

RECEIVED

JAN 03 2013

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81982

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 <http://www.idwr.idaho.gov/>.

Name of Applicant 7J LAND LLC

(s)

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 #1-9.

- ☒ ☐ #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 transfer 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).
- ☒ ☐ #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 <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: _____

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DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant 7J LAND LLC

Phone (208) 312-6632

Mailing Address 1583 E 1740 S, MALTA ID 83342

Email jgregeresen12@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 rights. 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]
Signature of Applicant or Authorized Representative

Manager
Print Name and Title if applicable

1/2/17
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	43-13611	No	No	Yes	Yes	No	No
	43-13613	No	No	Yes	Yes	No	No
	43-13615	No	No	Yes	Yes	No	No
	43-13617	No	No	Yes	Yes	No	No
	43-13619	No	No	Yes	No	No	No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

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.2

Change ownership of water rights to TJS Land LLC SG.

Applicant is proposing to add a point of diversion to Cassia Creek water rights that will be diverted into a pond from which he will be able to pump to a new pivot and wheel lines. The water right from Side Hill Springs will be collected at the existing point of diversion and the place of use will change to match the proposed place of use for the Cassia Creek water.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-13611	0.290 cfs	N/A	N/A	126.8		N/A	N/A	N/A	N/A
43-13613	0.280 cfs	N/A	N/A	126.8		N/A	N/A	N/A	N/A
43-13615	0.970 cfs	N/A	N/A	126.8		N/A	N/A	N/A	N/A
43-13617	1.430 cfs	N/A	N/A	126.8		N/A	N/A	N/A	N/A
43-13619	0.160 cfs	N/A	66.0	126.8		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

3.130 cfs	N/A	N/A	126.8	N/A	N/A	N/A	N/A
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2. Total amount of water proposed to be transferred or changed 3.13 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

UTAH DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 43-13611

Current Water Right Owner
 7J LAND LLC
 1583 E 1740 S
 MALTA, ID 83342

Priority Date: 4/30/1872

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK **Tributary:** RAFT RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.290 CFS	
Total Diversion			0.290 CFS	

Source and Point(s) of Diversion:

CASSIA CREEK	NENESE	Sec. 23 Twp 13S Rge 25E CASSIA County
CASSIA CREEK	NWNWSE	Sec. 23 Twp 13S Rge 25E CASSIA County
CASSIA CREEK	NENESW	Sec. 24 Twp 13S Rge 25E CASSIA County
CASSIA CREEK	NENWSW	Sec. 23 Twp 13S Rge 25E CASSIA County

Describe the proposed diversion system

existing diversion

existing diversion

Proposed new diversion

existing diversion

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	25E	24								4.9	30.0			20.0		33.0	33.0	5.9	126.8

POU Total Acres: 126.8

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 43-13613

Current Water Right Owner
7J LAND LLC
1583 E 1740 S
MALTA, ID 83342

Priority Date: 4/30/1873

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK **Tributary:** RAFT RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.280 CFS	
Total Diversion			0.280 CFS	

Source and Point(s) of Diversion:

CASSIA CREEK	NENESE	Sec. 23 Twp 13S Rge 25E CASSIA County
CASSIA CREEK	NWNWSE	Sec. 23 Twp 13S Rge 25E CASSIA County
CASSIA CREEK	NENESW	Sec. 24 Twp 13S Rge 25E CASSIA County
CASSIA CREEK	NENWSW	Sec. 23 Twp 13S Rge 25E CASSIA County

Describe the proposed diversion system

existing diversion

existing diversion

Proposed new diversion

existing diversion

Place of Use: 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	
13S	25E	24								4.9	30.0			20.0		33.0	33.0	5.9	126.8

POU Total Acres: 126.8

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 43-13615

Current Water Right Owner

**7J LAND LLC
1583 E 1740 S
MALTA, ID 83342**

Priority Date: 4/30/1879

Origin: Water Right

Basis: Decreed

Status Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

0.970 CFS

Subuse Code

Total Diversion

0.970 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

NENESE

Sec. 23 Twp 13S Rge 25E CASSIA County

CASSIA CREEK

NWNWSE

Sec. 23 Twp 13S Rge 25E CASSIA County

CASSIA CREEK

NENESW

Sec. 24 Twp 13S Rge 25E CASSIA County

CASSIA CREEK

NENWSW

Sec. 23 Twp 13S Rge 25E CASSIA County

Describe the proposed diversion system

existing diversion

existing diversion

Proposed new diversion

existing diversion

Place of Use: 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	
13S	25E	24								4.9	30.0			20.0		33.0	33.0	5.9	126.8

