

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 76350**

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 35-13411     | WR/License          | 12/05/1983      | 0.14 cfs    | 43.2 af       | 10.8              | 56.5               | GROUND WATER  |
| 35-13413     | WR/License          | 04/17/1984      | 0.78 cfs    | 163.2 af      | 40.8              | 56.5               | GROUND WATER  |
| 35-13414     | WR/Decreed          | 03/28/1974      | 4.64 cfs    | 928 af        | N/A               | 232.0              | GROUND WATER  |
| 35-13415     | WR/Decreed          | 03/28/1974      | 0.1 cfs     | 20 af         | 5.0               | 56.5               | GROUND WATER  |
| 35-7402      | WR/Decreed          | 03/28/1974      | 1.94 cfs    | 388 af        | 97.0              | 100.9              | GROUND WATER  |
| 35-13409     | WR/Decreed          | 03/28/1974      | 0.08 cfs    | 16 af         | 4.0               | 100.9              | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 35-13411              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 35-13413              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 35-13414              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 35-13415              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 35-7402               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 35-13409              | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 35-13411              | <b>35-13411</b>                  | 0.14 cfs             | 43.2 af                | 10.8              | 389.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 35-13413              | <b>35-13413</b>                  | 0.78 cfs             | 163.2 af               | 40.8              | 389.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 35-13414              | <b>35-13414</b>                  | 4.64 cfs             | 928 af                 | 232.0             | 389.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 35-13415              | <b>35-13415</b>                  | 0.1 cfs              | 20 af                  | 5.0               | 389.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 35-7402               | <b>35-7402</b>                   | 1.94 cfs             | 388 af                 | 97.0              | 389.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 35-13409              | <b>35-13409</b>                  | 0.08 cfs             | 16.0 af                | 4.0               | 389.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>7.68 cfs</b>      | <b>1558.4 af</b>       | <b>389.4</b>      | <b>389.4</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

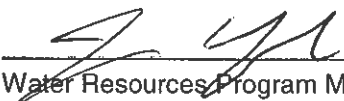
**SUPPORT DATA**

IN FILE # 35-7402

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 76350

Detailed Water Right Description(s) attached

Dated this 26<sup>th</sup> day of March, 20 10

  
\_\_\_\_\_  
Water Resources Program Manager



**WATER RIGHT NO. 35-7402**  
**As Modified by Transfer No. 76350**

In accordance with the approval of Transfer No. 76350, Water Right No. 35-7402 is now described as follows.

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

**Priority Date:** March 28, 1974

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 1.94 CFS              | 388.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NWNENW                      Sec. 23 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 | 14  |      |      |      |      |      |    |     |      | 2.0  |     |    | 24.0 | 6.0  | 16.0 | 38.0 | 34.0 | 120.0  |
| 08S | 29E | 23  | 22.0 | 38.0 | 40.0 | 36.0 | 15.0 |    | 6.0 | 34.0 | 29.0 | 8.0 |    |      | 14.0 | 27.4 |      |      | 269.4  |

Total Acres: 389.4

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 97 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7402, 35-13409, 35-13411, 35-13413, 35-13414 and 35-13415 when combined shall not exceed a total diversion rate of 7.68 cfs, a total annual maximum diversion volume of 1558.4 af at the field headgate, and the irrigation of 389.4 acres.
3. Rights 35-7402 and 35-13409 when combined shall not exceed a total diversion rate of 2.02 cfs, a total annual maximum diversion volume of 404.0 af at the field headgate, and the irrigation of 100.9 acres.
4. 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.
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. 35-7402**  
**As Modified by Transfer No. 76350**

**CONDITIONS OF APPROVAL**

6. Prior to the diversion and use of water under Transfer approval 76350, 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. 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. The following rights are diverted through point(s) of diversion described above: 35-7402, 35-13409, 35-13411, 35-13413, 35-13414 and 35-13415.
10. The right holder shall accomplish the change authorized by this transfer within one (1) 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 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 26<sup>th</sup> day of March, 20 10

  
Water Resources Program Manager

**WATER RIGHT NO. 35-13409**  
**As Modified by Transfer No. 76350**

In accordance with the approval of Transfer No. 76350, Water Right No. 35-13409 is now described as follows.

