

Section 28-Township 7S-R30E Power county

Section 33 - Township 75 - R. 30 E
Power County

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.

Silbert Kent L.
(Applicant)

35-7163

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF POWER. } ss.

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 11th day of February, 1971
the date of last publication being the

18th day of February, 1971

(Signed) Phyllis Ringe

Subscribed and sworn to before me this

19 day of February, 1971

Robert I. Ewing
Notary Public, residing at American Falls, Idaho.

My Commission expires the

Residing at Am. Falls, Idaho

day of My Commission Expires
Aug. 20, 1973

RECEIVED

FEB 23 1971

Department of Water Administration

LEGAL NOTICE

Published in The Power County Press Feb. 11 and 18, 1971.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Gilbert Kent, Jr., 645 Bannock Ave., American Falls, Idaho has on January 22, 1971 submitted Application No. 35-7163 for a permit to appropriate 7.2 cubic feet per second of water from a ground water source by means of wells, pumps, and sprinkler within the NE1/4 SE1/4, NE1/4NE1/4, Sec. 28, T. 7S, R. 30 E, B.M., Power County to be used from April 1 to October 31 for the irrigation of 360 acres within the E1/2, Sec. 28; NW1/4NE1/4, Sec. 33, T. 7S, R. 30E, 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 Administration, Statehouse, Boise, Idaho, 83707, on or before March 1, 1971.

