

APR 03 2025

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. OF WATER RESOURCES
EASTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) KBC Farms LLCMailing Address 3010 McKinley Road, American Falls, Idaho 83211Email* koompinfarms@gmail.com Phone 208-226-9940Name of Representative (if any) Greg SullivanMailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301Email* greg.sullivan@brockwayeng.com Phone 208-736-8543

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

Transfer No. 89696 Page 1

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☒ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☒ **N/A.** This application does not propose to change the place of use or nature or use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

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	30E	13																	
08S	31E	18																	
08S	30E	24																	
08S	31E	19																	

Total Irrigated Acres to be Changed: _____

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|---|---|
| ☐ Change point(s) of diversion | ☒ Change place of use |
| ☐ Add point(s) of diversion | ☐ Change period of use |
| ☐ Change nature of use | ☐ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

The irrigation place of use will be updated with this transfer to match current irrigation occurring on the ground.

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☒ ☐	29-2398	2.48/	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	29-10449	1.48/	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 0.57 cfs and/or 240 af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☒ **N/A. This application does not propose to add or change any points of diversion.**

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ **N/A. This application does not propose to change the place of use.**

Proposed Place of Use

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	30E	13													40	20	34	38	132
08S	31E	18											18	7					25
08S	30E	24	36	31	3	25													95
08S	31E	19					36	16	6	14									72

Total Irrigated Acres: 324

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☐ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

None

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

None

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 120. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☒ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

None

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

None

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☒ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes No

☐

☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov). Label the Form as Attachment 4C-7.

☐

☒

currently used in a mitigation plan limiting the use of water under the right?

☐

☒

subject to an agreement not to divert (CREP)?

☐

☒

currently enrolled in a federal set-aside program (CRP)?

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

Existing POD, pump, mainlines and delivery system.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (ldwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

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.

Signature of Applicant or Representative*

Klaren Koopman
Signature of Applicant or Representative*

Print Name and Title, if applicable

Klaren Koopman gen. partner
Print Name and Title, if applicable

Date

April 1-2025
Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$ 500.00

Receipt #: E050770

Date: 4-3-25

Received by: M. Pettis

Add'l Paid: \$ _____

Receipt #: _____

Date: _____

Received by: _____

Conditions of Approval:

1. E60 USE OF THIS RIGHT WITH RIGHT NO. 29-02398 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.48 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1053 AF.
2. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
3. F05 RIGHT NO. 23-02398 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
4. 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.
5. K02 THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 29-02398 PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. K09 THIS RIGHT IS FOR AN ENLARGEMENT OF 74 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
7. USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM FALLS IRRIGATION DISTRICT.
8. E55 USE OF THIS RIGHT WITH RIGHT NO. 29-02398 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 324 ACRES IN A SINGLE IRRIGATION SEASON.

Decreed Date: 3/30/2004

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

Current Water Right No.: 29-2398

Current Owner:	JOHN MAYER
Priority Date:	9/5/1958
Origin:	Water Right
Status:	Active
Basis:	Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.48 CFS	
	<u>Total Diversion</u>	2.48 CFS	

Location of Point(s) of Diversion

GROUND WATER SE1/4NW1/4NE1/4 Sec. 24, Twp 08S, Rge 30E B.M.
POWER County

Place of Use

IRRIGATION Within POWER County

T08S R30E S13		NESE	40.00	T08S R30E S13		NWSE	22.00
T08S R30E S13		SWSE	38.00	T08S R30E S13		SESE	39.00
T08S R30E S24		NENE	39.00	T08S R30E S24		NWNE	38.00
T08S R30E S24		SWNE	10.00	T08S R30E S24		SENE	13.00
T08S R31E S19		NENW	40.00	T08S R31E S19	Lot 1	NWNW	20.00
T08S R31E S19	Lot 2	SWNW	7.00	T08S R31E S19		SENW	18.00

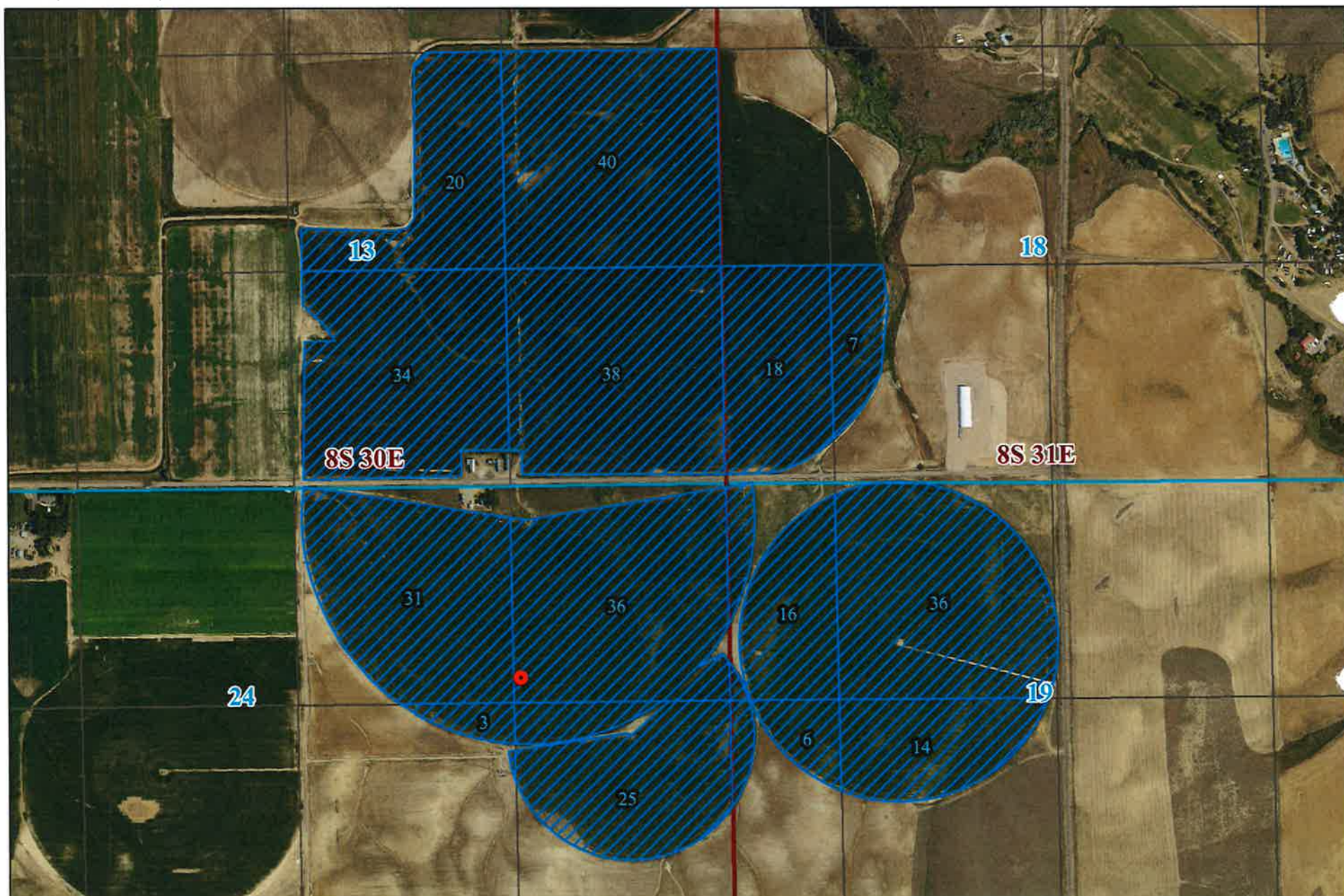
Total Acres: 324

Page _____ of _____

Conditions of Approval:

1. E60 USE OF THIS RIGHT WITH RIGHT NO. 29-10449 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.48 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1053 AF.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 250 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. E55 USE OF THIS RIGHT WITH RIGHT NO. 29-10449 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 324 ACRES IN A SINGLE IRRIGATION SEASON.
5. K01 RIGHT NO. 29-10449 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM FALLS IRRIGATION DISTRICT.
7. 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.
8. F05 RIGHT NO. 29-10449 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Decreed Date: 3/22/2004



KBC FARMS LLC
29-10449 & 29-2398
NAIP 2023 AERIAL PHOTO

Legend

-  Points of Diversion
-  New_POU





0006136727

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0006136727

Date Filed: 3/3/2025 11:38:30 AM

Entity Name and Mailing Address:

Entity Name:

KBC FARMS, LLC

The file number of this entity on the records of the Idaho
Secretary of State is:

0000040924

Address

3010 MCKINLEY RD
AMERICAN FALLS, ID 83211-5448

Entity Details:

Entity Status

Active-Existing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of
the Idaho Secretary of State was:

W8416

The registered agent on record is:

Registered Agent

KENNETH KENT KOOMPIN
Registered Agent

Physical Address

3010 MCKINLEY
AMERICAN FALLS, ID 83211

Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
Kenneth Koompin	Manager	3066 S FRONTAGE RD AMERICAN FALLS, ID 83211
Klaren Koompin	Member	300 SNAKE RIVER DR AMERICAN FALLS, ID 83211
Charles Bearup, Jr.	Member	3010 MCKINLEY AMERICAN FALLS, ID 83211

The annual report must be signed by an authorized signer of the entity.

Job Title: Office Manager

Amanda Givens

Sign Here

03/03/2025

Date

B0993-3888 03/03/2025 11:38 AM Received by Office of the Idaho Secretary of State

S
EA
L

COSENT TO OWNERHSIP CHANGE

To Whom It May Concern,

I, John Mayer, I have sold all of my legal interest of water rights 29-2398 and 29-10449 to KBC Farms LLC. I give consent to KBC Farms LLC to update the ownership of water rights 29-2398 and 29-10449 into their name.

I formally give my consent to KBC Farms LLC to transfer all of water rights 29-2398 and 29-10449 off of property in which I own.

John Mayer:



Date: 3-25-25

State of TN)

) S.S.

County of Maury)

On this 25 day of March, in the year of 2025, before me, a Notary Public, personally appeared John Mayer, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.



Notary Public
In and for said State and County



Exp: 2-28-2026

RECORDING REQUESTED BY
Flying S Title and Escrow of Idaho, Inc.

AND WHEN RECORDED MAIL TO:
Flying S Title and Escrow of Idaho, Inc.
223 North 15th Avenue
Pocatello, ID 83201

Instrument # 223775

POWER COUNTY, IDAHO
09-19-2024 12:23:03 PM No. of Pages: 4
Recorded for: FLYING S TITLE AND ESCROW - PO
SHAREE SPRAGUE Fee: \$15.00
Ex-Officio Recorder Deputy: Cathy Miles
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 1154647-P (sw)

Date: September 17, 2024

For Value Received, **John Mayer, a married man**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **KBC Farms, LLC**, hereinafter called the Grantee, whose current address is **3010 McKinley Rd, American Falls, ID 83211**, the following described premises, situated in **Power County, Idaho**, to-wit:

The land referred to herein is described in the Legal Description attached hereto as Exhibit A.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

SPK.

KKK

RECORDING REQUESTED BY
Flying S Title and Escrow of Idaho, Inc.

AND WHEN RECORDED MAIL TO:
Flying S Title and Escrow of Idaho, Inc.
223 North 15th Avenue
Pocatello, ID 83201

E-RECORDED simplified
ID: 223775
County: Power
Date: 9-19-24 Time: 12:23 PM

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **1154647-P (sw)**

Date: **September 17, 2024**

For Value Received, **John Mayer, a married man**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **KBC Farms, LLC**, hereinafter called the Grantee, whose current address is **3010 McKinley Rd, American Falls, ID 83211**, the following described premises, situated in **Power County, Idaho**, to-wit:

The land referred to herein is described in the Legal Description attached hereto as Exhibit A.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

507
KKK

Date: 09/17/2024

Warranty Deed
- continued

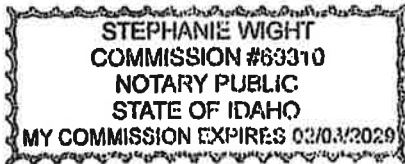
File No.: 1154647-P (aw)



John Mayer

STATE OF Idaho)
COUNTY OF Power) ss.

On this **Nineteenth day of September, 2024**, before me, a Notary Public in and for said State, personally appeared **John Mayer**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.





Notary Public for the State of Idaho
Residing at: Pocatello, Idaho
My Commission Expires: 2/3/2029

Exhibit "A"

Real property in the County of Power, State of Idaho, described as follows:

Part of Section 13 and 24, Township 8 South, Range 30 East, B.M., and Section 18 and 19, Township 8 South, Range 31 East, B.M., Power County, Idaho, described as:

Beginning at the South $\frac{1}{4}$ corner of Section 13; Thence, along the North-South center line of said Section, N $00^{\circ}53'37''$ E 1556.54 feet to a point on the North Bank of Main West Canal; Thence, along the Northwesterly bank of said Canal the following five (5) calls; (1) Thence, S $87^{\circ}10'29''$ E 612.44 feet to a non-tangent curve whose center bears N $9^{\circ}54'02''$ E, (2) Thence, Northeasterly 168.44 feet along said curve to the Left (Curve Data = Delta: $101^{\circ}33'04''$, Radius: 95.03 feet, chord bearing N $49^{\circ}07'29''$ E 147.24 feet) to a point of intersection with a non-tangent line on the West bank of said canal; (3) Thence, along said West bank, N $00^{\circ}43'38''$ E 814.93 feet to a non-tangent curve whose center bears N $74^{\circ}38'39''$ E; (4) Thence, Northeasterly 316.45 feet along said curve to the Right (Curve Data = Delta $87^{\circ}54'10''$, Radius: 206.27 feet, chord bearing N $42^{\circ}59'39''$ E 286.32 feet) to a point of intersection with a non-tangent line on the North bank of said Canal; (5) Thence, S $89^{\circ}27'10''$ E 410.01 feet to the West line of an existing fence line extended; Thence, along said fence line the following five (5) calls; (1) Thence, N $00^{\circ}52'36''$ E 698.48 feet; (2) Thence, N $79^{\circ}21'55''$ E 182.34 feet; (3) Thence, N $54^{\circ}01'20''$ E 516.77 feet; (4) Thence, N $58^{\circ}26'59''$ E 108.88 feet; (5) Thence, N $89^{\circ}39'33''$ E 619.64 feet, to the East line of said Section; Thence, along said East line S $00^{\circ}42'37''$ W 86.57 feet to a non-tangent curve on the Westerly bank of the Main West Canal, whose center bears S $10^{\circ}18'31''$ W; Thence, along said Bank of Canal, the following five (5) calls; (1) Thence, Southwesterly 100.08 feet along said curve to the Left (Curve Data = Delta: $98^{\circ}45'53''$, Radius: 58.06 feet, chord bearing S $50^{\circ}55'34''$ W 88.14 feet) to a point of intersection with a non-tangent line. (2) Thence, along the Westerly bank of said canal, S $01^{\circ}13'26''$ W 561.12 feet to a non-tangent curve, whose center bears N $87^{\circ}55'36''$ W; (3) Thence, Southwesterly 224.04 feet, along said curve to the Right (Curve Data = Delta: $48^{\circ}40'39''$, Radius: 263.71 feet, chord bearing S $28^{\circ}37'16''$ W 217.37 feet) to a point of intersection with a non-tangent line. (4) Thence, S $52^{\circ}01'24''$ W 308.75 feet to a non-tangent curve, whose center bears N $42^{\circ}19'35''$ W; (5) Thence, Southwesterly 92.44 feet along said curve to the Right (Curve Data = Delta: $48^{\circ}55'16''$, Radius: 108.27 feet, chord bearing S $72^{\circ}08'03''$ W 89.66 feet) to a point of intersection with a non-tangent line. Thence, S $01^{\circ}48'50''$ W 18.59 feet to the East-West Center line of said Section; Thence, along said Center Section line S $89^{\circ}18'05''$ E 500.86 feet to the East $\frac{1}{4}$ corner of said Section 13; Thence, along said East line, S $00^{\circ}42'37''$ W 1316.31 feet; Thence, S $88^{\circ}22'54''$ E along the South line of Government Lot 3 and the NE $\frac{1}{4}$ of Section 18, Township 8 South, Range 31 East of the Boise Meridian, for 957.77 feet, to a non-tangent curve, whose center bears S $82^{\circ}28'17''$ W; Thence, Southwesterly 1211.43 feet, along said curve to the Right (Curve Data = Delta: $60^{\circ}49'09''$, Radius: 1141.25 feet, chord bearing S $22^{\circ}52'52''$ W 1155.35 Feet) to a point of intersection with a non-tangent line; Thence, S $06^{\circ}12'36''$ E 236.72 feet to the North line of Section 19; Thence, along said North line S $88^{\circ}53'44''$ E 1435.32 feet to the North $\frac{1}{4}$ corner of said Section 19; Thence, along the North-South centerline of said Section, S $00^{\circ}36'29''$ W 1188.51 feet to a non-tangent curve, whose center bears N $78^{\circ}11'18''$ W; Thence, Southwesterly 2100.32 feet along said Curve to the Right (Curve Data = Delta: $120^{\circ}41'56''$, Radius: 997.02 feet, chord bearing S $72^{\circ}09'40''$ W

Date: 09/17/2024

Warranty Deed
- continued

File No.: 1154647-P (sw)

1732.94 feet) to a point of intersection with a non-tangent line; Thence, S 73°37'15" W 250.00 feet to a non-tangent curve whose center bears N 70°30'59" W; Thence, Southeasterly 2082.92 feet along said curve to the Right (Curve Data = Delta: 151°57'29", Radius: 785.37 feet, chord bearing N 84°32'14" W 1523.93 feet) to a point of intersection with a non-tangent line; Thence, N 89°32'57" W 1219.34 feet to the North-South Centerline of said Section 24; Thence, along said North-South Centerline, N 00°23'23" E 1683.28 Feet; Thence S 80°27'06" E 1418.86 feet; Thence, N 82°09'32" E 1604.28 feet, to a point on the East-West centerline of said Section 18; Thence, N 88°53'44" W 346.74 feet, to the SE corner of said Section 13; Thence, N 89°21'45" W 1307.60 feet, along the South line of said Section 13; Thence, N 03°43'57" E 181.89 feet; Thence, S 88°47'19" W 331.68 feet; Thence, S 01°21'07" E 171.22 feet, to the South line; Thence N 89°21'45" W 1018.51 feet, to the Point of Beginning.

MEMORANDUM

Date: April 23, 2025
To: Transfer 89696
From: Christian Stewart
Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

RECEIVED

JUL 21 2025

**ANNUAL INTERRUPTIBLE WATER RENTAL or
SUPPLEMENTAL WATER AGREEMENT**

DEPT. OF WATER RESOURCES
EASTERN REGION

Priority Date Forward: February 12, 1990

THIS AGREEMENT, made this 10 day of July, 2025, by and between FALLS IRRIGATION DISTRICT, a quasi-municipal corporation duly and regularly organized under the laws of the State of Idaho relating to irrigation districts, located at 310 Valdez Street, American Falls, Idaho, 83211, hereinafter designated as the "District" and KBC Farms, LLC of 3010 McKinley St., American Falls, ID 83211 hereinafter designated as the "Landholder."

WITNESSETH

WHEREAS, the District, in the execution of its obligations to deliver water to the lands within the boundaries of the Falls Irrigation District, has from time to time supplemental water not needed or required to supply the primary water rights of the District; and,

WHEREAS, the District has determined that it may be in and for the best interest of itself and the water users of the District that such supplemental waters be used to irrigate lands within the District that have no primary water rights, when such supplemental water is available for such use; and,

WHEREAS, the Landholder has **58.1 acres** of land, more particularly described as follows, to-wit:

Unit 6-19C, 26.1 acres, located in S1/2 SE1/4 SE1/4 of S13/T8S/R30E, B.M.

Unit 6-19F, 19.6 acres, located in Lot 4, and the SE1/4 SW1/4 of S18/T8S/R31E, B.M.

Unit 6-19E, 18 acres, located in Lot 3, and the NE1/4 SW1/4 of S18/T8S/R32E, B.M.

WHEREAS, these acres identified as **Unit 6-19C, Unit 6-19F, and Unit 6-19E**, which do not have a primary water right; but the Landholder does have a primary water right on lands within the District, and

WHEREAS, the Landholder is desirous of irrigating said 63.7 acres with excess, extra or supplemental water of the District when said water is available to the Landholder from the District.

NOW THEREFORE, the parties hereto hereby agree that the District will supply the Landholder with supplemental water, when it is available, for approximately 63.7 acres as above described, when such water is available to the District and is not needed or required for the purpose of filling the needs of the primary water rights of the water users within the boundaries of the District.

IT IS UNDERSTOOD AND AGREED that the District shall deliver a **maximum of 127.40 acre-feet** of supplemental water during the season, when it is available, to the Landholder or other authorized water user at the present point of delivery, **Turnout W-E**.

IT IS UNDERSTOOD AND AGREED that the Landholder shall pay the District **\$85.00** per acre-foot, to be delivered up to the volume of supplemental water identified. The Landholder recognizes that the rate charged is intended to cover the value of the water delivered and on-going operation and maintenance obligations of the District. Further, the Landholder acknowledges that the water delivered is irrigation water with quality suitable for such beneficial use.

IT IS UNDERSTOOD AND AGREED that the Landholder shall, at his sole cost and expense, erect, operate and maintain such equipment, structures and measuring device as are necessary to apply the supplemental water herein provided to the Landholder's land after it leaves the delivery point.

IT IS UNDERSTOOD AND AGREED that the amount of water delivery requested by the Landholder will not exceed the maximum discharge of their present pump and/or that the water ordered is limited to system availability.

