the instrument or the person who executed the instrument on
226 behalf of said corporation, and acknowledged to me that such
227 corporation executed the same.

228
229 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
230 my official seal the day and year in this certificate first above
231 written.



232 BEN CAVANESS
233 Notary Public for Idaho
234 Residing at Ann. Falls, Idaho
235 My Commission Expires 10/26/90
236
237
238
238
238

EXHIBIT A

This exhibit is part of the Assignment for Security executed by Gilbert Kent, Jr., Wanda Kent, Kentco Farms, Inc. and Kentco, Inc. ("Assignors") in favor of The Idaho First National Bank ("Assignee") The real property covered by the Assignment is the following:

Township 7 South, Range 30 E.B.M., Power County,
Idaho:

Section 27: $W\frac{1}{2}$

Section 28: $E\frac{1}{2}$

Section 33: $N\frac{1}{2}NE\frac{1}{4}$

Section 34: $NE\frac{1}{4}$

Township 7 South, Range 29 E.B.M., Power County,
Idaho:

Section 36: $S\frac{1}{2}$

EXHIBIT B

WATER RIGHTS

1. License of Water Right No. 35-7457 with a priority of November 25, 1974 in the amount of 6.40 cfs issued in favor of Gilbert Kent, Jr.

2. Licence of Water Right No. 35-7196 with a priority of December 22, 1971 in the amount of 7.00 cfs issued in favor of Gilbert Kent, Jr.

3. Licence of Water Right No. 35-7163 with a priority of January 22, 1971 in the amount of 7.16 cfs issued in favor of Gilbert Kent, Jr.



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

February 25, 1981

Gilbert Kent, Jr.
476 Polk St.
American Falls, Idaho 83211

Dear Mr. Kent,

RE: License No. 35-7457

Enclosed is a copy of the Water Right License issued on the above referenced Permit.

Please be advised that one of the conditions of your permit was that a measuring device be installed as part of your diversion works. That requirement has been waived with issuance of the enclosed license. However, in the event that water supply shortages become a problem installation of measuring devices may be required.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr
Enclosure

MICROFILMED

RECEIVED

1. Name of permit holder Gilbert Kent, Jr. Department of Water Resources
Post office address 476 Polk St., American Phone 226-2132
Person to contact _____ Phone 226-2134 office
226-2941 home

