

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74913**

This is to certify that: PAUL W BEHREND And
DEBRA J BEHREND
2706 W 1800 S
ABERDEEN ID 83210
(208)397-4047

And

KRISTIN R BEHREND And
NICHOLAS P BEHREND
2976 W 2000 S
ABERDEEN ID 83210
(208) 221-0342

And

GREGORY W KNITTEL And
JENNECCA S KNITTEL
1780 S 2800 W
ABERDEEN ID 83210
(208)397-3010

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>
35-7954D	WR/License	02/24/1981	2.60 cfs	791.6 af	N/A	197.9	GROUND WATER
35-7954F	WR/Decreed	02/24/1981	1.03 cfs	392.4 af	N/A	98.1	GROUND WATER
35-7835	WR/License	02/24/1979	4.73 cfs	948.0 af	237.0	312.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Update Conditions)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
35-13597	WR/Decreed	04/01/1979	0.10 cfs	26.4 af	6.6	312.0	GROUND WATER
35-13600	WR/Decreed	08/05/1976	1.14 cfs	273.6 af	68.4	312.0	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>
35-7954D	YES	NO	YES	NO	NO	NO
35-7954F	NO	NO	YES	NO	NO	NO
35-7835	YES	YES	NO	NO	NO	NO

SUPPORT DATA

IN FILE # 35-7835

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74913

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
35-7954D	35-13764	0.18 cfs	47.6 af	11.9	166.0	35-13763	2.42 cfs	656 af	N/A	164.0
35-7954F	35-7954F	1.03 cfs	392.4 af	98.1	166.0		N/A	N/A	N/A	N/A
35-7835	35-13758	1.12 cfs	224.0 af	56.0	166.0	35-13757	3.61 cfs	724 af	181.0	256.0
COMBINED										
TOTALS		2.33 cfs	664.0 af	166.0	166.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 28 day of July, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13757
As Modified by Transfer No. 74913

In accordance with the approval of Transfer No. 74913, Water Right No. 35-13757 is now described as follows.

Right Holder: PAUL W BEHREND And
 DEBRA J BEHREND
 2706 W 1800 S
 ABERDEEN ID 83210

And

GREGORY W KNITTEL And
 JENNECCA S KNITTEL
 1780 S 2800 W
 ABERDEEN ID 83210

And

NICHOLAS P BEHREND And
 KRISTIN R BEHREND
 2976 W 2000 S
 ABERDEEN ID 83210

Priority Date: February 24, 1979

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	3.61 CFS	724.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNW Sec. 21 Twp 05S 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	
05S	30E	20	32.0	32.0	32.0	32.0													128.0
05S	30E	21					32.0	32.0	32.0	32.0									128.0

Total Acres: 256

WATER RIGHT NO. 35-13757
As Modified by Transfer No. 74913

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 181 acres within the place of use described above in a single irrigation season.
2. Rights 35-13757, 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 4.75 cfs, a total annual maximum diversion volume of 1024 af at the field headgate, and the irrigation of 256 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. As of May 11, 2007, 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. 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.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Prior to the diversion and use of water under Transfer approval 74913, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. The right holder shall accomplish the change authorized by transfer 72857 within one year of May 11, 2007.
9. Failure of the right holder to comply with the conditions of transfer 72857 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 28 day of July, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13758
As Modified by Transfer No. 74913

In accordance with the approval of Transfer No. 74913, Water Right No. 35-13758 is now described as follows.

Right Holder: NICHOLAS P BEHREND And
 KRISTIN R BEHREND
 2976 W 2000 S
 ABERDEEN ID 83210

Priority Date: February 24, 1979

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	1.12 CFS	224.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENE Sec. 25 Twp 05S 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	
05S	30E	19																	4.0
05S	30E	30	12.0	40.0	40.0	13.0	24.0				26.0	1.0					6.0		162.0

Total Acres: 166

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 56 acres within the place of use described above in a single irrigation season.
2. Rights 35-7954F, 35-13758 and 35-13764 when combined shall not exceed a total diversion rate of 2.33 cfs, a total annual maximum diversion volume of 664 af at the field headgate, and the irrigation of 166 acres.
3. Prior to the diversion and use of water under this Transfer approval, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
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. 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. 35-13758
As Modified by Transfer No. 74913

CONDITIONS OF APPROVAL

6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 28 day of July, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13763
As Modified by Transfer No. 74913

In accordance with the approval of Transfer No. 74913, Water Right No. 35-13763 is now described as follows.

Right Holder: PAUL W BEHREND
 2706 W 1800 S
 ABERDEEN ID 83210

Priority Date: February 24, 1981

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	2.42 CFS	656.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENE Sec. 25 Twp 05S 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	
05S 29E 24																21.0	21.0
05S 29E 25	37.0			9.0													46.0
05S 30E 19											31.0						31.0
05S 30E 30					1.0	49.0	16.0				L 4						66.0
						L 1	L 2										

Total Acres: 164

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre 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.
3. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
4. The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.

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 28 day of July, 2009

Ernest Carlson
 for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13764
As Modified by Transfer No. 74913

In accordance with the approval of Transfer No. 74913, Water Right No. 35-13764 is now described as follows.

