

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

85945

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) KFF 301 Trust

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes. N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB).
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) KFF 301 Trust Phone 801-205-9205
Mailing address 10998 S 2000 E, Sandy, UT 84092 Email oldtriangleinv@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Kay Freeman
Signature of Applicant or Authorized Representative

Kay Freeman
Print Name and Title if applicable

12/30/21
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☒ Other Remove old points of diversion
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Rearrange the combined POU for rights 34-324B, 34-420 and 34-421 to reflect current irrigation system. 14 acres of right 34-420 is being moved to a separate system in a companion transfer. The remaining portion of right 34-420 and rights 34-324B and 34-421 will cover 124 acres. Remove unused points of diversion/re-diversion.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-324B	0.10 cfs	Irrigation	5/1 to 10/15	Big Lost River
☐ ☐		0.02 cfs	Stockwater	1/1 to 12/31	Big Lost River
☒ ☐	34-420	2.16 cfs	Irrigation	5/1 to 10/15	Warm Springs Creek
☐ ☐	(remaining portion)	0.02 cfs	Stockwater	1/1 to 12/31	Warm Springs Creek
☒ ☐	34-421	0.80 cfs	Irrigation	5/1 to 10/15	Big Lost River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.97 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.17 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	SW	NW	15	08N	21E	Custer	Big Lost River	Neilsen Ditch
		SW	SW	NW	27	08N	22E	Custer	Big Lost River	Injection into WSCr
		SW	NE	SE	27	08N	22E	Custer	Warm Springs Cr / BLR	Pump Station #1
		SW	NW	SW	26	08N	22E	Custer	Warm Springs Cr / BLR	Pump Station #2

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	26										33	34						67
		27													30	27			57
Total Acres (for irrigation use)																			124

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Ditch from Big Lost River conveys water to Warm Springs Creek. Two pump stations on Warm Springs Creek.

Points of diversion are regulated by Water District 34. Ditch has measuring device.

- b. Who owns the property at the point(s) of diversion? BLR = Burgesen, Warm Springs Creek = Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Point of diversion from Big Lost River (Neilsen Ditch) is a historical point of diversion. No change to Big Lost

River point of diversion.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A We are not moving water off of the property. We are simply rearranging the place of use.

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

14 acres of right 34-420 is being moved to our property to the south in a companion transfer. Once the 14 acres are moved, rights 34-324B, 34-420 and 34-421 will be used to irrigate 124 acres. All other acres will be dried up.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

34-14215 (Stockwater from Warm Springs Creek)

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$200.00 (\$180 check) Date 3/9/22 Received by *CT bh* Receipt # 6047873

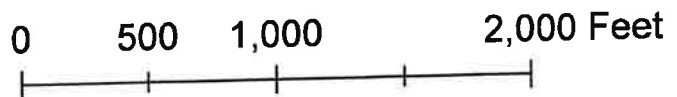
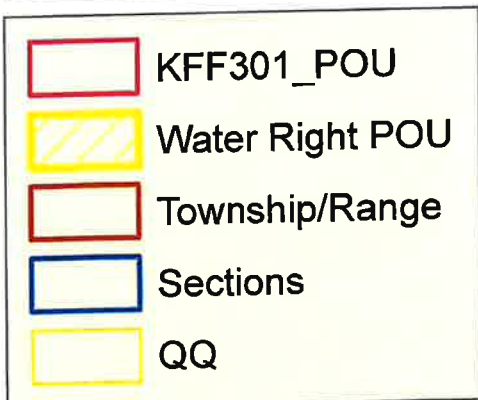
Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

KFF 301 Trust - Application for Transfer #2



2017 Imagery



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/1/2021

Water Right 34-324B

Owner Type **Name and Address**
Current Owner KFF 301 TRUST
 10998 S 2000 E
 SANDY, UT 84092-4710

Priority Date: 5/1/1905

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
BIG LOST RIVER	SINKS				
Beneficial Use					
IRRIGATION		5/01	10/15	0.100 CFS	
STOCKWATER		1/01	12/31	0.020 CFS	
		Total Diversion		0.100 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER	NESWNW	Sec. 15, Twp 08N, Rge 21E,	CUSTER County
BIG LOST RIVER	SWNWSW	Sec. 26, Twp 08N, Rge 22E,	CUSTER County(R)
BIG LOST RIVER	SWNESE	Sec. 27, Twp 08N, Rge 22E,	CUSTER County(R)
BIG LOST RIVER	NENWSW	Sec. 27, Twp 08N, Rge 22E,	CUSTER County(R)
BIG LOST RIVER	NWNWSE	Sec. 27, Twp 08N, Rge 22E,	CUSTER County(R)
BIG LOST RIVER	SWSWNW	Sec. 27, Twp 08N, Rge 22E,	CUSTER County(l)

Place of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	26										40.0	40.0						80.0
08N	22E	27													38.0	20.0			58.0

Right Acre Limit: 5.0

POU Total Acres: 138.0

STOCKWATER Same as IRRIGATION

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM SPRINGS CREEK.
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/1/2021

4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.21 CFS.
COMBINED RIGHT NOS.: 34-00420 AND 34-00421.
5. N15 THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.
6. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 138 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00420 AND 34-00421.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. C18 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.
8. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
9. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
10. WATER DELIVERED THROUGH NEILSEN DITCH.
STOCKWATER, 100 CATTLE
11. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

