

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78896**

This is to certify that: PEP LLC
1356 S 3000 W
ABERDEEN, ID 83210

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>
35-14001	WR/LICENSE	7/6/1989	2.000 cfs	506.0 af	N/A	126.5	GROUND WATER
35-14003	WR/DECREED	9/5/1972	3.150 cfs	1024.4 af	N/A	256.1	GROUND WATER
35-2128	WR/DECREED	1/4/1949	3.700 cfs	864.0 af	N/A	216.0	GROUND WATER
35-7228	WR/DECREED	4/21/1972	4.000 cfs	948.0 af	N/A	237.0	GROUND WATER
35-7229	WR/DECREED	4/21/1972	2.680 cfs	632.0 af	N/A	158.0	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>
35-14001	NO	YES	YES	YES	NO	NO
35-14003	NO	YES	YES	YES	NO	NO
35-2128	NO	YES	YES	YES	NO	NO
35-7228	NO	YES	YES	YES	NO	NO
35-7229	NO	YES	YES	YES	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>
35-14001	35-14001	2.000 cfs	506.0 af	126.5	1117.8	N/A	N/A	N/A	N/A	N/A
35-14003	35-14003	3.150 cfs	1024.4 af	256.1	1117.8	N/A	N/A	N/A	N/A	N/A
35-2128	35-2128	3.700 cfs	864.0 af	216.0	1117.8	N/A	N/A	N/A	N/A	N/A
35-7228	35-7228	4.000 cfs	948.0 af	237.0	1117.8	N/A	N/A	N/A	N/A	N/A
35-7229	35-7229	2.680 cfs	632.0 af	158.0	1117.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		15.530 cfs	3974.4 af	993.6	1117.8		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 78896

IN FILE # 35-2128

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78896

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 9th day of December, 2013.


for _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7228**As Modified by Transfer No. 78896**

In accordance with the approval of Transfer No. 78896, Water Right No. 35-7228 is now described as follows:

Right Holder: PEP LLC
1356 S 3000 W
ABERDEEN, ID 83210

Priority Date: 4/21/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 11/01	4.000 cfs	948.0 af
			4.000 cfs	948.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENESE	Sec 26 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWSE	Sec 35 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWNW	Sec 36 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWSW	Sec 36 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SESWSW	Sec 1 Twp 05S Rge 30E	BINGHAM 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	
04S	30E	25			40.0						40.0	40.0	40.0	40.0		40.0	40.0		280.0
04S	30E	26													40.0				40.0
04S	30E	35													40.0	40.0	40.0	40.0	160.0
04S	30E	36					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
05S	30E	1					38.9	38.9	40.0	40.0	40.0	40.0	40.0	40.0					317.8
							L 3	L 4											

Right Acre Limit: 237.0

POU Total Acres: 1117.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 237 acres within the authorized place of use in a single irrigation season.
2. Rights 35-2128, 35-7228, 35-7229, 35-14001 and 35-14003 when combined shall not exceed the irrigation of 993.6 acres.
3. 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.

Transfer No. 78896

WATER RIGHT NO. 35-7228

As Modified by Transfer No. 78896

CONDITIONS OF APPROVAL

4. 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.
5. 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. Prior to the diversion and use of water under Transfer approval 78896, 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. This right is limited to the irrigation of a specific 993.6 acres within the 1117.8 acre place of use authorized by this right in a single irrigation season. The specific 993.6 to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 993.6 acres to be irrigated within the 1117.8 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.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 35-7229**As Modified by Transfer No. 78896**

In accordance with the approval of Transfer No. 78896, Water Right No. 35-7229 is now described as follows:

Right Holder: PEP LLC
1356 S 3000 W
ABERDEEN, ID 83210

Priority Date: 4/21/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/01	to 11/01	2.680 cfs	632.0 af
			2.680 cfs	632.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENESE	Sec 26 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWSE	Sec 35 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWNW	Sec 36 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWSW	Sec 36 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SESWSW	Sec 1 Twp 05S Rge 30E	BINGHAM 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	
04S	30E	25			40.0						40.0	40.0	40.0	40.0		40.0	40.0		280.0
04S	30E	26													40.0				40.0
04S	30E	35													40.0	40.0	40.0	40.0	160.0
04S	30E	36					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
05S	30E	1					38.9	38.9	40.0	40.0	40.0	40.0	40.0	40.0					317.8
							L 3	L 4											

Right Acre Limit: 158.0

POU Total Acres: 1117.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 158 acres within the authorized place of use in a single irrigation season.
2. Rights 35-2128, 35-7228, 35-7229, 35-14001 and 35-14003 when combined shall not exceed the irrigation of 993.6 acres.
3. 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.