POU Total Acres:

126.8

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 43-13617

Current Water Right Owner
7J LAND LLC
1583 E 1740 S
MALTA, ID 83342

Priority Date: 4/1/1894

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK **Tributary:** RAFT RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	1.430 CFS	
Total Diversion			1.430 CFS	

Source and Point(s) of Diversion:

CASSIA CREEK	NENESE	Sec. 23 Twp 13S Rge 25E CASSIA County
CASSIA CREEK	NWNWSE	Sec. 23 Twp 13S Rge 25E CASSIA County
CASSIA CREEK	NENESW	Sec. 24 Twp 13S Rge 25E CASSIA County
CASSIA CREEK	NENWSW	Sec. 23 Twp 13S Rge 25E CASSIA County

Describe the proposed diversion system

existing diversion

existing diversion

Proposed new diversion

existing diversion

Place of Use: 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	
13S	25E	24								4.9	30.0			20.0		33.0	33.0	5.9	126.8

POU Total Acres: 126.8

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 43-13619

Current Water Right Owner
7J LAND LLC
1583 E 1740 S
MALTA, ID 83342

Priority Date: 4/27/1910

Origin: Water Right

Basis: Decreed

Status: Active

Source: SIDE HILL SPRINGS **Tributary:** CASSIA CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.160 CFS	
Total Diversion			0.160 CFS	

Source and Point(s) of Diversion:
SIDE HILL SPRINGS NESESW Sec. 24 Twp 13S Rge 25E CASSIA County

Place of Use: 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	
13S	25E	24								4.9	30.0			20.0		33.0	33.0	5.9	126.8

Right Acre Limit: 66.0
POU Total Acres: 126.8

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

Water will be diverted from Cassia creek into a pond that will be pumped into a new pivot and hand lines.

A measuring device will be installed to meet the Departments standards.

- b. Who owns the property at the point(s) of diversion

The new point of diversion is on the applicants property. The other existing points of diversion are on neighboring property.

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

The existing points of diversion on neighboring property are delivered by the watermaster and have shared ditches.

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

No, ☒ 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:

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

The shape of the place of use will change slightly to allow for a new pivot and wheel lines. The same number of acres will be irrigated as allowed by the water rights.

- e. Describe the use of any other water right(s) for the same purpose or land, or 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 have previously been delivered through a shared ditch. As part of the transfer the other users in the shared ditch will be asked to provide written acknowledgement for the changes to the point of diversion made by this transfer.

- f. 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:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-13611

Current Water Right Owner

**JEFFERY GREGERSEN
1583 E 1740 S
MALTA, ID 83342**

And/Or

**KODI GREGERSEN
1583 E 1740 S
MALTA, ID 83342**

Priority Date: 4/30/1872

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

**Beneficial Use
IRRIGATION**

**From To Diversion Rate
04/01 10/31 0.290 CFS
Total Diversion 0.290 CFS**

Subuse Code

Source and Point(s) of Diversion:

CASSIA CREEK
CASSIA CREEK
CASSIA CREEK

NENWSW
NENESE
NWNWSE

Sec. 23 Twp 13S Rge 25E CASSIA County
Sec. 23 Twp 13S Rge 25E CASSIA County
Sec. 23 Twp 13S Rge 25E CASSIA County

Describe the proposed diversion system

Proposed new diversion

existing diversion

existing diversion

Place of Use: 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	
13S	25E	24								2.8	37.0			13.0		36.0	22.0	16.0	126.8

POU Total Acres: 126.8

Conditions/Remarks:

1. The total instantaneous diversion of water from all points of diversion under Rights 43-13611, 43-13613, 43-13615 and 43-13617 shall not exceed 2.97 cfs.
2. Place of use does not include federal public lands
3. This right does not grant any right-of-way or easement across the land of another.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Rights 43-13611, 43-13613, 43-13615, 43-13617 and 43-13619 when combined shall not exceed the irrigation of 126.8 acres.
7. 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. 43C.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

Conditions/Remarks:

9. 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.
10. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. The point of diversion previously authorized under this right if abandoned shall have the diversion works physically removed from the creek and rehabilitate the site in a manner that complies with Stream Channel Alteration requirements of Section 42-3803, Idaho Code.
13. The following rights are diverted through point(s) of diversion described above: 43-13613, 43-13615 and 43-13617.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-13613

Current Water Right Owner

**JEFFERY GREGERSEN
1583 E 1740 S
MALTA, ID 83342**

And/Or

**KODI GREGERSEN
1583 E 1740 S
MALTA, ID 83342**

Priority Date: 4/30/1873

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

**Beneficial Use
IRRIGATION**

**From To Diversion Rate
04/01 10/31 0.280 CFS
Total Diversion 0.280 CFS**

Subuse Code

Source and Point(s) of Diversion:

CASSIA CREEK	NENWSW	Sec. 23 Twp 13S Rge 25E CASSIA County
CASSIA CREEK	NENESE	Sec. 23 Twp 13S Rge 25E CASSIA County
CASSIA CREEK	NWNWSE	Sec. 23 Twp 13S Rge 25E CASSIA County

Describe the proposed diversion system

Proposed new diversion

existing diversion

existing diversion

Place of Use: 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	
13S	25E	24								2.8	37.0			13.0		36.0	22.0	16.0	126.8

POU Total Acres: 126.8

Conditions/Remarks:

1. This right does not grant any right-of-way or easement across the land of another.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Rights 43-13611, 43-13613, 43-13615, 43-13617 and 43-13619 when combined shall not exceed the irrigation of 126.8 acres.
7. 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

Conditions/Remarks:

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. 43C.
9. The total instantaneous diversion of water from all points of diversion under Rights 43-13611, 43-13613, 43-13615 and 43-13617 shall not exceed 2.97 cfs.
10. The point of diversion previously authorized under this right if abandoned shall have the diversion works physically removed from the creek and rehabilitate the site in a manner that complies with Stream Channel Alteration requirements of Section 42-3803, Idaho Code.
11. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
12. Place of use does not include federal public lands

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-13615

Current Water Right Owner

**JEFFERY GREGERSEN
1583 E 1740 S
MALTA, ID 83342**

And/Or

**KODI GREGERSEN
1583 E 1740 S
MALTA, ID 83342**

Priority Date: 4/30/1879

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK Tributary: RAFT RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.970 CFS	
Total Diversion			0.970 CFS	

Source and Point(s) of Diversion:

CASSIA CREEK	NENWSW	Sec. 23 Twp 13S Rge 25E CASSIA County
CASSIA CREEK	NENESE	Sec. 23 Twp 13S Rge 25E CASSIA County
CASSIA CREEK	NWNWSE	Sec. 23 Twp 13S Rge 25E CASSIA County

Describe the proposed diversion system

Proposed new diversion

existing diversion

existing diversion

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	25E	24								2.8	37.0			13.0		36.0	22.0	16.0	126.8

POU Total Acres: 126.8

Conditions/Remarks:

1. Rights 43-13611, 43-13613, 43-13615, 43-13617 and 43-13619 when combined shall not exceed the irrigation of 126.8 acres.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
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. 43C.
5. Place of use does not include federal public lands
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

Conditions/Remarks:

8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. 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.
10. The point of diversion previously authorized under this right if abandoned shall have the diversion works physically removed from the creek and rehabilitate the site in a manner that complies with Stream Channel Alteration requirements of Section 42-3803, Idaho Code.
11. This right does not grant any right-of-way or easement across the land of another.
12. The total instantaneous diversion of water from all points of diversion under Rights 43-13611, 43-13613, 43-13615 and 43-13617 shall not exceed 2.97 cfs.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-13617