320

Range 29E

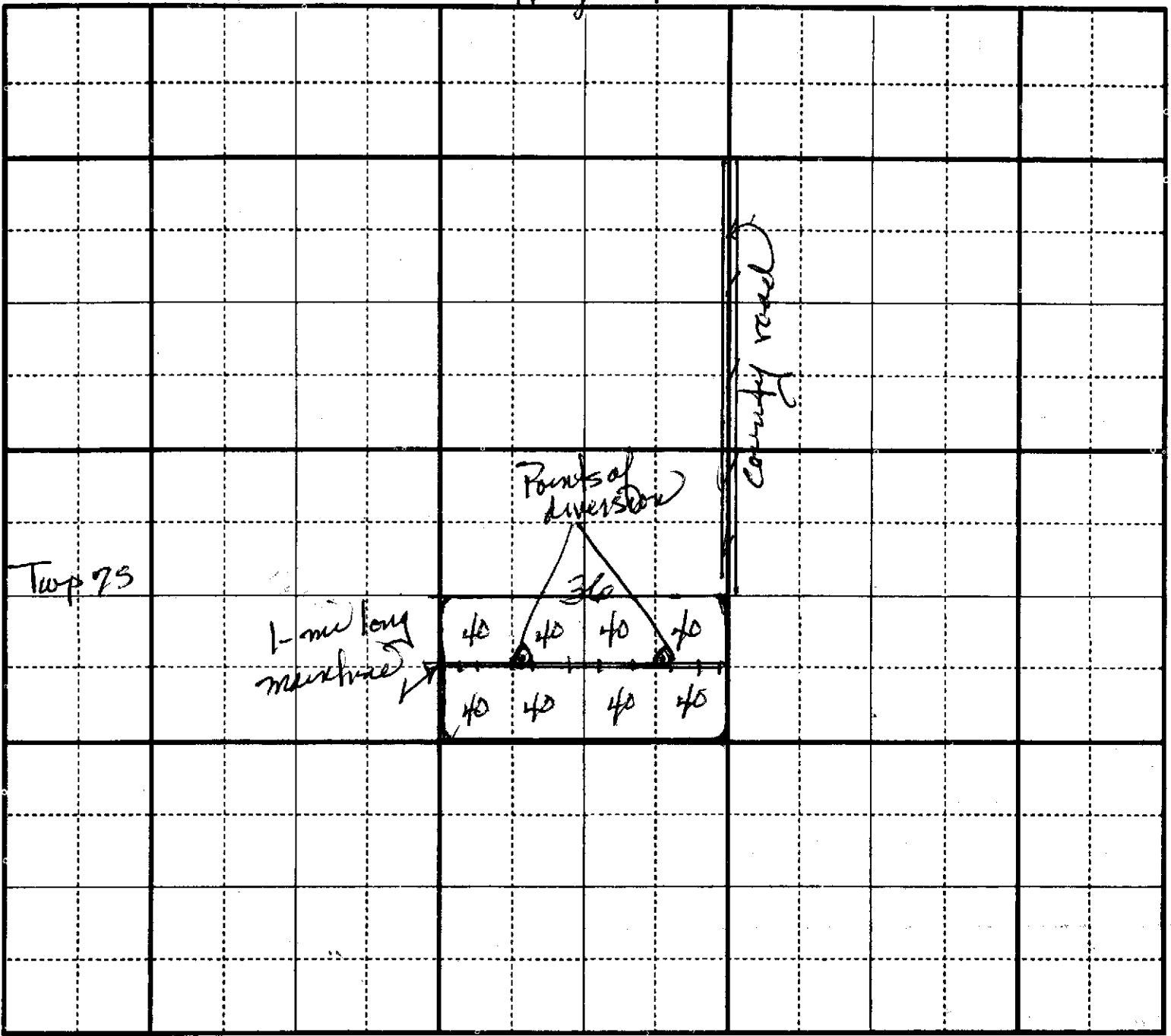
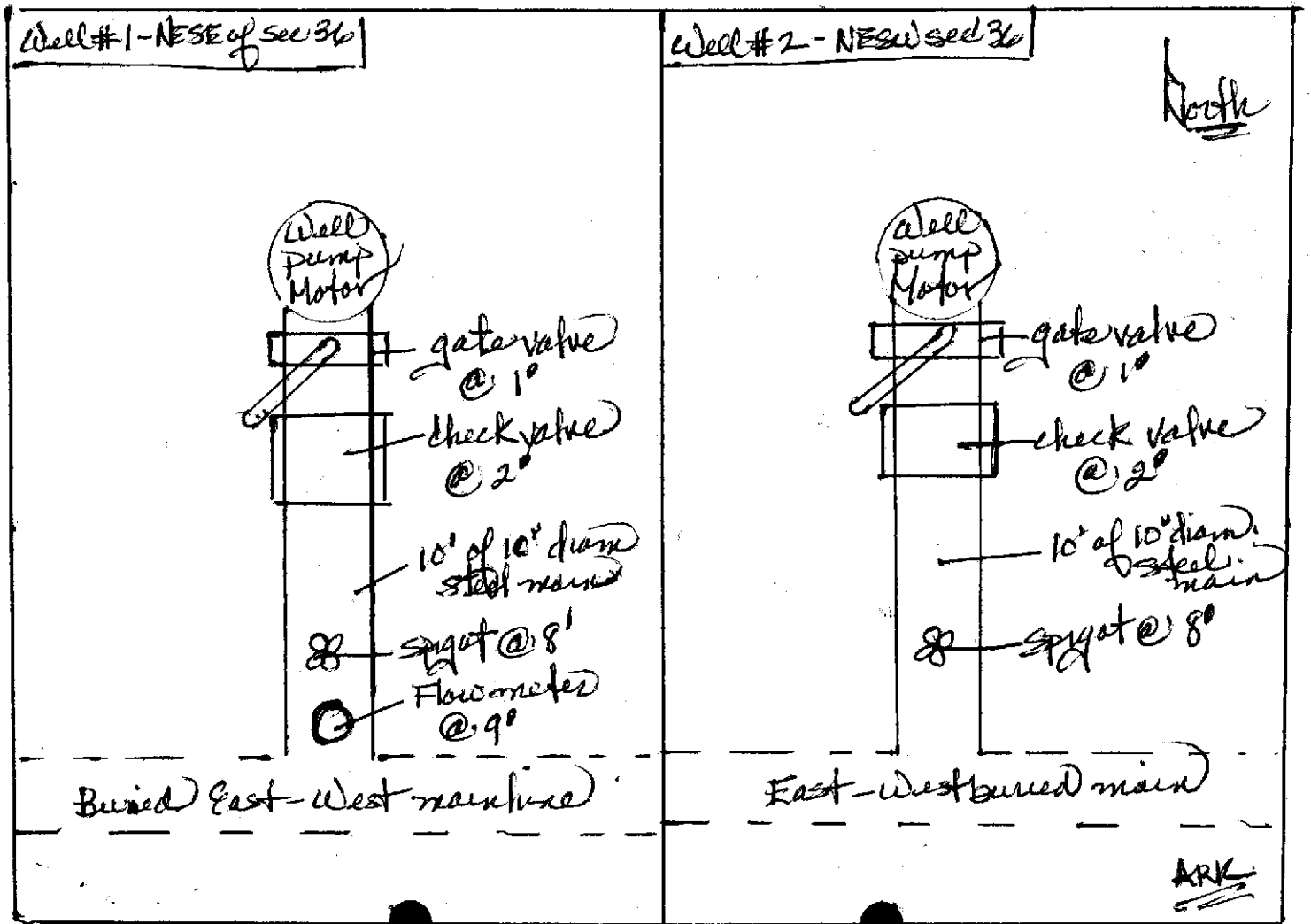


