

RECEIVED

**MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

MAR 09 2022

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](http://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](http://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 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: \_\_\_\_\_

MAR 09 2022

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Department of Water Resources  
Eastern Region

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**.

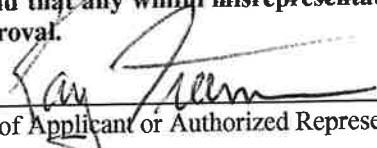
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ 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.

  
 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 \_\_\_\_\_
- 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**.  
Change point of diversion and place of use for a 14-acre portion of right 34-420. Transferred portion will be combined with right 34-353 to create a 106-acre place of use. Correct point of diversion for right 34-353 to more accurately identify the headgate for the Freeman Ditch. Proposed place of use has been irrigated since 2019.

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<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 34-420       | 0.24 cfs              | Irrigation    | 5/1 to 10/15  | Warm Springs Creek |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 34-353       | 2.65 cfs              | Irrigation    | 5/1 to 10/15  | Warm Springs Creek |
| <input type="checkbox"/> <input type="checkbox"/>                           |              | 0.02 cfs              | Stockwater    | 1/1 to 12/31  | Warm Springs Creek |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

Total authorized under rights 2.89 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.16 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 # |
|-------|-----|---|----|----|-----|-----|-----|--------|--------------------|---------------------|
|       |     |   | NW | SE | 34  | 08N | 22E | Custer | Warm Springs Creek | Freeman Ditch       |
|       |     |   |    |    |     |     |     |        |                    |                     |
|       |     |   |    |    |     |     |     |        |                    |                     |
|       |     |   |    |    |     |     |     |        |                    |                     |
|       |     |   |    |    |     |     |     |        |                    |                     |

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 | 34  | 32   |    |    | 24 |      |    |    |    |      |    |    |    | 20   |    |    |    | 76          |
|                                  |     | 35  |      |    |    |    |      |    |    |    |      | 30 |    |    |      |    |    |    | 30          |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    | 106         |

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 Warm Springs Creek conveys water to pump station near center of the large half circle pivot. Point of diversion is regulated by Water District 34. Ditch has measuring device.

- b. Who owns the property at the point(s) of diversion? Idaho Department of Fish & Game  
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:  
Historical Ditch begins at outflow from IDFG Fish Hatchery. No change in ditch.

- 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 shifting rights from one side of the farm to the other.

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:  
The 14 acres transferred to the proposed place of use will be dried up at the original place of use.

- 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:  
Water rights 34-324B, 34-420 and 34-421 are used to irrigate 138 acres. The 124 irrigated acres (remaining after this transfer) are served from a separate point of diversion. The remaining 124 acres will be rearranged through a separate transfer application.

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

Yes No

- |                          |                                     |                                                                                               |
|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

**A. DESCRIPTION OF RIGHT(S) AS RECORDED**

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ [idwr.idaho.gov](http://idwr.idaho.gov), Water Right Transfers, Step 1.  
Insert Part 2A reports into the application following Part 1.

**B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES**

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ [idwr.idaho.gov](http://idwr.idaho.gov), Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 34-420

- Right Number. \_\_\_\_\_
1. amount 0.24 cfs (cfs/ac-ft) for Irrigation purposes from 5/1 to 10/15  
amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ (cfs/ac-ft) for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

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.