R. KEITH HIGGINSON
Director



35-7163

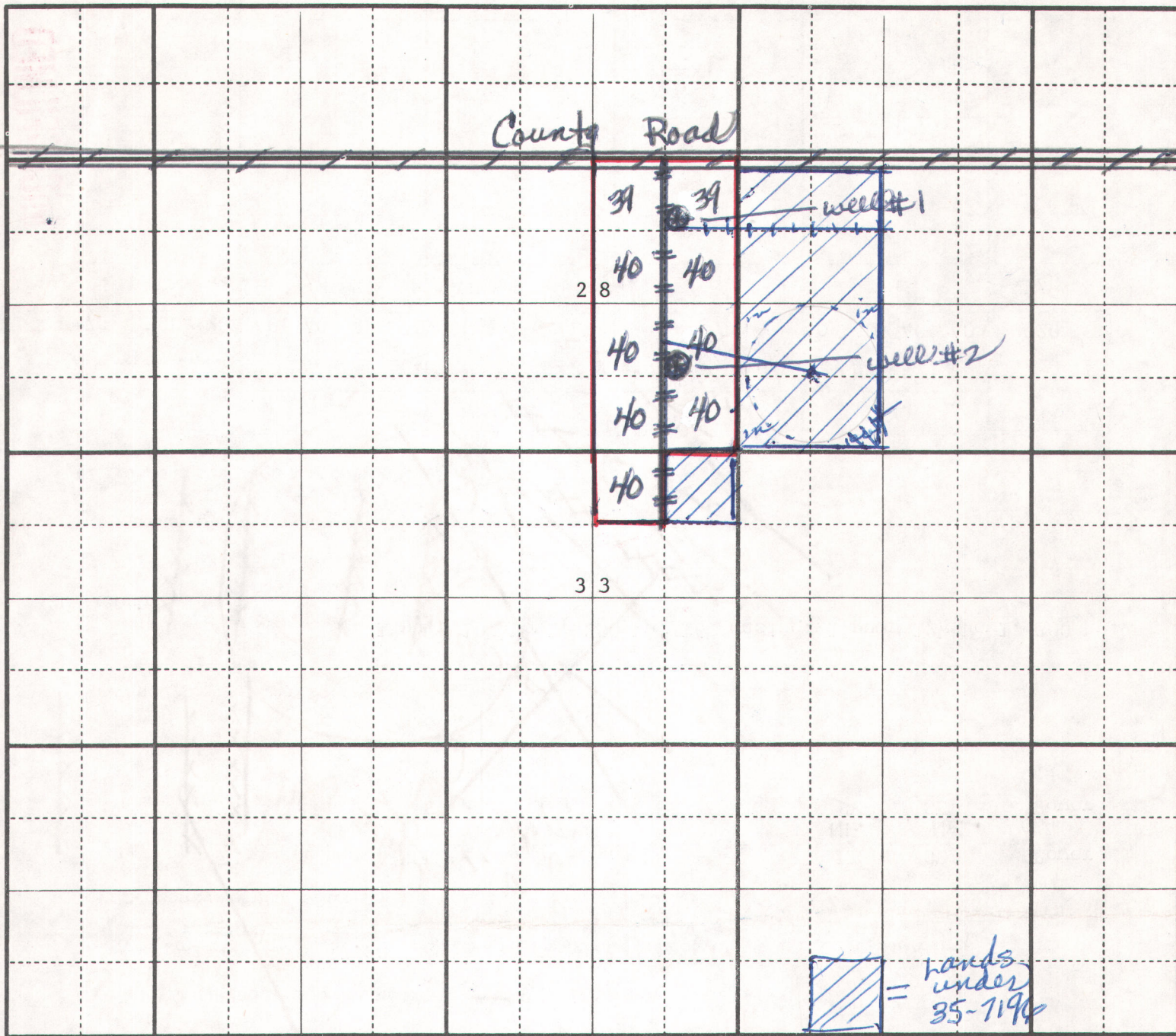
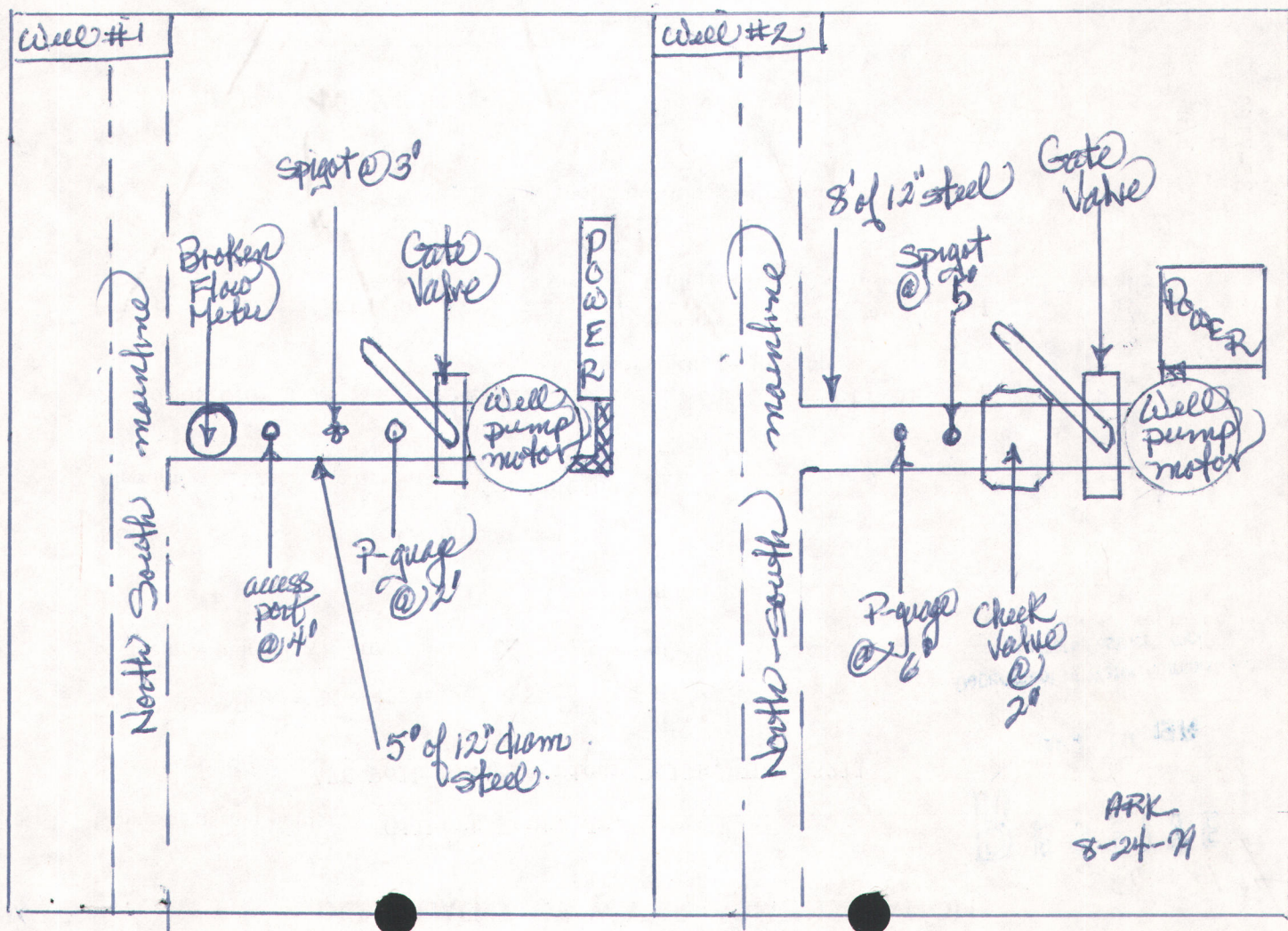


Diagram of System



WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer
within 30 days after completion or abandonment of the well.