Current Water Right Owner

**JEFFERY GREGERSEN
1583 E 1740 S
MALTA, ID 83342**

And/Or

**KODI GREGERSEN
1583 E 1740 S
MALTA, ID 83342**

Priority Date: 4/1/1894

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

1.430 CFS

Subuse Code

Total Diversion

1.430 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

NENWSW

Sec. 23 Twp 13S Rge 25E CASSIA County

CASSIA CREEK

NENESE

Sec. 23 Twp 13S Rge 25E CASSIA County

CASSIA CREEK

NWNWSE

Sec. 23 Twp 13S Rge 25E CASSIA County

Describe the proposed diversion system

Proposed new diversion

existing diversion

existing diversion

Place of Use: 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	
13S	25E	24								2.8	37.0			13.0		36.0	22.0	16.0	126.8

POU Total Acres:

126.8

Conditions/Remarks:

1. 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. 43C.
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.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.
6. Place of use does not include federal public lands
7. Rights 43-13611, 43-13613, 43-13615, 43-13617 and 43-13619 when combined shall not exceed the irrigation of 126.8 acres.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. 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.
11. The point of diversion previously authorized under this right if abandoned shall have the diversion works physically removed from the creek and rehabilitate the site in a manner that complies with Stream Channel Alteration requirements of Section 42-3803, Idaho Code.
12. The total instantaneous diversion of water from all points of diversion under Rights 43-13611, 43-13613, 43-13615 and 43-13617 shall not exceed 2.97 cfs.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-13619

Current Water Right Owner

**JEFFERY GREGERSEN
1583 E 1740 S
MALTA, ID 83342**

And/Or

**KODI GREGERSEN
1583 E 1740 S
MALTA, ID 83342**

Priority Date: 4/27/1910

Origin: Water Right

Basis: Decreed

Status: Active

Source: SIDE HILL SPRINGS

Tributary: CASSIA CREEK

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

0.160 CFS

Subuse Code

Total Diversion

0.160 CFS

Source and Point(s) of Diversion:

SIDE HILL SPRINGS

NESESW

Sec. 24 Twp 13S Rge 25E CASSIA County

Place of Use: 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	
13S	25E	24								2.8	37.0			13.0		36.0	22.0	16.0	126.8

Right Acre Limit: 66.0

POU Total Acres: 126.8

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 53.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS
3. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-13611, 43-13613, 43-13615, 43-13617 AND 43-13619.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 126.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-13611, 43-13613, 43-13615, 43-13617 AND 43-13619.
5. 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.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

☒ 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 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**.

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

1. 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.:

Received By	<u>CH/AM</u>	Date	<u>1-3-2018</u>	Prelim. Check By		Date	
Fee Paid	<u>\$865-</u>	Date	<u>1-3-2018</u>	Received By	<u>AM</u>	Receipt #	<u>5036517</u>
Add'l Fee Paid		Date		Received By		Receipt #	

QUITCLAIM DEED

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW
3:24:17 pm 02-19-2009
2009-000747
NO. PAGES: 2 FEE: \$6.00
LARRY A. MICKELSEN
COUNTY CLERK
DEPUTY: VIKI

For Value Received

Jeffery Dale Gregersen and Kodi Gregersen, husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

7 J Land, LLC, an Idaho limited liability company
ADDRESS: 1583 East 1740 South
Malta, Idaho 83342

Hereinafter called the grantee, the following described premises, in Cassia County, Idaho to-wit:

Parcel No. 1:

TOWNSHIP 13 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 24: S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$

Parcel No. 2:

TOWNSHIP 13 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 24: E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$

SAVE AND EXCEPT the following described tracts:

Tract No. 1:

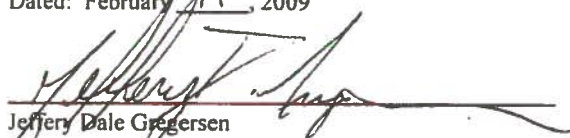
Beginning at the Northwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 24, said corner marked by a U. S. BLM aluminum pipe and cap which shall be the Point of Beginning;
Thence North 88°49'37" East along the North line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of 33.00 feet to a $\frac{1}{2}$ inch rebar;
Thence South 01°20'48" West for a distance of 1326.59 feet to a $\frac{1}{2}$ inch rebar on the South line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence South 88°45'35" West along said line for a distance of 5.75 feet to the Southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ marked by a 5/8 inch rebar;
Thence North 00°10'11" East along the West line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of 1325.68 feet to the Point of Beginning.

