

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO.: 35-7401)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-35-10

A drought emergency has been declared for Power County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

Idaho Code §42-222A provides that upon declaration of a drought emergency, the director of the Department of Water Resources is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights when the director determines that such changes can be accomplished in accordance with the provisions of Idaho Code §42-222A; and

On August 18, 2022, KBCP LLC submitted the attached Temporary Change Application to the Department; and

The Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is APPROVED subject to the following conditions:

1. Diversion and use of the changed portion of Right No(s). 35-7401 is authorized only at the points of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new well or diversion works as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. Prior to the diversion and use of water under this temporary change, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, shall record the quantity of water diverted under this temporary change, and shall report the information to the Department by November 30, 2022. ★
6. Rights 35-7401, 35-13410, and 35-13411 when combined shall not exceed a total diversion rate of 5.28 cfs.
7. 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 35-14213 when combined shall not exceed a total diversion rate of 52.34 cfs, a total annual maximum diversion volume of 13,621.1 af at the field headgate, and the irrigation of 3434 acres.
8. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the consent of such corporation or irrigation district.
9. The applicant agrees to hold the Director and the State of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
10. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
11. The watermaster of Water District No. 120 is authorized to administer the temporary change approval.
12. This temporary change approval expires on November 1, 2022 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 19th day of August, 2022.



James Cefalo
Eastern Region Manager

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 18 2022

Department of Water Resources
Eastern Region

TC-35-10

TEMPORARY CHANGE APPLICATION

*(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)*Name of Applicant KBCP LLC Phone 2082269940Mailing Address 3010 MC KINLEY ST AMERICAN FALLS, ID 83211

Email _____

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and explain the reason(s) they are needed. _____

It is proposed to utilize existing wells to provide water to 249.0 acres of cropland from September 1, 2022 through the remaining portion of the 2022 irrigation season. A total of 360.0 acre of grain crop will no longer be irrigated after September 1, 2022 to provide water for this change.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount Nature of Use Period of Use
(cfs/ac-ft)

35-7401 3/28/1975 4.42/889 Irrigation 9/01 to 11/01
to _____
to _____
to _____

2. Total amount of water being transferred 4.42 cubic feet per second and/or 889 acre-feet per annum.

3. Source of water Ground water tributary to _____

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
7S	30E	25		SE	NE	NW	Power	Ground Water	
7S	30E	25		SE	NE	SE	Power	Ground Water	

5. Lands irrigated or 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	
7S	30E	25					18	33	28	16	39	34	28	23		2			221.0
7S	30E	26																	

AMENDED

Total Acres 221.0

6. General Information:

- a. Who owns the water right to be changed? The applicant
- b. Describe the arrangement allowing use of the right. The applicant owns both the current and proposed POU's and PODs.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No change to the land currently irrigated.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. These water rights have been used to irrigate grain fields which will receive no irrigation water after September 1, 2022.
- e. Absent the changes, how would the right be used for the remainder of the year? If the temporary change is not approved, no irrigation will occur and the crops will die and be a total loss.
- f. Describe other water rights used for the same purpose. Aberdeen Springfield Canal Company
- g. Remarks: None

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

KBCP for Lcky Stan Kays
Signature of Applicant

July 29 2022
Date

FOR DEPARTMENT USE ONLY

Received by cash Date 8/1/22 \$50 fee receipted by cash Receipt No. E048370
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