IT IS UNDERSTOOD AND AGREED by the parties hereto that this agreement is subject to the policies of Falls Irrigation District, including the policy on the priority of use between competing users of rented water, as follows: To the extent a supplemental source of water is available for delivery under a water rental agreement, available water will be delivered to the users on a priority basis, based on the date of the water rental agreement and location of the point of delivery.

IT IS AGREED that said supplemental water is the property of the District, only temporarily available for use by the Landholder, and will be available to the Landholder only when it is not needed for the primary water needs of the District. Said supplemental water is not subject to appropriation and the use of it shall not be construed as creating a water right or interest in the water. The District does not warrant a water supply or particular quality of water supply to said Landholder and shall not be held responsible for the availability of water to the Landholder, and shall not be held responsible for the availability of water to the Landholder under this agreement. The Landholder should consider these conditions when planning a crop, as it is possible that the water supply would be insufficient to properly irrigate any crop that may be planted.

IT IS UNDERSTOOD AND AGREED by the parties hereto that this annual agreement is temporary and can be terminated by the Falls Irrigation District at any time. Further, this agreement shall automatically terminate on November 1, unless otherwise reviewed by the written consent of the FID Board or when FID ceases to deliver water, which occurs first.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

DATED this 10th day of July, 2025.

FALLS IRRIGATION DISTRICT

By: Kenneth K. Koompin
Kenneth K. Koompin, President

ATTEST: Terrell O. Sorensen
Terrell O. Sorensen, Secretary

LANDHOLDER(s)

Kenneth Koompin
Kenneth Koompin, Landholder

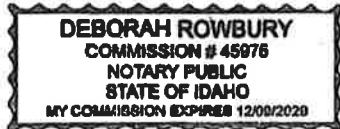
Karen Koompin
Karen Koompin, Landholder

(Notary on next page)

STATE OF IDAHO)
County of Power) ss.

On the 1 day of July, 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth Koompin, known to me to be the person whose name is subscribed in the instrument, and acknowledged to me that he executed the same.

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



Deborah Rowbury
A Notary Public in and for State of Idaho
Residing at: American Falls, Id
My Commission Expires: 12/09/2029

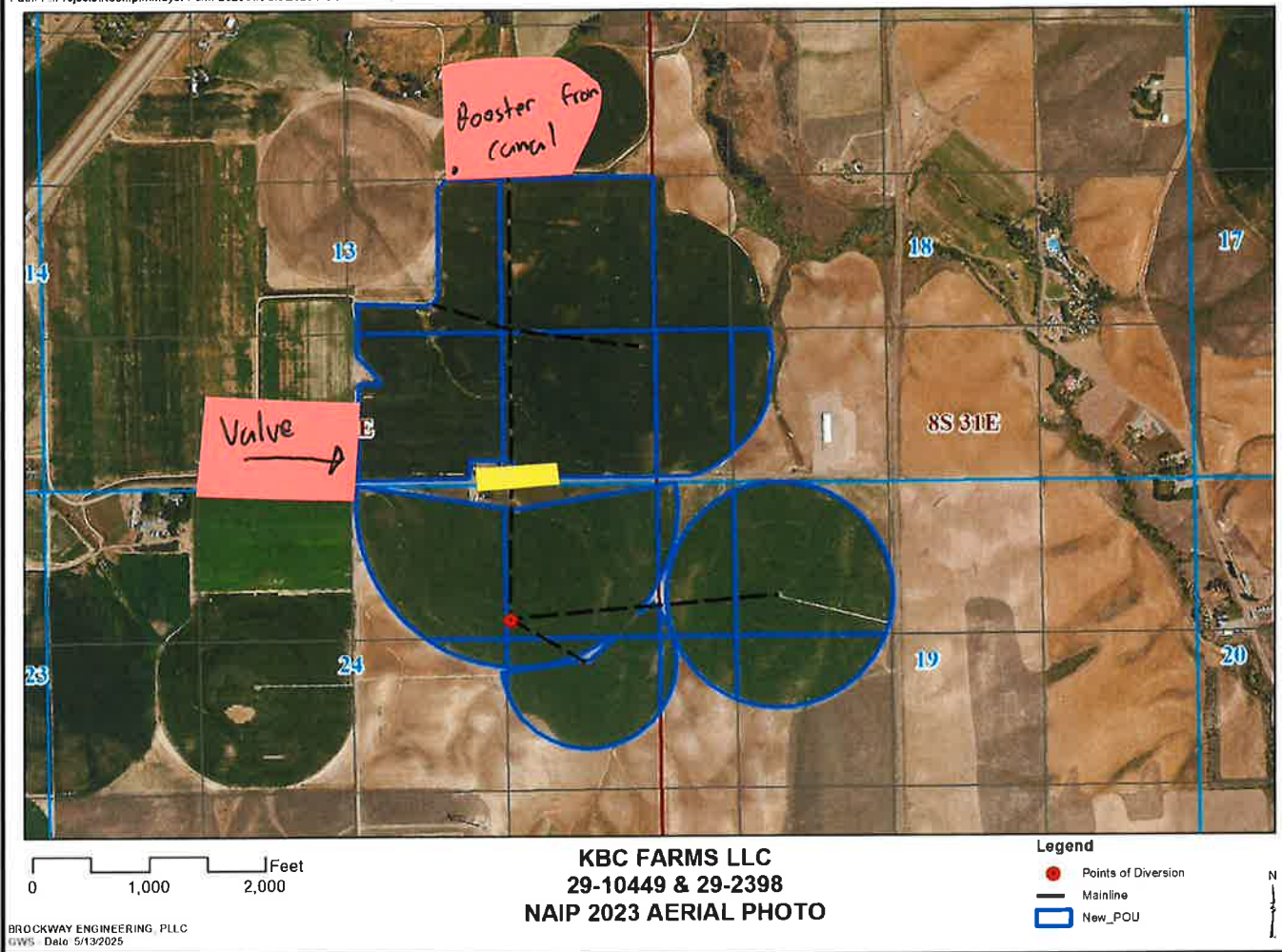
STATE OF IDAHO)
County of Power) ss.

On the 1 day of July, 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Klaren Koompin, known to me to be the person whose name is subscribed in the instrument, and acknowledged to me that he executed the same.

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



Deborah Rowbury
A Notary Public in and for State of Idaho
Residing at: American Falls, ID
My Commission Expires: 12/09/2029



Water Conveyance
System Diagram

E050835

RECEIVED

MAY 01 2025

DEPT. OF WATER RESOURCES
EASTERN REGION



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

April 25, 2025

Christian Stewart
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: KBC Farms LLC

Dear Mr. Stewart:

KBC Farms LLC desires to update the ownership of water rights 29-2398 and 29-10449.

A transfer application has already been submitted to IDWR for processing. The additional \$50.00 fee for the ownership change will be covered by the attached check.

Please copy Brockway Engineering on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Enc: Brockway Engineering Check # 18526 for \$50.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Idaho Department of Water Resources Receipt

Receipt ID: E050835

Payment Amount	\$50.00	Date Received	5/1/2025	Region	EASTERN
Payment Type	Check	Check Number	18526		
Payer	Brockway Engineering PLLC				
Comments	Ownership Change 29-2398, 29-10449 KBC Farms LLC part of transfer 89696				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	OWNERSHIP CHANGES/SECURITY INTERESTS	63140	0229	21		1155

Signature Line (Department Representative)

FW: FW: KBC Farms Transfer

From Greg Sullivan <greg.sullivan@brockwayeng.com>

Date Mon 7/21/2025 10:32 AM

To Stewart, Christian <Christian.Stewart@idwr.idaho.gov>

 1 attachment (1 MB)

Updated Rental.pdf;

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Christian,

See the attached updated Falls Irrigation District document.

