

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72857**

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>
35-7835	WR/License	02/24/1979	4.73 cfs	948.0 af	N/A	237.0	GROUND WATER
35-7632B	AJC/License	08/05/1976	4.38 cfs	1048.0 af	262.0	287.0	GROUND WATER
35-13597	WR/Decreed	04/01/1979	0.10 cfs	26.4 af	6.6	287.0	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>
35-7835	NO	YES	YES	NO	NO	NO
35-7632B	YES	YES	YES	NO	NO	NO
35-13597	NO	YES	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 35-07632B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 72857

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
35-7835	35-7835	4.73 cfs	948.0 af	237.0	312.0		N/A	N/A	N/A	N/A
35-7632B	35-13600	1.14 cfs	273.6 af	68.4	312.0	35-13599	3.24 cfs	774.4 af	193.6	212.0
35-13597	35-13597	0.10 cfs	26.4 af	6.6	312.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		5.87 cfs	1248.0 af	312.0	312.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 11th day of May, 20 07



Acting Administrator, Water Management Division

WATER RIGHT NO. 35-7835
As Modified by Transfer No. 72857

In accordance with the approval of Transfer No. 72857, Water Right No. 35-7835 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	4.73 CFS	948.0 AF
			4.73 CFS	948.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNW Sec. 21 Twp 05S Rge 30E 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	20	38.0	39.0	40.0	39.0													156.0
05S	30E	21					39.0	38.0	39.0	40.0									156.0

Total Acres: 312

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 237 acres within the place of use described above in a single irrigation season.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

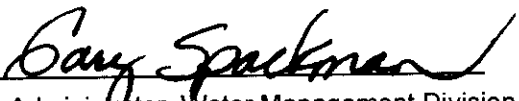
WATER RIGHT NO. 35-7835
As Modified by Transfer No. 72857

CONDITIONS OF APPROVAL

3. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. 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. Rights 35-7835, 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 5.87 cfs, a total annual maximum diversion volume of 1248 af at the field headgate, and the irrigation of 312 acres.
8. 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.
9. 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.

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 11th day of May, 20 07


Acting Administrator, Water Management Division

WATER RIGHT NO. 35-13597
As Modified by Transfer No. 72857

In accordance with the approval of Transfer No. 72857, Water Right No. 35-13597 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: 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
			0.10 CFS	26.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNW Sec. 21 Twp 05S Rge 30E 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	20	38.0	39.0	40.0	39.0													156.0
05S	30E	21					39.0	38.0	39.0	40.0									156.0

Total Acres: 312

CONDITIONS OF APPROVAL

1. 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.
2. This right is for an enlargement of 6.6 acres within the place of use described for this right.

WATER RIGHT NO. 35-13597
As Modified by Transfer No. 72857

CONDITIONS OF APPROVAL

3. 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.
4. This right is based upon an enlargement of Right No. 35-13600 pursuant to Section 42-1426, Idaho Code.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. 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.
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. Rights 35-7835, 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 5.87 cfs, a total annual maximum diversion volume of 1248 af at the field headgate, and the irrigation of 312 acres.
11. 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.
12. 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.
13. Rights 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 1.14 cfs.

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 11th day of May, 20 07


Acting Administrator, Water Management Division

WATER RIGHT NO. 35-13599
As Modified by Transfer No. 72857

In accordance with the approval of Transfer No. 72857, Water Right No. 35-13599 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: 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	10/31	3.24 CFS	774.4 AF
			3.24 CFS	774.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSE Sec. 13 Twp 05S Rge 29E POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05S	29E	13	39.8	5.6	38.6	32.0	212.0

Total Acres: 212

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. This right is limited to the irrigation of 193.6 acres within the place of use described above in a single irrigation season.

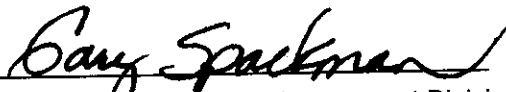
WATER RIGHT NO. 35-13599
As Modified by Transfer No. 72857

CONDITIONS OF APPROVAL

3. The rights listed below are limited to the irrigation of a combined total of 212 acres in a single irrigation season. Combined Right Nos.: 35-13599, 35-13596, 35-13598
4. The rights listed below are limited to a total combined diversion rate of 3.24 cfs and to a total combined annual diversion volume of 848 AF. Combined Right Nos.: 35-13599, 35-13596, 35-13598.
5. Right Nos. 35-13596 and 35-13598 are an enlargement of this right pursuant to Section 42-1426, Idaho Code.
6. The following rights are also diverted through point of diversion described above: 35-13596, 35-13598.

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 11th day of May, 20 07


Acting Administrator, Water Management Division

WATER RIGHT NO. 35-13600
As Modified by Transfer No. 72857

In accordance with the approval of Transfer No. 72857, Water Right No. 35-13600 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: 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
			1.14 CFS	273.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNW Sec. 21 Twp 05S Rge 30E 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	20	38.0	39.0	40.0	39.0													156.0
05S	30E	21					39.0	38.0	39.0	40.0									156.0

Total Acres: 312

CONDITIONS OF APPROVAL

1. 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.
2. 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. 35-13600
As Modified by Transfer No. 72857

CONDITIONS OF APPROVAL

3. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. 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. Rights 35-7835, 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 5.87 cfs, a total annual maximum diversion volume of 1248 af at the field headgate, and the irrigation of 312 acres.
8. 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.
9. 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.
10. Rights 35-13597 and 35-13600 when combined shall not exceed a total diversion rate of 1.14 cfs.
11. Right No. 35-13597 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
12. This right is limited to the irrigation of 68.4 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 11th day of May, 20 07


Acting Administrator, Water Management Division