Right Holder: NICHOLAS P BEHREND And
 KRISTIN R BEHREND
 2976 W 2000 S
 ABERDEEN ID 83210

Priority Date: February 24, 1981

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	0.18 CFS	47.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENE Sec. 25 Twp 05S 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	
05S 30E 19												1.0				3.0	4.0
05S 30E 30	12.0	40.0	40.0	13.0	24.0				26.0	1.0					6.0		162.0

Total Acres: 166

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 11.9 acres within the place of use described above in a single irrigation season.
2. Rights 35-7954F, 35-13758 and 35-13764 when combined shall not exceed a total diversion rate of 2.33 cfs, a total annual maximum diversion volume of 664 af at the field headgate, and the irrigation of 166 acres.
3. Prior to the diversion and use of water under this Transfer approval, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
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. 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. 35-13764
As Modified by Transfer No. 74913

CONDITIONS OF APPROVAL

6. 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.
7. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
8. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9. 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 28 day of July, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7954F
As Modified by Transfer No. 74913

In accordance with the approval of Transfer No. 74913, Water Right No. 35-7954F is now described as follows.

Right Holder: NICHOLAS P BEHREND And
 KRISTIN R BEHREND
 2976 W 2000 S
 ABERDEEN ID 83210

Priority Date: February 24, 1981

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	1.03 CFS	392.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNENE Sec. 25 Twp 05S 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	
05S 30E 19												1.0				3.0	4.0
05S 30E 30	12.0	40.0	40.0	13.0	24.0			26.0	1.0						6.0		162.0

Total Acres: 166

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 98.1 acres within the place of use described above in a single irrigation season.
2. Rights 35-7954F, 35-13758 and 35-13764 when combined shall not exceed a total diversion rate of 2.33 cfs, a total annual maximum diversion volume of 664 af at the field headgate, and the irrigation of 166 acres.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

WATER RIGHT NO. 35-7954F
As Modified by Transfer No. 74913

CONDITIONS OF APPROVAL

5. 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.
6. Prior to the diversion and use of water under this Transfer approval, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 28 day of July, 2009

for Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13597
As Modified by Transfer No. 74913

In accordance with the approval of Transfer No. 74913, Water Right No. 35-13597 is now described as follows.

Right Holder: NICHOLAS P BEHREND And
 KRISTIN R BEHREND
 2976 W 2000 S
 ABERDEEN ID 83210

And

PAUL W BEHREND And
 DEBRA J BEHREND
 2706 W 1800 S
 ABERDEEN ID 83210

And

JENNECCA S KNITTEL And
 GREGORY W KNITTEL
 1780 S 2800 W
 ABERDEEN ID 83210

Priority Date: April 01, 1979

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	0.10 CFS	26.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNW Sec. 21 Twp 05S Rge 30E BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05S	30E	20	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	128.0
			32.0	32.0	32.0	32.0													
05S	30E	21					32.0	32.0	32.0	32.0									128.0

Total Acres: 256

WATER RIGHT NO. 35-13597
As Modified by Transfer No. 74913

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 6.6 acres within the place of use described for this right.
2. Rights 35-13757, 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 4.75 cfs, a total annual maximum diversion volume of 1024 af at the field headgate, and the irrigation of 256 acres.
3. Rights 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 1.14 cfs.
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. 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. As of May 11, 2007, this water right is within State Water District No. 120.
6. 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.
7. Prior to the diversion and use of water under Transfer approval 72857, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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 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 is based upon an enlargement of Right No. 35-13600 pursuant to Section 42-1426, Idaho Code.
10. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. The right holder shall accomplish the change authorized by transfer 72857 within one year of May 11, 2007.
12. Failure of the right holder to comply with the conditions of transfer 72857 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 28 day of July, 2007

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13600
As Modified by Transfer No. 74913

In accordance with the approval of Transfer No. 74913, Water Right No. 35-13600 is now described as follows.

Right Holder: GREGORY W KNITTEL And
 JENNECCA S KNITTEL
 1780 S 2800 W
 ABERDEEN ID 83210

And

NICHOLAS P BEHREND And
 KRISTIN R BEHREND
 2976 W 2000 S
 ABERDEEN ID 83210

And

PAUL W BEHREND And
 DEBRA J BEHREND
 2706 W 1800 S
 ABERDEEN ID 83210

Priority Date: August 05, 1976

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	1.14 CFS	273.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNW Sec. 21 Twp 05S 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	
05S	30E	20	32.0	32.0	32.0	32.0													128.0
05S	30E	21					32.0	32.0	32.0	32.0									128.0

Total Acres: 256

WATER RIGHT NO. 35-13600
As Modified by Transfer No. 74913

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 68.4 acres within the place of use described above in a single irrigation season.
2. Rights 35-13757, 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 4.75 cfs, a total annual maximum diversion volume of 1024 af at the field headgate, and the irrigation of 256 acres.
3. Rights 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 1.14 cfs.
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. 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. As of May 11, 2007, this water right is within State Water District No. 120.
6. 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.
7. Prior to the diversion and use of water under Transfer approval 72857, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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 holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. Right No. 35-13597 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
10. The right holder shall accomplish the change authorized by transfer 72857 within one year of May 11, 2007
11. Failure of the right holder to comply with the conditions of transfer 72857 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 28 day of July, 2009

for Ernest Carlson
Chief, Water Allocation Bureau