Let me know if you need anything else to finalize the approval of this transfer for KBC Farms.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Amanda Givens/ Kenneth Kooppin [mailto:koopinfarms@gmail.com]

Sent: Monday, July 21, 2025 8:28 AM

To: Greg Sullivan <greg.sullivan@brockwayeng.com>

Subject: Re: FW: KBC Farms Transfer

Greg,

Here is that updated rental agreement for the water transfer. Let us know if you need anything else.

Thanks!
Amanda

On Wed, Jun 25, 2025 at 11:14 AM Greg Sullivan <greg.sullivan@brockwayeng.com> wrote:

Klaren,

See the correspondence below from Christian Stewart. IDWR does not want to approve the Mayer Farm transfer until the Falls Irrigation District finalizes the rental agreement for 18.0 acres.

After Falls Irrigation District finalizes the new rental and provides you with a copy of the agreement. Please email it to me.

Thank you,

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Stewart, Christian [mailto:Christian.Stewart@idwr.idaho.gov]
Sent: Wednesday, June 25, 2025 8:32 AM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: Re: KBC Farms Transfer

Greg,

We will hold off on approving the transfer until the new rental agreement is finalized.

Christian Stewart
Senior Water Resource Agent
Idaho Dept of Water Resources
900 N Skyline Dr, Ste A, Idaho Falls, ID 83402
(208) 525-7161 (office)



From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Thursday, June 5, 2025 8:41 AM
To: Stewart, Christian <Christian.Stewart@idwr.idaho.gov>
Subject: KBC Farms Transfer

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Christian,

See the correspondence below from the Falls Irrigation District.

Let me know if this is sufficient information for IDWR to approve the pending transfer application for KBC Farms.

Greg Sullivan

Brockway Engineering

2016 North Washington Street, Suite 4

Twin Falls, Idaho 83301

208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Amanda Givens/ Kenneth Koompin [<mailto:koompinfarms@gmail.com>]

Sent: Wednesday, June 04, 2025 4:19 PM

To: Greg Sullivan <greg.sullivan@brockwayeng.com>

Subject: Fwd: W-E IWR 12.4 acres

Greg - here is that memo/letter from Falls Irrigation Klaren had be get, let us know if you need anything else.

Thanks!

Amanda

----- Forwarded message -----

From: <fallsirrl@gmail.com>

Date: Wed, Jun 4, 2025 at 4:17 PM

Subject: W-E IWR 12.4 acres

To: Amanda Givens/ Kenneth Koompin <koompinfarms@gmail.com>

To Whom it may concern,

Falls Irrigation District currently has a water rental agreement with Koompin Farms to irrigate 12.4 acres at the W-E turnout located at S18/T8S/R31E, Unit 6-19E, which is owned by Ruth Ann Neilson (Neilson Trust). We will need to get approval from the Board of Directors to increase the water rental agreement to 18 acres. Once that is approved, we will bill Koompin Farms for the extra 5.6 acres. And they will have a new water rental agreement to irrigate the desired 18 acres. Until then, with the current agreement, they can use as much water as is needed. Then, if they use more than their allotted amount, we simply charge them an excess water fee to cover the cost as if they had paid for it at the beginning of the year. You may call me or the manager with any questions at 208-226-5227.

Thank you,

Deborah Rowbury

District Clerk

Falls Irrigation District

(208) 226-5227



Outlook

Re: KBC Farms Transfer

From Amanda Givens/ Kenneth Koopin <koopinfarms@gmail.com>

Date Mon 4/21/2025 8:59 AM

To Stewart, Christian <Christian.Stewart@idwr.idaho.gov>

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Christian,

Sorry for the delay in a response to this - from what I was told we have a pond there so water fills the pond and is then pumped through the pivots. Let me know if you have any other questions.

Thanks!
Amanda

On Thu, Apr 10, 2025 at 1:49 PM Stewart, Christian <Christian.Stewart@idwr.idaho.gov> wrote:

Amanda, Greg,

Thank you for sending me information regarding authorization to use water on this piece of ground.

The Falls Water supplemental contract is showing 12.4 acres in Lot 3 and NESW (I presume this to refer to R31E, R32E is likely a typo.)
I measure ~18 acres of irrigation in these Quarter Quarters.

Regarding delivery infrastructure, how is it physically possible to deliver surface water from "Turnout W2E" through the pivot onto the field? e.g. is groundwater mixed with surface water in a holding pond before being pressurized?

Christian Stewart
Senior Water Resource Agent
Idaho Dept of Water Resources
900 N Skyline Dr, Ste A, Idaho Falls, ID 83402

(208) 525-7161 (office)



From: Greg Sullivan <greg.sullivan@brockwayeng.com>

Sent: Wednesday, April 9, 2025 4:25 PM

To: Stewart, Christian <Christian.Stewart@idwr.idaho.gov>; koompinfarms@gmail.com <koompinfarms@gmail.com>

Subject: RE: KBC Farms Transfer

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Christian,

The previous property/water right owner had an agreement with the owner of the NE corner to share the irrigation system. I believe that there are canal shares (Falls Irrigation District) applicable to this farm also. KBC Farms intends to continue to operate this pivot based on the previous owners agreement with the neighbor.

Greg Sullivan

Brockway Engineering

2016 North Washington Street, Suite 4

Twin Falls, Idaho 83301

208-736-8543

From: Stewart, Christian [mailto:Christian.Stewart@idwr.idaho.gov]
Sent: Wednesday, April 09, 2025 4:15 PM
To: koompinfarms@gmail.com; Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: KBC Farms Transfer

Klaren, Greg,

Regarding the KBC farms place of use transfer, the map provided shows that the northeastern quarter of the large pivot will not be covered by the place of use. This is the portion not owned by KBC farms.

How would the right holder guarantee that groundwater will not be used in the NE corner of the large pivot? What source of water will be used to irrigate that ground covered by the pivot?

Christian Stewart

Senior Water Resource Agent

Idaho Dept of Water Resources

900 N Skyline Dr, Ste A, Idaho Falls, ID 83402

(208) 525-7161 (office)

Falls Irrigation District Acres

From Cefalo, James <James.Cefalo@idwr.idaho.gov>

Date Tue 4/8/2025 12:02 PM

To fallsirr1@gmail.com <fallsirr1@gmail.com>

The Department of Water Resources recently received a transfer application proposing to change the place of use for some ground water rights near American Falls. Based on water right records, part of the existing place of use includes acres enrolled in Falls Irrigation District. As part of our application review, we must investigate other sources of water at the existing and proposed places of use. To help with that review, could you confirm whether there are any acres enrolled in Falls Irrigation District in the following quarter-quarters:

T08S R30E Sec 13	NESE NWSE SWSE SESE
T08S R30E Sec 24	NENE NWNE SWNE SENE
T08S R31E Sec 18	NESW Lot 3 (NWSW) Lot 4 (SWSW) SESW
T08S R31E Sec 19	NENW Lot 1 (NWNW) Lot 2 (SWNW) SENW

Thank you for the help.

