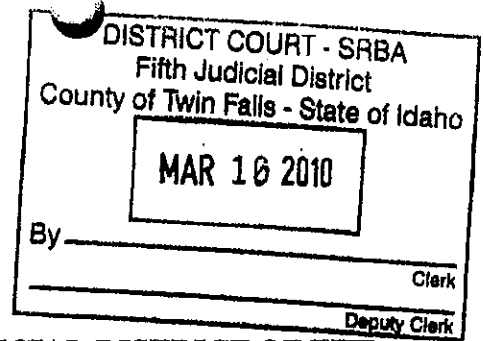




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
)
)
)
)

Water Rights: 35-2172

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

XX IC § 42-222 transfer

XX Point of diversion XX Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

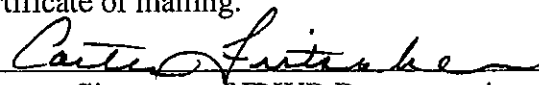
XX Other – Remarks & Conditions

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 3-12-10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 15, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

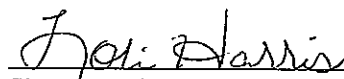
United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

Director of IDWR	☒ hand-delivered
PO Box 83720	
Boise ID 83720	

3. Copies to all parties to the subcase:

KBCP LLC	☐ overnight mail
3062 S Frontage Rd	☒ regular mail
American Falls ID 83211	☐ hand-delivered
	☐ facsimile

Aberdeen-Springfield	☐ overnight mail
c/o Roger D Ling	☒ regular mail
PO Box 396	☐ hand-delivered
Rupert ID 83350-0396	☐ facsimile



Signature of person mailing this document

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-2172

NAME AND ADDRESS: KBCP LLC
3062 S FRONTAGE RD
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.160 CFS
580.000 AFY

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.

Right Nos. 35-2172, 35-13897, 35-13898 and 35-13703 when combined shall not exceed a total diversion rate of 5.13 cfs, a total annual maximum diversion volume of 1677.2 af at the field headgate.

PRIORITY DATE: 04/07/1950

POINT OF DIVERSION:

~~T07S R30E S25 NESE Lot 3 Within POWER County~~

~~T08S R29E S27 SWNE Within POWER County~~

~~T08S R29E S27 NESE Within POWER County~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	2.160 CFS 580.00 AFY

PLACE OF USE:

IRRIGATION in POWER County

~~T07S R30E S25 Lot 2 SENE~~	~~3.00~~	~~T07S R30E S25~~	~~SESW~~	~~1.00~~
~~T07S R30E S25 Lot 3 NESE~~	~~26.00~~	~~T07S R30E S25~~	~~NWSE~~	~~28.00~~
~~T07S R30E S25~~	~~SWSE~~	~~T07S R30E S25~~	~~SESE~~	~~30.00~~
~~T07S R31E S30~~	~~NWSW~~	~~T07S R31E S30~~	~~SWSW~~	~~18.00~~
~~T08S R29E S25~~	~~NESW~~	~~T08S R29E S25~~	~~NWSW~~	~~29.90~~
~~T08S R29E S25~~	~~SWSW~~	~~T08S R29E S25~~	~~SESW~~	~~7.20~~
~~T08S R29E S26~~	~~SWNE~~	~~T08S R29E S26~~	~~SENE~~	~~2.30~~
~~T08S R29E S26~~	~~NENW~~	~~T08S R29E S26~~	~~SENW~~	~~19.10~~
~~T08S R29E S26~~	~~NESW~~	~~T08S R29E S26~~	~~NWSW~~	~~31.40~~
~~T08S R29E S26~~	~~SWSW~~	~~T08S R29E S26~~	~~SESW~~	~~39.00~~
~~T08S R29E S26~~	~~NESE~~	~~T08S R29E S26~~	~~NWSE~~	~~13.30~~
~~T08S R29E S26~~	~~SWSE~~	~~T08S R29E S26~~	~~SESE~~	~~33.40~~
~~T08S R29E S27~~	~~NWNE~~	~~T08S R29E S27~~	~~SWNE~~	~~16.80~~
~~T08S R29E S27~~	~~NENW~~	~~T08S R29E S27~~	~~SENW~~	~~18.70~~
~~T08S R29E S27~~	~~NESE~~			~~31.70~~

419.3 TOTAL ACRES 564.3 ACRES TOTAL

Right Nos. 35-2172, 35-13897, 35-13898 and 35-13703 are limited to the irrigation of a combined total of 419.3 acres.

This right is limited to the irrigation of 145 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. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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.

The right holder shall accomplish the change authorized by Transfer 75910 within one year of the date of the approval.

Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

Prior to the diversion and use of water under Transfer approval 75910, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

~~RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.~~

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.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.