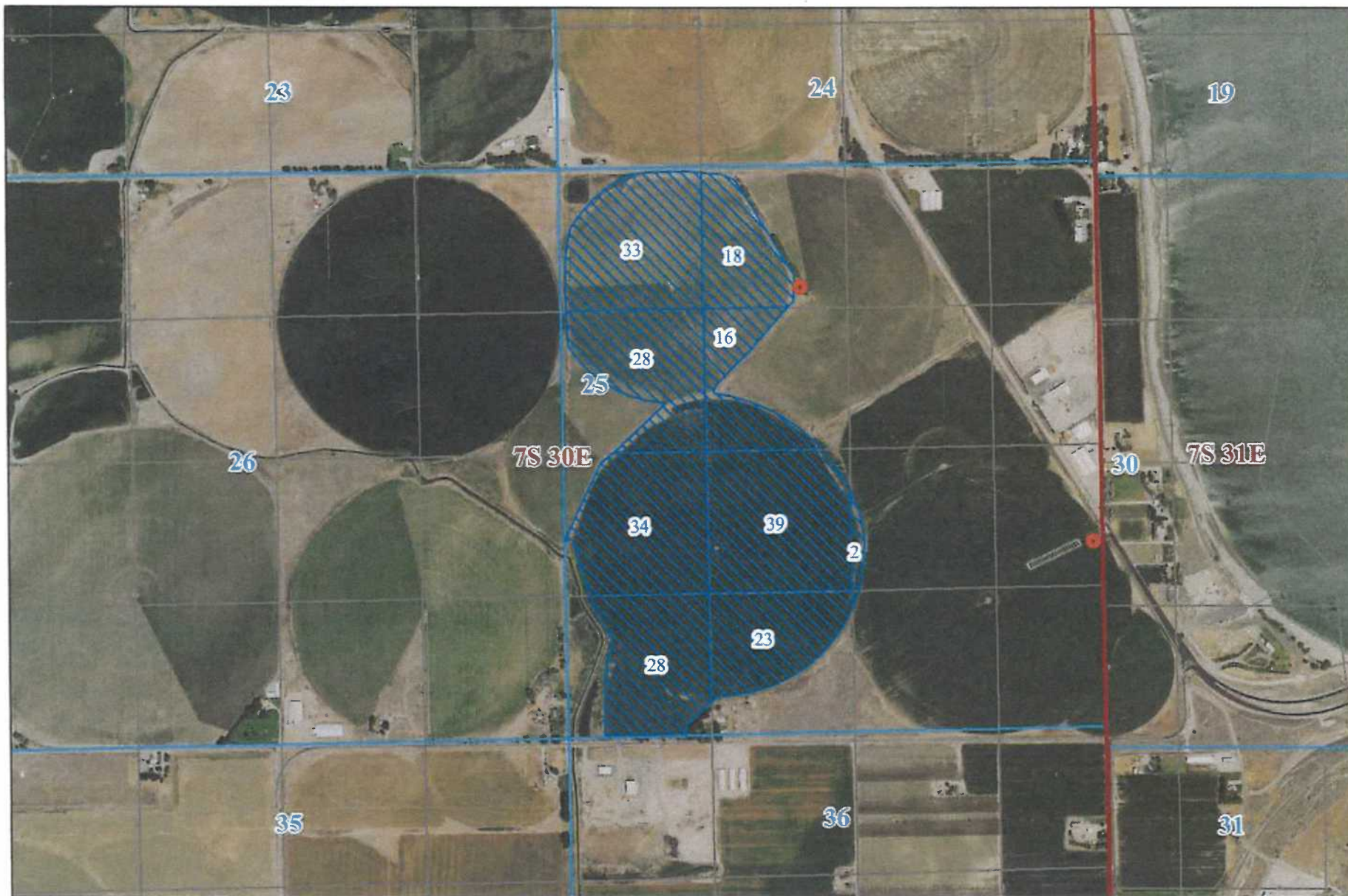
This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

