

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74093

This is to certify that: BOWLER RANCHES INC
 PO BOX 760
 246 ROOSEVELT ST
 AMERICAN FALLS ID 83211
 (208)226-2611

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>
35-13382	WR/License	08/14/1989	0.38 cfs	76 af	19.0	101.5	GROUND WATER
35-13384	WR/License	04/17/1984	0.3 cfs	64 af	16.0	101.5	GROUND WATER
35-13385	WR/Decreed	03/28/1974	3.94 cfs	892 af	N/A	223.0	GROUND WATER
35-13386	WR/Decreed	03/28/1974	0.26 cfs	60 af	15.0	101.5	GROUND WATER
35-13388	WR/Decreed	03/28/1974	0.9 cfs	168 af	42.0	101.5	GROUND WATER
35-13390	WR/Decreed	05/17/1972	0.13 cfs	40 af	10.0	101.5	GROUND WATER
35-7275	WR/Decreed	01/26/1973	2.64 cfs	808 af	202.0	204.0	GROUND WATER
35-7399	WR/Decreed	03/28/1974	0.4 cfs	169.8 af	202.0	204.0	GROUND WATER
35-13397	WR/Decreed	03/28/1974	0.02 cfs	8 af	2.0	204.0	GROUND WATER
43-13366	WR/Decreed	05/04/1978	6.09 cfs	1455.6 af	313.9	464.5	GROUND WATER
43-13369	WR/Decreed	05/23/1962	1.07 cfs	698.4 af	150.6	464.5	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>
35-13382	NO	NO	YES	NO	NO	NO
35-13384	NO	NO	YES	NO	NO	NO
35-13385	NO	NO	YES	NO	NO	NO
35-13386	NO	NO	YES	NO	NO	NO
35-13388	NO	NO	YES	NO	NO	NO
35-13390	NO	NO	YES	NO	NO	NO
35-7275	NO	NO	YES	NO	NO	NO
35-7399	NO	NO	YES	NO	NO	NO
35-13397	NO	NO	YES	NO	NO	NO
43-13366	YES	YES	YES	NO	NO	NO
43-13369	YES	YES	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 35-7275

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74093

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-13382	35-13382	0.38 cfs	76 af	19.0	545.5		N/A	N/A	N/A	N/A
35-13384	35-13384	0.3 cfs	64 af	16.0	545.5		N/A	N/A	N/A	N/A
35-13385	35-13385	3.94 cfs	892 af	223.0	545.5		N/A	N/A	N/A	N/A
35-13386	35-13386	0.26 cfs	60 af	15.0	545.5		N/A	N/A	N/A	N/A
35-13388	35-13388	0.9 cfs	168 af	42.0	545.5		N/A	N/A	N/A	N/A
35-13390	35-13390	0.13 cfs	40 af	10.0	545.5		N/A	N/A	N/A	N/A
35-7275	35-7275	2.64 cfs	808 af	202.0	545.5		N/A	N/A	N/A	N/A
35-7399	35-7399	0.4 cfs	169.8 af	202.0	545.5		N/A	N/A	N/A	N/A
35-13397	35-13397	0.02 cfs	8 af	2.0	545.5		N/A	N/A	N/A	N/A
43-13366	35-13915	0.25 cfs	46 af	11.5	545.5	43-13595	5.84 cfs	1409.6 af	302.4	447.5
43-13369	35-13916	0.03 cfs	22 af	5.5	545.5	43-13597	1.04 cfs	676.4 af	145.1	447.5
COMBINED										
TOTALS		9.1 cfs	2182 af	545.5	545.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 14th day of October, 2009

Ernest Carlson
 for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7275
As Modified by Transfer No. 74093

In accordance with the approval of Transfer No. 74093, Water Right No. 35-7275 is now described as follows.

