

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82074**

This is to certify that: **RT KANDLER LLC**
7891 S YELLOWSTONE HWY
IDAHO FALLS, ID 83402

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
1-10457	WR/DECREED	10/11/1901	2.700 cfs	N/A	135.0	442.6	SNAKE RIVER
1-10460	WR/DECREED	6/1/1892	12.020 cfs	N/A	269.0	442.6	SNAKE RIVER
25-11218	WR/DECREED	6/1/1888	5.660 cfs	N/A	N/A	425.6	EMIGRANT CREEK
25-11219	WR/DECREED	6/1/1896	4.340 cfs	N/A	N/A	425.6	EMIGRANT CREEK
25-245	WR/DECREED	1/22/1916	1.500 cfs	N/A	N/A	425.6	EMIGRANT CREEK

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>
1-10457	NO	NO	YES	NO	NO	NO
1-10460	NO	NO	YES	NO	NO	NO
25-11218	NO	NO	YES	NO	NO	NO
25-11219	NO	NO	YES	NO	NO	NO
25-245	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
1-10457	1-10457	2.700 cfs	N/A	135.0	442.6	N/A	N/A	N/A	N/A	N/A
1-10460	1-10460	12.020 cfs	N/A	269.0	442.6	N/A	N/A	N/A	N/A	N/A
25-11218	25-11218	5.660 cfs	N/A	425.6	442.6	N/A	N/A	N/A	N/A	N/A
25-11219	25-11219	4.340 cfs	N/A	425.6	442.6	N/A	N/A	N/A	N/A	N/A
25-245	25-245	1.500 cfs	N/A	425.6	442.6	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		26.220 cfs	N/A	442.6	442.6		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 82074

IN FILE # 1-10457

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82074

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 23rd day of February, 2018.



Water Resources Program Manager



WATER RIGHT NO. 1-10457**As Modified by Transfer No. 82074**

In accordance with the approval of Transfer No. 82074, Water Right No. 1-10457 is now described as follows:

Right Holder: RT KANDLER LLC
7891 S YELLOWSTONE HWY
IDAHO FALLS, ID 83402

Priority Date: 10/11/1901

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

2.700 cfs

2.700 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L3 (SWNENW)

Sec 20 Twp 05N Rge 38E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	37E	22												3.2			2.3	10.0	15.5
																		L 6	
05N	37E	22															18.0		18.0
																	L 5		
05N	37E	26			40.0	32.0		17.0	6.9	34.9									130.8
									L 1	L 2									
05N	37E	26								0.2									0.2
										L 5									
05N	37E	27		38.0		5.2	6.6	16.7	2.6	40.0	13.0	27.7		6.0	0.3				156.1
				L 1				L 3											
05N	37E	27				15.4	25.6		38.3		26.3	2.1		0.7					108.4
						L 7	L 2		L 4		L 5	L 5		L 5					
05N	37E	28	1.2			10.1									2.3				13.6

Right Acre Limit: 135.0

POU Total Acres: 442.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 135 acres within the authorized place of use in a single irrigation season.
2. Rights 1-10457, 1-10460, 25-245, 25-11218, and 25-11219 when combined shall not exceed the irrigation of 442.6 acres.

Transfer No. 82074

WATER RIGHT NO. 1-10457
As Modified by Transfer No. 82074

CONDITIONS OF APPROVAL

3. Use of water under this right may 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. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Use of this right is combined with water from Long Island Irrigation Co.
7. Water is delivered through Bear Trap Canal.
8. Place of use does not include federal public lands.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 1-10460**As Modified by Transfer No. 82074**

In accordance with the approval of Transfer No. 82074, Water Right No. 1-10460 is now described as follows:

Right Holder: RT KANDLER LLC
7891 S YELLOWSTONE HWY
IDAHO FALLS, ID 83402

Priority Date: 6/1/1892

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

12.020 cfs

12.020 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L3 (SWNENW)