James



James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov

			DISTRICT ACRES	WATER RENTAL ACRES
	Landowner	Unit No.		
T08S R30E Sec 13				
NESE & NWSE	KBC Farms	6-19A	59.3	
NWSE	Lamar Isaak	6-19G	14.7	
N1/2 SWSE & SESE	KBC Farms	6-19D	40	
S 1/2 SESE	KBC Farms	6-19C		26.1
T08S R30E Sec 24				
NENE	NOT IN DISTRICT			
NWNE	NOT IN DISTRICT			
SWNE	NOT IN DISTRICT			
SENE	NOT IN DISTRICT			
T08S R31E Sec 18				
NESW & Lot 3 (NWSW)	Ruth Ann Nielson	6-19E		12.4
Lot 4 (SWSW) & SESW	KBC Farms	6-19F		19.6
T08S R31E Sec 19				
NENW	NOT IN DISTRICT			
Lot 1 (NWNW)	NOT IN DISTRICT			
Lot 2 (SWNW)	NOT IN DISTRICT			
SENW	NOT IN DISTRICT			

District acres are property acres that are identified as assessed acres in the Falls Irrigation District

Water Rental Acres are not part of the district, but has a water rental agreement with Falls Irrigation District on a yearly basis

**ANNUAL INTERRUPTIBLE WATER RENTAL or
SUPPLEMENTAL WATER AGREEMENT**

Priority Date Forward: February 12, 1990

THIS AGREEMENT, made this 10th day of March, 2025, by and between FALLS IRRIGATION DISTRICT, a quasi-municipal corporation duly and regularly organized under the laws of the State of Idaho relating to irrigation districts, located at 310 Valdez Street, American Falls, Idaho, 83211, hereinafter designated as the "District" and **KBC Farms, LLC** of 3010 McKinley St., American Falls, ID 83211 hereinafter designated as the "Landholder."

WITNESSETH

WHEREAS, the District, in the execution of its obligations to deliver water to the lands within the boundaries of the Falls Irrigation District, has from time to time supplemental water not needed or required to supply the primary water rights of the District; and,

WHEREAS, the District has determined that it may be in and for the best interest of itself and the water users of the District that such supplemental waters be used to irrigate lands within the District that have no primary water rights, when such supplemental water is available for such use; and,

WHEREAS, the Landholder has **58.1 acres** of land, more particularly described as follows, to-wit:

Unit 6-19C, 26.1 acres, located in S1/2 SE1/4 SE1/4 of S13/T8S/R30E, B.M.

Unit 6-19F, 19.6 acres, located in Lot 4, and the SE1/4 SW1/4 of S18/T8S/R31E, B.M.

* Unit 6-19E, 12.4 acres, located in Lot 3, and the NE1/4 SW1/4 of S18/T8S/R32E, B.M.

WHEREAS, these acres identified as **Unit 6-19C, Unit 6-19F, and Unit 6-19E**, which do not have a primary water right; but the Landholder does have a primary water right on lands within the District, and

WHEREAS, the Landholder is desirous of irrigating said **58.1 acres** with excess, extra or supplemental water of the District when said water is available to the Landholder from the District.

NOW THEREFORE, the parties hereto hereby agree that the District will supply the Landholder with supplemental water, when it is available, for approximately **58.1 acres** as above described, when such water is available to the District and is not needed or required for the purpose of filling the needs of the primary water rights of the water users within the boundaries of the District.

IT IS UNDERSTOOD AND AGREED that the District shall deliver a **maximum of 116.2 acre-feet** of supplemental water during the season, when it is available, to the Landholder or other authorized water user at the present point of delivery, **Turnout W-E**.

IT IS UNDERSTOOD AND AGREED that the Landholder shall pay the District \$85.00 per acre-foot, to be delivered up to the volume of supplemental water identified. The Landholder recognizes that the rate charged is intended to cover the value of the water delivered and on-going operation and maintenance obligations of the District. Further, the Landholder acknowledges that the water delivered is irrigation water with quality suitable for such beneficial use.

IT IS UNDERSTOOD AND AGREED that the Landholder shall, at his sole cost and expense, erect, operate and maintain such equipment, structures and measuring device as are necessary to apply the supplemental water herein provided to the Landholder's land after it leaves the delivery point.

IT IS UNDERSTOOD AND AGREED that the amount of water delivery requested by the Landholder will not exceed the maximum discharge of their present pump and/or that the water ordered is limited to system availability.

IT IS UNDERSTOOD AND AGREED by the parties hereto that this agreement is subject to the policies of Falls Irrigation District, including the policy on the priority of use between competing users of rented water, as follows: To the extent a supplemental source of water is available for delivery under a water rental agreement, available water will be delivered to the users on a priority basis, based on the date of the water rental agreement and location of the point of delivery.

IT IS AGREED that said supplemental water is the property of the District, only temporarily available for use by the Landholder, and will be available to the Landholder only when it is not needed for the primary water needs of the District. Said supplemental water is not subject to appropriation and the use of it shall not be construed as creating a water right or interest in the water. The District does not warrant a water supply or particular quality of water supply to said Landholder and shall not be held responsible for the availability of water to the Landholder, and shall not be held responsible for the availability of water to the Landholder under this agreement. The Landholder should consider these conditions when planning a crop, as it is possible that the water supply would be insufficient to properly irrigate any crop that may be planted.

IT IS UNDERSTOOD AND AGREED by the parties hereto that this annual agreement is temporary and can be terminated by the Falls Irrigation District at any time. Further, this agreement shall automatically terminate on November 1, unless otherwise reviewed by the written consent of the FID Board or when FID ceases to deliver water, which occurs first.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

DATED this 10th day of March, 20 25.

FALLS IRRIGATION DISTRICT

By: Kenneth K. Koopin
Kenneth K. Koopin, President

ATTEST: Terrell O. Sorensen
Terrell O. Sorensen, Secretary

LANDHOLDER(s)

Kenneth K. Koopin
Kenneth Koopin, Landholder

Karen Koopin
Karen Koopin, Landholder

(Notary on next page)

STATE OF IDAHO)
) ss.
County of Power)

On the 24 day of February, 20 25, before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth Koompin, known to me to be the person whose name is subscribed in the instrument, and acknowledged to me that he executed the same.

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



Amanda Givens
A Notary Public in and for State of Idaho
Residing at: American Falls
My Commission Expires: Sept 3, 2027

STATE OF IDAHO)
County of Power)