11/1/2021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KFF 301 TRUST 10998 S 2000 E SANDY, UT 84092-4710

Status: Active

Tributary
BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	2.400 CFS	
STOCKWATER	1/01	12/31	0.020 CFS	
	Total Diversion		2.400 CFS	

WARM SPRINGS CREEK	SWNWSW	Sec. 26, Twp 08N, Rge 22E,	CUSTER County
WARM SPRINGS CREEK	NWNWSE	Sec. 27, Twp 08N, Rge 22E,	CUSTER County
WARM SPRINGS CREEK	NENWSW	Sec. 27, Twp 08N, Rge 22E,	CUSTER County
WARM SPRINGS CREEK	SWNESE	Sec. 27, Twp 08N, Rge 22E,	CUSTER County

IRRIGATION within CUSTER County																			
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	26											40.0	40.0					80.0
08N	22E	27														38.0	20.0		58.0

POU Total Acres: 138.0

STOCKWATER Same as IRRIGATION

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.21 CFS.
COMBINED RIGHT NOS.: 34-00421 AND 34-00324B.
4. N15 THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/1/2021

5. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 138 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00421 AND 34-00324B.
6. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
7. C18 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.
8. STOCKWATER, 100 CATTLE
9. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/1/2021

Water Right 34-421

Owner Type **Name and Address**
Current Owner KFF 301 TRUST
 10998 S 2000 E
 SANDY, UT 84092-4710

Priority Date: 6/1/1914
Basis: Decreed
Status: Active

Source	Tributary		
BIG LOST RIVER	SINKS		
Beneficial Use	From	To	Diversion Rate
IRRIGATION	5/01	10/15	0.800 CFS
	Total Diversion		0.800 CFS

Source and Point(s) of Diversion

BIG LOST RIVER	NWNWSE	Sec. 27, Twp 08N, Rge 22E,	CUSTER County(R)
BIG LOST RIVER	SWNWSW	Sec. 26, Twp 08N, Rge 22E,	CUSTER County(R)
BIG LOST RIVER	NESWNW	Sec. 15, Twp 08N, Rge 21E,	CUSTER County
BIG LOST RIVER	SWNESE	Sec. 27, Twp 08N, Rge 22E,	CUSTER County(R)
BIG LOST RIVER	NENWSW	Sec. 27, Twp 08N, Rge 22E,	CUSTER County(R)
BIG LOST RIVER	SWSWNW	Sec. 27, Twp 08N, Rge 22E,	CUSTER County(I)

Place of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	26										40.0	40.0						80.0
08N	22E	27													38.0	20.0			58.0

Right Acre Limit: 40.0

POU Total Acres: 138.0

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM SPRINGS CREEK.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.21 CFS.
COMBINED RIGHT NOS.: 34-00324B AND 34-00420.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/1/2021

4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 138 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00324B AND 34-00420. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. C18 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.
6. WATER IS DELIVERED THROUGH NEILSEN DITCH.
7. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 23, 2022

KFF 301 TRUST
10998 S 2000 E
SANDY, UT 84092-4710

RE: Transfer No. 85943
Water Right No(s). 34-353, 34-420
Transfer No. 85945
Water Right No(s). 34-324B, 34-420, 34-421

Dear Applicant:

The Department of Water Resources has received your water right transfer applications. Please refer to the transfer numbers referenced above in all future correspondence regarding these transfers.

A legal notice of the applications has been prepared and is scheduled for publication in the CHALLIS MESSENGER and ARCO ADVERTISER on 3/31/2022 and 4/7/2022. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the approval documents.

Please contact this office if you have any questions regarding the applications.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 23, 2022 9:22 AM
To: legalnotices@postregister.com
Subject: Legal Notice for Challis Messenger
Attachments: 85943, 85945 Arco Advertiser, Challis Messenger.docx

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226-0405

RE: Transfer No. 85943, 85945
Water Right No(s). 34-353, 34-420, 34-324B, 34-420, 34-421

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/18/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 23, 2022 9:22 AM
To: arcoadv@aol.com
Subject: Legal Notice for Arco Advertiser
Attachments: 85943, 85945 Arco Advertiser, Challis Messenger.docx

LEGAL NOTICE DEPARTMENT
ARCO ADVERTISER
PO BOX C
ARCO, ID 83213

RE: Transfer No. 85943, 85945
Water Right No(s). 34-353, 34-420, 34-324B, 34-420, 34-421

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/18/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85943**

KFF 301 TRUST, 10998 S 2000 E, SANDY, UT 84092-4710 has filed Application No. 85943 for changes to the following water rights within CUSTER County(s): Right No(s). 34-353, 34-420; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. The proposed point of diversion is in NWSE Sec 34 T08N R22E for 2.89 cfs from Warm Springs Creek. The proposed place of use is in NENE, SENE and NESE Sec 34, and NWSW Sec 35, T08N R22E for 106 acres.

TRANSFER NO. 85945

KFF 301 TRUST, 10998 S 2000 E, SANDY, UT 84092-4710 has filed Application No. 85945 for changes to the following water rights within CUSTER County(s): Right No(s). 34-324B, 34-420, 34-421; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: remove unused points of diversion and change place of use. The water rights are for 2.97 cfs from Big Lost River and Warm Springs Creek. The proposed place of use is in NWSW and SWSW Sec 26, and NESE and NWSE Sec 27, T08N R22E for 124 acres.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 4/18/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/31/2022 and 4/7/2022