

IDAHO DEPARTMENT OF WATER RESOURCES
DIRECTOR'S REPORT OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-7632B

Split Right: See Nos. 35-13599 & 35-13600

SCANNED

JUN 25 2007

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

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

Right Nos. 35-13596 and 35-13598 are an enlargement of this right pursuant to Section 42-1426, Idaho Code.

The following rights are also diverted through point of diversion described above: 35-13596, 35-13598.

SCANNED

JUN 25 2007

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

RIGHT NUMBER: 35-13600

NAME AND ADDRESS: NICHOLAS P BEHREND
2976 W 2000 S
ABERDEEN ID 83210

PAUL W BEHREND
2706 W 1800 S
ABERDEEN ID 83210

KRISTIN R BEHREND
2976 W 2000 S
ABERDEEN ID 83210

DEBRA J BEHREND
2706 W 1800 S
ABERDEEN ID 83210

JENNECCA S KNITTEL
1780 S 2800 W
ABERDEEN ID 83210

GREGORY W KNITTEL
1780 S 2800 W
ABERDEEN ID 83210

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.140 CFS
273.60 AFY

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.

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.

Rights 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 1.14 cfs.

PRIORITY DATE: 08/05/1976

POINT OF

DIVERSION: T05S R30E S21 NWNW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.140 CFS 273.60 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T05S R30E S20	NENE	38.00	T05S R30E S20	NWNE	39.00
T05S R30E S20	SWNE	40.00	T05S R30E S20	SENE	39.00
T05S R30E S21	NENW	39.00	T05S R30E S21	NWNW	38.00
T05S R30E S21	SWNW	39.00	T05S R30E S21	SENW	40.00

312 ACRES TOTAL

SCANNED

JUN 25 2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW
Right Nos. 35-7835, 35-13597, and 35-13600 are limited to the irrigation of a combined total of 312 acres in a single irrigation season.

This right is limited to the irrigation of 68.4 acres within the place of use described above in a single irrigation season.

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

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.

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.

Failure of the right holder to comply with the conditions of transfer 72857 is cause for the Director to rescind approval of the transfer.

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.

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

The right holder shall accomplish the change authorized by transfer 72857 within one year of May 11, 2007

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. As of May 11, 2007, this water right is within State Water District No. 120.

Right No. 35-13597 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

SCANNED

JUN 25 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

June 12, 2007

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

RE: Transfer #72857 (water right 35-7632B) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Knittel:

On May 11, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #72857, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

SCANNED
JUN 25 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

June 12, 2007

PAUL W BEHREND
DEBRA J BEHREND
2706 W 1800 S
ABERDEEN ID 83210

RE: Transfer #72857 (water right 35-7632B) and Notice of
Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Behrend:

On May 11, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #72857, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

SCANNED

JUN 25 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

June 12, 2007

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

RE: Transfer #72857 (water right 35-7632B) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Behrend:

On May 11, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #72857, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

ST-1015-1

JUN 23 2007

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)

Water Rights:
35-7632B (split into 35-13599 & 35-13600)

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **72857**

☒ point of diversion ☒ place of use

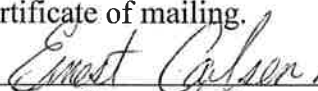
☐ period of use ☐ nature of use

☒ split of water right ☐ change in ownership

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 Reports* for said water rights. 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: 21 June 2007



Signature of IDWR Representative

SCANNED

JUN 25 2007

CERTIFICATE OF MAILING

I certify that on June 25, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:

PAUL W BEHREND	KRISTIN R BEHREND	GREGORY W KNITTEL
DEBRA J BEHREND	NICHOLAS P BEHREND	JENNECCA S KNITTEL
2706 W 1800 S	2976 W 2000 S	1780 S 2800 W
ABERDEEN ID 83210	ABERDEEN ID 83210	ABERDEEN ID 83210

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

Each party in the subcase, or attorney of record

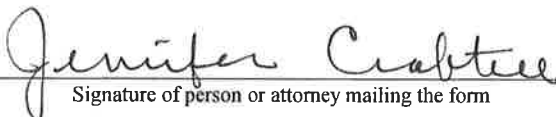
JEFFREY FEREDAY	JOHN SIMPSON
GIVENS PURSLEY LAW OFFICE	ROSHOLT ROBERTSON & TUCKER
PO BOX 2720	PO BOX 2139
BOISE ID 83701-2720	BOISE ID 83701

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

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

SCANNED

JUN 25 2007

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

TRANSFER NO. 72857

Summary of Water Rights After the Approved Change

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

Detailed Water Right Description(s) attached

Dated this _____ day of _____, 20____

Chief, Water Allocation Bureau

SCANNED

JUN 25 2007

Enter Water Right Number

Basin # Sequence # Split Suffix Find Pedigree

☒ AJ ☐ WR

Total Acreage, Volume, & Rate for

Calculate
Total

Parent Acreage Parent POU Acreage
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.*

SCANNED

JUN 25 2007

**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

SCANNED

JUN 25 2007

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

SCANNED

JUN 25 2007

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	to 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

SCANNED

JUN 25 2007

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.

SCANNED

JUN 25 2007

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

SCANNED
JUN 25 2007

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

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
05S	29E	13																	212.0

Total Acres: 212

SCANNED
 JUN 25 2007

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

SCANNED
JUN 25 2007

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

SCANNED
 JUN 25 2007

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.

72857

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.

72857.

3. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

EXP

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

EXP

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.

EXP

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. (KUG?)

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

SCANNED

JUN 25 2007