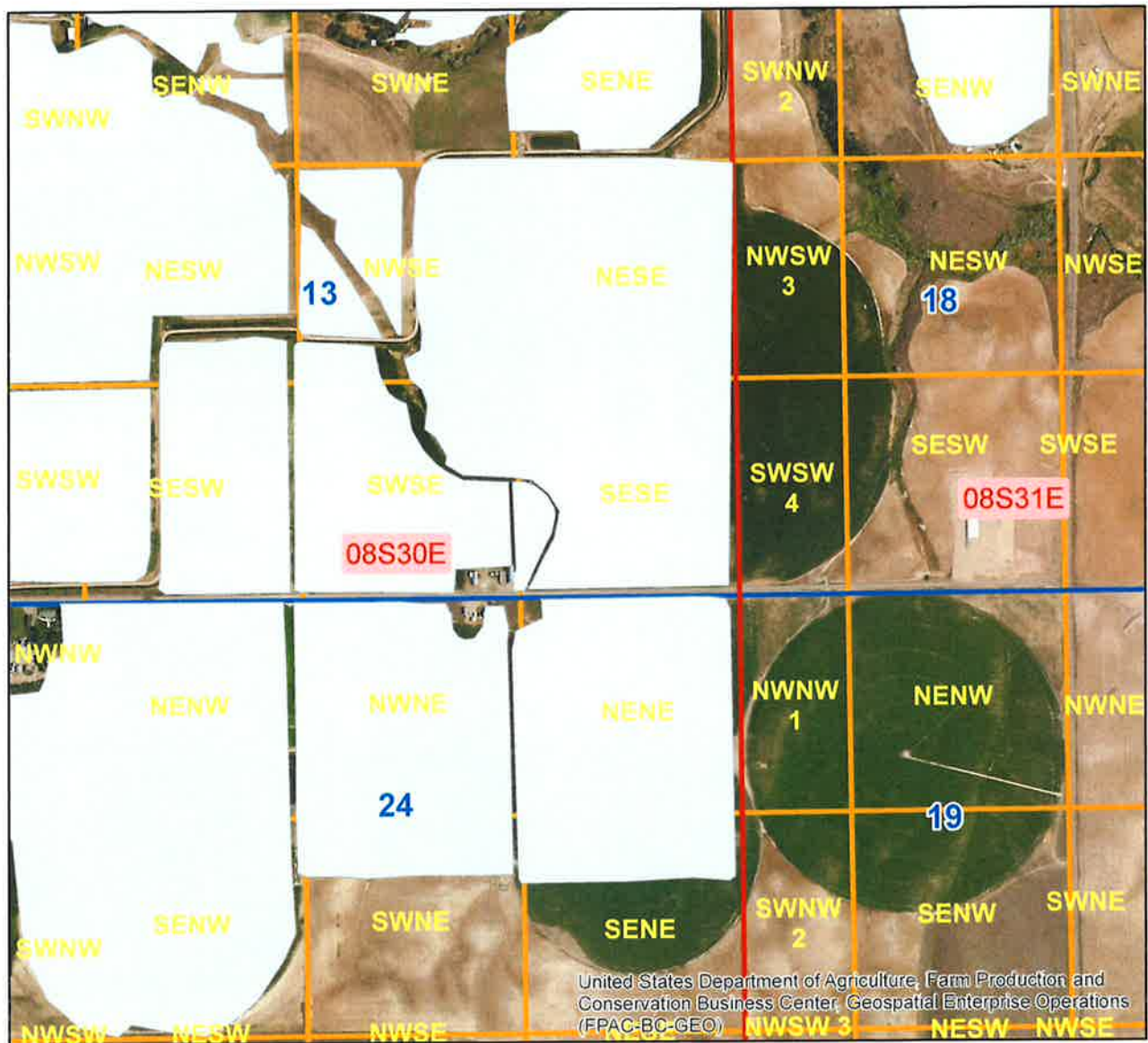
On the 24 day of February, 20 25, before me, the undersigned, a Notary Public in and for said State, personally appeared Klaren Koompin, known to me to be the person whose name is subscribed in the instrument, and acknowledged to me that he executed the same.

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

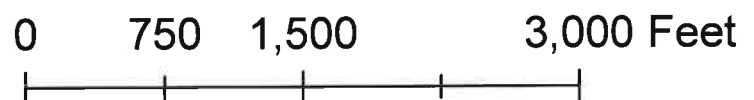
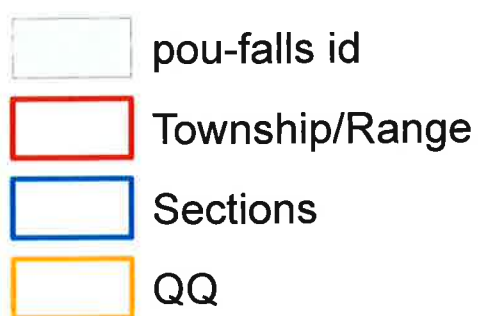


Amanda Givens
A Notary Public in and for State of Idaho
Residing at: American Falls
My Commission Expires: Sept 3, 2027

Acres Identified by Falls Irrigation District in SRBA



United States Department of Agriculture, Farm Production and
Conservation Business Center, Geospatial Enterprise Operations
(FPAC-BC-GEO) **NWSW 3 NESW NWSE**



State of Idaho
Department of Water Resources

Water Right

29-2398

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



The USDA-RSA Aerial Photography Field Office asks to be credited in derived products.

Legend

- Quarter Quarters
- PLS Sections
- Townships
- Place of Use Boundary
- Point of Diversion



Date created: 4/8/2025



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I R C P. 54(b) FOR

Water Right 29-02398

NAME AND ADDRESS: VERNON D MAYER
770 FILLMORE ST
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 2.48 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-10449 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.48 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1053 AF.

PRIORITY DATE: 09/05/1958

POINT OF DIVERSION: T08S R30E S24 SENWNE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.48 CFS

PLACE OF USE:	Irrigation	Within Power County
T08S R30E S13	NESE 40.0	NWSE 22.0
	SWSE 38.0	SESE 39.0
S24	NENE 39.0	NWNE 38.0
	SWNE 10.0	SENE 13.0
R31E S19	NENW 40.0	(NWNW) 20.0
LOI 2 (SWNW) 7.0	SENW 18.0	
324.0 Acres Total		

Overlap
Not overlapped

USE OF THIS RIGHT WITH RIGHT NO. 29-10449 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 324 ACRES IN A SINGLE
IRRIGATION SEASON

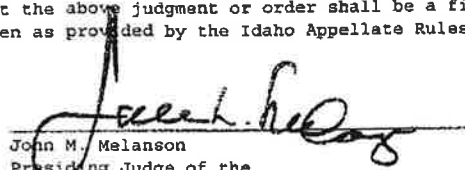
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 250 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

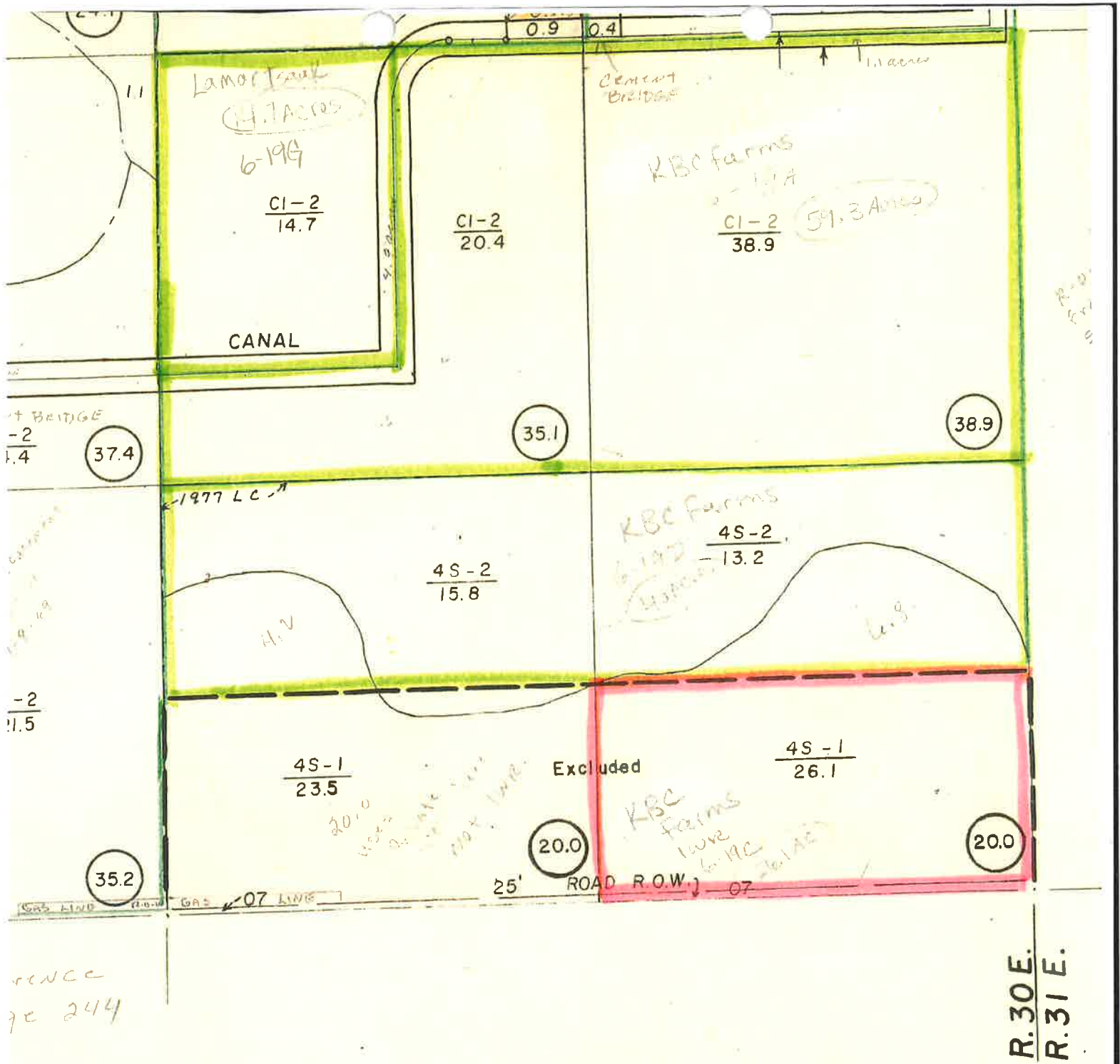
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

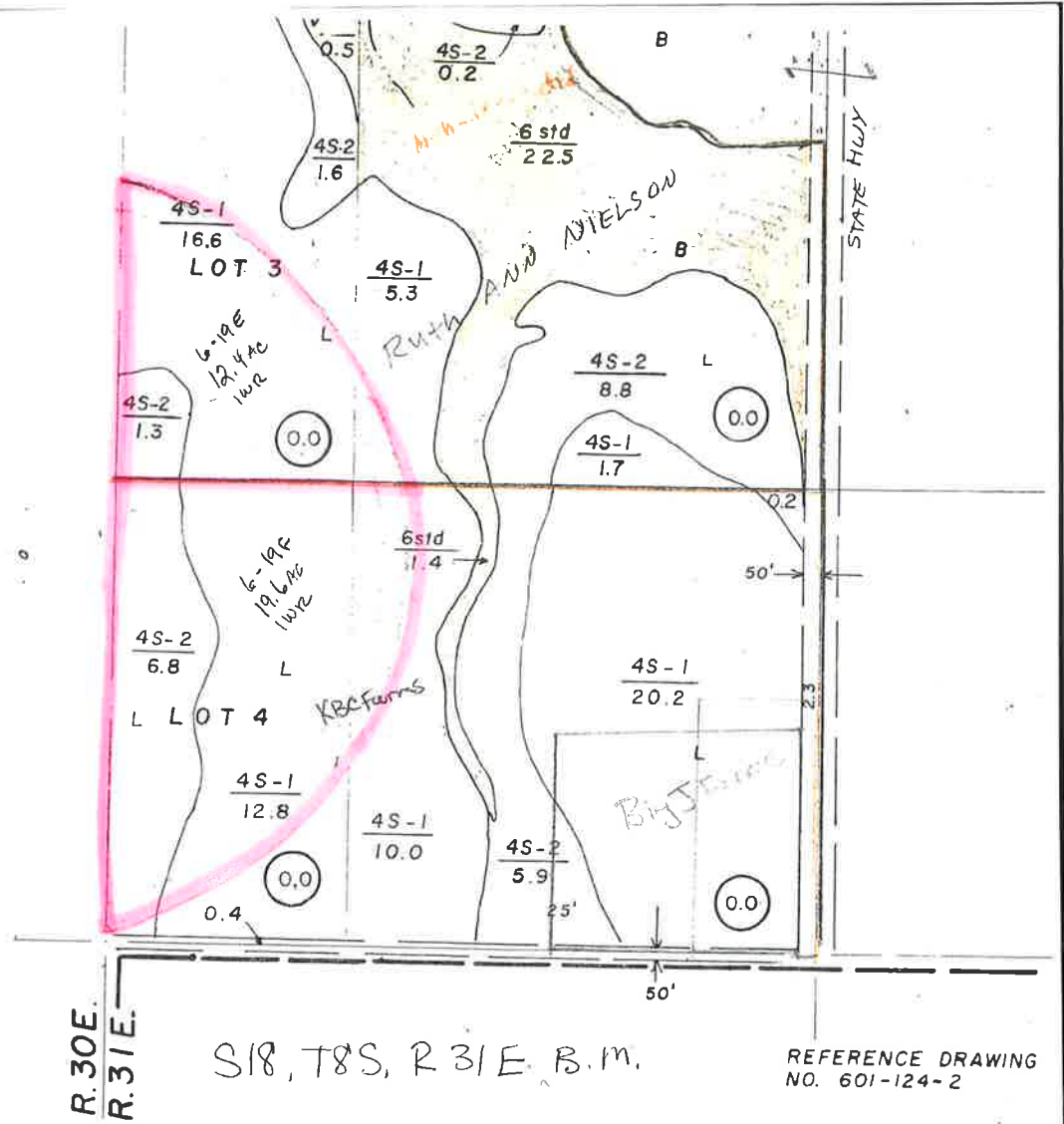

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



C. 13, T 8 S, R 30 E, B.M

E 1/2 Voting Division #4
W 1/2 Voting Division #5

REFERENCE DRAWING
NO. 601-124-241



REFERENCE DRAWING
NO. 601-124-2

RECEIVED

APR 03 2025

DEPT. OF WATER RESOURCES
EASTERN REGION



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

April 1, 2025

James Cefalo
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: KBCP LLC

Dear Mr. Cefalo:

KBC Farms LLC desires to update the irrigation place of use of water rights 29-2398 and 29-10449. The ownership change form and fees for these water rights have already been submitted to IDWR for processing.

This transfer will better align the location of the irrigation water right acres to the irrigation practices on the farm. A total of 74.0 acres will be moved with this transfer. The POD, beneficial use and period of use will not be changing with this transfer.

No ESPA model analysis was performed for this transfer because the POD will remain unchanged.

The previous owner, John Mayer, has given his consent to the ownership change and to the transfer that will move water rights 29-2398 and 29-10449 off of property that he owns.

Please copy Brockway Engineering on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Klaren Koopman
Enc: Transfer Application, Aerial Maps, Annual Report, Consent Letter, Warranty Deeds,
Brockway Engineering Check # 18502 for \$500.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506