

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76601

This is to certify that: KBCP LLC

3062 S FRONTAGE RD
 AMERICAN FALLS ID 83211
 (208)226-2773

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>
35-2172	AJC/License	04/07/1950	2.16 cfs	580 af	N/A	419.3	GROUND WATER
35-13897	WR/Decreed	05/04/1978	2.04 cfs	487.4 af	121.9	419.3	GROUND WATER
35-13703	WR/Decreed	10/16/1974	0.93 cfs	376 af	94.0	419.3	GROUND WATER
35-13898	WR/Decreed	05/23/1962	0.36 cfs	233.8 af	58.4	419.3	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>
35-2172	NO	YES	NO	NO	NO	NO
35-13897	NO	YES	NO	NO	NO	NO
35-13703	NO	YES	NO	NO	NO	NO
35-13898	NO	YES	NO	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>
35-2172	35-2172	2.16 cfs	580 af	145.0	419.3		N/A	N/A	N/A	N/A
35-13897	35-13897	2.04 cfs	487.4 af	121.9	419.3		N/A	N/A	N/A	N/A
35-13703	35-13703	0.93 cfs	376 af	94.0	419.3		N/A	N/A	N/A	N/A
35-13898	35-13898	0.36 cfs	233.8 af	58.4	419.3		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		5.13 cfs	1677.2 af	419.3	419.3		N/A	N/A	N/A	N/A

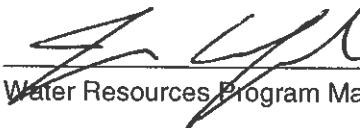
SUPPORT DATA

IN FILE # 35-2172

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76601

Detailed Water Right Description(s) attached

Dated this 14th day of June, 20 10



Water Resources Program Manager



WATER RIGHT NO. 35-2172
As Modified by Transfer No. 76601

In accordance with the approval of Transfer No. 76601, Water Right No. 35-2172 is now described as follows.

Right Holder: KBCP LLC
3062 S FRONTAGE RD
AMERICAN FALLS ID 83211

Priority Date: April 07, 1950

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	2.16 CFS	580.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENWSW	Sec. 26 Twp 08S	Rge 29E	POWER County
GROUND WATER	NWNESE	Sec. 27 Twp 08S	Rge 29E	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	
08S	29E	25									8.0	29.9	35.9	7.2					81.0
08S	29E	26			32.8	2.3	5.0			19.1	7.7	31.4	32.8	39.0	6.9	13.3	40.0	33.4	263.7
08S	29E	27		3.4	16.8		4.0			18.7					31.7				74.6

Total Acres: 419.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 145 acres within the place of use described above in a single irrigation season.
2. Right Nos. 35-2172, 35-13897, 35-13898 and 35-13703 when combined shall not exceed a total diversion rate of 5.13 cfs, a total annual maximum diversion volume of 1677.2 af at the field headgate.
3. Right Nos. 35-2172, 35-13897, 35-13898 and 35-13703 are limited to the irrigation of a combined total of 419.3 acres.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
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. 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.

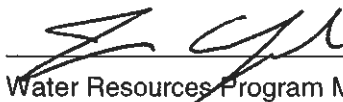
WATER RIGHT NO. 35-2172
As Modified by Transfer No. 76601

CONDITIONS OF APPROVAL

7. Prior to the diversion and use of water under Transfer approval 76601, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
8. The right holder shall accomplish the change authorized by Transfer 76601 within one year of the date of the approval.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. 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.
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 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.

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 14th day of June, 20 10


Water Resources Program Manager

WATER RIGHT NO. 35-13703
As Modified by Transfer No. 76601

In accordance with the approval of Transfer No. 76601, Water Right No. 35-13703 is now described as follows.

Right Holder: KBCP LLC
 3062 S FRONTAGE RD
 AMERICAN FALLS ID 83211

Priority Date: October 16, 1974

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	0.93 CFS	376.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENWSW	Sec. 26 Twp 08S	Rge 29E	POWER County
GROUND WATER	NWNESE	Sec. 27 Twp 08S	Rge 29E	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	
08S	29E	25									8.0	29.9	35.9	7.2					81.0
08S	29E	26			32.8	2.3	5.0		19.1	7.7	31.4	32.8	39.0	6.9	13.3	40.0	33.4		263.7
08S	29E	27		3.4	16.8		4.0		18.7					31.7					74.6

Total Acres: 419.3

CONDITIONS OF APPROVAL

1. 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.
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. 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.
4. Any future action following approval of Transfer 76601, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.