Sec 20 Twp 05N Rge 38E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	37E	22												3.2			2.3	10.0	15.5
																		L 6	
05N	37E	22															18.0		18.0
																	L 5		
05N	37E	26			40.0	32.0		17.0	6.9	34.9									130.8
									L 1	L 2									
05N	37E	26								0.2									0.2
										L 5									
05N	37E	27		38.0		5.2	6.6	18.7	2.6	40.0	13.0	27.7		6.0	0.3				156.1
				L 1				L 3											
05N	37E	27				15.4	25.6		38.3		26.3	2.1		0.7					108.4
						L 7	L 2		L 4		L 5	L 5		L 5					
05N	37E	28	1.2			10.1									2.3				13.6

Right Acre Limit: 269.0

POU Total Acres: 442.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 269 acres within the authorized place of use in a single irrigation season.
2. Rights 1-10457, 1-10460, 25-245, 25-11218 and 25-11219 when combined shall not exceed the irrigation of 442.6 acres.

Transfer No. 82074

WATER RIGHT NO. 1-10460
As Modified by Transfer No. 82074

CONDITIONS OF APPROVAL

3. Use of water under this right may 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. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Use of this right is combined with water from Long Island Irrigation Co.
7. Water is delivered through Bear Trap Canal.
8. Place of use does not include federal public lands.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 25-245**As Modified by Transfer No. 82074**

In accordance with the approval of Transfer No. 82074, Water Right No. 25-245 is now described as follows:

Right Holder: RT KANDLER LLC
7891 S YELLOWSTONE HWY
IDAHO FALLS, ID 83402

Priority Date: 1/22/1916

Source: EMIGRANT CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
1.500 cfs
1.500 cfs

LOCATION OF POINT(S) OF DIVERSION

EMIGRANT CREEK L4 (SWSWSW) Sec 19 Twp 05N Rge 38E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	37E	22												3.2			2.3	10.0	15.5
																		L 6	
05N	37E	22															18.0		18.0
																	L 5		
05N	37E	26			40.0	32.0		17.0	6.9	34.9									130.8
									L 1	L 2									
05N	37E	26								0.2									0.2
										L 5									
05N	37E	27		38.0		5.2	6.6	16.7	2.6	40.0	13.0	27.7		6.0	0.3				156.1
				L 1					L 3										
05N	37E	27				15.4	25.6			38.3		26.3	2.1	0.7					108.4
						L 7	L 2			L 4		L 5	L 5		L 5				
05N	37E	28	1.2			10.1									2.3				13.6

Right Acre Limit: 425.6

POU Total Acres: 442.6

CONDITIONS OF APPROVAL

1. Rights 25-245, 25-11218, and 25-11219 when combined shall not exceed the irrigation of 425.6 acres.
2. Rights 1-10457, 1-10460, 25-245, 25-11218 and 25-11219 when combined shall not exceed the irrigation of 442.6 acres.
3. Use of water under this right may 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. 01.

Transfer No. 82074

WATER RIGHT NO. 25-245
As Modified by Transfer No. 82074

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Water is delivered through Bear Trap Canal.
7. Use of this right is combined with water from Long Island Irrigation Co.
8. Place of use does not include federal public lands
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 25-11218**As Modified by Transfer No. 82074**

In accordance with the approval of Transfer No. 82074, Water Right No. 25-11218 is now described as follows:

Right Holder: RT KANDLER LLC
7891 S YELLOWSTONE HWY
IDAHO FALLS, ID 83402

Priority Date: 6/1/1888

Source: EMIGRANT CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

5.660 cfs

5.660 cfs

LOCATION OF POINT(S) OF DIVERSION

EMIGRANT CREEK

L4 (SWSWSW)

Sec 19 Twp 05N Rge 38E JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	37E	22												3.2			2.3	10.0	15.5
																		L 6	
05N	37E	22															18.0		18.0
																	L 5		
05N	37E	26			40.0	32.0		17.0	6.9	34.9									130.8
									L 1	L 2									
05N	37E	26								0.2									0.2
										L 5									
05N	37E	27		38.0		5.2	6.6	16.7	2.6	40.0	13.0	27.7		6.0	0.3				156.1
				L 1				L 3											
05N	37E	27				15.4	25.6		38.3		26.3	2.1		0.7					108.4
						L 7	L 2		L 4		L 5	L 5		L 5					
05N	37E	28	1.2			10.1									2.3				13.6

