

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76265

This is to certify that: PEP LLC
1356 S 3000 W
ABERDEEN ID 83210
(208)709-1645

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>
35-8864	WR/License	07/06/1989	2.43 cfs	616 af	N/A	154.0	GROUND WATER
35-7246B	WR/Decreed	09/05/1972	3.69 cfs	1260 af	N/A	315.0	GROUND WATER
35-7246C	WR/Decreed	09/05/1972	3.73 cfs	1212 af	N/A	303.0	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>
35-8864	YES	YES	YES	YES	NO	NO
35-7246B	NO	NO	YES	YES	NO	NO
35-7246C	YES	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>
35-8864	35-14002	0.43 cfs	110 af	27.5	840.0	35-14001	2 cfs	506 af	N/A	126.5
35-7246B	35-7246B	3.69 cfs	1260 af	315.0	840.0		N/A	N/A	N/A	N/A
35-7246C	35-14004	0.58 cfs	187.6 af	46.9	840.0	35-14003	3.15 cfs	1024.4 af	N/A	256.1
COMBINED										
TOTALS		4.7 cfs	1557.6 af	389.4	840.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26th day of March, 2010


Water Resources Program Manager

SUPPORT DATA

IN FILE # 35-724612

WATER RIGHT NO. 35-14001
As Modified by Transfer No. 76265

In accordance with the approval of Transfer No. 76265, Water Right No. 35-14001 is now described as follows.

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

Priority Date: July 06, 1989

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	2.00 CFS	506.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSE Sec. 35 Twp 04S Rge 30E BINGHAM 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	
04S 30E 35													31.9	32.4	32.0	30.2	126.5

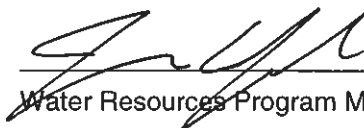
Total Acres: 126.5

CONDITIONS OF APPROVAL

1. 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.
2. 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.

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 26th day of March, 20 10


 Water Resources Program Manager

WATER RIGHT NO. 35-14002
As Modified by Transfer No. 76265

In accordance with the approval of Transfer No. 76265, Water Right No. 35-14002 is now described as follows.

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

Priority Date: July 06, 1989

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	0.43 CFS	110.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESWSW	Sec. 27 Twp 04S	Rge 30E	BINGHAM County
GROUND WATER	SESWSW	Sec. 27 Twp 04S	Rge 30E	BINGHAM 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	
04S	30E	21											40.0	40.0					80.0
04S	30E	27		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					360.0
04S	30E	28	40.0	40.0	40.0	40.0	40.0			40.0					40.0	40.0	40.0	40.0	400.0

Total Acres: 840

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 27.5 acres within the authorized place of use described above in a single irrigation season.
2. Rights 35-7246B, 35-14002 and 35-14004 when combined shall not exceed the irrigation of 389.4 acres.
3. This right is limited to the irrigation of a specific 389.4 acres within the 840 acre place of use authorized by this right in a single irrigation season. The specific 389.4 acres 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 in the geographic information system component of the water rights database maintained by the department. Before changing the 389.4 acres to be irrigated within the 840 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.
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.

WATER RIGHT NO. 35-14002
As Modified by Transfer No. 76265

CONDITIONS OF APPROVAL

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.
6. Prior to the diversion and use of water under Transfer approval 76265, 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. 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 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.
11. The following rights are diverted through point(s) of diversion described above: 35-7246B, 35-14002, 35-14004.
12. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
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.

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 26th day of March, 20 10



Water Resources Program Manager

WATER RIGHT NO. 35-14003
As Modified by Transfer No. 76265

In accordance with the approval of Transfer No. 76265, Water Right No. 35-14003 is now described as follows.