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

Priority Date: January 26, 1973

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	2.64 CFS	808.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNW	Sec. 22 Twp 08S	Rge 29E	POWER County
GROUND WATER	SWSENW	Sec. 22 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	22	19.0	18.0	37.0	39.0	18.0	3.1	35.0	37.0	27.0	22.0		.6	40.0	40.0	29.0	37.0	401.7
08S	29E	23						1.2	8.2			21.0	9.4						39.8
08S	29E	26					3.8	33.0	34.0	4.2									75.0
08S	29E	27	14.0			15.0													29.0

Total Acres: 545.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 202.0 acres within the place of use described above in a single irrigation season.
2. Rights 35-7275 and 35-7399 when combined shall not exceed a total annual maximum diversion volume of 808.0 af at the field headgate, and the irrigation of 202.0 acres.
3. Rights 35-7275, 35-7399, and 35-13397 shall not exceed 3.06 cfs, a total combined annual volume of 816.0 af at the field headgate, and the irrigation of 204 acres.
4. Rights 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 9.10 cfs, a total annual maximum diversion volume of 2182 af at the field headgate, and the irrigation of 545.5 acres
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.

WATER RIGHT NO. 35-7275
As Modified by Transfer No. 74093

CONDITIONS OF APPROVAL

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.
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. Prior to the diversion and use of water under Transfer approval 74093, 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.
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. Right 35-13396 is also diverted through the point of diversion located in the SWSENW Sec 22, T08S, R29E.
11. The following rights are diverted through point(s) of diversion described above: 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916.
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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. 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. 35-7399
As Modified by Transfer No. 74093

In accordance with the approval of Transfer No. 74093, Water Right No. 35-7399 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	0.40 CFS	169.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNW	Sec. 22 Twp 08S	Rge 29E	POWER County
GROUND WATER	SWSENW	Sec. 22 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 22	19.0	18.0	37.0	39.0	18.0	3.1	35.0	37.0	27.0	22.0		.6	40.0	40.0	29.0	37.0	401.7
08S 29E 23						1.2	8.2			21.0	9.4						39.8
08S 29E 26					3.8	33.0	34.0	4.2									75.0
08S 29E 27	14.0			15.0													29.0

Total Acres: 545.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 202.0 acres within the place of use described above in a single irrigation season.
2. Rights 35-7275 and 35-7399 when combined shall not exceed a total annual maximum diversion volume of 808.0 af at the field headgate, and the irrigation of 202.0 acres.
3. Rights 35-7275, 35-7399, and 35-13397 shall not exceed 3.06 cfs, a total combined annual volume of 816.0 af at the field headgate, and the irrigation of 204 acres.
4. Rights 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 9.10 cfs, a total annual maximum diversion volume of 2182 af at the field headgate, and the irrigation of 545.5 acres
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. 35-7399
As Modified by Transfer No. 74093

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. Prior to the diversion and use of water under Transfer approval 74093, 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.
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. Right 35-13396 is also diverted through the point of diversion located in the SWSENW Sec 22, T08S, R29E.
11. The following rights are diverted through point(s) of diversion described above: 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916.
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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. 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. 35-13382
As Modified by Transfer No. 74093

In accordance with the approval of Transfer No. 74093, Water Right No. 35-13382 is now described as follows.

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

Priority Date: August 14, 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	0.38 CFS	76.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNW	Sec. 22 Twp 08S	Rge 29E	POWER County
GROUND WATER	SWSNW	Sec. 22 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	22	19.0	18.0	37.0	39.0	18.0	3.1	35.0	37.0	27.0	22.0		.6	40.0	40.0	29.0	37.0	401.7
08S	29E	23						1.2	8.2			21.0	9.4						39.8
08S	29E	26					3.8	33.0	34.0	4.2									75.0
08S	29E	27	14.0			15.0													29.0