Transfer No. 78896

WATER RIGHT NO. 35-7229

As Modified by Transfer No. 78896

CONDITIONS OF APPROVAL

4. 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.
5. 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. Prior to the diversion and use of water under Transfer approval 78896, 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. This right is limited to the irrigation of a specific 993.6 acres within the 1117.8 acre place of use authorized by this right in a single irrigation season. The specific 993.6 to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 993.6 acres to be irrigated within the 1117.8 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.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 35-2128**As Modified by Transfer No. 78896**

In accordance with the approval of Transfer No. 78896, Water Right No. 35-2128 is now described as follows:

Right Holder: PEP LLC
1356 S 3000 W
ABERDEEN, ID 83210

Priority Date: 1/4/1949

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	3.700 cfs	864.0 af
			3.700 cfs	864.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENESE	Sec 26 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWSE	Sec 35 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWNW	Sec 36 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWSW	Sec 36 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SESWSW	Sec 1 Twp 05S Rge 30E	BINGHAM 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	
04S	30E	25			40.0						40.0	40.0	40.0	40.0		40.0	40.0		280.0
04S	30E	26													40.0				40.0
04S	30E	35													40.0	40.0	40.0	40.0	160.0
04S	30E	36					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
05S	30E	1					38.9	38.9	40.0	40.0	40.0	40.0	40.0	40.0					317.8
							L 3	L 4											

Right Acre Limit: 216.0

POU Total Acres: 1117.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 216 acres within the authorized place of use in a single irrigation season.
2. Rights 35-2128, 35-7228, 35-7229, 35-14001 and 35-14003 when combined shall not exceed the irrigation of 993.6 acres.
3. 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.

Transfer No. 78896

WATER RIGHT NO. 35-2128

As Modified by Transfer No. 78896

CONDITIONS OF APPROVAL

4. 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.
5. 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. Prior to the diversion and use of water under Transfer approval 78896, 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. This right is limited to the irrigation of a specific 993.6 acres within the 1117.8 acre place of use authorized by this right in a single irrigation season. The specific 993.6 to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 993.6 acres to be irrigated within the 1117.8 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.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 35-14001**As Modified by Transfer No. 78896**

In accordance with the approval of Transfer No. 78896, Water Right No. 35-14001 is now described as follows:

Right Holder: PEP LLC
1356 S 3000 W
ABERDEEN, ID 83210

Priority Date: 7/6/1989

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	2.000 cfs	506.0 af
			2.000 cfs	506.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENESE	Sec 26 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWSE	Sec 35 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWNW	Sec 36 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWSW	Sec 36 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SESWSW	Sec 1 Twp 05S Rge 30E	BINGHAM 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	
04S	30E	25			40.0						40.0	40.0	40.0	40.0		40.0	40.0		280.0
04S	30E	26													40.0				40.0
04S	30E	35													40.0	40.0	40.0	40.0	160.0
04S	30E	36					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
05S	30E	1					38.9	38.9	40.0	40.0	40.0	40.0	40.0	40.0					317.8
							L 3	L 4											

Right Acre Limit: 126.5

POU Total Acres: 1117.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 126.5 acres within the authorized place of use in a single irrigation season.
2. Rights 35-2128, 35-7228, 35-7229, 35-14001 and 35-14003 when combined shall not exceed the irrigation of 993.6 acres.
3. 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.

Transfer No. 78896

WATER RIGHT NO. 35-14001

As Modified by Transfer No. 78896

CONDITIONS OF APPROVAL

4. 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.
5. 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. Prior to the diversion and use of water under Transfer approval 78896, 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. This right is limited to the irrigation of a specific 993.6 acres within the 1117.8 acre place of use authorized by this right in a single irrigation season. The specific 993.6 to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 993.6 acres to be irrigated within the 1117.8 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.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

WATER RIGHT NO. 35-14003**As Modified by Transfer No. 78896**

In accordance with the approval of Transfer No. 78896, Water Right No. 35-14003 is now described as follows:

Right Holder: PEP LLC
1356 S 3000 W
ABERDEEN, ID 83210

Priority Date: 9/5/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	3.150 cfs	1024.4 af
			3.150 cfs	1024.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENESE	Sec 26 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWSE	Sec 35 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWNW	Sec 36 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SWSW	Sec 36 Twp 04S Rge 30E	BINGHAM County
GROUND WATER	SESWSW	Sec 1 Twp 05S Rge 30E	BINGHAM 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	
04S	30E	25			40.0						40.0	40.0	40.0	40.0		40.0	40.0		280.0
04S	30E	26													40.0				40.0
04S	30E	35													40.0	40.0	40.0	40.0	160.0
04S	30E	36					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0
05S	30E	1					38.9	38.9	40.0	40.0	40.0	40.0	40.0	40.0					317.8
							L 3	L 4											

Right Acre Limit: 256.1

POU Total Acres: 1117.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 256.1 acres within the authorized place of use in a single irrigation season.
2. Rights 35-2128, 35-7228, 35-7229, 35-14001 and 35-14003 when combined shall not exceed the irrigation of 993.6 acres.
3. 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.

Transfer No. 78896

WATER RIGHT NO. 35-14003

As Modified by Transfer No. 78896

CONDITIONS OF APPROVAL

4. 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.
5. Prior to the diversion and use of water under Transfer approval 78896, 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. This right is limited to the irrigation of a specific 993.6 acres within the 1117.8 acre place of use authorized by this right in a single irrigation season. The specific 993.6 to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right. Before changing the 993.6 acres to be irrigated within the 1117.8 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.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.