See attached order

Temporary Change Expiration Date _____

Signed this _____ day of _____,

For the Director



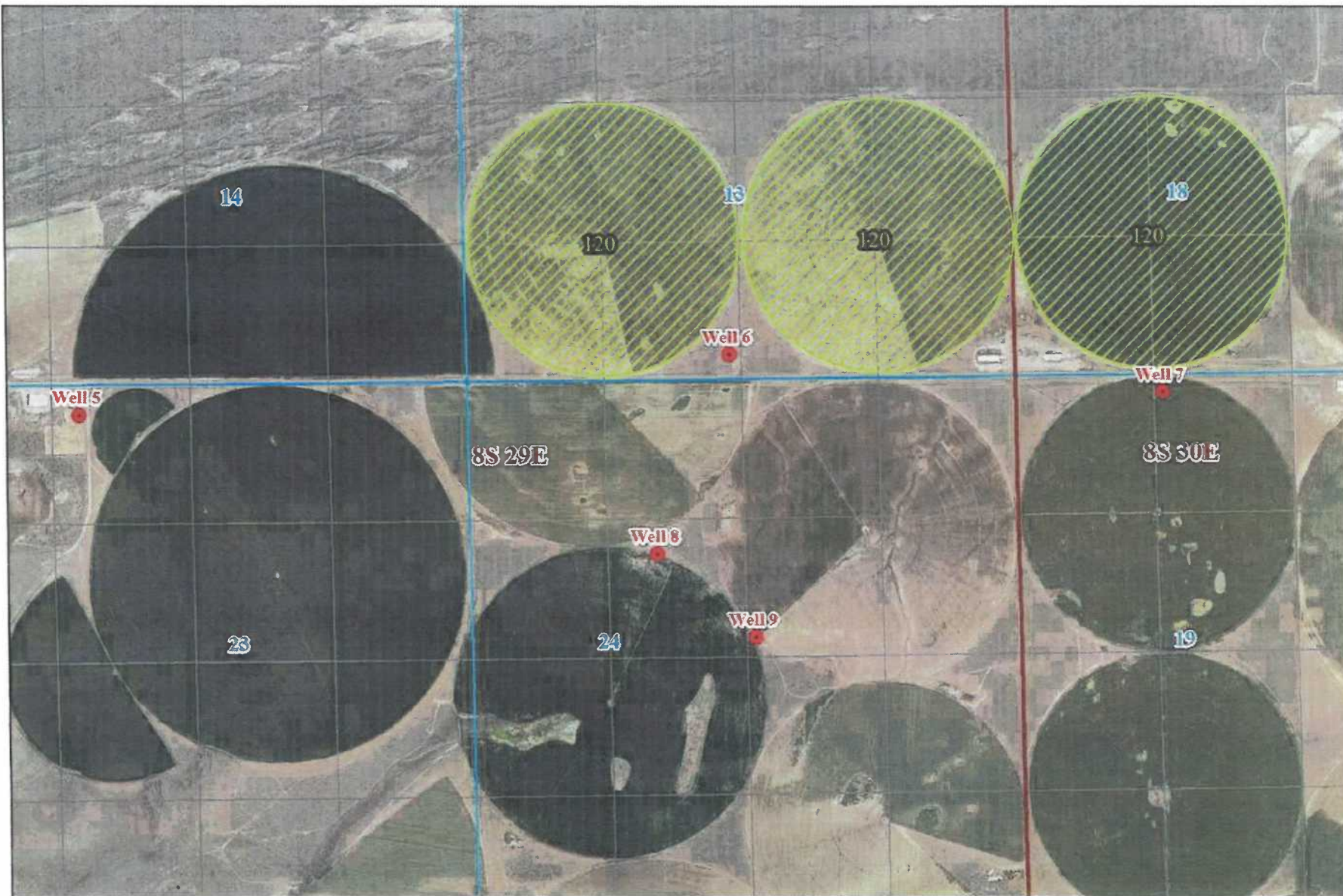
0 0.25 0.5 Miles

AMENDED

**KBC FARMS
2022 TEMPORARY TRANSFER
NAIP 2021 AERIAL PHOTO**

Legend

-  Points of Diversion
-  2022 Transfer TO



**KBC FARMS
2022 TEMPORARY TRANSFER
NAIP 2021 AERIAL PHOTO**

Legend

- Points of Diversion
- ▨ 2022_Transfer_FROM

RECEIVED

AUG 01 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

TC-35-10

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon
declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

208.226.9940

Name of Applicant KBCP LLCPhone 2082262773Mailing Address 3010 MC KINLEY ST AMERICAN FALLS, ID 83211

Email _____

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and explain the reason(s) they are needed. _____