Total Acres: 545.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 19 acres within the place of use described above in a single irrigation season.
2. Rights 35-13382 and 35-13384 when combined shall not exceed a total diversion rate of 0.56 cfs.
3. Rights 35-13382, 35-13384, 35-13386, 35-13388 and 35-13390 when combined shall not exceed a total diversion rate of 1.85 cfs and the irrigation of 101.5 acres.
4. Rights 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 9.10 cfs, a total annual maximum diversion volume of 2182 af at the field headgate, and the irrigation of 545.5 acres
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. 35-13382
As Modified by Transfer No. 74093

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. Prior to the diversion and use of water under Transfer approval 74093, 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.
9. Right 35-13396 is also diverted through the point of diversion located in the SWSENW Sec 22, T08S, R29E.
10. The following rights are diverted through point(s) of diversion described above: 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916.
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.
13. 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.
14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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. 35-13384
As Modified by Transfer No. 74093

In accordance with the approval of Transfer No. 74093, Water Right No. 35-13384 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	0.30 CFS	64.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNW	Sec. 22 Twp 08S	Rge 29E	POWER County
GROUND WATER	SWSENW	Sec. 22 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	22	19.0	18.0	37.0	39.0	18.0	3.1	35.0	37.0	27.0	22.0		.6	40.0	40.0	29.0	37.0	401.7
08S	29E	23						1.2	8.2			21.0	9.4						39.8
08S	29E	26					3.8	33.0	34.0	4.2									75.0
08S	29E	27	14.0			15.0													29.0

Total Acres: 545.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16 acres within the place of use described above in a single irrigation season.
2. Rights 35-13382 and 35-13384 when combined shall not exceed a total diversion rate of 0.56 cfs.
3. Rights 35-13382, 35-13384, 35-13386, 35-13388 and 35-13390 when combined shall not exceed a total diversion rate of 1.85 cfs and the irrigation of 101.5 acres.
4. Rights 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 9.10 cfs, a total annual maximum diversion volume of 2182 af at the field headgate, and the irrigation of 545.5 acres
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. 35-13384
As Modified by Transfer No. 74093

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. Prior to the diversion and use of water under Transfer approval 74093, 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.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Right 35-13396 is also diverted through the point of diversion located in the SWSENE Sec 22, T08S, R29E.
11. The following rights are diverted through point(s) of diversion described above: 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916.
12. 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.
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. 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

for Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13385
As Modified by Transfer No. 74093

In accordance with the approval of Transfer No. 74093, Water Right No. 35-13385 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	3.94 CFS	892.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNW	Sec. 22 Twp 08S	Rge 29E	POWER County
GROUND WATER	SWSENW	Sec. 22 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	22	19.0	18.0	37.0	39.0	18.0	3.1	35.0	37.0	27.0	22.0		.6	40.0	40.0	29.0	37.0	401.7
08S	29E	23						1.2	8.2			21.0	9.4						39.8
08S	29E	26					3.8	33.0	34.0	4.2									75.0
08S	29E	27	14.0			15.0													29.0

Total Acres: 545.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 223 acres within the place of use described above in a single irrigation season.
2. Rights 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 9.10 cfs, a total annual maximum diversion volume of 2182 af at the field headgate, and the irrigation of 545.5 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. 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. 35-13385
As Modified by Transfer No. 74093

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 74093, 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. 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. Right 35-13396 is also diverted through the point of diversion located in the SWSENW Sec 22, T08S, R29E.
9. The following rights are diverted through point(s) of diversion described above: 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916.
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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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

for Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13386**As Modified by Transfer No. 74093**

In accordance with the approval of Transfer No. 74093, Water Right No. 35-13386 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	0.26 CFS	60.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESWNW Sec. 22 Twp 08S Rge 29E POWER County

GROUND WATER SWSENW Sec. 22 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	22	19.0	18.0	37.0	39.0	18.0	3.1	35.0	37.0	27.0	22.0		.6	40.0	40.0	29.0	37.0	401.7
08S	29E	23						1.2	8.2			21.0	9.4						39.8
08S	29E	26					3.8	33.0	34.0	4.2									75.0
08S	29E	27	14.0			15.0													29.0

