

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74094

This is to certify that: KBC FARMS 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>
35-7448	WR/Decreed	10/16/1974	4.58 cfs	1856 af	N/A	464.0	GROUND WATER
43-13524	WR/Decreed	05/04/1978	2.04 cfs	487.4 af	121.9	553.4	GROUND WATER
43-13530	WR/Decreed	05/23/1962	0.36 cfs	174.9 af	58.4	553.4	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>
35-7448	YES	YES	YES	YES	NO	NO
43-13524	NO	YES	YES	YES	NO	NO
43-13530	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>
35-7448	35-13703	0.93 cfs	376 af	94.0	274.3	35-13702	3.65 cfs	1480 af	N/A	370.0
43-13524	35-13897	2.04 cfs	487.4 af	121.9	274.3		N/A	N/A	N/A	N/A
43-13530	35-13898	0.36 cfs	233.8 af	58.4	274.3		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.97 cfs	1097.2 af	274.3	274.3		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 14th day of October, 2009

for Ernest Carlson
Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 35-7448

**WATER RIGHT NO. 35-13897
As Modified by Transfer No. 74094**

In accordance with the approval of Transfer No. 74094, Water Right No. 35-13897 is now described as follows.

Right Holder: KBC FARMS 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 NWNESW Sec. 26 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	26			24.0	5.0				10.0	33.0	31.0	21.3	16.0	23.0	40.0	31.0	10.0	244.3
08S	29E	27													30.0				30.0

Total Acres: 274.3

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 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.
3. 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.
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.
6. Prior to the diversion and use of water under Transfer approval 74094, 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. 35-13897
As Modified by Transfer No. 74094

CONDITIONS OF APPROVAL

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. The combination of changes under:
Transfer approval 74093 as described under rights 35-13915 and 35-13916;
Transfer approval 74094 as described under rights 35-13703, 35-13897 and 35-13898;
Transfer approval 74095 as described under rights 35-13905 and 35-13906;
Transfer approval 74096 as described under rights 35-13899 and 35-13900;
Transfer approval 74396 as described under rights 45-14102 and 45-14103;
Transfer approval 74719 as described under rights 45-14250 and 45-14251; and
Transfer approval 74781 as described under rights 45-14252, 45-14253, 45-14254, 45-14255, 45-14256, 45-14257, and 45-14258
provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, 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.

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 for irrigation of the lands above.
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. 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 October, 20 09

Ernest Carlson
for Chief, Water Allocation Bureau

**WATER RIGHT NO. 35-13898
As Modified by Transfer No. 74094**

In accordance with the approval of Transfer No. 74094, Water Right No. 35-13898 is now described as follows.

Right Holder: KBC FARMS 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 NWNESW Sec. 26 Twp 08S Rge 29E POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
08S	29E	26			24.0	5.0				10.0	33.0	31.0	21.3	16.0	23.0	40.0	31.0	10.0	244.3
08S	29E	27													30.0				30.0

Total Acres: 274.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 58.4 acres within the place of use described above in a single irrigation season.
2. 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.
3. 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.
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.
6. Prior to the diversion and use of water under Transfer approval 74094, 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. 35-13898
As Modified by Transfer No. 74094

CONDITIONS OF APPROVAL

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. The combination of changes under:
Transfer approval 74093 as described under rights 35-13915 and 35-13916;
Transfer approval 74094 as described under rights 35-13703, 35-13897 and 35-13898;
Transfer approval 74095 as described under rights 35-13905 and 35-13906;
Transfer approval 74096 as described under rights 35-13899 and 35-13900;
Transfer approval 74396 as described under rights 45-14102 and 45-14103;
Transfer approval 74719 as described under rights 45-14250 and 45-14251; and
Transfer approval 74781 as described under rights 45-14252, 45-14253, 45-14254, 45-14255, 45-14256, 45-14257, and 45-14258
provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, 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.
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 for irrigation of the lands above.
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. 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 October, 20 09

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13702
As Modified by Transfer No. 74094

In accordance with the approval of Transfer No. 74094, Water Right No. 35-13702 is now described as follows.

Right Holder: KBC FARMS 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 11/01	3.65 CFS	1,480.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSE Sec. 12 Twp 01S Rge 32E 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	
01S	32E	12	29.0	32.0	25.0	39.0	39.0	40.0	40.0	23.0	40.0	40.0	23.0						370.0

Total Acres: 370

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 14th day of October, 2009

Ernest Carlson
 for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13703
As Modified by Transfer No. 74094

In accordance with the approval of Transfer No. 74094, Water Right No. 35-13703 is now described as follows.

Right Holder: KBC FARMS 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 NWNESW Sec. 26 Twp 08S Rge 29E POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
08S	29E	26			24.0	5.0				10.0	33.0	31.0	21.3	16.0	23.0	40.0	31.0	10.0	244.3
08S	29E	27													30.0				30.0

Total Acres: 274.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 94 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. 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.
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 74094, 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. 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.

WATER RIGHT NO. 35-13703
As Modified by Transfer No. 74094

CONDITIONS OF APPROVAL

7. The combination of changes under:
Transfer approval 74093 as described under rights 35-13915 and 35-13916;
Transfer approval 74094 as described under rights 35-13703, 35-13897 and 35-13898;
Transfer approval 74095 as described under rights 35-13905 and 35-13906;
Transfer approval 74096 as described under rights 35-13899 and 35-13900;
Transfer approval 74396 as described under rights 45-14102 and 45-14103;
Transfer approval 74719 as described under rights 45-14250 and 45-14251; and
Transfer approval 74781 as described under rights 45-14252, 45-14253, 45-14254, 45-14255, 45-14256, 45-14257, and 45-14258
provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.
- Any future action, 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.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one 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 14th day of October, 20 09

Ernest Carlson
for Chief, Water Allocation Bureau