

**DRAFT**

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 72857**

This is to certify that: PAUL W BEHREND And  
DEBRA J BEHREND  
2706 W 1800 S  
ABERDEEN ID 83210  
(208)397-4047

And

KRISTIN R BEHREND And  
NICHOLAS P BEHREND  
2976 W 2000 S  
ABERDEEN ID 83210  
(208) 221-0342

And

GREGORY W KNITTEL And  
JENNECCA S KNITTEL  
1780 S 2800 W  
ABERDEEN ID 83210  
(208)397-3010

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 35-7835      | WR/License          | 02/24/1979      | 4.73 cfs    | 948 af        |                   | 237.0              | GROUND WATER  |
| 35-7632B     | AJC/License         | 08/05/1976      | 4.38 cfs    | 1048 af       | 262.0             | 287.0              | GROUND WATER  |
| 35-13597     | WR/Decreed          | 04/01/1979      | 0.1 cfs     | 26.4 af       | 6.6               | 287.0              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 35-7835               | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 35-7632B              | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 35-13597              | NO           | YES        | YES        | NO             | NO                   | NO                   |

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT**

**TRANSFER NO. 72857**

**Summary of Water Rights After the Approved Change**

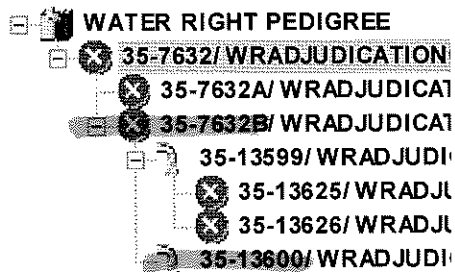
| Existing<br>Right | New No.<br>(changed<br>portion) | Transfer<br>Rate | Transfer<br>Volume | Acre<br>Limit | Total<br>Acres | New No.<br>(remaining<br>portion) | Remaining<br>Rate | Remaining<br>Volume | Remaining<br>Acre Limit | Remaining<br>Total Acres |
|-------------------|---------------------------------|------------------|--------------------|---------------|----------------|-----------------------------------|-------------------|---------------------|-------------------------|--------------------------|
| 35-7835           | <b>35-7835</b>                  | 4.73 cfs         | 948 af             | 237.0         | 312.0          |                                   | N/A               | N/A                 | N/A                     | N/A                      |
| 35-7632B          | <b>35-13600</b>                 | 1.14 cfs         | 273.6 af           | 68.4          | 312.0          | <b>35-13599</b>                   | 3.24 cfs          | 774.4 af            | 193.6                   | 212.0                    |
| 35-13597          | <b>35-13597</b>                 | 0.1 cfs          | 26.4 af            | 6.6           | 312.0          |                                   | N/A               | N/A                 | N/A                     | N/A                      |
| <b>COMBINED</b>   |                                 |                  |                    |               |                |                                   |                   |                     |                         |                          |
| <b>TOTALS</b>     |                                 | <b>5.87 cfs</b>  | <b>1248 af</b>     | <b>312.0</b>  | <b>312.0</b>   |                                   | N/A               | N/A                 | N/A                     | N/A                      |

Detailed Water Right Description(s) attached

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Chief, Water Allocation Bureau

| Enter Water Right Number |            |              | Total Acreage, Volume, & Rate for                            |                        |                  |                      |
|--------------------------|------------|--------------|--------------------------------------------------------------|------------------------|------------------|----------------------|
| Basin #                  | Sequence # | Split Suffix | <b>Find Pedigree</b>                                         | <b>Calculate Total</b> | Parent Acreage   | Parent POU Acreage   |
| 35                       | 7632       | B            | <input checked="" type="radio"/> AJ <input type="radio"/> WR |                        | Children Acreage | Children POU Acreage |
|                          |            |              |                                                              |                        | Difference       | Difference           |



35-7632 WRADJUDICATIONCLAIM

*Need to send NCAP. for 35-7632B.  
based on transfer. #72857.*

**View Combined Water Right**

To view the combined rights, make sure to click on the combined right in the tree view before clicking the button.

NATE: *Here is a project. - Come and see  
me. Ernie.*

**WATER RIGHT NO. 35-7835**  
**As Modified by Transfer No. 72857**

In accordance with the approval of Transfer No. 72857, Water Right No. 35-7835 is now described as follows.

**Right Holder:** PAUL W BEHREND And  
 DEBRA J BEHREND  
 2706 W 1800 S  
 ABERDEEN ID 83210

And

GREGORY W KNITTEL And  
 JENNECCA S KNITTEL  
 1780 S 2800 W  
 ABERDEEN ID 83210

And

NICHOLAS P BEHREND And  
 KRISTIN R BEHREND  
 2976 W 2000 S  
 ABERDEEN ID 83210

**Priority Date:** February 24, 1979

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 4.73 CFS              | 948.0 AF      |
|                       |             |           | 4.73 CFS              | 948.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NWNW                      Sec. 21 Twp 05S    Rge 30E    POWER County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 05S | 30E | 20  | 38.0 | 39.0 | 40.0 | 39.0 |      |      |      |      |    |    |    |    |    |    |    |    | 156.0  |
| 05S | 30E | 21  |      |      |      |      | 39.0 | 38.0 | 39.0 | 40.0 |    |    |    |    |    |    |    |    | 156.0  |

Total Acres: 312

**WATER RIGHT NO. 35-7835**  
**As Modified by Transfer No. 72857**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 237 acres within the place of use described above in a single irrigation season.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. Rights 35-7835, 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 5.87 cfs, a total annual maximum diversion volume of 1248 af at the field headgate, and the irrigation of 312 acres.
8. Prior to the diversion and use of water under Transfer approval 72857, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-13597**  
**As Modified by Transfer No. 72857**

In accordance with the approval of Transfer No. 72857, Water Right No. 35-13597 is now described as follows.