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

**Priority Date:** March 28, 1974

**Source:** GROUND WATER

|                              |                    |                  |                              |                      |
|------------------------------|--------------------|------------------|------------------------------|----------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| IRRIGATION                   | 04/01              | to 11/01         | 0.08 CFS                     | 16.0 AF              |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      NWNENW                      Sec. 23 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 | 14  |      |      |      |      |      |    |     |      | 2.0  |     |    | 24.0 | 6.0  | 16.0 | 38.0 | 34.0 | 120.0  |
| 08S | 29E | 23  | 22.0 | 38.0 | 40.0 | 36.0 | 15.0 |    | 6.0 | 34.0 | 29.0 | 8.0 |    |      | 14.0 | 27.4 |      |      | 269.4  |

Total Acres: 389.4

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 4 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7402, 35-13409, 35-13411, 35-13413, 35-13414 and 35-13415 when combined shall not exceed a total diversion rate of 7.68 cfs, a total annual maximum diversion volume of 1558.4 af at the field headgate, and the irrigation of 389.4 acres.
3. Rights 35-7402 and 35-13409 when combined shall not exceed a total diversion rate of 2.02 cfs, a total annual maximum diversion volume of 404.0 af at the field headgate, and the irrigation of 100.9 acres.
4. 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.
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.

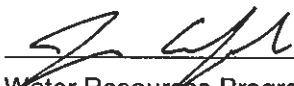
**WATER RIGHT NO. 35-13409**  
**As Modified by Transfer No. 76350**

**CONDITIONS OF APPROVAL**

6. Prior to the diversion and use of water under Transfer approval 76350, 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. 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. The following rights are diverted through point(s) of diversion described above: 35-7402, 35-13409, 35-13411, 35-13413, 35-13414 and 35-13415.
10. The right holder shall accomplish the change authorized by this transfer within one (1) 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 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 26<sup>th</sup> day of March, 20 10

  
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Water Resources Program Manager

**WATER RIGHT NO. 35-13414**  
**As Modified by Transfer No. 76350**

In accordance with the approval of Transfer No. 76350, Water Right No. 35-13414 is now described as follows.

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

**Priority Date:** March 28, 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 11/01  | 4.64 CFS              | 928.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      NWNENW      Sec. 23 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 | 14  |      |      |      |      |      |    |     |      | 2.0  |     |    | 24.0 | 6.0  | 16.0 | 38.0 | 34.0 | 120.0  |
| 08S | 29E | 23  | 22.0 | 38.0 | 40.0 | 36.0 | 15.0 |    | 6.0 | 34.0 | 29.0 | 8.0 |    |      | 14.0 | 27.4 |      |      | 269.4  |

Total Acres: 389.4

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 232 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7402, 35-13409, 35-13411, 35-13413, 35-13414 and 35-13415 when combined shall not exceed a total diversion rate of 7.68 cfs, a total annual maximum diversion volume of 1558.4 af at the field headgate, and the irrigation of 389.4 acres.
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. 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.
5. Prior to the diversion and use of water under Transfer approval 76350, 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.

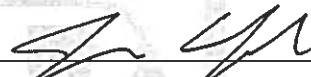
**WATER RIGHT NO. 35-13414**  
**As Modified by Transfer No. 76350**

**CONDITIONS OF APPROVAL**

6. 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.
7. 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.
8. The following rights are diverted through point(s) of diversion described above: 35-7402, 35-13409, 35-13411, 35-13413, 35-13414 and 35-13415.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 26<sup>th</sup> day of March, 20 10

  
Water Resources Program Manager

**WATER RIGHT NO. 35-13415**  
**As Modified by Transfer No. 76350**

In accordance with the approval of Transfer No. 76350, Water Right No. 35-13415 is now described as follows.

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

**Priority Date:** March 28, 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 11/01  | 0.10 CFS              | 20.0 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      NWNENW      Sec. 23 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 14  |      |      |      |      |      |    |     |      | 2.0  |     |    | 24.0 | 6.0  | 16.0 | 38.0 | 34.0 | 120.0  |
| 08S 29E 23  | 22.0 | 38.0 | 40.0 | 36.0 | 15.0 |    | 6.0 | 34.0 | 29.0 | 8.0 |    |      | 14.0 | 27.4 |      |      | 269.4  |

Total Acres: 389.4

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 5 acres within the authorized place of use in a single irrigation season.
2. Rights 35-7402, 35-13409, 35-13411, 35-13413, 35-13414 and 35-13415 when combined shall not exceed a total diversion rate of 7.68 cfs, a total annual maximum diversion volume of 1558.4 af at the field headgate, and the irrigation of 389.4 acres.
3. Rights 35-13411, 35-13413 and 35-13415 when combined shall not exceed a total diversion rate of 1.02 cfs, a total annual maximum diversion volume of 226.4 af at the field headgate, and the irrigation of 56.5 acres.
4. 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.
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.