Right Acre Limit: 425.6

POU Total Acres: 442.6

CONDITIONS OF APPROVAL

1. Rights 25-245, 25-11218 and 25-11219 when combined shall not exceed the irrigation of 425.6 acres.
2. Rights 1-10457, 1-10460, 25-245, 25-11218 and 25-11219 when combined shall not exceed the irrigation of 442.6 acres.

Transfer No. 82074

WATER RIGHT NO. 25-11218
As Modified by Transfer No. 82074

CONDITIONS OF APPROVAL

3. Use of water under this right may 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. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Use of this right is combined with water from Long Island Irrigation Co.
7. Water is delivered through Bear Trap Canal.
8. In times of scarcity, this right shall be subordinate to all surface water rights diverted from the Snake River and its tributaries, with a priority date earlier than December 16, 1910, as adjudicated by the court in Rexburg Irrigation Company, et al. v. Teton Irrigation Canal Company, et al. (Sixth Judicial District, Fremont County, December 16, 1910), commonly known as the Rexburg Decree.
9. Place of use does not include federal public lands
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 25-11219
As Modified by Transfer No. 82074

In accordance with the approval of Transfer No. 82074, Water Right No. 25-11219 is now described as follows:

Right Holder: RT KANDLER LLC
 7891 S YELLOWSTONE HWY
 IDAHO FALLS, ID 83402

Priority Date: 6/1/1896

Source: EMIGRANT CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

4,340 cfs

4,340 cfs

LOCATION OF POINT(S) OF DIVERSION

EMIGRANT CREEK

L4 (SWSWSW)

Sec 19 Twp 05N Rge 38E JEFFERSON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	37E	22												3.2			2.3	10.0	15.5
																	L 6		
05N	37E	22															18.0		18.0
																	L 5		
05N	37E	26			40.0	32.0		17.0	6.9	34.9									130.8
									L 1	L 2									
05N	37E	26								0.2									0.2
										L 5									
05N	37E	27		38.0		5.2	6.6	16.7	2.6	40.0	13.0	27.7		6.0	0.3				156.1
				L 1				L 3											
05N	37E	27				15.4	25.6		38.3		26.3	2.1		0.7					108.4
						L 7	L 2		L 4		L 5	L 5		L 5					
05N	37E	28	1.2			10.1									2.3				13.6

Right Acre Limit: 425.6

POU Total Acres: 442.6

CONDITIONS OF APPROVAL

1. Rights 25-245, 25-11218 and 25-11219 when combined shall not exceed the irrigation of 425.6 acres.
2. Rights 1-10457, 1-10460, 25-245, 25-11218 and 25-11219 when combined shall not exceed the irrigation of 442.6 acres.