**Right Holder:** PAUL W BEHREND And  
 DEBRA J BEHREND  
 2706 W 1800 S  
 ABERDEEN ID 83210

And

GREGORY W KNITTEL And  
 JENNECCA S KNITTEL  
 1780 S 2800 W  
 ABERDEEN ID 83210

And

NICHOLAS P BEHREND And  
 KRISTIN R BEHREND  
 2976 W 2000 S  
 ABERDEEN ID 83210

**Priority Date:** April 01, 1979

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 0.10 CFS              | 26.4 AF       |
|                       |             |           | 0.10 CFS              | 26.4 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NWNW                      Sec. 21 Twp 05S    Rge 30E    POWER County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 05S | 30E | 20  | 38.0 | 39.0 | 40.0 | 39.0 |      |      |      |      |    |    |    |    |    |    |    |    | 156.0  |
| 05S | 30E | 21  |      |      |      |      | 39.0 | 38.0 | 39.0 | 40.0 |    |    |    |    |    |    |    |    | 156.0  |

Total Acres: 312

**WATER RIGHT NO. 35-13597**  
**As Modified by Transfer No. 72857**

**CONDITIONS OF APPROVAL**

1. 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.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. This right is for an enlargement of 6.6 acres within the place of use described for this right.
4. This right is based upon an enlargement of Right No. 35-13600 pursuant to Section 42-1426, Idaho Code.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. Rights 35-7835, 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 5.87 cfs, a total annual maximum diversion volume of 1248 af at the field headgate, and the irrigation of 312 acres.
11. Prior to the diversion and use of water under Transfer approval 72857, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
12. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
13. Rights 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 1.14 cfs.

**WATER RIGHT NO. 35-13597**  
**As Modified by Transfer No. 72857**

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-13599**  
**As Modified by Transfer No. 72857**

In accordance with the approval of Transfer No. 72857, Water Right No. 35-13599 is now described as follows.

**Right Holder:** PAUL W BEHREND And  
 DEBRA J BEHREND  
 2706 W 1800 S  
 ABERDEEN ID 83210

And

GREGORY W KNITTEL And  
 JENNECCA S KNITTEL  
 1780 S 2800 W  
 ABERDEEN ID 83210

And

NICHOLAS P BEHREND And  
 KRISTIN R BEHREND  
 2976 W 2000 S  
 ABERDEEN ID 83210

**Priority Date:** August 05, 1976

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 3.24 CFS              | 774.4 AF      |
|                       |             |           | 3.24 CFS              | 774.4 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SWSE Sec. 13 Twp 05S Rge 29E POWER County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |  |       |  | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|--|-------|--|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |    |  |       |  |        |
| 05S | 29E | 13  |    |    |    |    |    |    |    |    |    |    |    |    |    |  | 212.0 |  |        |

Total Acres: 212

**WATER RIGHT NO. 35-13599**  
**As Modified by Transfer No. 72857**

**CONDITIONS OF APPROVAL**

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right is limited to the irrigation of 193.6 acres within the place of use described above in a single irrigation season.
3. The rights listed below are limited to the irrigation of a combined total of 212 acres in a single irrigation season. Combined Right Nos.: 35-13599, 35-13596, 35-13598
4. The rights listed below are limited to a total combined diversion rate of 3.24 cfs and to a total combined annual diversion volume of 848 AF. Combined Right Nos.: 35-13599, 35-13596, 35-13598.
5. Right Nos. 35-13596 and 35-13598 are an enlargement of this right pursuant to Section 42-1426, Idaho Code.
6. The following rights are also diverted through point of diversion described above: 35-13596, 35-13598.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-13600**  
**As Modified by Transfer No. 72857**

In accordance with the approval of Transfer No. 72857, Water Right No. 35-13600 is now described as follows.

**Right Holder:** PAUL W BEHREND And  
 DEBRA J BEHREND  
 2706 W 1800 S  
 ABERDEEN ID 83210

And

GREGORY W KNITTEL And  
 JENNECCA S KNITTEL  
 1780 S 2800 W  
 ABERDEEN ID 83210

And

NICHOLAS P BEHREND And  
 KRISTIN R BEHREND  
 2976 W 2000 S  
 ABERDEEN ID 83210

**Priority Date:** August 05, 1976

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 1.14 CFS              | 273.6 AF      |
|                       |             |           | 1.14 CFS              | 273.6 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NWNW                      Sec. 21 Twp 05S    Rge 30E    POWER County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 05S | 30E | 20  | 38.0 | 39.0 | 40.0 | 39.0 |      |      |      |      |    |    |    |    |    |    |    |    | 156.0  |
| 05S | 30E | 21  |      |      |      |      | 39.0 | 38.0 | 39.0 | 40.0 |    |    |    |    |    |    |    |    | 156.0  |

Total Acres: 312

**WATER RIGHT NO. 35-13600**  
**As Modified by Transfer No. 72857**

**CONDITIONS OF APPROVAL**

1. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. Rights 35-7835, 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 5.87 cfs, a total annual maximum diversion volume of 1248 af at the field headgate, and the irrigation of 312 acres.
8. Prior to the diversion and use of water under Transfer approval 72857, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
10. Rights 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 1.14 cfs.
11. Right No. 35-13597 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
12. This right is limited to the irrigation of 68.4 acres within the place of use described above in a single irrigation season. (KOG?)

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Chief, Water Allocation Bureau