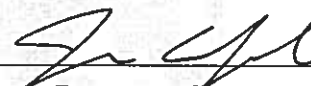
**WATER RIGHT NO. 35-13415**  
**As Modified by Transfer No. 76350**

**CONDITIONS OF APPROVAL**

6. Prior to the diversion and use of water under Transfer approval 76350, 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. 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. The following rights are diverted through point(s) of diversion described above: 35-7402, 35-13409, 35-13411, 35-13413, 35-13414 and 35-13415.
10. The right holder shall accomplish the change authorized by this transfer within one (1) 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 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 26<sup>th</sup> day of March, 20 10

  
\_\_\_\_\_  
Water Resources Program Manager

**WATER RIGHT NO. 35-13411**  
**As Modified by Transfer No. 76350**

In accordance with the approval of Transfer No. 76350, Water Right No. 35-13411 is now described as follows.

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

**Priority Date:** December 05, 1983

**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  | 0.14 CFS              | 43.2 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      NWNENW      Sec. 23 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 | 14  |      |      |      |      |      |    |    |     |      |      |     |    | 2.0 |    |    | 24.0 | 6.0    | 16.0 | 38.0 | 34.0 | 120.0 |
| 08S | 29E | 23  | 22.0 | 38.0 | 40.0 | 36.0 | 15.0 |    |    | 6.0 | 34.0 | 29.0 | 8.0 |    |     |    |    |      | 14.0   | 27.4 |      |      | 269.4 |

Total Acres: 389.4

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 10.8 acres within the place of use described above in a single irrigation season.
2. Rights 35-7402, 35-13409, 35-13411, 35-13413, 35-13414 and 35-13415 when combined shall not exceed a total diversion rate of 7.68 cfs, a total annual maximum diversion volume of 1558.4 af at the field headgate, and the irrigation of 389.4 acres.
3. Rights 35-13411, 35-13413 and 35-13415 when combined shall not exceed a total diversion rate of 1.02 cfs, a total annual maximum diversion volume of 226.4 af at the field headgate, and the irrigation of 56.5 acres.
4. 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.
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. 35-13411**  
**As Modified by Transfer No. 76350**

**CONDITIONS OF APPROVAL**

6. Prior to the diversion and use of water under Transfer approval 76350, 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. 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. The following rights are diverted through point(s) of diversion described above: 35-7402, 35-13409, 35-13411, 35-13413, 35-13414 and 35-13415.
10. The right holder shall accomplish the change authorized by this transfer within one (1) 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 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 26<sup>th</sup> day of March, 20 10

  
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Water Resources Program Manager

**WATER RIGHT NO. 35-13413**  
**As Modified by Transfer No. 76350**

In accordance with the approval of Transfer No. 76350, Water Right No. 35-13413 is now described as follows.

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

**Priority Date:** April 17, 1984

**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  | 0.78 CFS              | 163.2 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**  
 GROUND WATER      NWNENW      Sec. 23 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 14  |      |      |      |      |      |    |     |      | 2.0  |     |    | 24.0 | 6.0  | 16.0 | 38.0 | 34.0 | 120.0  |
| 08S 29E 23  | 22.0 | 38.0 | 40.0 | 36.0 | 15.0 |    | 6.0 | 34.0 | 29.0 | 8.0 |    |      | 14.0 | 27.4 |      |      | 269.4  |

Total Acres: 389.4

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 40.8 acres within the place of use described above in a single irrigation season.
2. Rights 35-7402, 35-13409, 35-13411, 35-13413, 35-13414 and 35-13415 when combined shall not exceed a total diversion rate of 7.68 cfs, a total annual maximum diversion volume of 1558.4 af at the field headgate, and the irrigation of 389.4 acres.
3. Rights 35-13411, 35-13413 and 35-13415 when combined shall not exceed a total diversion rate of 1.02 cfs, a total annual maximum diversion volume of 226.4 af at the field headgate, and the irrigation of 56.5 acres.
4. 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.
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. 35-13413**  
**As Modified by Transfer No. 76350**

**CONDITIONS OF APPROVAL**

6. Prior to the diversion and use of water under Transfer approval 76350, 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. 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. The following rights are diverted through point(s) of diversion described above: 35-7402, 35-13409, 35-13411, 35-13413, 35-13414 and 35-13415.
10. The right holder shall accomplish the change authorized by this transfer within one (1) 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 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 26<sup>th</sup> day of March, 20 10

  
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Water Resources Program Manager