It is proposed to utilize existing wells to provide water to 249.0 acres of cropland from September 1, 2022 through the remaining portion of the 2022 irrigation season. A total of 360.0 acre of grain crop will no longer be irrigated after September 1, 2022 to provide water for this change.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
35-7401	3/28/1975	4.98/996.0	Irrigation	4/01 to 11/01
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
2. Total amount of water being transferred 4.98 cubic feet per second and/or 996.0 acre-feet per annum.
3. Source of water Ground water tributary to _____.
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
7S	30E	25		SE	NE	NW	Power	Ground Water	
7S	30E	25		SE	NE	SE	Power	Ground Water	

5. Lands irrigated or 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	
7S	30E	25					18	33	39	15	39	38	28	23		2			235
7S	30E	26				6									8				14

Total Acres 249.0

SUPERCEDED 1



0 0.25 0.5 Miles

KBC FARMS
2022 TEMPORARY TRANSFER
NAIP 2021 AERIAL PHOTO

Legend

-  Points of Diversion
-  2022 Transfer TO

BROCKWAY ENGINEERING, PLLC
GWS - Date: 7/26/2022

SUPERCEDED



7-11-2022

Koompin Farms/KBC Farms
3010 McKinley Road
American Falls ID 83211

VIA Email to: Koompinfarms@gmail.com

Mr. Koompin,

Aberdeen Springfield Canal Company is facing unprecedented drought conditions and has allocated our smallest allocation ever. The allocation is:

14.44 Miner inches for Company Shares

5.99 Miner inches for District Shares

8.65 Miners inches for Option Shares

4.33 Miners Inches for Purchase Shares

We are still in a very tight water year. This year we hope to get to the first of September with our water supply. We are currently tracking about a 68% transmission loss in our system. Even with our supply, I am afraid that your water will not allow you to finish your crops and I encourage you to explore other options so that you can continue to water.

Thanks

Brad Mattson
General Manager

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/3/2022

Water Right 35-7401

Owner Type
Current Owner

Name
KBCP LLC

Priority Date: 3/28/1974

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	5.280 CFS	1,056.0 AF
	<u>Total Diversion</u>		5.280 CFS	1,056.0 AF

Source and Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 13, Twp 08S, Rge 29E, POWER County
GROUND WATER	NWSESE	Sec. 21, Twp 08S, Rge 29E, POWER County
GROUND WATER	SWSENW	Sec. 22, Twp 08S, Rge 29E, POWER County
GROUND WATER	SWSENW	Sec. 22, Twp 08S, Rge 29E, POWER County
GROUND WATER	NWNWSW	Sec. 22, Twp 08S, Rge 29E, POWER County
GROUND WATER	NWNENW	Sec. 23, Twp 08S, Rge 29E, POWER County
GROUND WATER	SWSWNE	Sec. 24, Twp 08S, Rge 29E, POWER County
GROUND WATER	NWSENW	Sec. 24, Twp 08S, Rge 29E, POWER County
GROUND WATER	SESW	Sec. 26, Twp 08S, Rge 29E, POWER County
GROUND WATER	NENWSW	Sec. 26, Twp 08S, Rge 29E, POWER County
GROUND WATER	NWNENW	Sec. 19, Twp 08S, Rge 30E, POWER County

Place Of Use:

IRRIGATION within BINGHAM County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	29E	13						40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	400.0
08S	29E	14	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
08S	29E	15	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
08S	29E	21				40.0									40.0	40.0	38.0	40.0	198.0
08S	29E	22	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
08S	29E	23	40.0	40.0	40.0	40.0	40.0	36.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	636.0
08S	29E	24	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
08S	29E	25	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
08S	29E	26	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/3/2022

08S	29E	27	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					40.0				360.0
08S	30E	18									40.0	40.0	40.0	40.0					160.0
08S	30E	19					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
08S	30E	30					40.0	40.0	40.0	40.0	40.0	40.0							240.0