Total Acres: 545.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15 acres within the place of use described above in a single irrigation season.
2. Rights 35-13382, 35-13384, 35-13386, 35-13388 and 35-13390 when combined shall not exceed a total diversion rate of 1.85 cfs and the irrigation of 101.5 acres.
3. Rights 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 9.10 cfs, a total annual maximum diversion volume of 2182 af at the field headgate, and the irrigation of 545.5 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. 35-13386
As Modified by Transfer No. 74093

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. Prior to the diversion and use of water under Transfer approval 74093, 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. 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 35-13396 is also diverted through the point of diversion located in the SWSENW Sec 22, T08S, R29E.
10. The following rights are diverted through point(s) of diversion described above: 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916.
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.
13. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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. 35-13388
As Modified by Transfer No. 74093

In accordance with the approval of Transfer No. 74093, Water Right No. 35-13388 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	0.90 CFS	168.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNW	Sec. 22 Twp 08S	Rge 29E	POWER County
GROUND WATER	SWSENE	Sec. 22 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	22	19.0	18.0	37.0	39.0	18.0	3.1	35.0	37.0	27.0	22.0		.6	40.0	40.0	29.0	37.0	401.7
08S	29E	23						1.2	8.2			21.0	9.4						39.8
08S	29E	26					3.8	33.0	34.0	4.2									75.0
08S	29E	27	14.0			15.0													29.0

Total Acres: 545.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 42 acres within the place of use described above in a single irrigation season.
2. Rights 35-13382, 35-13384, 35-13386, 35-13388 and 35-13390 when combined shall not exceed a total diversion rate of 1.85 cfs and the irrigation of 101.5 acres.
3. Rights 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 9.10 cfs, a total annual maximum diversion volume of 2182 af at the field headgate, and the irrigation of 545.5 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. 35-13388
As Modified by Transfer No. 74093

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. Prior to the diversion and use of water under Transfer approval 74093, 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. Right 35-13396 is also diverted through the point of diversion located in the SWSENW Sec 22, T08S, R29E.
9. The following rights are diverted through point(s) of diversion described above: 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916.
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 (1) 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, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13390
As Modified by Transfer No. 74093

In accordance with the approval of Transfer No. 74093, Water Right No. 35-13390 is now described as follows.

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

Priority Date: May 17, 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	11/01	0.13 CFS	40.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNW	Sec. 22 Twp 08S	Rge 29E	POWER County
GROUND WATER	SWSENW	Sec. 22 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	22	19.0	18.0	37.0	39.0	18.0	3.1	35.0	37.0	27.0	22.0		.6	40.0	40.0	29.0	37.0	401.7
08S	29E	23						1.2	8.2			21.0	9.4						39.8
08S	29E	26					3.8	33.0	34.0	4.2									75.0
08S	29E	27	14.0			15.0													29.0

Total Acres: 545.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
2. Rights 35-13382, 35-13384, 35-13386, 35-13388 and 35-13390 when combined shall not exceed a total diversion rate of 1.85 cfs and the irrigation of 101.5 acres.
3. Rights 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 9.10 cfs, a total annual maximum diversion volume of 2182 af at the field headgate, and the irrigation of 545.5 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. 35-13390
As Modified by Transfer No. 74093

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. Prior to the diversion and use of water under Transfer approval 74093, 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. Right 35-13396 is also diverted through the point of diversion located in the SWSENW Sec 22, T08S, R29E.
9. The following rights are diverted through point(s) of diversion described above: 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916.
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 (1) 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. 35-13397
As Modified by Transfer No. 74093