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

Priority Date: September 05, 1972

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	3.15 CFS	1,024.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESE Sec. 26 Twp 04S Rge 30E BINGHAM 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	
04S	30E	25			40.0					33.4	33.5	32.2	34.0			4.0	40.0	217.1	
04S	30E	26												39.0			39.0		

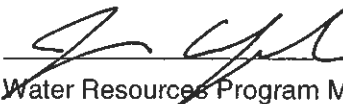
Total Acres: 256.1

CONDITIONS OF APPROVAL

- 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 26th day of March, 20 10


 Water Resources Program Manager

WATER RIGHT NO. 35-14004
As Modified by Transfer No. 76265

In accordance with the approval of Transfer No. 76265, Water Right No. 35-14004 is now described as follows.

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

Priority Date: September 05, 1972

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	0.58 CFS	187.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESWSW	Sec. 27 Twp 04S	Rge 30E	BINGHAM County
GROUND WATER	SESWSW	Sec. 27 Twp 04S	Rge 30E	BINGHAM 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	
04S	30E	21											40.0	40.0					80.0
04S	30E	27		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					360.0
04S	30E	28	40.0	40.0	40.0	40.0	40.0			40.0					40.0	40.0	40.0	40.0	400.0

Total Acres: 840

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 46.9 acres within the authorized place of use described above in a single irrigation season.
2. Rights 35-7246B, 35-14002 and 35-14004 when combined shall not exceed the irrigation of 389.4 acres.
3. This right is limited to the irrigation of a specific 389.4 acres within the 840 acre place of use authorized by this right in a single irrigation season. The specific 389.4 acres 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 in the geographic information system component of the water rights database maintained by the department. Before changing the 389.4 acres to be irrigated within the 840 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.
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.

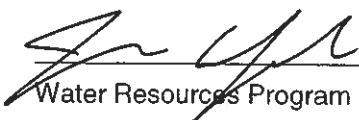
WATER RIGHT NO. 35-14004
As Modified by Transfer No. 76265

CONDITIONS OF APPROVAL

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.
6. Prior to the diversion and use of water under Transfer approval 76265, 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. The following rights are diverted through point(s) of diversion described above: 35-7246B, 35-14002, 35-14004.
11. The right holder shall accomplish the change authorized by this transfer within one year(s) 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 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 26th day of March, 20 10


Water Resources Program Manager

WATER RIGHT NO. 35-7246B
As Modified by Transfer No. 76265

In accordance with the approval of Transfer No. 76265, Water Right No. 35-7246B is now described as follows.

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

Priority Date: September 05, 1972

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	3.69 CFS	1,260.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESWSW	Sec. 27 Twp 04S	Rge 30E	BINGHAM County
GROUND WATER	SESWSW	Sec. 27 Twp 04S	Rge 30E	BINGHAM 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	
04S	30E	21											40.0	40.0					80.0
04S	30E	27		40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					360.0
04S	30E	28	40.0	40.0	40.0	40.0	40.0			40.0					40.0	40.0	40.0	40.0	400.0

Total Acres: 840

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 315.0 acres within the authorized place of use described above in a single irrigation season.
2. Rights 35-7246B, 35-14002 and 35-14004 when combined shall not exceed the irrigation of 389.4 acres.
3. This right is limited to the irrigation of a specific 389.4 acres within the 840 acre place of use authorized by this right in a single irrigation season. The specific 389.4 acres 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 in the geographic information system component of the water rights database maintained by the department. Before changing the 389.4 acres to be irrigated within the 840 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.
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.

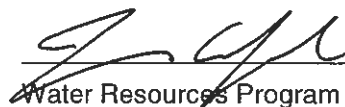
WATER RIGHT NO. 35-7246B
As Modified by Transfer No. 76265

CONDITIONS OF APPROVAL

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.
6. Prior to the diversion and use of water under Transfer approval 76265, 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. The following rights are diverted through point(s) of diversion described above: 35-7246B, 35-14002, 35-14004.
11. The right holder shall accomplish the change authorized by this transfer within one year(s) 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 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 26th day of March, 20 10


Water Resources Program Manager