

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

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)

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

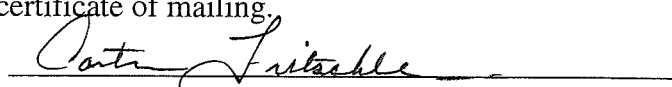
XX Other – Conditions & Remarks

☐ 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: 1-18-2012



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 19, 2012, 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:

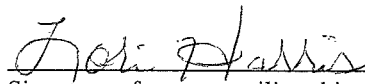
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

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


Signature of person mailing this document

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

RIGHT NUMBER: 35-2172

NAME AND ADDRESS:

KBCP LLC
3062 S FRONTAGE RD
AMERICAN FALLS ID 83211

SOURCE:

Source:

Tributary:

GROUND WATER

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.

Rights 35-7275, 35-7399, 35-13397, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13915, 35-13916, 35-13387, 35-13899, 35-13900, 35-7402, 35-13409, 35-13381, 35-13412, 35-13389, 35-7401, 35-13410, 35-13411, 35-13413, 35-13415, 35-13414, 35-2274, 35-7390, 35-7630, 35-2432C, 35-7391C, 35-7863, 35-13905, 35-13906, 35-2172, 35-13703, 35-13897, 35-13898 and 29-14007 when combined shall not exceed a total diversion rate of 52.34 cfs, a total annual maximum diversion volume of 13,708.7 af at the field headgate, and the irrigation of 3,434.0 acres.

Diversion of water from the point(s) of diversion authorized by approved Transfer 77467 shall not exceed the total combined maximum diversion rates and total combined maximum diversion volumes as specified below:

NWSESE, Sec. 21, T08S, R29E, B.M., Well no. 1 limited to 1.65 cfs and 488.0 af.

NWNWSW, Sec. 22, T08S, R29E, B.M., Well no. 2 limited to 3.94 cfs and 750.6 af.

SWSSENW, SWSSENW Sec. 22, T08S, R29E, B.M., Well no. 3 and 4 limited to 9.10 cfs and 2182.0 af.

NWNENW, Sec. 23, T08S, R29E, B.M., Well no. 5 limited to 7.68 cfs and 1558.4 af.

SESESW, Sec. 13, T08S, R29E, B.M., Well no. 6 limited to 5.28 cfs and 1540.8 af.

NWNENW, Sec. 19, T08S, R30E, B.M., Well no. 7 limited to 4.19 cfs and 1268.8 af.

SWSWNE, NWSSENW Sec. 24, T08S, R29E, B.M., Well no. 8 and 9 limited to 14.04 cfs and 4067.2 af.

NENWSW, Sec. 26, T08S, R29E, B.M., Well no. 10 limited to 5.88 cfs and 1852.9 af.

PRIORITY DATE: 04/07/1950

POINT OF DIVERSION:

T08S R29E S13 SESESW
Within POWER County

T08S R29E S21 NWSESE
Within POWER County

T08S R29E S22 SWSSENW
Within POWER County

T08S R29E S22 SWSSENW
Within POWER County

T08S R29E S22 NWNWSW
Within POWER County

T08S R29E S23 NWNENW
Within POWER County

T08S R29E S24 SWSWNE
Within POWER County

T08S R29E S24 NWSENW
Within POWER County

T08S R29E S26 NENWSW
Within POWER County

~~T08S R29E S27 NWNESE~~
Within POWER County

T08S R30E S19 NWNENW
Within POWER County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

4/01 10/31

2.160 CFS 580.00 AFY

PLACE OF USE:

IRRIGATION

within POWER County

T08S R29E S13 NWNW 40.0

T08S R29E S13 SWNW 40.0

T08S R29E S13 NESW 40.0

T08S R29E S13 NWSW 40.0

T08S R29E S13 SWSW 40.0

T08S R29E S13 SESW 40.0

T08S R29E S13 NESE 40.0

T08S R29E S13 NWSE 40.0

T08S R29E S13 SWSE 40.0

T08S R29E S13 SESE 40.0

T08S R29E S14 NENE 40.0

T08S R29E S14 NWNE 40.0

T08S R29E S14 SWNE 40.0

T08S R29E S14 SENE 40.0

T08S R29E S14 NENW 40.0

T08S R29E S14 NWNW 40.0

T08S R29E S14 SWNW 40.0

T08S R29E S14 SENW 40.0

T08S R29E S14 NESW 40.0

T08S R29E S14 NWSW 40.0

T08S R29E S14 SWSW 40.0

T08S R29E S14 SESW 40.0

T08S R29E S14 NESE 40.0

T08S R29E S14 NWSE 40.0

T08S R29E S14 SWSE 40.0

T08S R29E S14 SESE 40.0

T08S R29E S15 NENE 40.0

T08S R29E S15 NWNE 40.0

T08S R29E S15 SWNE 40.0

T08S R29E S15 SENE 40.0

T08S R29E S15 NENW 40.0

T08S R29E S15 NWNW 40.0

T08S R29E S15 SWNW 40.0

T08S R29E S15 SENW 40.0

T08S R29E S15 NESW 40.0
T08S R29E S15 NWSW 40.0
T08S R29E S15 SWSW 40.0
T08S R29E S15 SESW 40.0
T08S R29E S15 NESE 40.0
T08S R29E S15 NWSE 40.0
T08S R29E S15 SWSE 40.0
T08S R29E S15 SESE 40.0
T08S R29E S21 SENE 40.0
T08S R29E S21 NESE 40.0
T08S R29E S21 NWSE 40.0
T08S R29E S21 SWSE 38.0
T08S R29E S21 SESE 40.0
T08S R29E S22 NENE 40.0
T08S R29E S22 NWNE 40.0
T08S R29E S22 SWNE 40.0
T08S R29E S22 SENE 40.0
T08S R29E S22 NENW 40.0
T08S R29E S22 NWNW 40.0
T08S R29E S22 SWNW 40.0
T08S R29E S22 SENW 40.0
T08S R29E S22 NESW 40.0
T08S R29E S22 NWSW 40.0
T08S R29E S22 SWSW 40.0
T08S R29E S22 SESW 40.0
T08S R29E S22 NESE 40.0
T08S R29E S22 NWSE 40.0
T08S R29E S22 SWSE 40.0
T08S R29E S22 SESE 40.0
T08S R29E S23 NENE 40.0
T08S R29E S23 NWNE 40.0
T08S R29E S23 SWNE 40.0
T08S R29E S23 SENE 40.0
T08S R29E S23 NENW 40.0
T08S R29E S23 NWNW 36.0
T08S R29E S23 SWNW 40.0
T08S R29E S23 SENW 40.0
T08S R29E S23 NESW 40.0
T08S R29E S23 NWSW 40.0
T08S R29E S23 SWSW 40.0
T08S R29E S23 SESW 40.0
T08S R29E S23 NESE 40.0
T08S R29E S23 NWSE 40.0
T08S R29E S23 SWSE 40.0
T08S R29E S23 SESE 40.0
T08S R29E S24 NENE 40.0
T08S R29E S24 NWNE 40.0
T08S R29E S24 SWNE 40.0
T08S R29E S24 SENE 40.0
T08S R29E S24 NENW 40.0
T08S R29E S24 NWNW 40.0
T08S R29E S24 SWNW 40.0
T08S R29E S24 SENW 40.0
T08S R29E S24 NESW 40.0