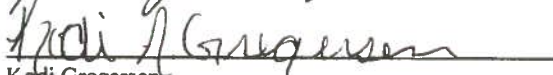
Tract No. 2:

Commencing at the Northwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 24 (monumented by a U. S. BLM iron pipe with aluminum cap); Thence South 00°08'42" East for 63.22 feet (recorded as South 00°10'47" West for 63.26 feet) to a $\frac{1}{2}$ inch rebar; Thence South 84°12'57" East (recorded as South 83°53'33" East) for 42.62 feet to a $\frac{1}{2}$ inch rebar and the True Point of Beginning;
Thence continuing South 84°12'57" East for 207.34 feet to a $\frac{1}{2}$ inch rebar;
Thence South 87°22'12" East (recorded as South 87°01'58" East) for 74.06 feet to a $\frac{1}{2}$ inch rebar;
Thence South 01°37'40" East for 162.62 feet to a $\frac{1}{2}$ inch rebar;
Thence South 88°01'01" West for 88.14 feet to a $\frac{1}{2}$ inch rebar;
Thence South 01°06'10" East for 91.97 feet to a $\frac{1}{2}$ inch rebar;
Thence North 88°29'41" West for 207.45 feet to a $\frac{1}{2}$ inch rebar;
Thence North 01°49'40" East for 276.54 feet to the True Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

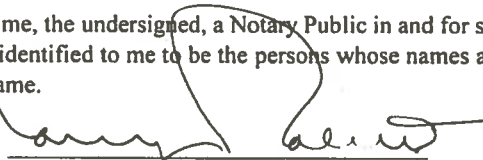
Dated: February 19th, 2009


Jeffery Dale Gregersen


Kodi Gregersen

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 19th day of February, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared **Jeffery Dale Gregersen and Kodi Gregersen**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at: Burley ID
My Commission expires: 06.30.09

Larry Roberts
Notary Public
State of Idaho

WATER SHARING AGREEMENT

Jeffery and Kodi Gregersen agree to allow 7J Land, LLC, owner of water rights No. 43-13611, 43-13613, 43-13615, 43-13617, and 43-13619 to use these water rights on their adjacent property in NESW, Section 24, T13S, R25E, in Cassia County, Idaho.

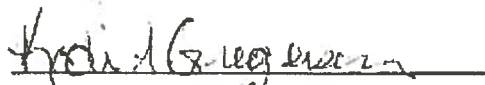
7J Land, LLC agrees to use the above stated water rights on the NESW of Section 24 in T13S, R25E, in Cassia County, Idaho. This adjacent property is owned by Jeffery and Kodi Gregersen. The parties to this agreement acknowledge that the above stated water rights will remain the property of 7J Land, LLC.

This agreement is entered into on January 25, 2018.

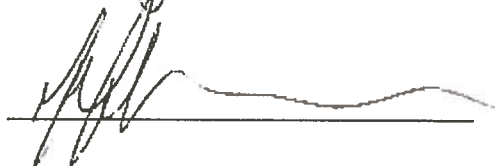
Jeffery Gregersen



Kodi Gregersen



Manager of 7J Land, LLC



(Jeffery or Kodi Gregersen)

TRANSFER 81982

After recording send to:

Matthew C Darrington, Esq.
ANTHON DARRINGTON, PLLC
P.O Box 536
Rupert, ID 83350

CASSIA COUNTY
Recorded for:
ANTHON DARRINGTON PLLC
2:30:43 pm 01-26-2018
2018-000422
No. Pages: 3 Fee: \$15.00
JOSEPH W. LARSEN
County Clerk
Deputy: JBYNCH

Recording Information

SPECIAL WARRANTY DEED FOR WATER RIGHTS

JEFFERY DALE GREGERSEN and KODI ANN GREGERSEN, husband and wife, whose address is 1583 East 1740 South, Malta, ID 83342, ("Grantors") do hereby grant, bargain, sell, assign, and convey unto 7 J Land, LLC, an Idaho Limited Liability Company, of 1583 East 1740 South, Malta, Idaho 83342 ("Grantees") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in and to Water Right No(s): 43-13611, 43-13613, 43-13615, 43-13617, and 43-13619 (the "Water Rights").