1. WELL OWNER

Name Gilbert Kent
Address 645 Banock American Falls, Idaho
Owner's Permit No. 35-7163

7. WATER LEVEL

Static water level 172 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

2. NATURE OF WORK

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

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Other
Discharge G.P.M. 1600 Draw Down 17' Hours Pumped 2

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 18 inches Total depth 372 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
<u>.250</u> inches	<u>20</u> inches	<u>+1</u> feet	<u>46</u> feet
<u>.250</u> inches	<u>16</u> inches	<u>+1</u> feet	<u>342</u> feet
<u>.250</u> inches	<u>14</u> inches	<u>331</u> feet	<u>370</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

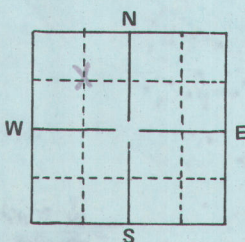
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☒ Torch
Size of perforation 7 inches by 4 inches

Number	From	To
<u>240</u> perforations	<u>358</u> feet	<u>370</u> 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 _____ feetGravel packed? ☐ Yes ☒ No Size of gravel _____
Placed from _____ feet to _____ feetSurface seal? ☐ Yes ☒ No To what depth 47 feet
Material used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.

County Power
N 1/4 Sec. 27, T. 7 N/S, R. 30 E/W

10.

Work started Feb 1971 finished April 1971

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is
true to the best of my knowledge.Driller's or Firm's Name Paul Vollmer & Son Number 67
Address Box 176 Abodaen Idaho
Signed By Paul Vollmer Date April 10 1971

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7163 Priority January 22, 1971 Amount 7.16 cfs

THIS IS TO CERTIFY, that GILBERT KENT, JR.
of American Falls, Idaho, has complied with the terms and conditions of Permit
No. 35-7163 issued pursuant to Application for Permit dated January 22, 1971,
and has submitted proof to the Department of Water Resources on March 28, 1974,
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 13.3 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use an
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>October 31</u>	at <u>7.16</u> cfs and	<u>1,253</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 7.16 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
1,253 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28,
Twp. 7S, Rge. 30E, 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	30E	28	39	39	40	40									40	40	40	40	318
		33		40															40

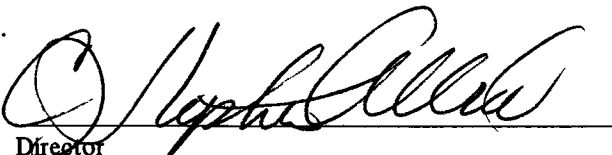
Total number of acres irrigated 358

This right when combined with right 35-7196 shall provide no more than a total
diversion of 13.3 cfs.

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 16 day of
March, 19 81.


Director

MICROFILMED

Identification No. 35-7163

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Gilbert Kent JR.
post office address 645 Barnack Ave. American Falls, Idaho 83211
2. Source of water supply Ground water which is a tributary of _____
3. a. Location of point of diversion is N.E. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ of Section 28 Township 7 South
Range 30 E. B.M. Power County; additional points of diversion if any: _____
N.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ Section 28 - Township 7 South Range 30 E. Power County
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 7.20 CFS for irrigation purpose from April 1 to Oct. 31 (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. 7.20 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 2 wells approx 300' deep -
2 - 200 H.P. Pumps - 1 $\frac{1}{4}$ mile 16" x 8" mainline
FOR SPRINKLER
- 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 \$ 70,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ 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: _____

35-7163

35-7163

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

[illegible]

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

Total number of acres to be irrigated-

360

9. a. Who owns the property at the point of diversion ~~RAY W. POLZIN + Lema Polzin~~

b. Who owns the land to be irrigated or place of use. Same - of LAITH MORRIS

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing I have a purchase contract with Ray Polzin

~~on Part of the Ground of a Purchase Contract with~~

System errors on the rest of it. Contact with Kolzin is

Updated - March 9 - 1970 - With notes 11/15 Dated - Dec. 24 - 1970

10. Remarks Both contracts are on file in Power County.

The plan to irrigate by sprinkler system on this new ground. We plan to complete at least 100 acres in 1970 and up that quantity this fall. We will be finished in 1972 - We have contacted Mr. Earl Coleman - Coleman Electric to drill the wells.

We have contacted Mrs. Paul Coleman - Columbia, Missouri

~~To drill the wells~~

Section 28-Township 75-B 30E Power county

Section 33-Township 75-R. 30 E
Power County

Silbert Kent Jr.
(Applicant)

35-7163

35-7163

Priority: 1-22-71

Received by W. A. [Signature] Date 1-22-71 Time 10:30 A
Preliminary check by W. A. [Signature] Fee \$ 55.00
Received by W. A. [Signature] Date 1-25-71
Publication prepared by dg Date 2-2-71
Published in Power County Press
Publication dates 2-11 & 2-18, 71
Publication approved W. A. [Signature] Date 2-24-71
Priority reduced to _____ Reason _____
Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by W. A. [Signature] BDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7163, 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 April 1, 19 74.
- c. Other: The permit holder shall permanently install and maintain as part of the diverting works measuring devices at the points of diversion of a type approved by this Department.

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

Witness my hand this 18th day of March, 19 71.

Deputy Director

[Signature]

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 35-7163 Name Gilbert Kent, Jr.

