



State of Idaho

DEPARTMENT OF WATER RESOURCES

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January 26, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

GREG SULLIVAN
BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST
TWIN FALLS ID 83301

Re: Transfer 77467 in the Name of KBCP LLC and KBC Farms LLC

Dear Mr. Sullivan:

The Director has received your letter dated January 23, 2012 regarding a condition of the transfer approval referenced above. I have been asked to respond to your request.

Department staff processed the transfer with the understanding that an ESPA model analysis was not required except for transfer of water associated with 50.2 acres to one of the 10 wells in the system. Brockway Engineering indicated that the remaining wells would continue to provide water to existing pivots as historically provided and only in times of mechanical failure would additional water be pumped from alternate wells. An ESPA model analysis was not provided to justify maximum flexibility of the system. Since additional analysis was not provided, the transfer was approved with the condition limiting volume pumped from each well to historic limits.

There is likely some flexibility to move water between wells because the authorized limit of approximately 4 acre-feet per acre typically exceeds actual pumping volume historically used under each right. If the water user needs additional flexibility, an ESPA model analysis would be warranted to ensure the change would not injure other water rights.

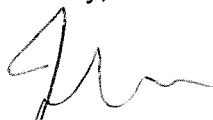
In your letter to the Director, you provided an analysis of scenarios to demonstrate that mitigation would not be required in those cases and concluded that the condition is not necessary. I think the grouping of wells to simplify the analysis is reasonable; however, I have some concerns with inputs that you used in the model spreadsheet. My first concern is the time period used for the changes due to the inability to divert water from some of the wells (one year). Although one year is a reasonable time period to resolve the inability to pump, removal of the condition would authorize a permanent change and such change should be modeled accordingly.

My second concern is the volumes input into the model spreadsheet. To determine impacts of moving water from one well, or group of wells, to another, only the amount of water being moved should be input into the spreadsheet. Otherwise the results calculated in the spreadsheet do not portray the appropriate percent change due to the move. For example, under scenario 1 only 1140 af per trimester would be moved, so only 1140 af should be input into the "from" well and the "to" well columns in the model.

The Department will reconsider the transfer approval condition if you submit the proper ESPA model analysis and a mitigation plan, if determined to be necessary. The Department will provide 14 days from the date of this letter for submittal of the necessary information, otherwise the transfer approval will remain as approved on December 1, 2011.

If you have questions regarding this matter, please feel free to contact me at 208-287-4948.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', written over the printed name.

Jeff Peppersack, Chief
Water Allocation Bureau

cc: James Cefalo – IDWR Eastern Region
KBC Farms LLC/KBCP LLC
Kryst & Melissa Krein
The Bank of Commerce c/o Western Ag Credit