Grantors covenant and warrant to Grantee as follows:

- A. Grantors are the owners of the Water Rights;
- B. Grantors have not previously conveyed the Water Rights to any person other than the Grantee;
- C. The Grantors Water Rights is being conveyed free from all liens, claims or encumbrances; and
- D. Grantors have the authority to convey the Water Rights to Grantee.

Grantors make no other covenants, representations or warranties as to the Water Rights.

No land is included in or conveyed by this grant.

IN WITNESS WHEREOF, the undersigned has caused his/her name to be hereunto subscribed this 25 day of January 2018.

TRANSFER 81982

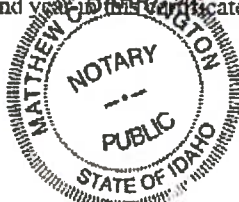

JEFFERY DALE GREGERSEN

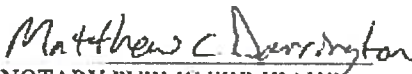

KODI ANN GREGERSEN

STATE OF IDAHO)
) ss.
County of Cassia)

On this 22nd day of January 2018, before me, a Notary Public for said County and State, personally appeared Jeffery Dale Gregersen, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




NOTARY PUBLIC FOR IDAHO
Residing at: Burley, ID
My commission expires: 12-28-21

STATE OF IDAHO)
) ss.
County of Cassia)

On this _____ day of January 2018, before me, a Notary Public for said County and State, personally appeared Kodi Ann Gregersen, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO
Residing at: _____
My commission expires: _____

TRANSFER 81982

No. W 68957	Due no later than Nov 30, 2017 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. 7 J LAND, LLC JEFF D GREGERSEN 1583 EAST 1740 SOUTH MALTA ID 83342		JEFFERY D GREGERSEN 1583 EAST 1740 SOUTH MALTA ID 83342			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	JEFFERY D GREGERSEN	1583 EAST 1740 SOUTH	MALTA	ID		83342
MANAGER	KODI ANN GREGERSEN	1583 EAST 1740 SOUTH	MALTA	ID		83342
5. Organized Under the Laws of: ID W 68957		6. Annual Report must be signed.* Signature: Jeff Gregersen Name (type or print): Jeff Gregersen Date: 10/02/2017 Title: Manager				
Processed 10/02/2017		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 81982

[illegible]**TRANSFER 81982**



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 8, 2018

7J LAND LLC
1583 E 1740 S
MALTA, ID 83342

RE: Transfer No. 81982
Water Right No(s). 43-13611, 43-13613, 43-13615, 43-13617, 43-13619

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 2/15/2018 and 2/22/2018**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **March 5, 2018**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application 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 application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Denise Maline
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 8, 2018

IDAHO DEPT OF FISH & GAME
324 S 417 E, STE 1
JEROME, ID 83338

RE: Transfer No. 81982
Water Right No(s). 43-13611, 43-13613, 43-13615, 43-13617, 43-13619

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days. In addition, detailed information regarding this application(s) can be found on our website at www.idwr.idaho.gov.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 8, 2018

WATER DISTRICT #43C
ROGER MUSSER
917 PARK LN
POCATELLO, ID 83201

RE: Transfer No. 81982
Water Right No(s). 43-13611, 43-13613, 43-13615, 43-13617, 43-13619

Dear Roger:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 08, 2018 11:24 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.doc

Attached please find **(1)** legal notice being submitted for publication on February 15th & 22nd, 2018. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline

Administrative Assistant

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 8, 2018

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 81982

Water Right No(s): 43-13611, 43-13613, 43-13615, 43-13617, 43-13619

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 March 5, 2018. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81982**