Diagram of System



DATE OF EXAM 22nd day of May, 1979

ACREAGE
Found 320a ✓
Recommended 320a ✓

Irrigation Requirement 3.5 Ac Ft/Ac

Oct.

USE
Irrigation Q = 6.40 c.f.s. V = 1120 AF/Ann. from April 1 to 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: not applicable
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: not applicable
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: not applicable
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: not applicable
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 6.90 cfs Method of measurement In line Flow Meters
Total Q recommended 6.40 cfs well #1 - 11642 Meter No. well #1 - Rockwell Type _____ Condition standard
Total V recommended 1120 Af/yr well #2 - 10404 Type well #2 - Rockwell

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:
Well #1 - NESE Sec 36 - measured 1,000 gal in 34 sec = 1764.7 gpm
= 448.8 gpm/cfs = 3.93 cfs ✓
Well #2 - NE 30 sec 36 - measured 1,000 gal in 45 sec = 1333.3 gpm
= 448.8 gpm/cfs = 2.97 cfs ✓ Q total = 2.97 + 3.93 = 6.90 cfs ✓ ALLOW .02 cfs
Volume = 320a x 3.5 Af/a = 1120 Af/yr ✓ 2335.8
1.9835 Af/dy lfs x 182 dy x 6.4 cfs = 2310.4 Af/year

SYSTEM DESCRIPTION:
Well #1 - NESE Sec 36 - Groundwater is diverted by a 200 H.P. U.S. Electrical Motors "High Thrust" 3pk Vertical pump motor, ID# - C2694-03-622 85-03438 and by a Berkeley vertical turbine pump # 7525209. Well #2 NESE Sec 36 - Groundwater is diverted by a 200 H.P. U.S. Electrical motors 3pk Vertical pump motor ID# C1516-01-498 85-10066 and by a vertical turbine pump Berkeley # 7525208. Average irrigated by 20-1/4 mi long lateral sprinklers.

REMARKS:
no roads border irrigated acreage - Both wells are interconnected
Both gate valves on wells were wide open - all times running - system @ capacity

Examiner's Signature Anthony R. Kozlowski Date Nov 6, 1979
Checked by Joe D. Cannon Date Dec 4, 79
Approved by Robyn Date 2/12/81

No Overlapping Rights

GILBERT

BREEDING

35-7457

25
36

II
5-0

GILBERT BREEDING & ST

40a
VII
9-1
well #2
Q

ST

5
2
36
1

IR
IR

7

39.73

39.84

39.86

MICROFILMED

D-7

This is the only aerial photo available

35-7457

January 9, 1978

Re: Permit No. 35-7457

Gilbert Kent, Jr.
476 Polk St.
American Falls, Idaho 83211

Dear Mr. Kent:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Idaho Falls.

Sincerely,

JANICE RENK
Water Rights

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 9 1977

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Gilbert Kent, Jr.
b) Post Office Address 476 Polk St. American Falls, ID 83211
2. Permit Number 35-7457
3. Date of Priority that you are prepared to establish November 25, 1974
4. a) Source from which water was appropriated Ground water
b) Location of the point of diversion: N E 1/4 S W 1/4, Section 36
Township 7S, Range 29E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 6.4 for Irrigation purposes from April 1 to Oct. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 6.4 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Paul Carey--Knudsen & Carey Pump Co.
He works with pumps & irrigation systems. He is in this business.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N.A.
b) Describe the agreement or understanding by which you take water from the works:
N.A.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 2 wells--18" casing -one is 292' the other 330'
pumps are 10" ten stage. Motors are 200 H.P. each.
b) Describe the type and size of measuring device which you have installed at your point of diversion:
Rockwell water flow meter 10"
c) Give well driller's name and address and the date the well was completed:
Paul Vollmer & Son
Aberdeen, ID 83210
Early May, 1975
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
N.A.

Examined 1/6/78 by [Signature]

If you are irrigating 15 or more acres, please submit an aerial photo of the property

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated with each subdivision:

40 acres NE 1/4- SW 1/4 40 acres NW 1/4- SW 1/4 40 acres SW 1/4- SW 1/4 40 acres SE 1/4- SW 1/4 40 acres NE 1/4-SE 1/4 40 acres NW 1/4-SE 1/4 40 Acres SW 1/4- SE 1/4

40 acres SE 1/4- SW 1/4

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	29E	36									40	40	40	40	40	40	40	40	320

Total number of acres irrigated 320

10. Remarks:

The above information is a true statement of the extent to which the above numbered permit has been developed.