<u>T08S R29E S24 NWSW 40.0</u>	
<u>T08S R29E S24 SWSW 40.0</u>	
<u>T08S R29E S24 SESW 40.0</u>	
<u>T08S R29E S24 NESE 40.0</u>	
<u>T08S R29E S24 NWSE 40.0</u>	
<u>T08S R29E S24 SWSE 40.0</u>	
<u>T08S R29E S24 SESE 40.0</u>	
<u>T08S R29E S25 NENE 40.0</u>	
<u>T08S R29E S25 NWNE 40.0</u>	
<u>T08S R29E S25 SWNE 40.0</u>	
<u>T08S R29E S25 SENE 40.0</u>	
<u>T08S R29E S25 NENW 40.0</u>	
<u>T08S R29E S25 NWNW 40.0</u>	
<u>T08S R29E S25 SWNW 40.0</u>	
<u>T08S R29E S25 SENW 40.0</u>	
<u>T08S R29E S25 NESW 40.0</u>	~~T08S R29E S25 NESW 8.0~~
<u>T08S R29E S25 NWSW 40.0</u>	~~T08S R29E S25 NWSW 29.9~~
<u>T08S R29E S25 SWSW 40.0</u>	~~T08S R29E S25 SWSW 35.9~~
<u>T08S R29E S25 SESW 40.0</u>	~~T08S R29E S25 SESW 7.2~~
<u>T08S R29E S25 NESE 40.0</u>	
<u>T08S R29E S25 NWSE 40.0</u>	
<u>T08S R29E S25 SWSE 40.0</u>	
<u>T08S R29E S25 SESE 40.0</u>	
<u>T08S R29E S26 NENE 40.0</u>	
<u>T08S R29E S26 NWNE 40.0</u>	
<u>T08S R29E S26 SWNE 40.0</u>	~~T08S R29E S26 SWNE 32.8~~
<u>T08S R29E S26 SENE 40.0</u>	~~T08S R29E S26 SENE 2.3~~
<u>T08S R29E S26 NENW 40.0</u>	~~T08S R29E S26 NENW 5.0~~
<u>T08S R29E S26 NWNW 40.0</u>	
<u>T08S R29E S26 SWNW 40.0</u>	
<u>T08S R29E S26 SENW 40.0</u>	~~T08S R29E S26 SENW 19.1~~
<u>T08S R29E S26 NESW 40.0</u>	~~T08S R29E S26 NESW 7.7~~
<u>T08S R29E S26 NWSW 40.0</u>	~~T08S R29E S26 NWSW 31.4~~
<u>T08S R29E S26 SWSW 40.0</u>	~~T08S R29E S26 SWSW 32.8~~
<u>T08S R29E S26 SESW 40.0</u>	~~T08S R29E S26 SESW 39.0~~
<u>T08S R29E S26 NESE 40.0</u>	~~T08S R29E S26 NESE 6.9~~
<u>T08S R29E S26 NWSE 40.0</u>	~~T08S R29E S26 NWSE 13.3~~
<u>T08S R29E S26 SWSE 40.0</u>	
<u>T08S R29E S26 SESE 40.0</u>	~~T08S R29E S26 SESE 33.4~~
<u>T08S R29E S27 NENE 40.0</u>	
<u>T08S R29E S27 NWNE 40.0</u>	~~T08S R29E S27 NWNE 3.4~~
<u>T08S R29E S27 SWNE 40.0</u>	~~T08S R29E S27 SWNE 16.8~~
<u>T08S R29E S27 SENE 40.0</u>	
<u>T08S R29E S27 NENW 40.0</u>	~~T08S R29E S27 NENW 4.0~~
<u>T08S R29E S27 NWNW 40.0</u>	
<u>T08S R29E S27 SWNW 40.0</u>	
<u>T08S R29E S27 SENW 40.0</u>	~~T08S R29E S27 SENW 18.7~~
<u>T08S R29E S27 NESE 40.0</u>	~~T08S R29E S27 NESE 31.7~~
<u>T08S R30E S18 NESW 40.0</u>	
<u>T08S R30E S18 NWSW 40.0</u>	
<u>T08S R30E S18 SWSW 40.0</u>	
<u>T08S R30E S18 SESW 40.0</u>	
<u>T08S R30E S19 NENW 40.0</u>	
<u>T08S R30E S19 NWNW 40.0</u>	

T08S R30E S19 SWNW 40.0
T08S R30E S19 SENW 40.0
T08S R30E S19 NESW 40.0
T08S R30E S19 NWSW 40.0
T08S R30E S19 SWSW 40.0
T08S R30E S19 SESW 40.0
T08S R30E S30 NENW 40.0
T08S R30E S30 NWNW 40.0
T08S R30E S30 SWNW 40.0
T08S R30E S30 SENW 40.0
T08S R30E S30 NESW 40.0
T08S R30E S30 NWSW 40.0

6154 ACRES TOTAL

419.3 ACRES TOTAL

Rights 35-7275, 35-7399, 35-13397, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13915, 35-13916, 35-13387, 35-13899, 35-13900, 35-7402, 35-13409, 35-13381, 35-13412, 35-13389, 35-7401, 35-13410, 35-13411, 35-13413, 35-13415, 35-13414, 35-2274, 35-7390, 35-7630, 35-2432C, 35-7391C, 35-7863, 35-13905, 35-13906, 35-2172, 35-13703, 35-13897, 35-13898 and 29-14007 are limited to the irrigation of a specific 3,434.0 acres within the 6,154.0 acre place of use authorized by this right in a single irrigation season. The specific 3,434.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 3,434.0 acres to be irrigated within the 6,154.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

This right is limited to the irrigation of 145 acres within the place of use described above in a single irrigation season.

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

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

The right holder shall accomplish the change authorized by Transfer 77467 76601 within one year of the date of the approval.

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

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.

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.

Failure of the right holder to comply with the conditions of Transfer 77467 is cause for the Director to rescind approval of the transfer.

Prior to the diversion and use of water under Transfer approval 77467 76601, 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.