Transfer No. 82074

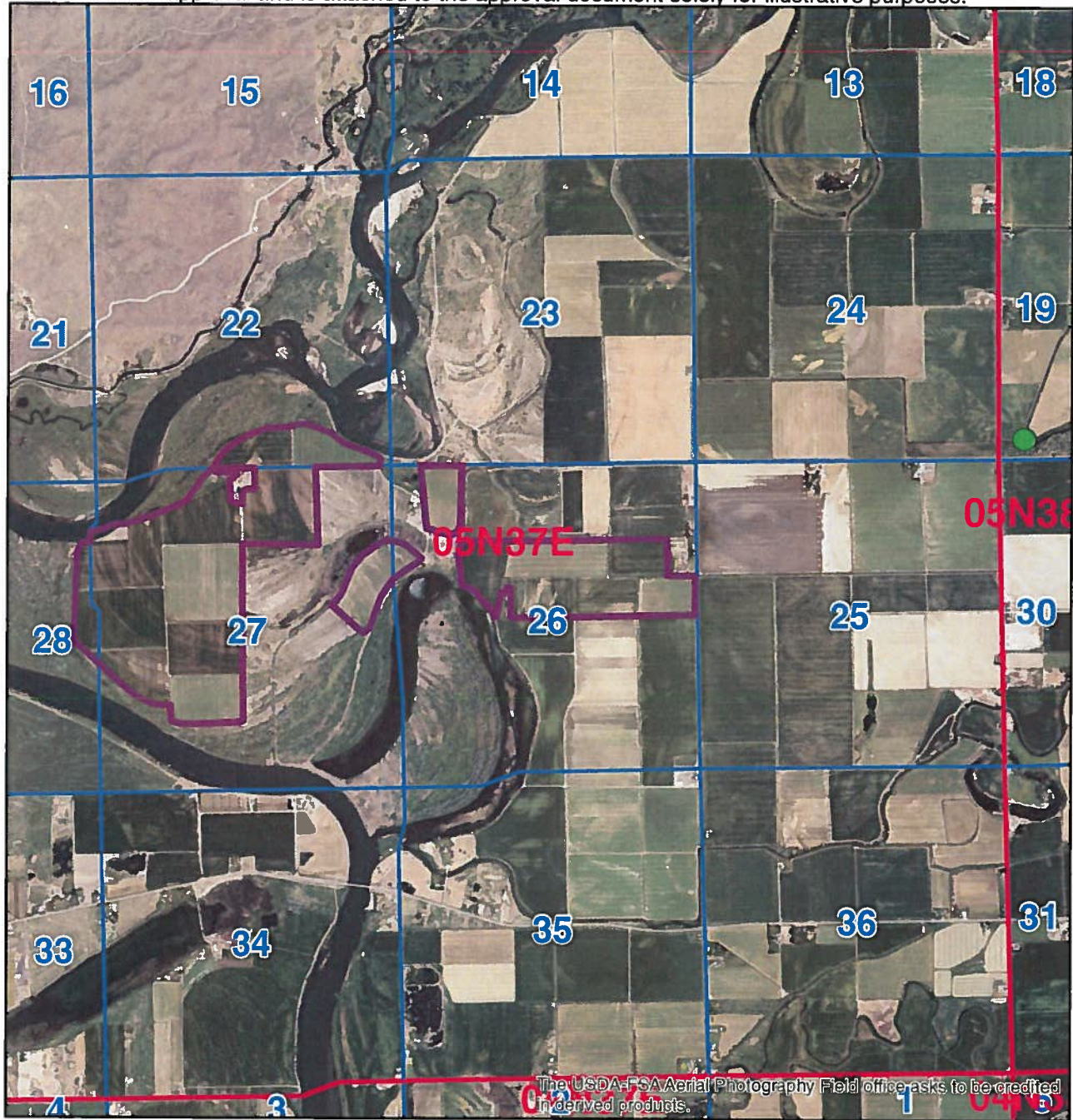
WATER RIGHT NO. 25-11219
As Modified by Transfer No. 82074

CONDITIONS OF APPROVAL

3. Use of water under this right may 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. 01.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. Use of this right is combined with water from Long Island Irrigation Co.
7. Water is delivered through Bear Trap Canal.
8. In times of scarcity, this right shall be subordinate to all surface water rights diverted from the Snake River and its tributaries, with a priority date earlier than December 16, 1910, as adjudicated by the court in Rexburg Irrigation Company, et al. v. Teton Irrigation Canal Company, et al. (Sixth Judicial District, Fremont County, December 16, 1910), commonly known as the Rexburg Decree.
9. Place of use does not include federal public lands
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer Approval 82074 for Emigrant Creek P.O.D.