In accordance with the approval of Transfer No. 74093, Water Right No. 35-13397 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	0.02 CFS	8.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNW	Sec. 22 Twp 08S	Rge 29E	POWER County
GROUND WATER	SWSNW	Sec. 22 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	22	19.0	18.0	37.0	39.0	18.0	3.1	35.0	37.0	27.0	22.0		.6	40.0	40.0	29.0	37.0	401.7
08S	29E	23						1.2	8.2			21.0	9.4						39.8
08S	29E	26					3.8	33.0	34.0	4.2									75.0
08S	29E	27	14.0			15.0													29.0

Total Acres: 545.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2 acres within the place of use described above in a single irrigation season.
2. Rights 35-7275, 35-7399, and 35-13397 shall not exceed 3.06 cfs, a total combined annual volume of 816.0 af at the field headgate, and the irrigation of 204 acres.
3. Rights 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 9.10 cfs, a total annual maximum diversion volume of 2182 af at the field headgate, and the irrigation of 545.5 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. 35-13397
As Modified by Transfer No. 74093

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. Prior to the diversion and use of water under Transfer approval 74093, 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. 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 35-13396 is also diverted through the point of diversion located in the SWSENW Sec 22, T08S, R29E.
10. The following rights are diverted through point(s) of diversion described above: 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916.
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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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. 43-13595
As Modified by Transfer No. 74093

In accordance with the approval of Transfer No. 74093, Water Right No. 43-13595 is now described as follows.

Right Holder: WARD LAND & LIVESTOCK LLC And
 GLEN WARD
 227 E 400S
 BURLEY ID 83318

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	03/15	to 11/15	5.00 CFS	1,209.6 AF
MITIGATION	03/15	to 11/15	0.84 CFS	200.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4 (SNNWNW)	Sec. 2	Twp 10S	Rge 26E	CASSIA County
GROUND WATER	NENWSW	Sec. 2	Twp 10S	Rge 26E	CASSIA County
GROUND WATER	NWSWSE	Sec. 3	Twp 10S	Rge 26E	CASSIA County
GROUND WATER	SENENE	Sec. 11	Twp 10S	Rge 26E	CASSIA 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	
10S	26E	1								1.9			26.6						28.5
10S	26E	2																	
						20.0	40.0	31.0	31.0	28.0	39.0	30.0	40.0	40.0	40.0		40.0	40.0	419.0
						L 3		L 4											

Total Acres: 447.5

PLACE OF USE: MITIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	2	X	X	X														
			L 1	L 2															

CONDITIONS OF APPROVAL

1. Use of this right with right no. 43-13597 is limited to the irrigation of a combined total of 447.5 acres in a single irrigation season.
2. Use of this right with right no. 43-13597 is limited to a total combined diversion rate of 5.84 cfs.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. This right is limited to the irrigation of 302.4 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 43-13595
As Modified by Transfer No. 74093

CONDITIONS OF APPROVAL

5. 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. 35-13915
As Modified by Transfer No. 74093

In accordance with the approval of Transfer No. 74093, Water Right No. 35-13915 is now described as follows.

Right Holder: WARD LAND & LIVESTOCK LLC And
 GLEN WARD
 227 E 400S
 BURLEY ID 83318

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	0.25 CFS	46.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNW	Sec. 22 Twp 08S	Rge 29E	POWER County
GROUND WATER	SWSENW	Sec. 22 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	22	19.0	18.0	37.0	39.0	18.0	3.1	35.0	37.0	27.0	22.0		.6	40.0	40.0	29.0	37.0	401.7
08S	29E	23						1.2	8.2			21.0	9.4						39.8
08S	29E	26					3.8	33.0	34.0	4.2									75.0
08S	29E	27	14.0			15.0													29.0

Total Acres: 545.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 11.5 acres within the place of use described above in a single irrigation season.
2. Rights 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 0.25 cfs, a total annual maximum diversion volume of 68 af at the field headgate, and the irrigation of 17 acres.
3. Rights 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 9.10 cfs, a total annual maximum diversion volume of 2182 af at the field headgate, and the irrigation of 545.5 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. 35-13915
As Modified by Transfer No. 74093

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. Prior to the diversion and use of water under Transfer approval 74093, 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. 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.
9. 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.
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. Right 35-13396 is also diverted through the point of diversion located in the SWSENE Sec 22, T08S, R29E.
12. The following rights are diverted through point(s) of diversion described above: 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916.
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.