Right Acre Limit: 264.00
POU Total Acres: 6,154.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 264 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-7401, 35-13410, and 35-13411 when combined shall not exceed a total diversion rate of 5.28 cfs.
3. X35 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 35-14213 when combined shall not exceed a total diversion rate of 52.34 cfs, a total annual maximum diversion volume of 13,621.1 af at the field headgate, and the irrigation of 3434 acres.
4. 206 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 35-14213 are limited to the irrigation of a specific 3434 acres within the 6154 acre place of use authorized by this right in a single irrigation season. The specific 3434 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 3434 acres to be irrigated within the 6154 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.
5. R64 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 place of use.
6. Diversion of water from the point(s) of diversion authorized by approved Transfer 81235 shall not exceed the total combined maximum diversion rates and total combined maximum diversion volumes as specified below: Wells 1 – 4 are limited to 13.38 cfs and 3542.5 af. Well no. 1: NWSESE Sec. 21, T08S, R29E, B.M. Well no. 3: NWNWSW Sec. 22, T08S, R29E, B.M. Well no. 2: SWSSENW Sec. 22, T08S, R29E, B.M. Well no. 4: SWSSENW Sec. 22, T08S, R29E, B.M. Wells 5 – 9 are limited to 34.26 cfs and 8831.2 af. Well no. 5: NWNENW Sec. 23, T08S, R29E, B.M. Well no. 6: SESSESW Sec. 13, T08S, R29E, B.M. Well no. 7: NWNENW Sec. 19, T08S, R30E, B.M. Well no. 9: SWSWNE Sec. 24, T08S, R29E, B.M. Well no. 8: NWSSENW Sec 24, T08S, R29E, B.M. Wells 10 - 11 are limited to 8.05 cfs and 2079.4 af. Well no. 10: NENWSW Sec. 26, T08S, R29E, B.M. Well no. 11: SENW Sec. 26, T08S, R29E, B.M.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-35-10

Applicant's Name: KBCP LLC

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as

follows: _____

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☒ Additional Comment: I don't oppose application
as long as a measuring device
is installed and water use is
reported.

Dated this 4th day of August, 2022.

Water District No: 120

Blake [Signature]
Watermaster's Signature

Use reverse side of page if you need more space.

Holliday, Michael

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Thursday, August 18, 2022 11:21 AM
To: 'Amanda Givens/ Kenneth Koopin'; Holliday, Michael
Subject: [EXTERNAL] RE: temporary water right change application
Attachments: SKM_C300i22081722020.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.

Michael,

See the attached update page 1 and update aerial map for the proposed temporary change application.

I believe items 1, 2 and 4 have been updated on the attached page 1.

Regarding item 3, a flow meter will be installed prior to September 1st to be in compliance with IDWR.

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 Koopin [mailto:koopinfarms@gmail.com]
Sent: Thursday, August 04, 2022 10:27 AM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Subject: Fwd: temporary water right change application

Greg,

We got this email back from water resources, can you let them know what they need to know? Or let me know if we need to ask Klaren any of these, I'll send them an updated phone number for us but I'm not sure on the rest.

Thanks!
Amanda

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

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Date: Thu, Aug 4, 2022 at 10:09 AM
Subject: temporary water right change application
To: koopinfarms@gmail.com <koopinfarms@gmail.com>

Mr. Koompin,

We recently received a temporary change application from KBCP LLC to change the points of diversion and place of use of water right 35-7401. We need additional information before we can move forward with processing the application.

1. Your application indicates that the use will begin on September 1, but you list April 1 as the transfer start date. The transfer start date can't be earlier than the date we received the application, which was August 1. Should I change the start date to September 1?
2. It looks like a portion of the proposed place of use (6 acres in SENE Sec 26 T07S R30E) is on land owned by Neiwert Living Trust. Please provide written evidence of legal access to the place of use at that location.
3. One of the proposed wells currently has no water rights associated with it. Is there currently an approved flow meter installed at that location?
4. The phone number you provided on the application is disconnected. Can you provide an updated phone number?

Feel free to call if you have any questions.

Michael Holliday

Water Rights Supervisor

Phone: 208-525-7161

Fax: 208-525-7177