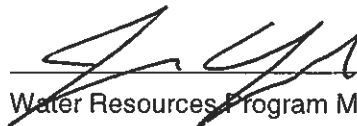
WATER RIGHT NO. 35-13703
As Modified by Transfer No. 76601

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 76601, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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. Rights 35-2172, 35-13897, 35-13898 and 35-13703 when combined shall not exceed a total diversion rate of 5.13 cfs, a total annual maximum diversion volume of 1677.2 af at the field headgate, and the irrigation of 419.3 acres.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. 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.
9. Rights 35-13897, 35-13898 and 35-13703 when combined shall not exceed a total diversion rate of 2.97 cfs, a total annual maximum diversion volume of 1097.2 af at the field headgate, and the irrigation of 274.3 acres.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. This right is limited to the irrigation of 94 acres within the place of use described above in a single irrigation season.

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 14th day of June, 2010


Water Resources Program Manager

WATER RIGHT NO. 35-13897
As Modified by Transfer No. 76601

In accordance with the approval of Transfer No. 76601, Water Right No. 35-13897 is now described as follows.

Right Holder: KBCP LLC
 3062 S FRONTAGE RD
 AMERICAN FALLS ID 83211

Priority Date: May 04, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	2.04 CFS	487.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENWSW	Sec. 26 Twp 08S	Rge 29E	POWER County
GROUND WATER	NWNESE	Sec. 27 Twp 08S	Rge 29E	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	
08S	29E	25									8.0	29.9	35.9	7.2					81.0
08S	29E	26			32.8	2.3	5.0			19.1	7.7	31.4	32.8	39.0	6.9	13.3	40.0	33.4	263.7
08S	29E	27		3.4	16.8		4.0			18.7					31.7				74.6

Total Acres: 419.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 121.9 acres within the place of use described above in a single irrigation season.
2. Rights 35-13897, 35-13898 and 35-13703 when combined shall not exceed a total diversion rate of 2.97 cfs, a total annual maximum diversion volume of 1097.2 af at the field headgate, and the irrigation of 274.3 acres.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 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.
5. 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.

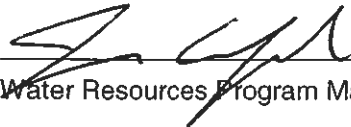
**WATER RIGHT NO. 35-13897
As Modified by Transfer No. 76601**

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 76601, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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. 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.
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. 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.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
11. Any future action following approval of Transfer 76601, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.
12. Rights 35-2172, 35-13897, 35-13898 and 35-13703 when combined shall not exceed a total diversion rate of 5.13 cfs, a total annual maximum diversion volume of 1677.2 af at the field headgate, and the irrigation of 419.3 acres.
13. Rights 35-13897 and 35-13898 when combined shall not exceed a total diversion rate of 2.04 cfs, a total annual maximum diversion volume of 721.2 af at the field headgate, and the irrigation of 180.3 acres.
14. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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 14th day of June, 20 10


Water Resources Program Manager

WATER RIGHT NO. 35-13898
As Modified by Transfer No. 76601

In accordance with the approval of Transfer No. 76601, Water Right No. 35-13898 is now described as follows.

Right Holder: KBCP LLC
 3062 S FRONTAGE RD
 AMERICAN FALLS ID 83211

Priority Date: May 23, 1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.36 CFS	233.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENWSW	Sec. 26 Twp 08S	Rge 29E	POWER County
GROUND WATER	NWNESE	Sec. 27 Twp 08S	Rge 29E	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	
08S	29E	25									8.0	29.9	35.9	7.2					81.0
08S	29E	26			32.8	2.3	5.0		19.1	7.7	31.4	32.8	39.0	6.9	13.3	40.0	33.4		263.7
08S	29E	27		3.4	16.8		4.0		18.7						31.7				74.6

Total Acres: 419.3

CONDITIONS OF APPROVAL

- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- 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.
- 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.
- Any future action following approval of Transfer 76601, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.
- Rights 35-13897, 35-13898 and 35-13703 when combined shall not exceed a total diversion rate of 2.97 cfs, a total annual maximum diversion volume of 1097.2 af at the field headgate, and the irrigation of 274.3 acres.

WATER RIGHT NO. 35-13898
As Modified by Transfer No. 76601

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Rights 35-13897 and 35-13898 when combined shall not exceed a total diversion rate of 2.04 cfs, a total annual maximum diversion volume of 721.2 af at the field headgate, and the irrigation of 180.3 acres.
8. Rights 35-2172, 35-13897, 35-13898 and 35-13703 when combined shall not exceed a total diversion rate of 5.13 cfs, a total annual maximum diversion volume of 1677.2 af at the field headgate, and the irrigation of 419.3 acres.
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.
10. This right is limited to the irrigation of 58.4 acres within the place of use described above in a single irrigation season.
11. Prior to the diversion and use of water under Transfer approval 76601, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

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 14th day of June, 2010


Water Resources Program Manager