7J LAND LLC, 1583 E 1740 S, MALTA, ID 83342; has filed Application No. 81982 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13611, 43-13613, 43-13615, 43-13617, 43-13619; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to modify the place of use (POU) for four Cassia Creek water rights and one Side Hill Springs right which currently irrigate a total of 126.8 acres with a combined flow rate of 3.13 cfs on ground located approximately 5.4 to 6.0 miles west and 1.9 to 2.4 miles south of Malta. The new POU will be on contiguous ground in the same general area. The four Cassia Creek rights will retain their three present points of diversion (POD) and will add a new POD on Cassia Creek located approximately 5.8 miles west and 2.1 miles south of Malta. The single POD for the Side Hill Springs right will not change.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **March 5, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on February 15th & 22nd, 2018

Bitzenburg, James

From: Erickson, Nathan
Sent: Monday, February 05, 2018 2:02 PM
To: Bitzenburg, James
Subject: FW: Water Transfers

From: Jeffrey Gregersen [mailto:grejeffr@cassiaschools.org]
Sent: Monday, February 05, 2018 2:01 PM
To: Erickson, Nathan <Nathan.Erickson@idwr.idaho.gov>
Subject: Water Transfers

FEE MEMORANDUM

Date: January 4, 2018
To: 7 J Land, LLC Transfer #81982 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on January 3, 2018, and involves modifying the place of use to match current irrigation practices and adding a point of diversion on Cassia Creek to the three current PODs on Cassia Creek for four rights diverted from Cassia Creek. One right is diverted from Side Hill Springs, and that right will retain its present POD, but its POU will be changed along with the other four rights. The four rights adding the new POD have a combined flow rate of 2.97 cfs. The amount of acres changing in the POU modification is 20.1 acres, so dividing 20.1 by the combined acre limit of 126.8 acres and multiplying that factor by the sum of flow rates (2.97 cfs for the Cassia Creek rights and 0.16 cfs for the Side Hill Springs right) produces 0.50 cfs flow rate changing in the POU change, and when added to the POD change makes a total flow rate charge of 3.47 cfs, which, from the transfer fee schedule is a fee of \$740.00. The applicant also wishes to change the ownership of the five rights from Jeffery and/or Kodi Gregersen to 7 J Land, LLC which adds another \$125.00 to the fee (\$25.00/right for 5 rights) for a grand total of \$865.00 which was paid with the transfer filing on January 3, 2018 with check #3526 from 7 J Livestock, LLC; Gregersen, Jeffery D., Kodi, receipt #S036517.

TRANSFER SYNOPSIS

Date: January 4, 2018
To: Transfer 81982, 7 J Land, LLC file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to modify the place of use (POU) for four Cassia Creek water rights and one Side Hill Springs right which currently irrigate a total of 126.8 acres with a combined flow rate of 3.13 cfs on ground located approximately 5.4 to 6.0 miles west and 1.9 to 2.4 miles south of Malta. The new POU will be on contiguous ground in the same general area. The four Cassia Creek rights will retain their three present points of diversion (POD) and will add a new POD on Cassia Creek located approximately 5.8 miles west and 2.1 miles south of Malta. The single POD for the Side Hill Springs right will not change.

The transfer will be advertised because it proposes adding a POD on a surface water source, and since it is located on Cassia Creek, comments will be sought from the Watermaster of Water District 43C. The rights involved in the transfer include: 43-13611 (Cassia Creek, 0.29 cfs), 43-13613 (Cassia Creek, 0.28 cfs), 43-13615 (Cassia Creek, 0.97 cfs), 43-13617 (Cassia Creek, 1.43 cfs) and 43-13619 (Side Hill Springs, 0.16 cfs).

Deeds have been supplied with the transfer to change the ownership of the above rights from Jeffery and/or Kodi Gregersen to 7 J Land, LLC upon approval of the transfer. A water sharing agreement between Jeff and Kodi Gregersen and 7J Land, LLC has also been supplied by the Gregersens which will allow irrigation of the Gregersen's home lot with 7J Land, LLC water.

The new Cassia Creek POD will allow 7J Land, LLC to withdraw Cassia Creek water directly from the creek where it runs through the 7J Land, LLC property, instead of through the shared ditch. Approval letters from the other users in the shared ditch have been included with the transfer application.