Source ground water

Point of Diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 7S, R. 30E, B.M., Power County

Quantity 7.20 Use irrigation Period Apr. 1 - Oct. 31

Quantity Use Period

Quantity Use Period

Well Size Diameter ? Proposed Depth ? Feet

Use 360 acres

Date Forwarded 2-2-71 Date Returned Received by

COMMENTS: Water levels show minor fluctuations, but no net decline. Static W/L = 197 feet [W.I.B.'s 5, 11, & 18]. Primary aquifer is broken basalt & cinders. Well development is moderately heavy, but aquifer should be capable of supporting additional development. Specific capacities appear to be around 300 gpm/ft of drawdown.

RECOMMENDED:

Applied: Qty.	<u>7.20</u>	Use	<u>IRR.</u>	Period	<u>4/1-10/31</u>	AF/A	<u>3.5</u>	AF	<u>1100</u>
Qty.	<u> </u>	Use	<u> </u>	Period	<u> </u>	AF/A	<u> </u>	AF	<u> </u>
Qty.	<u> </u>	Use	<u> </u>	Period	<u> </u>	AF/A	<u> </u>	AF	<u> </u>
Maximum: Qty.	<u>7.20</u>	Use	<u>IRR.</u>	Period	<u>3/15-11/15</u>	AF/A	<u>3.5</u>	AF	<u>1260</u>
Qty.	<u> </u>	Use	<u> </u>	Period	<u> </u>	AF/A	<u> </u>	AF	<u> </u>
Qty.	<u> </u>	Use	<u> </u>	Period	<u> </u>	AF/A	<u> </u>	AF	<u> </u>

ACTION: Approved ☒ Denied ☐

Conditions of approval or reason for denial: Well spacing of 1000' suggested if many wells are nearby.

INVESTIGATION By Paul M. Castelin Title W.R.I. - I

Date Feb. 3, 1971

35-7163

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF POWER. } ss.

Phyllis Fince 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 11th day of February, 1971
the date of last publication being the

12th day of February, 1971

(Signed) Phyllis Fince

Subscribed and sworn to before me this

day of February, 1971

Notary Public, residing at American Falls, Idaho.

My Commission expires the

Residing at Am. Falls, Idaho

My Commission Expires

Aug. 20, 1973

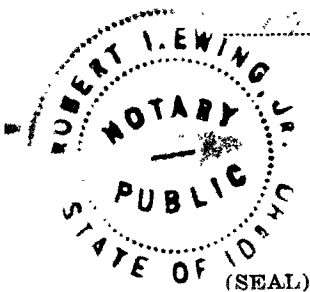
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If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before March 1, 1971.

P. KEITH HIGGINS



35-7163



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 cursive script, appearing to read 'Jim Johnson'.

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

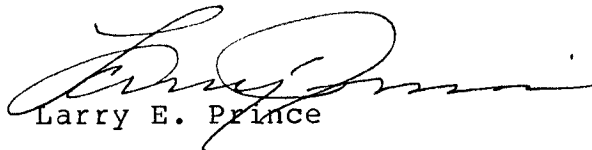
Jim Johnson
April 26, 1988
Page 2

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

Instrument # 11403
Dwr # 8 Time 1:00 PM
Req. of Wanda Kent

MAR 31 1988

POWER OF ATTORNEY
IN GLASSBORO, NEW JERSEY

BY Wanda Kent 2:00 ASSIGNMENT FOR SECURITY
DEPUTY

PCA H.H. J.K.

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

W I T N E S S E T H:

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

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

1. Assignment. In consideration of all sums loaned by Assignee to Assignors and to secure repayment of such sums and to secure Assignors' performance under the Agreement, Assignors do hereby assign all of their right, title and interest in and to the Water Rights to Assignee and do hereby grant Assignee a security interest in any and all rights of Assignors thereunder.

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.

142
142

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7
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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

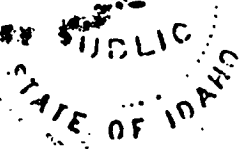
163
163
164 By Gilbert Kent, Jr.
165 Its President

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 Lewer)
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
Notary Public for Idaho
Residing at AMM. Falls, Idaho
My Commission Expires 10/26/90

216 STATE OF IDAHO)
217) ss:
218 County of Lewer)
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
Notary Public for Idaho
Residing at AMM. Falls, Idaho
My Commission Expires 10/26/90

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.