WATER RIGHT NO. 35-13915
As Modified by Transfer No. 74093

CONDITIONS OF APPROVAL

14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. 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. 43-13597
As Modified by Transfer No. 74093

In accordance with the approval of Transfer No. 74093, Water Right No. 43-13597 is now described as follows.

Right Holder: WARD LAND & LIVESTOCK LLC And
 GLEN WARD
 227 E 400S
 BURLEY ID 83318

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	03/15	to 11/15	0.89 CFS	580.4 AF
MITIGATION	03/15	to 11/15	0.15 CFS	96.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L4 (SWNWNW)	Sec. 2	Twp 10s	Rge 26e	CASSIA County
GROUND WATER	NENWSW	Sec. 2	Twp 10s	Rge 26e	CASSIA County
GROUND WATER	NWSWSE	Sec. 3	Twp 10S	Rge 26E	CASSIA County
GROUND WATER	SENE	Sec. 11	Twp 10s	Rge 26e	CASSIA 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	
10S	26E	1								1.9			26.6						28.5
10S	26E	2				20.0	40.0	31.0	31.0	28.0	39.0	30.0	40.0	40.0	40.0		40.0	40.0	419.0
						L 3		L 4											

Total Acres: 447.5

PLACE OF USE: MITIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	2	X	X	X														
			L 1	L 2															

CONDITIONS OF APPROVAL

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Use of this right with right no. 43-13595 is limited to the irrigation of a combined total of 447.5 acres in a single irrigation season.
3. Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.
4. Use of this right with right no. 43-13595 is limited to a total combined diversion rate of 5.84 cfs.
5. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

WATER RIGHT NO. 43-13597
As Modified by Transfer No. 74093

CONDITIONS OF APPROVAL

6. This right is limited to the irrigation of 145.1 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 October, 20 09

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13916
As Modified by Transfer No. 74093

In accordance with the approval of Transfer No. 74093, Water Right No. 35-13916 is now described as follows.

Right Holder: WARD LAND & LIVESTOCK LLC And
 GLEN WARD
 227 E 400S
 BURLEY ID 83318

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	0.03 CFS	22.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWNW	Sec. 22 Twp 08S	Rge 29E	POWER County
GROUND WATER	SWSENW	Sec. 22 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	22	19.0	18.0	37.0	39.0	18.0	3.1	35.0	37.0	27.0	22.0		.6	40.0	40.0	29.0	37.0	401.7
08S	29E	23						1.2	8.2			21.0	9.4						39.8
08S	29E	26					3.8	33.0	34.0	4.2									75.0
08S	29E	27	14.0			15.0													29.0

Total Acres: 545.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5.5 acres within the place of use described above in a single irrigation season.
2. Rights 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 0.25 cfs, a total annual maximum diversion volume of 68 af at the field headgate, and the irrigation of 17 acres.
3. Rights 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916 when combined shall not exceed a total diversion rate of 9.10 cfs, a total annual maximum diversion volume of 2182 af at the field headgate, and the irrigation of 545.5 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. 35-13916
As Modified by Transfer No. 74093

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 74093, 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. 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. 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. Right 35-13396 is also diverted through the point of diversion located in the SWSENE Sec 22, T08S, R29E.
11. The following rights are diverted through point(s) of diversion described above: 35-7275, 35-7399, 35-13382, 35-13384, 35-13385, 35-13386, 35-13388, 35-13390, 35-13397, 35-13915 and 35-13916.
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.

WATER RIGHT NO. 35-13916
As Modified by Transfer No. 74093

CONDITIONS OF APPROVAL

13. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. 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