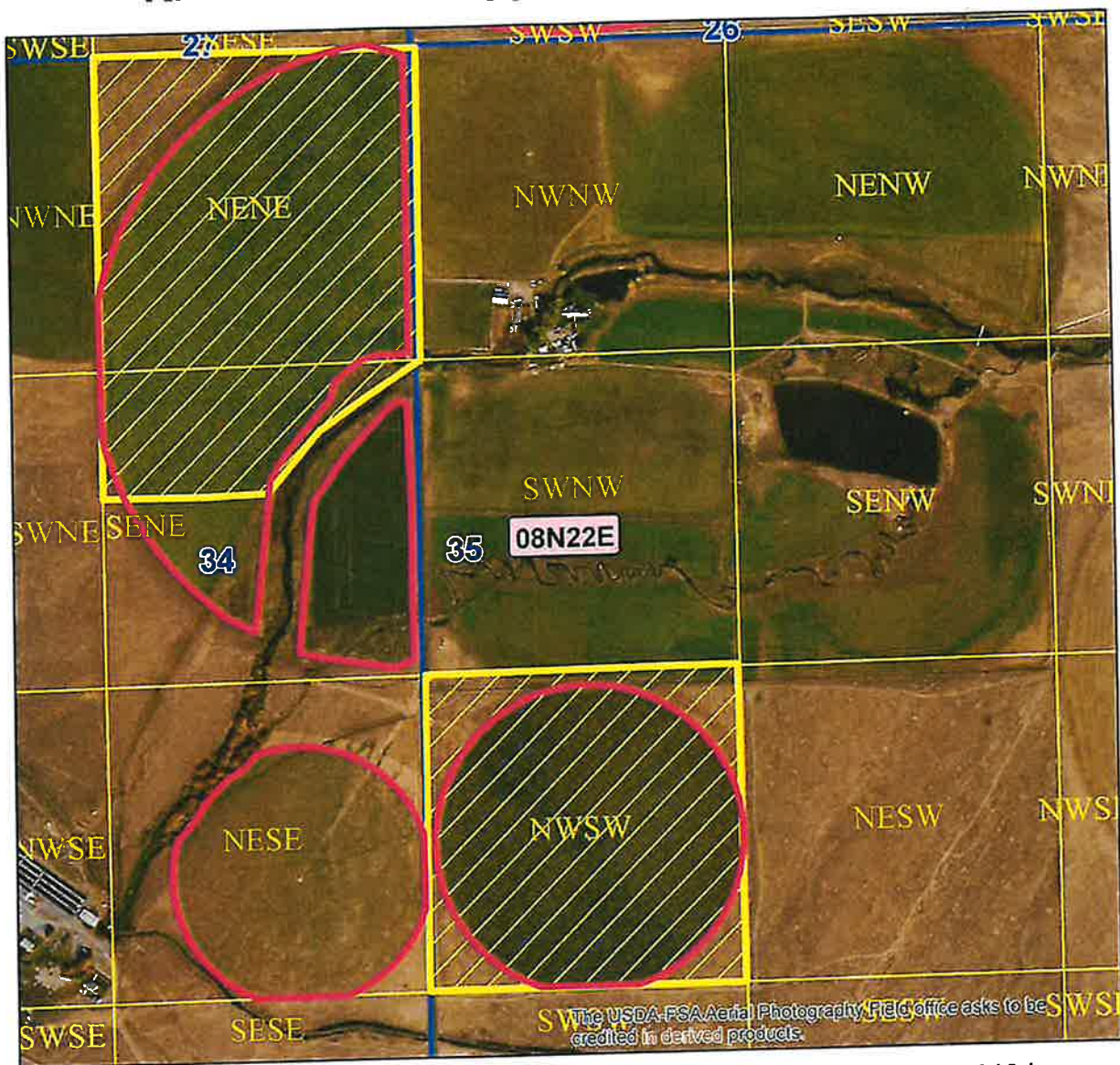
Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid \$580.00 (check) Date 3/9/22 Received by Cx H Receipt # E047873

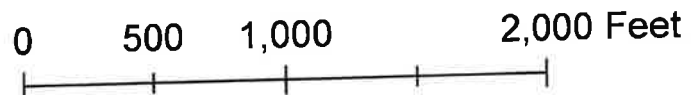
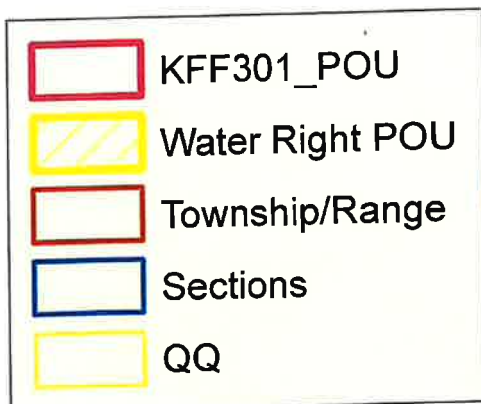
Add'l fee paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

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 #1



## 2019 Imagery



## 11/1/2021

| <u>Owner Type</u> | <u>Name and Address</u>                                 |
|-------------------|---------------------------------------------------------|
| Current Owner     | KFF 301 TRUST<br>10998 S 2000 E<br>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     | 2.650 CFS             |               |
| STOCKWATER            | 1/01                   | 12/31     | 0.020 CFS             |               |
|                       | <b>Total Diversion</b> |           | 2.650 CFS             |               |

Source and Point(s) of Diversion  
WARM SPRINGS CREEK      NWNESE      Sec. 34, Twp 08N, Rge 22E, CUSTER County

**Place Of Use**  
IRRIGATION within CUSTER County; STOCKWATER Same as IRRIGATION

| IRRIGATION within CUSTER County; STOCKWATER Same as IRRIGATION |     |     |      |    |    |      |    |    |    |    |    |      |    |    |    |    |    |    |        |
|----------------------------------------------------------------|-----|-----|------|----|----|------|----|----|----|----|----|------|----|----|----|----|----|----|--------|
| 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 | 34  | 40.0 |    |    | 12.0 |    |    |    |    |    |      |    |    |    |    |    |    | 52.0   |
| 08N                                                            | 22E | 35  |      |    |    |      |    |    |    |    |    | 40.0 |    |    |    |    |    |    | 40.0   |

POU Total Acres: 92.0

**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. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. 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.
4. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
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 LOWER FISH HATCHERY CANAL.  
STOCKWATER, 100 CATTLE

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

11/1/2021

**Water Right 34-420**

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

**Priority Date:** 5/1/1902

**Basis:** Decreed

**Status:** Active

**Source**      **Tributary**  
WARM SPRINGS CREEK      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             |               |
|                       | <b>Total Diversion</b> |           | 2.400 CFS             |               |

**Source and Point(s) of Diversion**

|                    |        |                            |               |
|--------------------|--------|----------------------------|---------------|
| 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 |

**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   |

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. 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.
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.21 CFS.  
COMBINED RIGHT NOS.: 34-00421 AND 34-00324B.

**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. 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.
7. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
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**

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](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://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

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**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

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**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