IDENT. NO. 35-7163

WATER RIGHT
DATA ENTRY LOG

Item

G G APP 194 1981



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

March 20, 1981

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

Dear Mr. Kent,

RE: License No. 35-7163

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

UNCLASSIFIED

226-2134
RECEIVED
Phone _____
APR 13 1974
Phone _____

Phone _____
APR 14 1974
Phone _____

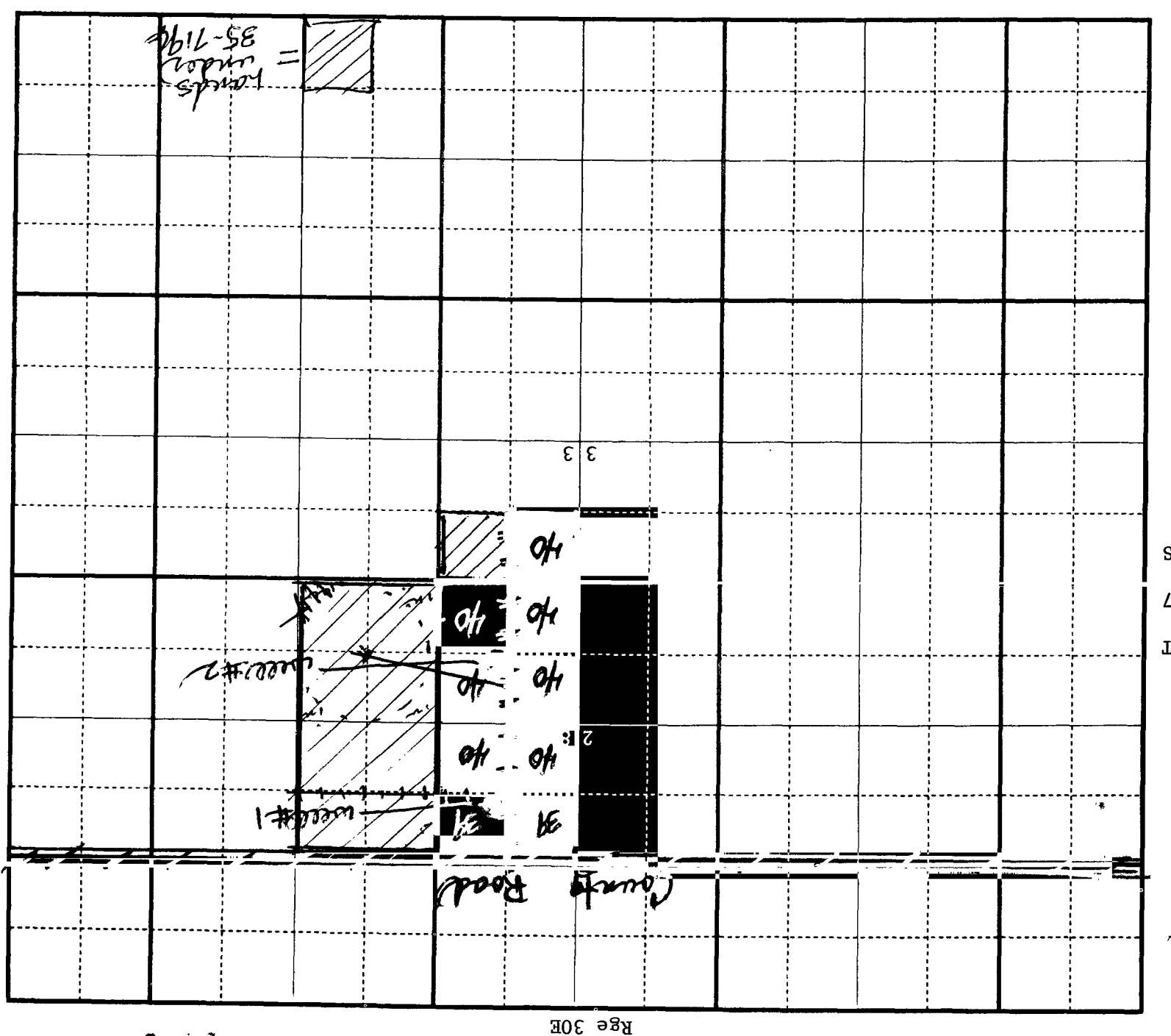
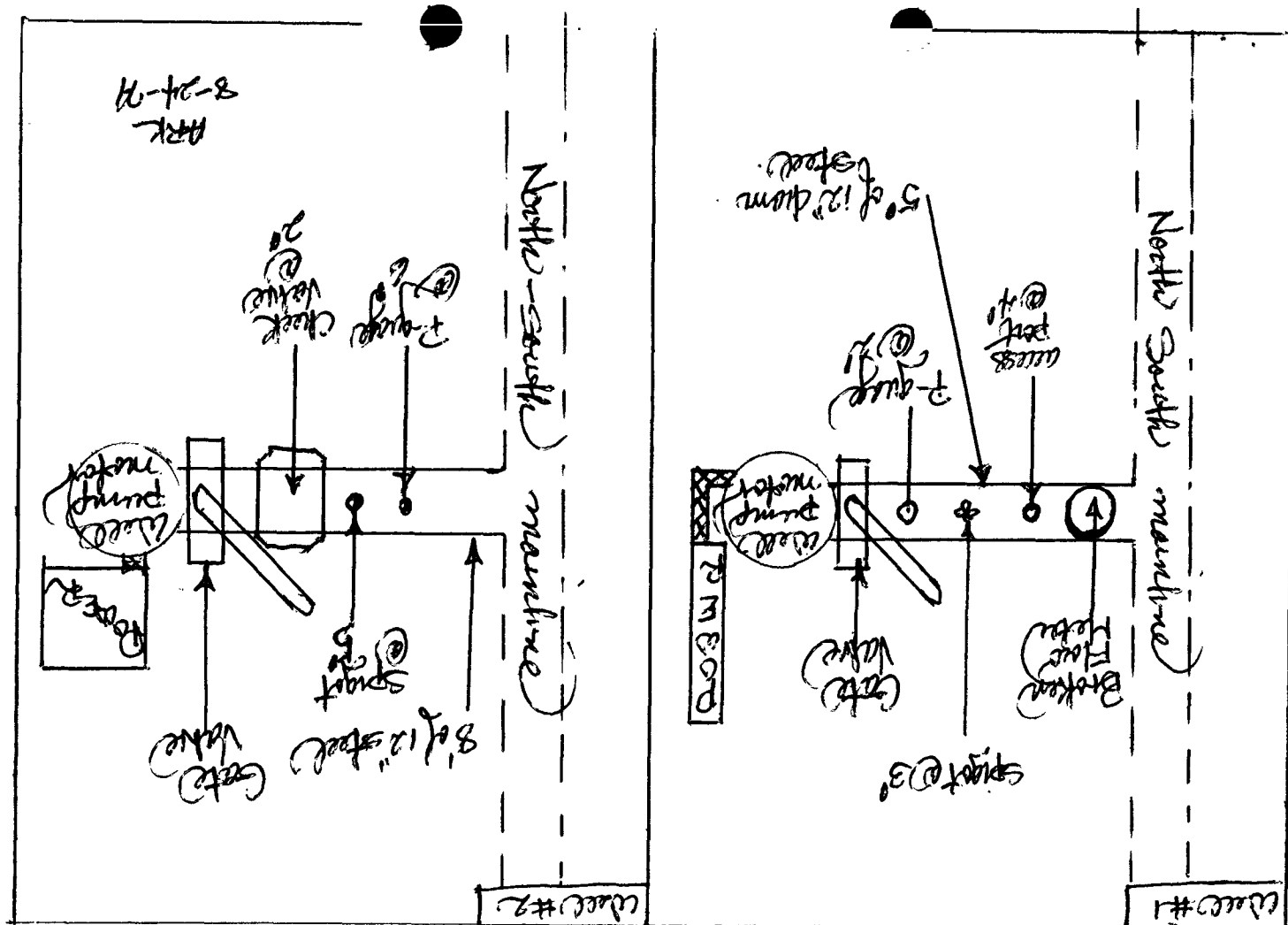
- LOCATION: _____
(name spring, stream, etc.)