This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

-  Water Right POD
-  Water Right POU
-  Township/Range
-  Sections

0 1,250 2,500 5,000 Feet

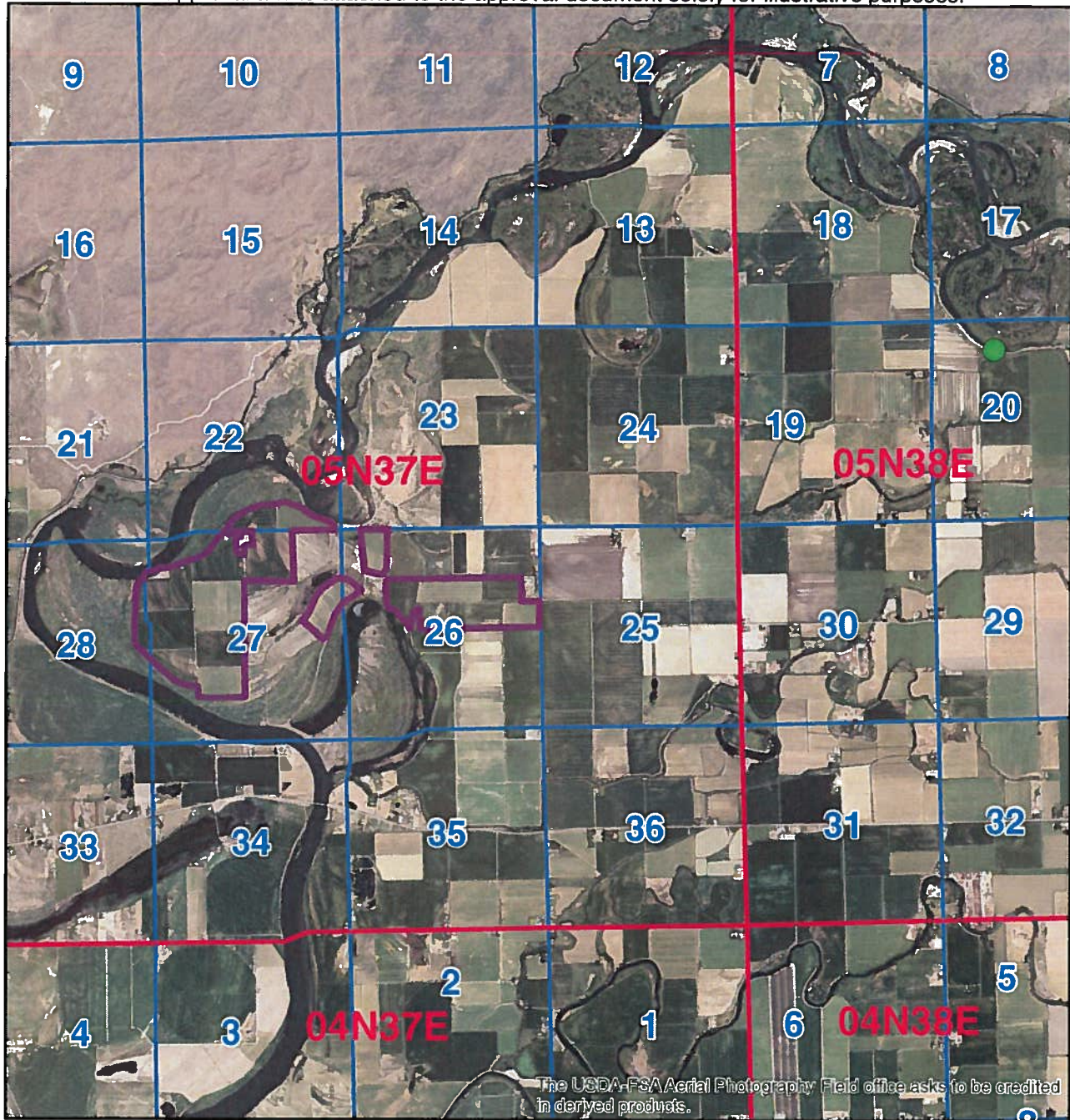


1 inch = 2,766 feet



Transfer Approval 82074 for Snake River P.O.D.

This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 1,900 3,800 7,600 Feet



1 inch = 4,242 feet