Dec 6, 1977
(Date)

Gilbert Spentz
(Signature)

State of Idaho)

County of Power) ss.

On this 22nd day of December, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

H. L. Alexander
Notary Public residing at American
Falls, Idaho

My commission expires 4/27/81

December 19, 1977

Re: Permit No. 35-7457

Gilbert Kent, Jr.
476 Polk St.
American Falls, Idaho 83211

Dear Mr. Kent:

We are in receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

However, we cannot process this proof unless your signature is notarized. Therefore, we are returning the affidavit.

Please return the notarized affidavit on or before February 1, 1978.

Sincerely,

JANICE RENK
Water Rights

jr

Encl.

November 30, 1977

CERTIFIED MAIL

138182

Re: Permit No. 35-7457

Gilbert Kent Jr.
476 Polk St.
American Falls, Idaho 83211

Dear Mr. Kent:

One of the conditions of approval of your water Permit No. 35-7457 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



C. STEPHEN ALLRED
Director

CSA:jfr

Enc: Proof affidavit

RECEIVED
NOV 30 1977
IDAHO DEPT. OF AGRICULTURE
BOISE, IDAHO

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

JAN 31 1977

Department of Water Resources

1. WELL OWNER

Name Gilbert Kent
Address 476 Polk, American Falls, Id.
Owner's Permit No. 35 7457

2. NATURE OF WORK

xx ☐ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)
☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

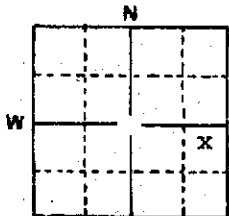
☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 18 inches Total depth 330 feet
Casing schedule: ☒ Steel ☐ Concrete
Thickness Diameter From To
250 inches 20 inches + 71 feet 20 feet
250 inches 16 inches + 1 feet 248 feet
____ inches _____ feet _____ feet
____ inches _____ feet _____ feet
____ inches _____ feet _____ feet
Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches
Number From To
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 20 Material used in seal ☐ Cement grout
☐ Pudding clay ☒ Well cuttings
Sealing procedure used ☐ Shurry pit ☐ Temporary surface casing
☒ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name _____
Lot No. _____ Block No. _____
County _____ Power _____
NE 1/4 SE 1/4 Sec. 36 T. 7 N. R. 29 E.

7. WATER LEVEL

Static water level 245 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Temperature _____ ° F. Quality _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other
Discharge G.P.M. Draw Down Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
	0	10	Sand		
	10	15	Clay Brown		
	15	20	Sand Brown		
	20	35	Black Lava		
	35	85	Lava - Red		
	85	128	Hard Lava - Gray		
	128	162	Red Mud and Cinders		
	162	230	Green Cinders, Lava		
	230	248	Lava Cinders	x	
	248	330	Broken Lava (water bearing)	x	

10. Work started April 1975 finished April

11. DRILLERS CERTIFICATION

Firm Name Paul Vollmer and Son Firm No. 67
Address Aberdeen, Id. Date _____
Signed by (Firm Official) Paul Vollmer
and Paul Vollmer
(Operator)

January 13, 1975

Re: Permit No. 35-7457

Mr. Gilbert Kent, Jr.
476 Polk Street
American Falls, Idaho 83211

Dear Mr. Kent:

Enclosed is a copy of your approved Application for Permit No. 35-7457. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

XXXXXXXXXXXXXXXXXXXXX RESOURCES

November 29, 1974

RE: Application for Permit No. 35-7457 Kent

The Power County Press
174 Idaho Street
American Falls, ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enc: Legal Notice (1)

Bill submitted 12-16-74

MICROFILMED

MB

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Gilbert Kent, Jr.,

476 Polk Street, American Falls, Idaho

has on 11-25-74 submitted Application No. 35-7457

for a permit to appropriate 6.4 cubic feet per second ~~none of said per centum~~

of water from ground-water sources

by means of wells and pumps

within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 7S, R. 29E, B.M., Power County;

to be used from Apr. 1 to Oct. 1

for the irrigation of 320 acres

within the S $\frac{1}{2}$, Sec. 36, T. 7S, R. 29E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before December 23, 1974.

R. KEITH HIGGINSON

Director

Published in the Power County Press, American Falls, Idaho

on December 5 and December 12, 1974

BL-1
DW-H

November 27, 1974

RE: Application for Permit No. 35-7457

Mr. Gilbert Kent, Jr.
476 Polk Street
American Falls, ID 83211

Dear Mr. Kent:

Attached herewith is departmental receipt No. \$85.00 for the above referenced application for permit.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Attachment

MICROFILMED