- Permit No. 35-7163
- Examination for b/u

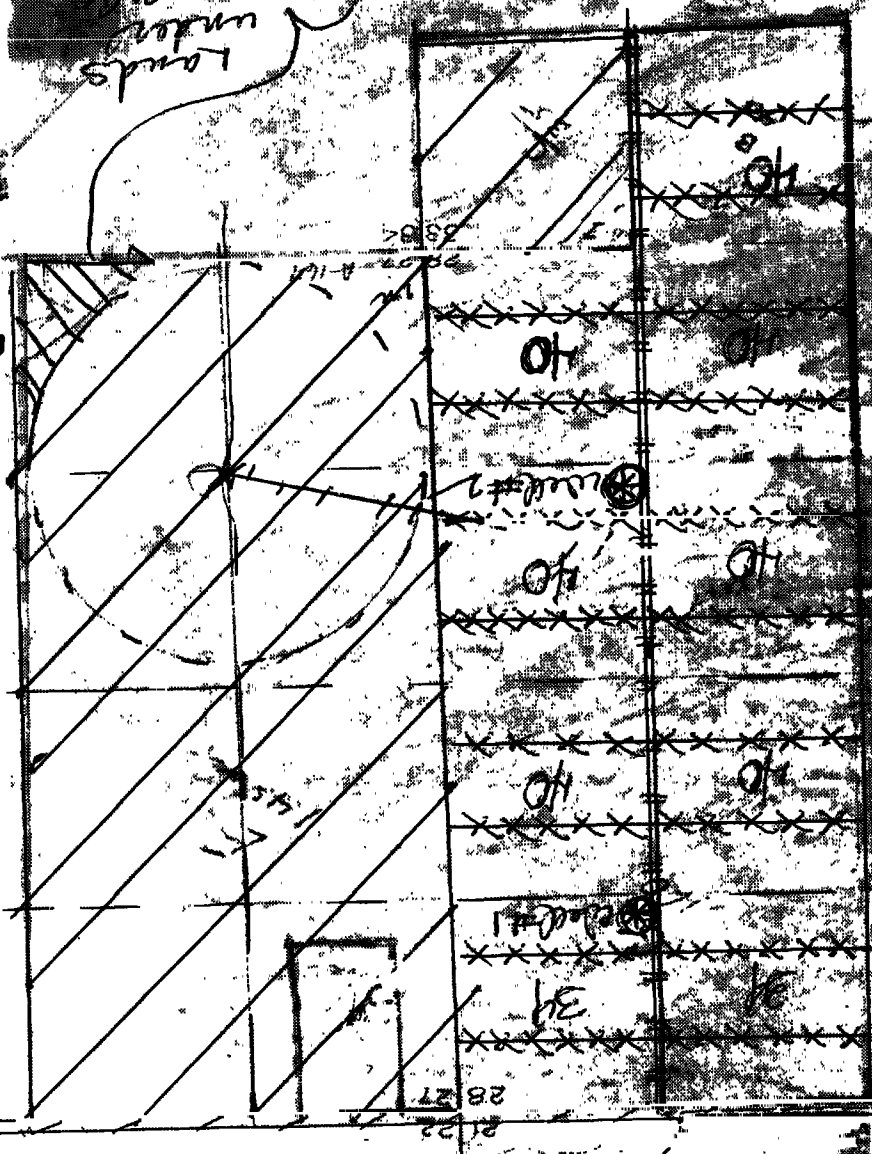
6. Lands to be irrigated or place of use.