Bitzenburg, James

From: Bitzenburg, James
Sent: Thursday, January 04, 2018 4:59 PM
To: 'Jeff Gregersen'
Subject: RE: Cassia Creek transfer

Okay, I will work on the water sharing agreement, so if you can get a quitclaim deed written up that conveys the 5 irrigation water rights on the house lot parcel from 'Jeffery Dale Gregersen and Kodi Gregersen' to 7 J Land, LLC, then we can be back in business on this thing. In the quitclaim deed that you sent in with the transfer, the house lot is referred to as Tract No. 2 under Parcel No. 2. The 5 rights we are working with are: 43-13611, 43-13613, 43-13615, 43-13617, and 43-13619. Let me know if you have any questions. Thanks,

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

From: Jeff Gregersen [mailto:jgregersen12@gmail.com]
Sent: Thursday, January 04, 2018 4:19 PM
To: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>
Subject: Re: Cassia Creek transfer

Sounds good to me.

On Jan 4, 2018 3:29 PM, "Bitzenburg, James" <James.Bitzenburg@idwr.idaho.gov> wrote:

Jeff and Kodi-

I talked to Corey Skinner, our regional manager, about the land issue, and he said the cleanest way to handle the problem would be to have the two of you quitclaim the water rights on the house lot to 7 J Land, LLC (sorry I kept referring to the entity as J 7, I think I did some work for a J 7 outfit over there a couple of years ago). Then we would do the water sharing agreement so you could use the water on the landscaping and lawn, but the rights would be in the name of 7 J Land, LLC. Otherwise the rights would have to be split, and it would be much more expensive.

Jim

Jim Bitzenburg

Bitzenburg, James

From: Bitzenburg, James
Sent: Thursday, January 04, 2018 2:43 PM
To: 'jgregersen12@gmail.com'
Subject: Cassia Creek transfer 81982
Attachments: 7 J Land, LLC shape map.pdf

Jeff and Kodi-

I am processing the transfer to add a POD on Cassia Creek and re-arrange the POU for the rights on Cassia Creek and the right from Side Hill Spring which Nathan Erickson drafted for you late last year, and our office received yesterday. In checking the quitclaim deed to change the ownership of the rights from the two of you to J7 Land, LLC, it appears that the deed excludes the house lot in the NWNESEW (yellow cross-hatched area) which is covered by the transfer POU (outlined in blue, vertically-hatched pink), yet it includes the machinery/corral lot directly to the east, which is not covered by the transfer POU. Since the house lot is still under the ownership of Jeff and Kodi Gregersen, we would either need to have a water sharing agreement that would allow the water to be used there, but would maintain its ownership by J7 Land, LLC, or we would need to split the 5 rights and have a portion of each right in the name of Jeffery and Kodi Gregersen. I'm not certain if the house lot was intended to be covered by the new transfer POU, or not. If you would like to keep the POU there and do a water sharing agreement, I can throw one together quickly. I wanted to send you a map so we could both be looking at the same thing if you would like to discuss. We could also amend the transfer shape to exclude the house lot and include the machinery/corral lot, and that would take care of it.

When you get time, if you could call to discuss, I believe the remainder of the application is in order and will be ready to submit for advertising next week. My number here is 208-736-3033.

Thanks,

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

Date: 11-28-2017

From:
Wallace Sears Jr
1647 E HWY 77
Malta, ID 83342

RECEIVED

DEC 01 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

To:
Idaho Department of Water Resources
650 Addison Ave West Suite 500
Twin Falls, ID 83301

RE: Transfer Application #81982

To Whom It May Concern:

I have no objections to the proposed changes by 7J Land LLC to add a point of diversion to water rights 43-13611, 43-13613, 43-13615, and 43-13617 from Cassia Creek through transfer #81982.

Sincerely,



Wallace Sears Jr

RECEIVED

NOV 13 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Date: 11-08-17

From:
Loughmiller INC
William J. Loughmiller
1577 E 1740 S
Malta, ID 83342

To:
Idaho Department of Water Resources
650 Addison Ave West Suite 500
Twin Falls, ID 83301

RE: Transfer Application #81982

To Whom It May Concern:

I have no objections to the proposed changes by 7J Land LLC to add a point of diversion to water rights 43-13611, 43-13613, 43-13615, and 43-13617 from Cassia Creek through transfer #81982.

Sincerely,



William J. Loughmiller *pres*
Loughmiller Inc.