TOTAL ACREAGE _____ **360**

UNGUILTED



Lands
under
35-71/2



4-8

Gilbert Kent Dr. 35-7163

DATE OF EXAM 5-30-79

ACREAGE

Found

Recommended

708

358 acres

358 acres

same 2 wells irrigate 350 acres under permit 35-7196

Irrigation Requirement

3.5

Ac Ft/Ac

USE

Irrigation Q= 7.16 c.f.s.

V= 1253

AF/Ann. from

April 1

to

Oct 31

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:

n/a

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Exchange? yes

no X

Name source exchanged with:

n/a

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Point of injection:

n/a

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Point of exchange:

n/a

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

Total Q measured

13.33 cfs

Method of measurement

Annubar 1200
Intruder meter

Total Q recommended

7.16 cfs

Meter No

1070-80-PS
Mach 1500

Type

1070-80-PS
Mach 1500

Condition

sl

Total V recommended

1253 AF/yr

Recommended Amendments:

Should be well #1 - NE 1/4 NE 1/4 Sec 28 Twp 75 Rge 30E B M county of power
well #2 NE 1/4 SE 1/4 Sec 28 Twp 75 Rge 30E B M county of power

Place of Use

Other

None

MEASUREMENT CALCULATION:

WELL #1 - 80 meter annubar - measured 44 in. of H₂O = 12" I.D. =
 $(\frac{1}{4} \pi D^2) (3.14) (44) = (1.4) (3.14) (44) = 36.15 \text{ cfs} \times 448.8 = 16.2 \text{ cfs}$
WELL #2 - measured 1,000 gal in 26 sec = 2308 gpm
 $2308 \text{ gpm} = 448.8 \text{ cpm} / \text{cfs} = 5.14 \text{ cfs}$
Total #1 & #2 = 13.33 cfs capacity
 $V = 358 \times 3.5 \text{ AF/acre} = 1253 \text{ AF/yr} < 7.16 \text{ cfs} \times 1.9835 \text{ AF/day} \times 213 \text{ days} = 3025 \text{ AF/yr}$

SYSTEM DESCRIPTION:

well #1 - Groundwater is diverted by a 300H.P. General Electric two-clad induction motor
m/n - 5K1287X110B, s/n - GMT 728125 and by a Berkeley vertical turbine pump
m/n - 111342, well #2 - Groundwater is diverted by a 300H.P. U.S. Motors "Hollischaft"
pump motor I.D# C2928-01-172-L 82-00733 and by a Berkeley vertical
turbine pump s/n - 7220026. Acreage irrigated by 18 - 1/4 in wheel line sprinklers.

REMARKS:

See also 35-7196 - same 2 wells irrigate different lands.

System shown and described by Tony Newman.

Examiner's Signature Anthony R. Kozlowski

Date 8-24-79

Checked by John D. Larson

Date 3/28/80

Approved by Rolyn

Date 3/6/81

In practice well #1 irrigates NE 1/4 Sec 28 & NW 1/4 of Sec 29 see 35-7196
and well #2 irrigates the remainder of the lands under
the 2 permits.

Overlap review
on back

South Well

Meter 1 in. 11 Mo 6445-66

Moto - US Motors 300 HP Set # C2928-01-172L 82-00733

Pump - Behkoly # 722 0026

Overlap necessary for 35-7163

35-7196 Same P/D

P/D 350 acres in different tracts

$$\frac{7.00 \text{ cfs}}{350 \text{ ac}} = .02 \text{ cfs}$$

35-7196 7.00 cfs
35-7163 7.16 cfs
14.16

Must both rights to the 2 well system capacity
3/5/81

April 15, 1974

Re: Permit No. 35-7163

Gilbert Kent, Jr.
476 Polk St.
American Falls, ID 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 concerning the field exam, please contact our Eastern District Office at 1515 Lincoln Road, Idaho Falls, Idaho.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

35-7163

Identification No. _____

Permit No. 35-7163

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
MAY 15 1971
Department of Water Administration
[Signature]

1. a) Name of Permit Holder Garland Kent JR.
 b) Post Office Address 476 Polk St. American Falls Idaho
2. Permit Number 35-7163
3. Date of Priority that you are prepared to establish Jan 22, 1971
4. a) Source from which water was appropriated Ground
 b) Location of the point of diversion: N.E. 1/4 S.E. 1/4, Section 28
Township 7 South, Range 30 East Boise Meridian, Other points of diversion:
N.E. 1/4 - N.E. 1/4 Section 28 - Township 7 South
Range 30 East
5. a) The amount of water and use to which the water has been applied:
 amount 7.20 CFS for irrigation purposes from April 1 to Oct 31 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 7.20 CFS 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 Vollmer Driller
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: _____
 b) Describe the agreement or understanding by which you take water from the works: _____
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) 1 Pump 10" Bowl 250 H.P. 16" Casing
1 Pump 12" Bowl 300 H.P. 20" Casing
 b) Describe the type and size of measuring device which you have installed at your point of diversion: Bodger Flow meter 2400 H.P. M
 c) Give well drillers name and address and date the well was completed Paul Vollmer & Sons Aberdeen Idaho.
Approx May 12, 1971

Exam typed 4/15/74 by jj

35-7163

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place

of use

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivi-

Quoi

[illegible]

Total number of acres irrigated 360

10. Remarks: With the water allowed we can still pick up a lot of $10\frac{1}{2}\%$ - $11\frac{1}{2}\%$ action 33 - Troughing 7500 ft. 305° we will have to do leaching first.

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

(Date)

March 26, 1974

(Signature)

Robert Smith

State of IDAHO

County of _____
Power ss.

On this 27th day of March, 1974, personally appeared before me the
 signers of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

~~Notary Public residing at American Falls, Idaho~~

My commission expires 5/17/75

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐

Show address
where delivered

☐

Deliver **ONLY**
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

3

35-7163

PS Form 3811 Sep. 1972

OFF-10-81277-2

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Postmark of Delivering Office

SENDER INSTRUCTIONS

↑ Print in the space below your name, address, including ZIP Code.
: If special services are desired, check block(s) on other side.
: Moistened gummed ends and attach to back of article.

RETURN
TO



DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE - ANNEX #2

BOISE, IDAHO 83707

35-7163

January 31, 1974

CERTIFIED MAIL

#25-124

Re: Permit No. 35-7163

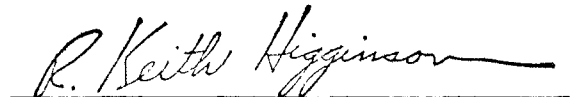
Gilbert Kent, Jr.
645 Bannock Avenue
American Falls, ID 83211

Dear Mr. Kent:

One of the conditions of approval of your water Permit No. 35-7163 (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 April 1, 1974. 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.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit

35-7163

May 20, 1971

Re: Permit No. 35-7163 - Gilbert Kent Jr.

Gilbert Kent Jr.
645 Bannock Avenue
American Falls, Idaho 83211

Dear Mr. Kent:

Please find enclosed application for amendment form in connection with the above referenced permit.

We wish to advise you that the present application fee for filing amendment is \$10. Your prompt remittance would be appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: Application for amendment

35-7163

March 19, 1971

Gilbert Kent, Jr.
645 Bannock Ave.
American Falls, Idaho 83211

Dear Mr. Kent:

Enclosed is a copy of your approved Application for Permit No. 35-7163. 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.

Very truly yours,

BOBBY D. FLEENOF
Assistant Director

EDF:kh

Enclosures (5)

35-7163

February 2, 1971

Re: Application No. 35-7163 - Gilbert Kent, Jr.

Power County Press
174 Idaho Street
American Falls, Idaho 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 ample time for you to submit us a galley proof for our 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 date. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG

Enc: legal notice

*Bill submitted
2-24-71
dc*

35-7163

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Gilbert Kent, Jr., 645 Bannock Ave., American Falls, Idaho
has on January 22, 1971 submitted Application No. 35-7163
for a permit to appropriate 7.2 cubic feet per second acre/feet/per/annum
of water from a ground water source
by means of wells, pumps, and sprinkler
within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 7S, R. 30E, B.M., Power County

to be used from April 1 to October 31
for the irrigation of 360 acres

within the E $\frac{1}{4}$, Sec. 28; NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 7S, R. 30E, B.M.

issued

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 Administration, Statehouse, Boise, Idaho, 83707, on or before March 1, 1971.

R. KEITH HIGGINSON
Director

Published in the Power County Press, American Falls, Idaho
on February 11 and February 18, 1971.

35-7163

January 25, 1971

Gilbert K. Farms
645 Bannock Avenue
American Falls,
Idaho 83211

Dear Mr. Kent:

Returned herewith is Departmental Receipt No. 5545 in the amount of
\$55.00 for Application for Permit,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

35-7143

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT