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APR 01 2015

WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 80024MINIMUM 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 [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Name of Applicant(s) Kasper Land & Cattle, LLCCheck 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 [www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm](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. 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: Overlap analysis table

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESWATER RESOURCES  
WESTERN REGION

TRANSFER No. 80024

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of Applicant(s) Kasper Land & Cattle, LLC Phone 208-573-5534Mailing address 3349 Hill Rd, Melba, ID 83641 Email tjkasper@earthlink.net

- ☐ 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 RepresentativeName of Representative SPF Water Engineering, LLC Phone 208-383-4140Mailing address 300 E. Mallard Dr., Ste. 350, Boise, ID 83706 Email lgraves@spfwater.com

- ☐ 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

Tom Kasper  
Print Name and Title if applicable  
MANAGER/PARTNER

Date

4-1-15

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
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 the water rights' current irrigation places of use to a common permissible place of use to allow for irrigation flexibility and reflect an integrated irrigation system. Only the irrigation place of use authorized under each water right is proposed for change.



[illegible]

**\*\*Insert this page into Part 1B of the Application for Transfer of a Water Right.**

**RECEIVED****JAN 11 2016****WATER RESOURCES  
WESTERN REGION**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESIdent. No. 80024**Point of Diversion/Place of Use Supplement**Attachment to: ☐ Application for Permit to Appropriate Water  
☐ Application for Amendment of Permit☒ Application for Transfer\*\*  
☐ Beneficial Use Field Report☐ Adjudication Claim  
☐ Statutory Claim**Location of points of diversion (POD):**

| New<br>POD?                  | Twp | Rge | Sec | Govt<br>Lot | 1/4 | 1/4 | 1/4 | County | Source | Local name or<br>well/diversion tag # |
|------------------------------|-----|-----|-----|-------------|-----|-----|-----|--------|--------|---------------------------------------|
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |

**Description of place of use (POU):**

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 1S  | 2W  | 8   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1  | 1      |
|     |     | 9   |    |    |    |    |    |    |    |    |    |    | 1  | 2  |    |    | 2  | 2  | 7      |
|     |     | 15  |    |    |    |    |    | 2  | 38 | 2  | 38 | 40 | 40 | 39 |    |    | 4  |    | 203    |
|     |     | 16  | 39 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 39 | 40 | 40 | 40 | 40 | 638    |
|     |     | 17  | 38 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 38     |
|     |     | 21  |    |    |    |    |    | L4 | L3 |    | L2 |    |    |    |    |    |    |    |        |
|     |     |     | 40 | 40 | 40 | 40 | 40 | 25 | 8  | 39 | 23 |    |    |    | 40 | 40 | 30 | 40 | 445    |
|     |     | 22  |    | 2  |    |    | 34 | 40 | 40 | 40 | 40 | 40 | 40 | 40 |    | 16 | 38 | 3  | 373    |
|     |     | 27  | 40 | 40 |    |    | 40 | 40 |    |    |    |    |    |    |    |    |    |    | 160    |
|     |     | 28  | 29 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 29     |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total PPU Acres = 1894

\*\*If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page 3A

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Ident. No. \_\_\_\_\_

**Point of Diversion/Place of Use Supplement**

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer\*\* ☐ Adjudication Claim  
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

| New<br>POD?                  | Twp | Rge | Sec | Govt<br>Lot | 1/4 | 1/4 | 1/4 | County | Source | Local name or<br>well/diversion tag # |
|------------------------------|-----|-----|-----|-------------|-----|-----|-----|--------|--------|---------------------------------------|
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |
| <input type="checkbox"/> Yes |     |     |     |             |     |     |     |        |        |                                       |

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.  
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 1S  | 2W  | 8   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1  | 1      |
|     |     | 9   |    |    |    |    |    |    |    |    |    |    | 1  | 2  |    |    | 2  | 2  | 7      |
|     |     | 15  |    |    |    |    |    | 2  | 38 | 2  | 38 | 40 | 40 | 39 |    |    | 4  |    | 203    |
|     |     | 16  | 39 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 39 | 40 | 40 | 40 | 40 | 638    |
|     |     | 17  | 38 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 38     |
|     |     | 21  |    |    |    |    |    | L4 | L3 |    | L2 |    |    |    |    |    |    |    |        |
|     |     |     | 40 | 40 | 40 | 40 | 40 | 25 | 8  | 39 | 23 |    |    |    | 40 | 40 | 30 | 40 | 445    |
|     |     | 22  |    | 2  |    |    | 34 | 40 | 40 | 40 | 40 | 40 | 40 | 40 |    | 16 | 38 | 2  | 372    |
|     |     | 27  | 40 | 40 |    |    | 40 | 40 |    |    |    |    |    |    |    |    |    |    | 160    |
|     |     | 28  | 29 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 29     |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total PPU Acres = 1893

\*\*If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application. Page 3A

*\* page amended by Page 3A recieved 1-11-2016*

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:  
Two irrigation wells and pumps, surface water pump stations, integrated pipeline, pressurized irrigation system.  
Measuring devices and controlling works will be accommodated upon Department request.

- b. Who owns the property at the point(s) of diversion? Applicant  
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- 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:

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:  
n/a

- 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:  
None

- 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:

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

**Current Water Right No.:** 2-7109

**Current Owner:** KASPER LAND & CATTLE LLC

**Priority Date:** 3/3/1973

**Origin:** Water Right

**Status:** Active

**Basis:** Decreed

**Source**

SNAKE RIVER

**Tributary**

COLUMBIA RIVER

**Beneficial Use**

**From To**

**Diversion Rate**

**Annual Volume**

STOCKWATER

1/01 to 12/31

0.23 CFS

IRRIGATION

3/15 to 11/15

11.87 CFS

**Total Diversion**

11.87 CFS

**Location of Point(s) of Diversion**

SNAKE RIVER

L3(SW1/4NW1/4)

Sec. 21, Twp 01S, Rge 02W B M

CANYON County

**Place of Use**

**IRRIGATION Within CANYON County**

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01S R02W S16 | NENE | 33.00 | T01S R02W S16 | NWNE | 20.00 |
| T01S R02W S16 | SWNE | 36.00 | T01S R02W S16 | SENE | 36.00 |
| T01S R02W S16 | NENW | 31.00 | T01S R02W S16 | NWNW | 36.00 |
| T01S R02W S16 | SWNW | 29.00 | T01S R02W S16 | SENW | 36.00 |
| T01S R02W S16 | NESW | 36.00 | T01S R02W S16 | NWSW | 36.00 |
| T01S R02W S16 | SWSW | 35.00 | T01S R02W S16 | SESW | 35.00 |
| T01S R02W S16 | NESE | 35.00 | T01S R02W S16 | NWSE | 36.00 |
| T01S R02W S16 | SWSE | 37.00 | T01S R02W S16 | SESE | 37.00 |
| T01S R02W S21 | SWNE | 40.00 | T01S R02W S21 | SENE | 40.00 |
| T01S R02W S21 | SENW | 29.00 | T01S R02W S21 | NESE | 37.00 |
| T01S R02W S21 | NWSE | 11.00 | T01S R02W S21 | SESE | 8.00  |
| T01S R02W S22 | NENW | 8.00  | T01S R02W S22 | NWNW | 38.00 |
| T01S R02W S22 | SWNW | 40.00 | T01S R02W S22 | SENW | 31.00 |
| T01S R02W S22 | NESW | 36.00 | T01S R02W S22 | NWSW | 37.00 |
| T01S R02W S22 | SWSW | 40.00 | T01S R02W S22 | SESW | 40.00 |
| T01S R02W S22 | NWSE | 30.00 | T01S R02W S22 | SWSE | 39.00 |
| T01S R02W S22 | SESE | 2.00  |               |      |       |

Total Acres: 1050

Place of Use: STOCKWATER same as IRRIGATION

Page 2 of 14

**Conditions of Approval:**

1. 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.
2. E55 Right Nos. 2-7109, 63-2712, 63-2955, 63-2631A, 63-2631B, 63-2632A, 63-2632B and 63-3099 are limited to the irrigation of a combined total of 1729 acres in a single irrigation season.
3. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. E62 This right when combined with Right Nos. 63-2712, 63-2955, 63-2631A, 63-2631B, 63-2632A, 63-2632B, and 63-3099 shall provide no more than .02 cfs per acre.

Decreed Date: 10/21/2009

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

**Current Water Right No.:** 63-2631a

**Current Owner:** KASPER LAND & CATTLE LLC

**Priority Date:** 6/21/1946

**Origin:** Water Right

**Status:** Active

**Basis:** Decreed

**Source**

**Tributary**

JENSEN LAKE

**Beneficial Use**

**From To**

**Diversion Rate**

**Annual Volume**

IRRIGATION

03/01 to 11/15

3.92 CFS

Total Diversion

3.92 CFS

**Location of Point(s) of Diversion**

JENSEN LAKE

SW1/4NE1/4

Sec. 22, Twp 01S,

Rge 02W B.M.

CANYON County

**Place of Use**

**IRRIGATION Within CANYON County**

|                     |      |       |               |      |       |
|---------------------|------|-------|---------------|------|-------|
| T01S R02W S21       | NENE | 5.00  | T01S R02W S21 | NWNE | 30.00 |
| T01S R02W S21       | SWNE | 40.00 | T01S R02W S21 | SENE | 34.00 |
| T01S R02W S21 Lot 2 | NESW | 2.00  | T01S R02W S21 | NESE | 28.00 |
| T01S R02W S21       | NWSE | 40.00 | T01S R02W S21 | SESE | 17.00 |

Total Acres: 186

**Conditions of Approval:**

1. 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.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

**Decreed Date:** 11/30/2010

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

**Current Water Right No.:** 63-2631c

**Current Owner:** KASPER LAND & CATTLE LLC

**Priority Date:** 8/30/1947

**Origin:** Water Right

**Status:** Active

**Basis:** Decreed

**Source**

**Tributary**

JENSEN LAKE

**Beneficial Use**

**From To**

**Diversion Rate**

**Annual Volume**

IRRIGATION

3/15 to 11/15

1.86 CFS

**Total Diversion**

1.86 CFS

**Location of Point(s) of Diversion**

JENSEN LAKE

SW1/4NE1/4

Sec. 22,

Twp 01S,

Rge 02W B.M.

CANYON County

**Place of Use**

**IRRIGATION Within CANYON County**

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01S R02W S22 | NENW | 8.00  | T01S R02W S22 | SWSW | 35.00 |
| T01S R02W S22 | SESW | 40.00 | T01S R02W S22 | NESE | 10.00 |
| T01S R02W S22 | NWSE | 10.00 | T01S R02W S22 | SWSE | 10.00 |
| T01S R02W S22 | SESE | 30.00 | T01S R02W S27 | NENW | 7.00  |
| T01S R02W S27 | NWNW | 15.00 |               |      |       |

Total Acres: 165

**Conditions of Approval:**

1. 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.
2. E55 Right Nos. 63-2631C and 63-2632C are limited to the irrigation of a combined total of 165 acres in a single irrigation season.

Decreed Date: 11/30/2010

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

**Current Water Right No.:** 63-2632a

**Current Owner:** KASPER LAND & CATTLE LLC

**Priority Date:** 6/21/1946

**Origin:** Water Right

**Status:** Active

**Basis:** Decreed

**Source**

**Tributary**

JENSEN LAKE

**Beneficial Use**

**From To**

**Diversion Rate**

**Annual Volume**

IRRIGATION

03/01 to 11/15

2.6 CFS

**Total Diversion**

2.6 CFS

**Location of Point(s) of Diversion**

JENSEN LAKE

SW1/4NE1/4

Sec. 22,

Twp 01S,

Rge 02W B.M.

CANYON County

**Place of Use**

**IRRIGATION Within CANYON County**

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01S R02W S22 | NWNW | 20.00 | T01S R02W S22 | SWNW | 20.00 |
| T01S R02W S22 | SEnw | 20.00 | T01S R02W S22 | NESW | 40.00 |
| T01S R02W S22 | NWSW | 30.00 |               |      |       |

Total Acres: 130

**Conditions of Approval:**

1. 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.

Decreed Date: 11/30/2010

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

**Current Water Right No.:** 63-2632c

**Current Owner:** KASPER LAND & CATTLE LLC

**Priority Date:** 8/30/1947

**Origin:** Water Right

**Status:** Active

**Basis:** Decreed

**Source**

**Tributary**

JENSEN LAKE

**Beneficial Use**

**From To**

**Diversion Rate**

**Annual Volume**

IRRIGATION

03/01 to 11/15

1.05 CFS

**Total Diversion**

1.05 CFS

**Location of Point(s) of Diversion**

JENSEN LAKE

SW1/4NE1/4

Sec. 22,

Twp 01S,

Rge 02W B.M.

CANYON County

**Place of Use**

**IRRIGATION Within CANYON County**

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01S R02W S22 | NENW | 8.00  | T01S R02W S22 | SWSW | 35.00 |
| T01S R02W S22 | SESW | 40.00 | T01S R02W S22 | NESE | 10.00 |
| T01S R02W S22 | NWSE | 10.00 | T01S R02W S22 | SWSE | 10.00 |
| T01S R02W S22 | SESE | 30.00 | T01S R02W S27 | NENW | 7.00  |
| T01S R02W S27 | NWNW | 15.00 |               |      |       |

Total Acres: 165

**Conditions of Approval:**

1. 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.
2. E55 Right Nos. 63-2631C and 63-2632C are limited to the irrigation of a combined total of 165 acres in a single irrigation season.

Decreed Date: 11/30/2010

Page 7 of 14

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

Current Water Right No.: 63-2712

Current Owner: KASPER LAND & CATTLE LLC

Priority Date: 6/7/1950

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u>         | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|------------------------|-----------------------|----------------------|
| STOCKWATER            | 01/01 to 12/31         | 0.18 CFS              | 87.8 AF              |
| COMMERCIAL            | 01/01 to 12/31         | 0.18 CFS              | 87.8 AF              |
| IRRIGATION            | 03/01 to 11/15         | 1.62 CFS              | 790.5 AF             |
|                       | <u>Total Diversion</u> | 1.8 CFS               | 878.3 AF             |

Location of Point(s) of Diversion

|               |            |          |          |              |
|---------------|------------|----------|----------|--------------|
| GROUND WATER  | SE1/4NW1/4 | Sec. 15, | Twp 01S, | Rge 02W B.M. |
| CANYON County |            |          |          |              |
| GROUND WATER  | SW1/4NW1/4 | Sec. 15, | Twp 01S, | Rge 02W B.M. |
| CANYON County |            |          |          |              |

Place of Use

STOCKWATER Within CANYON County

|               |      |               |      |
|---------------|------|---------------|------|
| T01S R02W S22 | NENW | T01S R02W S22 | SENW |
| T01S R02W S22 | NWSE | T01S R02W S27 | NENE |

COMMERCIAL Within CANYON County

|               |      |               |      |
|---------------|------|---------------|------|
| T01S R02W S15 | NWSW | T01S R02W S16 | NWNE |
| T01S R02W S16 | SWNE | T01S R02W S16 | SENE |
| T01S R02W S16 | NENW | T01S R02W S16 | NWNW |
| T01S R02W S16 | SWNW | T01S R02W S16 | SENW |
| T01S R02W S16 | NESW | T01S R02W S16 | NWSW |
| T01S R02W S16 | SWSW | T01S R02W S16 | SESW |
| T01S R02W S16 | NESE | T01S R02W S16 | NWSE |
| T01S R02W S16 | SWSE | T01S R02W S26 | SWNW |
| T01S R02W S27 | NENE |               |      |

IRRIGATION Within CANYON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01S R02W S15 | NWSW | 5.00  | T01S R02W S16 | NWNE | 12.00 |
| T01S R02W S16 | SWNE | 40.00 | T01S R02W S16 | SENE | 27.00 |
| T01S R02W S16 | NENW | 30.00 | T01S R02W S16 | NWNW | 30.00 |
| T01S R02W S16 | SWNW | 40.00 | T01S R02W S16 | SENW | 40.00 |
| T01S R02W S16 | NESW | 30.00 | T01S R02W S16 | NWSW | 25.00 |
| T01S R02W S16 | SWSW | 26.00 | T01S R02W S16 | SESW | 27.00 |
| T01S R02W S16 | NESE | 30.00 | T01S R02W S16 | NWSE | 40.00 |
| T01S R02W S16 | SWSE | 24.00 | T01S R02W S26 | SWNW | 10.00 |
| T01S R02W S27 | NENE | 15.00 |               |      |       |

Total Acres: 451

Conditions of Approval:

1. 01N The right holder shall annually report diversions of water under this right to the department.
2. K06 This right is limited to the irrigation of 380 acres within the place of use described above in a single irrigation season.
3. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. E60 Right Nos. 63-2712, 63-2955 and 63-3099 when combined for irrigation purposes shall not exceed a total combined diversion rate of 9.76 cfs, a total combined annual diversion volume of 2029.5 AF, at the field headgate, and the irrigation of 451 acres.
6. Ground water diverted under this right is the sole source of irrigation water for the five (5) acres in the NWSW S15 T01S R02W. Ground water delivered to the remainder of the place of use supplements surface water irrigation.
7. Right Nos. 63-2712, 63-2955 and 63-3099 shall not be used for irrigation purposes if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
8. The water used for commercial purposes under this right may be applied to, and irrigate land listed in, the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by this water right.
9. 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.
10. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
11. Diversion from the well located in the SENW S15, T01S R02W, is limited to 2.00 cfs (900 gpm) and 157 acre feet annually.
12. 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works, including if determined necessary by the department, a separate measuring device and lockable controlling works for measurement and control of water delivered to the dairy.
13. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
14. Right Nos. 63-2712, 63-2955 and 63-7814 when combined for dairy use shall not exceed a total diversion rate of 1.06 cfs, and/or a combined total annual volume for both stockwater and commercial use of 134 acre-feet, because the annual volume for both stockwater and commercial use was reduced from the quantities sought by the application for transfer (Transfer 5356), the permit holder must determine the division of the 134 acre-feet into stockwater and commercial components.
15. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Commercial use of the water is for a dairy located in the SWNW, S26 and the NENE, S27, T01s R02W.
17. The right holder shall annually report diversions of water under this right to the Department.

Decreed Date: 2/6/2009

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

**Current Water Right No.:** 63-2955

**Current Owner:** KASPER LAND & CATTLE LLC

**Priority Date:** 8/27/1953

**Origin:** Water Right

**Status:** Active

**Basis:** Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>         | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|-------------------------------|------------------------------|-----------------------------|
| IRRIGATION                   | 03/01 to 11/15                | 4.44 CFS                     | 1597.5 AF                   |
| STOCKWATER                   | 01/01 to 12/31                | 0.56 CFS                     | 134 AF                      |
| COMMERCIAL                   | 01/01 to 12/31                | 0.56 CFS                     | 134 AF                      |
|                              | <b><u>Total Diversion</u></b> | <b>5 CFS</b>                 | <b>1731.5 AF</b>            |

**Location of Point(s) of Diversion**

|               |            |          |          |              |
|---------------|------------|----------|----------|--------------|
| GROUND WATER  | SW1/4NW1/4 | Sec. 15, | Twp 01S, | Rge 02W B.M. |
| CANYON County |            |          |          |              |
| GROUND WATER  | SE1/4NW1/4 | Sec. 15, | Twp 01S, | Rge 02W B.M. |
| CANYON County |            |          |          |              |

**Place of Use**

Page 11 of 14

IRRIGATION Within CANYON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01S R02W S15 | NWSW | 5.00  | T01S R02W S16 | NWNE | 12.00 |
| T01S R02W S16 | SWNE | 40.00 | T01S R02W S16 | SENE | 27.00 |
| T01S R02W S16 | NENW | 30.00 | T01S R02W S16 | NWNW | 30.00 |
| T01S R02W S16 | SWNW | 40.00 | T01S R02W S16 | SENW | 40.00 |
| T01S R02W S16 | NESW | 30.00 | T01S R02W S16 | NWSW | 25.00 |
| T01S R02W S16 | SWSW | 26.00 | T01S R02W S16 | SESW | 27.00 |
| T01S R02W S16 | NESE | 30.00 | T01S R02W S16 | NWSE | 40.00 |
| T01S R02W S16 | SWSE | 24.00 | T01S R02W S26 | SWNW | 10.00 |
| T01S R02W S27 | NENE | 15.00 |               |      |       |

Total Acres: 451

STOCKWATER Within CANYON County

|               |      |               |      |
|---------------|------|---------------|------|
| T01S R02W S22 | NENW | T01S R02W S22 | SENW |
| T01S R02W S22 | NWSE | T01S R02W S27 | NENE |

COMMERCIAL Within CANYON County

|               |      |               |      |
|---------------|------|---------------|------|
| T01S R02W S15 | NWSW | T01S R02W S16 | NWNE |
| T01S R02W S16 | SWNE | T01S R02W S16 | SENE |
| T01S R02W S16 | NENW | T01S R02W S16 | NWNW |
| T01S R02W S16 | SWNW | T01S R02W S16 | SENW |
| T01S R02W S16 | NESW | T01S R02W S16 | NWSW |
| T01S R02W S16 | SWSW | T01S R02W S16 | SESW |
| T01S R02W S16 | NESE | T01S R02W S16 | NWSE |
| T01S R02W S16 | SWSE | T01S R02W S26 | SWNW |
| T01S R02W S27 | NENE |               |      |

Conditions of Approval:

1. The right holder shall annually report diversions of water under this right to the Department.
2. 01N The right holder shall annually report diversions of water under this right to the department.
3. Right Nos. 63-2712, 63-2955 and 63-3099 shall not be used for irrigation purposes if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. Ground water diverted under this right is the sole source of irrigation water for the five (5) acres in the NWSW S15 T01S R02W. Ground water delivered to the remainder of the place of use supplements surface water irrigation.
5. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. K06 This right is limited to the irrigation of 355 acres within the place of use described above in a single irrigation season.
8. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
9. Right Nos. 63-2712, 63-2955 and 63-7814 when combined for dairy use shall not exceed a total diversion rate of 1.06 cfs, and/or a combined total annual volume for both stockwater and commercial use of 134 acre-feet. Because the annual volume for both stockwater and commercial use was reduced from the quantities sought by the application for transfer (Transfer 5356), the permit holder must determine the division of the 134 acre-feet into stockwater and commercial components.
10. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
11. Diversion from the well located in the SENW S15, T01S R02W, is limited to 2.00 cfs (900 gpm) and 157 acre feet annually.
12. The water used for commercial purposes under this right may be applied to, and irrigate land listed in, the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by this water right.
13. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works, including if determined necessary by the department, a separate measuring device and lockable controlling works for measurement and control of water delivered to the dairy.
15. E60 Right Nos. 63-2712, 63-2955 and 63-3099 when combined for irrigation purposes shall not exceed a total combined diversion rate of 9.76 cfs, a total combined annual diversion volume of 2029.5 AF. at the field headgate, and the irrigation of 451 acres.
16. Commercial use of the water is for a dairy located in the SWNW, S26 and the NENE, S27, T01S R02W.
17. 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.

Decreed Date: 2/6/2009

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

**Current Water Right No.:** 63-3099

**Current Owner:** KASPER LAND & CATTLE LLC

**Priority Date:** 12/27/1956

**Origin:** Water Right

**Status:** Active

**Basis:** Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>         | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|-------------------------------|------------------------------|-----------------------------|
| IRRIGATION                   | 03/01 to 11/15                | 3.7 CFS                      | 1548 AF                     |
|                              | <b><u>Total Diversion</u></b> | 3.7 CFS                      | 1548 AF                     |

**Location of Point(s) of Diversion**

|               |            |          |          |              |
|---------------|------------|----------|----------|--------------|
| GROUND WATER  | SW1/4NW1/4 | Sec. 15, | Twp 01S, | Rge 02W B.M. |
| CANYON County |            |          |          |              |
| GROUND WATER  | SE1/4NW1/4 | Sec. 15, | Twp 01S, | Rge 02W B.M. |
| CANYON County |            |          |          |              |

**Place of Use**

**IRRIGATION Within CANYON County**

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01S R02W S15 | NWSW | 5.00  | T01S R02W S16 | NWNE | 12.00 |
| T01S R02W S16 | SWNE | 40.00 | T01S R02W S16 | SENE | 27.00 |
| T01S R02W S16 | NENW | 30.00 | T01S R02W S16 | NWNW | 30.00 |
| T01S R02W S16 | SWNW | 40.00 | T01S R02W S16 | SENW | 40.00 |
| T01S R02W S16 | NESW | 30.00 | T01S R02W S16 | NWSW | 25.00 |
| T01S R02W S16 | SWSW | 26.00 | T01S R02W S16 | SESW | 27.00 |
| T01S R02W S16 | NESE | 30.00 | T01S R02W S16 | NWSE | 40.00 |
| T01S R02W S16 | SWSE | 24.00 | T01S R02W S26 | SWNW | 10.00 |
| T01S R02W S27 | NENE | 15.00 |               |      |       |

Total Acres: 451

Conditions of Approval:

1. ☒ T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. ☒ K06 This right is limited to the irrigation of 344 acres within the place of use described above in a single irrigation season.
3. ☒ E60 Right Nos. 63-2712, 63-2955 and 63-3099 when combined for irrigation purposes shall not exceed a total combined diversion rate of 9.76 cfs, a total combined annual diversion volume of 2029.5 AF. at the field headgate, and the irrigation of 451 acres.
4. ☒ T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. ☒ R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
6. ☒ The right holder shall annually report diversions of water under this right to the Department.
7. ☒ Ground water diverted under this right is the sole source of irrigation water for the five (5) acres in the NWSW S15 T01S R02W. Ground water delivered to the remainder of the place of use supplements surface water irrigation.
8. ☒ 01N The right holder shall annually report diversions of water under this right to the department.
9. ☒ Diversion from the well located in the SENW S15, T01S R02W, is limited to 2.00 cfs (900 gpm) and 157 acre feet annually.
10. ☒ R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
11. ☒ 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
12. ☒ Right Nos. 63-2712, 63-2955 and 63-3099 shall not be used for irrigation purposes if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
13. ☒ 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works, including if determined necessary by the department, a separate measuring device and lockable controlling works for measurement and control of water delivered to the dairy.
14. ☒ 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.

Decreed Date: 2/6/2009



**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 rights(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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Transfer contains 28 pages and 5 attachments.  
Received by QJ Date 4/1/15 Preliminary check by P. Kelly Date 1-8-2016  
Fee paid \$2500<sup>00</sup> Date 4/1/15 Received by QJ Receipt # W042975  
Add'l fee paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

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

SPF Water Engineering, LLC  
Attn: Lori Graves  
300 E. Mallard Dr., Ste 350  
Boise, ID 83706

Re: Application for Transfer of Water Rights for Kasper Land & Cattle, LLC

Dear Lori,

Rabo Agrifinance, Inc. is aware of the Application for Transfer of Water Rights for Kasper Land & Cattle, LLC, proposing an integrated irrigation system.

Rabo Agrifinance, Inc. currently has a mortgage on the property where the transfer of water rights will occur.

We approve of the transfer that is being proposed on this property.

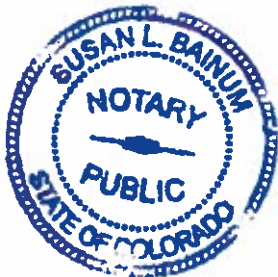
Sincerely

  
Wayne P. Graffis, Vice President  
Rabo Agrifinance, Inc.

State of Colorado

County of Larimer ) SS. )

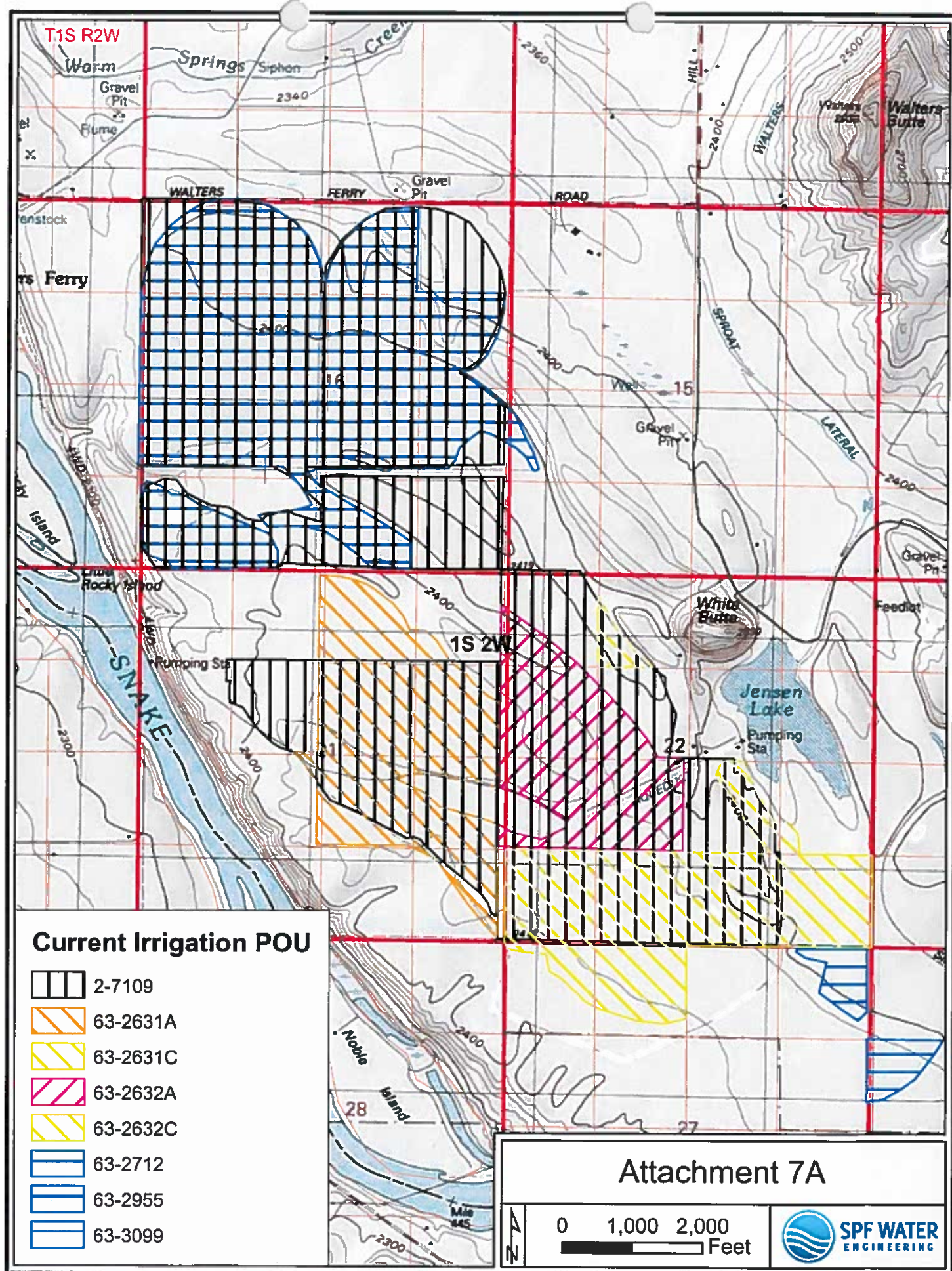
Subscribed and sworn (or affirmed) before me this 3<sup>rd</sup> day of February, 2015.

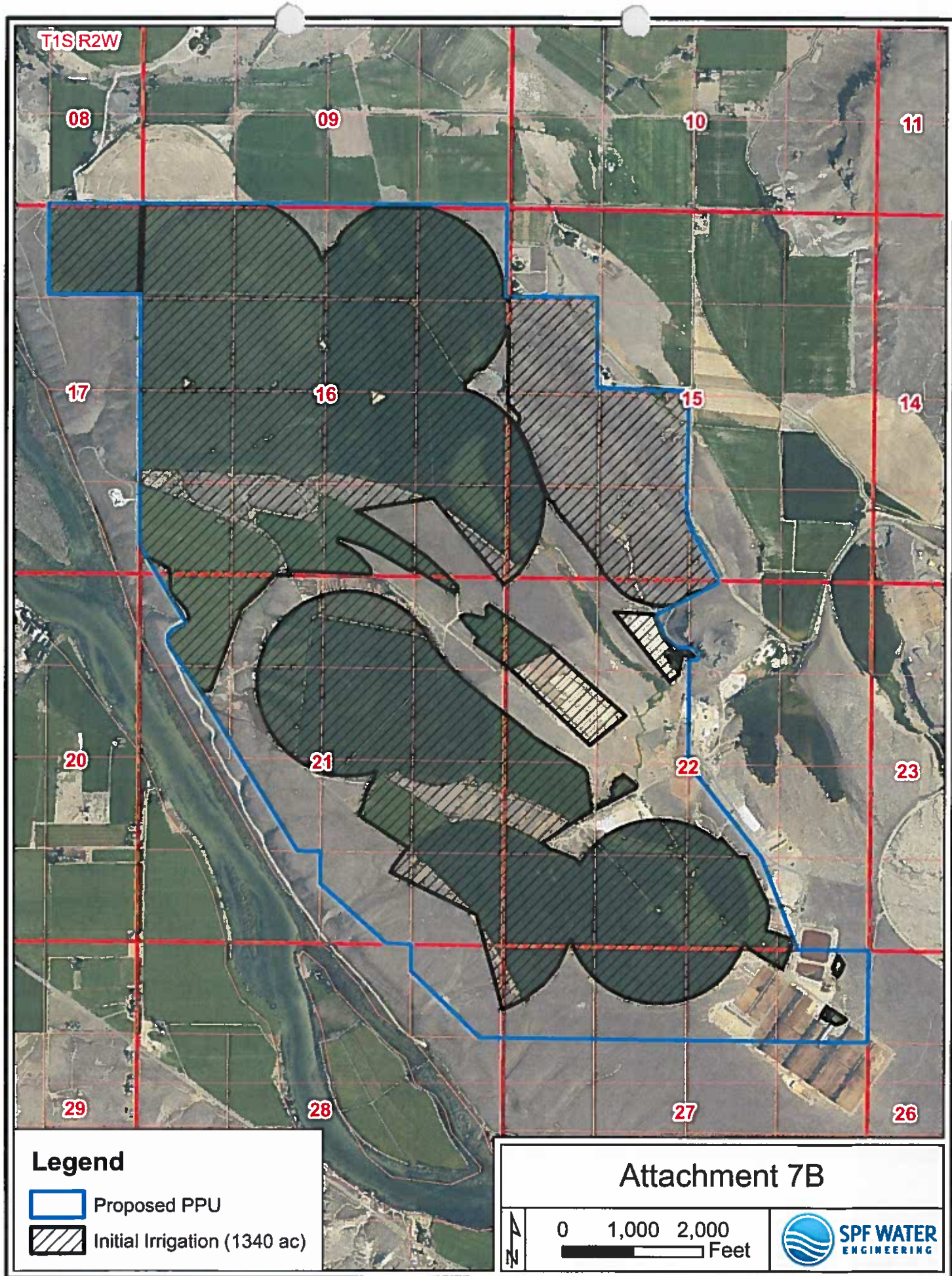


Susan L. Bainum  
Notary Public

Residing at Loveland CO

My Commission Expires 8/17/15





# Transfer Attachment 10

| Authorized Irrigation by Township & Range | Section     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Total | Total Primary Snake River (0.0113 cfs/ac) | Total Primary Jensen Lake (A rights) (0.02 cfs/ac) | Total Primary Lake (C right) (0.018 cfs/ac) | Total Primary GW (0.02 cfs/ac) | Total Overlap Acres (0.02 cfs/ac) |
|-------------------------------------------|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-------------------------------------------|----------------------------------------------------|---------------------------------------------|--------------------------------|-----------------------------------|
|                                           |             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |                                           |                                                    |                                             |                                |                                   |
| Authorized Irrigated Area (acres)         |             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |                                           |                                                    |                                             |                                |                                   |
| 1S                                        | 2W          | 15 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |                                           |                                                    |                                             |                                |                                   |
| 2-7109                                    | SR          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0  |       |                                           |                                                    |                                             |                                |                                   |
| 63-2631A                                  | Lake        |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0  |       |                                           |                                                    |                                             |                                |                                   |
| 63-2632A                                  | Lake        |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0  |       |                                           |                                                    |                                             |                                |                                   |
| 63-2631C & 32C                            | Lake        |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0  |       |                                           |                                                    |                                             |                                |                                   |
| 63-2712 Group                             | GW          |    |    |    |    |    |    |    |    |    | 5  |    |    |    |    |    | 5  |       |                                           |                                                    |                                             |                                |                                   |
| Total                                     |             |    |    |    |    |    |    |    |    |    | 5  |    |    |    |    |    | 5  | 0     | 0                                         | 0                                                  | 5                                           | 0                              |                                   |
| Overlap Analysis (acres)                  |             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |                                           |                                                    |                                             |                                |                                   |
| Primary SR                                |             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0  |       |                                           |                                                    |                                             |                                |                                   |
| Primary Lake                              |             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0  |       |                                           |                                                    |                                             |                                |                                   |
| Primary GW                                | 0.02 cfs/ac |    |    |    |    |    |    |    |    |    | 5  |    |    |    |    |    | 5  |       |                                           |                                                    | 5                                           |                                |                                   |
| Overlapped                                |             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0  |       |                                           |                                                    |                                             |                                |                                   |
| Total                                     |             |    |    |    |    |    |    |    |    |    | 5  |    |    |    |    |    | 5  | 0     | 0                                         | 0                                                  | 5                                           | 0                              |                                   |

|                                          |               |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |   |   |    |     |
|------------------------------------------|---------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|---|---|----|-----|
| <b>Authorized Irrigated Area (acres)</b> |               |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |   |   |    |     |
| 1S                                       | 2W            | 16 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |   |   |    |     |
| 2-7109                                   | SR            | 33 | 20 | 36 | 36 | 31 | 36 | 29 | 36 | 36 | 36 | 35 | 35 | 35 | 36 | 37 | 37 | 544 |     |   |   |    |     |
| 63-2631A                                 | Lake          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0   |     |   |   |    |     |
| 63-2632A                                 | Lake          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0   |     |   |   |    |     |
| 63-2631C & 32C                           | Lake          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0   |     |   |   |    |     |
| 63-2712 Group                            | GW            |    | 12 | 40 | 27 | 30 | 30 | 40 | 40 | 30 | 25 | 26 | 27 | 30 | 40 | 24 |    | 421 |     |   |   |    |     |
| Total                                    |               | 33 | 32 | 40 | 36 | 31 | 36 | 40 | 40 | 36 | 36 | 35 | 35 | 35 | 40 | 37 | 37 | 579 | 158 | 0 | 0 | 35 | 386 |
| <b>Overlap Analysis (acres)</b>          |               |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |   |   |    |     |
| Primary SR                               | 0.0113 cfs/ac | 33 | 20 |    | 9  | 1  | 6  |    |    | 6  | 11 | 9  | 8  | 5  |    | 13 | 37 | 158 | 158 |   |   |    |     |
| Primary Lake                             |               |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0   |     |   |   |    |     |
| Primary GW                               | 0.02 cfs/ac   |    | 12 | 4  |    |    |    | 11 | 4  |    |    |    |    |    |    | 4  |    | 35  |     |   |   | 35 |     |
| Overlapped                               | 0.02 cfs/ac   |    |    | 36 | 27 | 30 | 30 | 29 | 36 | 30 | 25 | 26 | 27 | 30 | 36 | 24 |    | 386 |     |   |   |    | 386 |
| Total                                    |               | 33 | 32 | 40 | 36 | 31 | 36 | 40 | 40 | 36 | 36 | 35 | 35 | 35 | 40 | 37 | 37 | 579 | 158 | 0 | 0 | 35 | 386 |

| Authorized Irrigation by Township & Range | Section       | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Total | Total Primary Snake River (0.0113 cfs/ac) | Total Primary Jensen Lake (A rights) (0.02 cfs/ac) | Total Primary Lake (C right) (0.018 cfs/ac) | Total Primary GW (0.02 cfs/ac) | Total Overlap Acres (0.02 cfs/ac) |
|-------------------------------------------|---------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-------------------------------------------|----------------------------------------------------|---------------------------------------------|--------------------------------|-----------------------------------|
|                                           |               | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |                                           |                                                    |                                             |                                |                                   |
| Authorized Irrigated Area (acres)         |               |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |                                           |                                                    |                                             |                                |                                   |
| 1S                                        | 2W            | 21 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |                                           |                                                    |                                             |                                |                                   |
| 2-7109                                    | SR            |    |    | 40 | 40 |    |    |    | 29 |    |    |    |    | 37 | 11 |    | 8  | 165   |                                           |                                                    |                                             |                                |                                   |
| 63-2631A                                  | Lake          | 5  | 30 | 40 | 34 |    |    |    |    | 2  |    |    |    | 28 | 40 |    | 17 | 196   |                                           |                                                    |                                             |                                |                                   |
| 63-2632A                                  | Lake          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0     |                                           |                                                    |                                             |                                |                                   |
| 63-2631C & 32C                            | Lake          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0     |                                           |                                                    |                                             |                                |                                   |
| 63-2712 Group                             | GW            |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0     |                                           |                                                    |                                             |                                |                                   |
| Total                                     |               | 5  | 30 | 40 | 40 |    |    |    | 29 | 2  |    |    |    | 37 | 40 |    | 17 | 240   | 44                                        | 75                                                 | 0                                           | 0                              | 121                               |
| Overlap Analysis (acres)                  |               |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |                                           |                                                    |                                             |                                |                                   |
| Primary SR                                | 0.0113 cfs/ac |    |    |    | 6  |    |    |    | 29 |    |    |    |    | 9  |    |    |    | 44    | 44                                        |                                                    |                                             |                                |                                   |
| Primary Lake (A)                          | 0.02 cfs/ac   | 5  | 30 |    |    |    |    |    |    | 2  |    |    |    |    | 29 |    | 9  | 75    |                                           | 75                                                 |                                             |                                |                                   |
| Primary GW                                |               |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0     |                                           |                                                    |                                             |                                |                                   |
| Overlapped                                | 0.02 cfs/ac   |    |    | 40 | 34 |    |    |    |    |    |    |    |    | 28 | 11 |    | 8  | 121   |                                           |                                                    |                                             |                                | 121                               |
| Total                                     |               | 5  | 30 | 40 | 40 |    |    |    | 29 | 2  |    |    |    | 37 | 40 |    | 17 | 240   | 44                                        | 75                                                 | 0                                           | 0                              | 121                               |

|                                          |               |    |  |  |   |   |    |    |    |    |    |    |    |    |    |    |    |     |     |   |    |   |     |
|------------------------------------------|---------------|----|--|--|---|---|----|----|----|----|----|----|----|----|----|----|----|-----|-----|---|----|---|-----|
| <b>Authorized Irrigated Area (acres)</b> |               |    |  |  |   |   |    |    |    |    |    |    |    |    |    |    |    |     |     |   |    |   |     |
| 1S                                       | 2W            | 22 |  |  |   |   |    |    |    |    |    |    |    |    |    |    |    |     |     |   |    |   |     |
| 2-7109                                   | SR            |    |  |  |   | 8 | 38 | 40 | 31 | 36 | 37 | 40 | 40 |    | 30 | 39 | 2  | 341 |     |   |    |   |     |
| 63-2631A                                 | Lake          |    |  |  |   |   |    |    |    |    |    |    |    |    |    |    |    | 0   |     |   |    |   |     |
| 63-2632A                                 | Lake          |    |  |  |   |   | 20 | 20 | 20 | 40 | 30 |    |    |    |    |    |    | 130 |     |   |    |   |     |
| 63-2631C & 32C                           | Lake          |    |  |  | 8 |   |    |    |    |    |    | 35 | 40 | 10 | 10 | 10 | 30 | 143 |     |   |    |   |     |
| 63-2712 Group                            | GW            |    |  |  |   |   |    |    |    |    |    |    |    |    |    |    |    | 0   |     |   |    |   |     |
| Total                                    |               |    |  |  |   | 8 | 38 | 40 | 31 | 40 | 37 | 40 | 40 | 10 | 30 | 39 | 30 | 383 | 110 | 4 | 38 | 0 | 231 |
| <b>Overlap Analysis (acres)</b>          |               |    |  |  |   |   |    |    |    |    |    |    |    |    |    |    |    |     |     |   |    |   |     |
| Primary SR                               | 0.0113 cfs/ac |    |  |  |   |   | 18 | 20 | 11 |    | 7  | 5  |    |    | 20 | 29 |    | 110 | 110 |   |    |   |     |
| Primary Lake (A)                         | 0.02 cfs/ac   |    |  |  |   |   |    |    |    | 4  |    |    |    |    |    |    |    | 4   |     | 4 |    |   |     |
| Primary Lake (C)                         | 0.018 cfs/ac  |    |  |  |   |   |    |    |    |    |    |    |    | 10 |    |    | 28 | 38  |     |   | 38 |   |     |
| Primary GW                               |               |    |  |  |   |   |    |    |    |    |    |    |    |    |    |    |    | 0   |     |   |    |   |     |
| Overlapped                               | 0.02 cfs/ac   |    |  |  |   | 8 | 20 | 20 | 20 | 36 | 30 | 35 | 40 |    | 10 | 10 | 2  | 231 |     |   |    |   | 231 |
| Total                                    |               |    |  |  |   | 8 | 38 | 40 | 31 | 40 | 37 | 40 | 40 | 10 | 30 | 39 | 30 | 383 | 110 | 4 | 38 | 0 | 231 |

| Authorized Irrigation by Township & Range | Section | NE          |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Total | Total Primary Snake River (0.0113 cfs/ac) | Total Primary Jensen Lake (A rights) (0.02 cfs/ac) | Total Primary Lake (C right) (0.018 cfs/ac) | Total Primary GW (0.02 cfs/ac) | Total Overlap Acres (0.02 cfs/ac) |
|-------------------------------------------|---------|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-------------------------------------------|----------------------------------------------------|---------------------------------------------|--------------------------------|-----------------------------------|
|                                           |         | NE          | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |                                           |                                                    |                                             |                                |                                   |
| Authorized Irrigated Area (acres)         |         |             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |                                           |                                                    |                                             |                                |                                   |
| 1S                                        | 2W      | 26          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |                                           |                                                    |                                             |                                |                                   |
| 2-7109                                    |         | SR          |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0     |                                           |                                                    |                                             |                                |                                   |
| 63-2631A                                  |         | Lake        |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0     |                                           |                                                    |                                             |                                |                                   |
| 63-2632A                                  |         | Lake        |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0     |                                           |                                                    |                                             |                                |                                   |
| 63-2631C & 32C                            |         | Lake        |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0     |                                           |                                                    |                                             |                                |                                   |
| 63-2712 Group                             |         | GW          |    |    |    |    |    | 10 |    |    |    |    |    |    |    |    |    | 10    |                                           |                                                    |                                             |                                |                                   |
| Total                                     |         |             |    |    |    |    |    | 10 |    |    |    |    |    |    |    |    |    | 10    | 0                                         | 0                                                  | 0                                           | 10                             | 0                                 |
| Overlap Analysis (acres)                  |         |             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |                                           |                                                    |                                             |                                |                                   |
| Primary SR                                |         |             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0     |                                           |                                                    |                                             |                                |                                   |
| Primary Lake                              |         |             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0     |                                           |                                                    |                                             |                                |                                   |
| Primary GW                                |         | 0.02 cfs/ac |    |    |    |    |    | 10 |    |    |    |    |    |    |    |    |    | 10    |                                           |                                                    |                                             | 10                             |                                   |
| Overlapped                                |         |             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0     |                                           |                                                    |                                             |                                |                                   |
| Total                                     |         |             |    |    |    |    |    | 10 |    |    |    |    |    |    |    |    |    | 10    | 0                                         | 0                                                  | 0                                           | 10                             | 0                                 |

|                                   |    |              |    |   |  |   |    |    |  |  |  |  |  |  |  |  |  |    |   |   |    |    |   |
|-----------------------------------|----|--------------|----|---|--|---|----|----|--|--|--|--|--|--|--|--|--|----|---|---|----|----|---|
| Authorized Irrigated Area (acres) |    |              |    |   |  |   |    |    |  |  |  |  |  |  |  |  |  |    |   |   |    |    |   |
| 1S                                | 2W | 27           |    |   |  |   |    |    |  |  |  |  |  |  |  |  |  |    |   |   |    |    |   |
| 2-7109                            |    | SR           |    |   |  |   |    |    |  |  |  |  |  |  |  |  |  | 0  |   |   |    |    |   |
| 63-2631A                          |    | Lake         |    |   |  |   |    |    |  |  |  |  |  |  |  |  |  | 0  |   |   |    |    |   |
| 63-2632A                          |    | Lake         |    |   |  |   |    |    |  |  |  |  |  |  |  |  |  | 0  |   |   |    |    |   |
| 63-2631C & 32C                    |    | Lake         |    |   |  | 7 | 15 |    |  |  |  |  |  |  |  |  |  | 22 |   |   |    |    |   |
| 63-2712 Group                     |    | GW           | 15 |   |  |   |    |    |  |  |  |  |  |  |  |  |  | 15 |   |   |    |    |   |
| Total                             |    |              | 15 | 0 |  |   | 7  | 15 |  |  |  |  |  |  |  |  |  | 37 | 0 | 0 | 22 | 15 | 0 |
| Overlap Analysis (acres)          |    |              |    |   |  |   |    |    |  |  |  |  |  |  |  |  |  |    |   |   |    |    |   |
| Primary SR                        |    |              |    |   |  |   |    |    |  |  |  |  |  |  |  |  |  | 0  |   |   |    |    |   |
| Primary Lake (C)                  |    | 0.018 cfs/ac |    |   |  | 7 | 15 |    |  |  |  |  |  |  |  |  |  | 22 |   |   | 22 |    |   |
| Primary GW                        |    | 0.02 cfs/ac  | 15 |   |  |   |    |    |  |  |  |  |  |  |  |  |  | 15 |   |   |    | 15 |   |
| Overlapped                        |    |              |    |   |  |   |    |    |  |  |  |  |  |  |  |  |  | 0  |   |   |    |    |   |
| Total                             |    |              | 15 | 0 |  |   | 7  | 15 |  |  |  |  |  |  |  |  |  | 37 | 0 | 0 | 22 | 15 | 0 |

|        |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |     |    |    |    |     |
|--------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|-----|----|----|----|-----|
| Totals |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | 312 | 79 | 60 | 65 | 738 |
|--------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|-----|----|----|----|-----|



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

April 28, 2016

KASPER LAND & CATTLE LLC  
3349 HILL RD  
MELBA, ID 83641

RE: Transfer No. 80024

Water Right No(s). 2-7109, 63-2631A, 63-2631C, 63-2632A, 63-2632C, 63-2712, 63-2955, 63-3099

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 statewide legal notice of the application has been prepared and is scheduled for publication in the PRESS TRIBUNE, ID STATESMAN, POST REGISTER, LEWISTON MORN TRIBUNE, and the TIMES NEWS on 5/5/2016 and 5/12/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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,

Rachel Neely  
Administrative Assistant

CC:  
SPF WATER ENGINEERING LLC  
C/O LORI GRAVES  
300 E MALLARD DR STE 350  
BOISE, ID 83706

## Neely, Rachel

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**From:** Neely, Rachel  
**Sent:** Thursday, April 28, 2016 8:47 AM  
**To:** 'LEGALNOTICES@POSTREGISTER.COM'; 'LEGALS@LMTRIBUNE.COM';  
'LEGALS@MAGICVALLEY.COM'  
**Subject:** Bonneville Legal Ad - Nez Perce Legal Ad - Twin Falls Legal Ad  
**Attachments:** Statewide Cover Letter.docx; Statewide Legal Ad.docx

Good Morning Staci Dockery, Karen Lewis and Ruby Aufderheide,

Please see the attached ad for publication 5/5/16 & 5/12/16.

Please confirm these are okay to publish as shown.

Thank you,

---

*Rachel Neely*

Administrative Assistant I  
IDWR-Western Region  
2735 Airport Way Boise, ID 83705  
[Rachel.Neely@idwr.idaho.gov](mailto:Rachel.Neely@idwr.idaho.gov)

April 28, 2016

POST REGISTER  
PO BOX 1800  
IDAHO FALLS, ID 83402

LEWISTON TRIBUNE  
505 C ST PO BOX 957  
LEWISTON, ID 83501

TIMES NEWS  
PO BOX 548  
TWIN FALLS, ID 83303-0548

RE: Application for Transfer No. 80024,  
Water Right No(s): 2-7109, 63-2631A, 63-2631C, 63-2632A, 63-2632C, 63-2712, 63-2955, 63-3099

Dear Legal Notice Departments:

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 5/23/2016.** Your cooperation is appreciated.

Sincerely,

Rachel Neely  
Administrative Assistant

Enclosures

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 80024**

KASPER LAND & CATTLE LLC, 3349 HILL RD, MELBA, ID 83641; has filed Application No. 80024 for changes to the following water rights within CANYON County(s): Right No(s). 2-7109, 63-2631A, 63-2631C, 63-2632A, 63-2632C, 63-2712, 63-2955, 63-3099; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). Transfer 80024 proposes to change the place of use of irrigation water rights owned by Kasper Land & Cattle LLC into a common PPU. The irrigation portions of these rights would then reflect an integrated system from Snake River, ground water and Jensen Lake. Kasper Land & Cattle LLC is located along the north shore of the Snake River in Canyon County, immediately east of Walters Ferry Bridge and State Hwy 45.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see [www.idwr.idaho.gov/WaterManagement/WaterRights](http://www.idwr.idaho.gov/WaterManagement/WaterRights). Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 5/23/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/5/2016 and 5/12/2016

**Neely, Rachel**

---

**From:** Neely, Rachel  
**Sent:** Thursday, April 28, 2016 8:43 AM  
**To:** 'IDAHO PRESS TRIBUNE'  
**Subject:** Canyon Legal Ads  
**Attachments:** Canyon Cover Letter.docx; Canyon Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 5/5/2016 & 5/12/2016.

Please confirm these are okay to publish as shown.

Thank you,

---

*Rachel Neely*

Administrative Assistant I  
IDWR-Western Region  
2735 Airport Way Boise, ID 83705  
[Rachel.Neely@idwr.idaho.gov](mailto:Rachel.Neely@idwr.idaho.gov)

April 28, 2016

LEGAL NOTICE DEPARTMENT  
PRESS TRIBUNE  
PO BOX 9399  
NAMPA, ID 83652

RE: Application for Permit No. 63-34213  
Application for Permit No. 63-34216  
Application for Permit No. 63-34218  
Application for Transfer No. 80024,  
Water Right No(s): 2-7109, 63-2631A, 63-2631C, 63-2632A, 63-2632C, 63-2712, 63-2955, 63-3099

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 5/23/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely  
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

**63-34213**

GOOSE RIDGE HOMEOWNERS CO.  
17014 GOOSE LN  
CALDWELL, ID 83607  
Point of Diversion SESE S30 T03N R03W CANYON County Source GROUND WATER  
Use: DOMESTIC 01/01 to 12/31 0.2 CFS  
Use: IRRIGATION 03/01 to 11/15 0.14 CFS  
Total Diversion: 0.2 CFS  
Date Filed: 4/5/2016  
Place of Use: DOMESTIC  
T03N R03W S30 L5(NESE) SESE  
Place of Use: IRRIGATION  
T03N R03W S30 NESE SESE  
Total Acres: 7  
Water bearing zone to be appropriated is from 130 to 205 feet.

**63-34216**

KATIE RIPPLINGER  
6532 N DOUBLE EAGLE LN  
MERIDIAN, ID 83646  
Point of Diversion NWSW S13 T05N R04W CANYON County Source GROUND WATER  
Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Use: IRRIGATION 03/01 to 11/15 0.19 CFS  
Total Diversion: 0.23 CFS  
Date Filed: 4/7/2016  
Places of Use: IRRIGATION, DOMESTIC  
T05N R04W S13 NWSW  
Total Acres: 9.5  
Water bearing zone to be appropriated is from 250 to 300 feet.

**63-34218**

TRAVIS PARKIN  
12609 W GAMBRELL ST  
STAR, ID 83669  
Point of Diversion NWSE S29 T04N R02W CANYON County Source GROUND WATER  
Use: COMMERCIAL 01/01 to 12/31 0.04 CFS  
Use: DOMESTIC 01/01 to 12/31 0.16 CFS  
Use: IRRIGATION 03/01 to 11/15 0.32 CFS  
Total Diversion: 0.52 CFS  
Date Filed: 4/13/2016  
Places of Use: DOMESTIC, COMMERCIAL, IRRIGATION  
T04N R02W S29 NWSE  
Total Acres: 16  
Water bearing zone to be appropriated is from 110 to 160 feet.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 80024**

KASPER LAND & CATTLE LLC, 3349 HILL RD, MELBA, ID 83641; has filed Application No. 80024 for changes to the following water rights within CANYON County(s): Right No(s). 2-7109, 63-2631A, 63-2631C, 63-2632A, 63-2632C, 63-2712, 63-2955, 63-3099, to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). Transfer 80024 proposes to change the place of use of irrigation water rights owned by Kasper Land & Cattle LLC into a common PPU. The irrigation portions of these rights would then reflect an integrated system from Snake River, ground water and Jensen Lake. Kasper Land & Cattle LLC is located along the north shore of the Snake River in Canyon County, immediately east of Walters Ferry Bridge and State Hwy 45.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see [www.idwr.idaho.gov/WaterManagement/WaterRights](http://www.idwr.idaho.gov/WaterManagement/WaterRights). Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 5/23/2016. The protestant must also send a copy of the protest to the applicant.  
GARY SPACKMAN, Director

Published on 5/5/2016 and 5/12/2016

**Neely, Rachel**

---

**From:** Neely, Rachel  
**Sent:** Thursday, April 28, 2016 8:42 AM  
**To:** 'BOI Legals'  
**Subject:** Ada Legal Ads  
**Attachments:** Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 5/5/2016 & 5/12/2016.

Please confirm these are okay to publish as shown.

Thank you,

---

*Rachel Neely*

Administrative Assistant I  
IDWR-Western Region  
2735 Airport Way Boise, ID 83705  
[Rachel.Neely@idwr.idaho.gov](mailto:Rachel.Neely@idwr.idaho.gov)

April 28, 2016

LEGAL NOTICE DEPARTMENT  
IDAHO STATESMAN  
PO BOX 40  
BOISE, ID 83707

RE:     Application for Permit No. 63-34153  
         Application for Permit No. 63-34156  
         Application for Permit No. 63-34197  
         Application for Permit No. 63-34198  
         Application for Permit No. 63-34200  
         Application for Transfer No. 80024,  
         Water Right No(s): 2-7109, 63-2631A, 63-2631C, 63-2632A, 63-2632C, 63-2712, 63-2955, 63-3099

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 5/23/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely  
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

**63-34153**

JOE OLSON

VICKIE OLSON

3750 W VICTORY RD

MERIDIAN, ID 83642

(2)Points of Diversion SWSW S12 T03N R01W ADA County Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.11 CFS

Total Diversion: 0.11 CFS

Date Filed: 10/2/2015

Place of Use: COMMERCIAL

T03N R01W S12 SWSW

Water bearing zone to be appropriated is from 30 to 100 feet.

**63-34156**

JOE OLSON

VICKIE OLSON

3750 W VICTORY RD

MERIDIAN, ID 83642

Point of Diversion SWSE S22 T03N R01W ADA County Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.11 CFS

Total Diversion: 0.11 CFS

Date Filed: 10/8/2015

Place of Use: COMMERCIAL

T03N R01W S22 SWSE

Water bearing zone to be appropriated is from 76 to 186 feet.

**63-34197**

VICTORIA MOORHOUSE

11011 W COLUMBIA RD

BOISE, ID 83709

Point of Diversion NWNE S10 T02N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.18 CFS

Total Diversion: 0.18 CFS

Date Filed: 2/3/2016

Place of Use: IRRIGATION

T02N R01E S10 NWNE

Total Acres: 9.1

Water bearing zone to be appropriated is from 170 to 250 feet.

**63-34198**

KEN FRY

5161 KEANE DR

CARMICHAEL, CA 95608

Point of Diversion NENW S36 T05N R01W ADA County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.3 CFS

Total Diversion: 0.34 CFS

Date Filed: 2/16/2016

Places of Use: IRRIGATION, DOMESTIC

T05N R01W S36 NENW

Total Acres: 15

Water bearing zone to be appropriated is from 200 to 400 feet.

**63-34200**

INDEPENDENT SCHOOL DISTRICT OF BOISE CITY

8169 W VICTORY RD

BOISE, ID 83709

Point of Diversion SWNE S6 T02N R02E ADA County Source GROUND WATER

Point of Diversion L1(NENE) S6 T02N R02E ADA County Source GROUND WATER

Point of Diversion L2(NWNE) S6 T02N R02E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 2.1 CFS

Total Diversion: 2.1 CFS

Date Filed: 2/18/2016

Place of Use: IRRIGATION

T02N R02E S6 L1(NENE) L2(NWNE) SWNE

Total Acres: 51

Water bearing zone to be appropriated is from 150 to 500 feet.

Applicant proposes irrigation of 35 acres within 51 acre permissible place of use.

#### **NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

##### **TRANSFER NO. 80024**

KASPER LAND & CATTLE LLC, 3349 HILL RD, MELBA, ID 83641; has filed Application No. 80024 for changes to the following water rights within CANYON County(s): Right No(s): 2-7109, 63-2631A, 63-2631C, 63-2632A, 63-2632C, 63-2712, 63-2955, 63-3099; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). Transfer 80024 proposes to change the place of use of irrigation water rights owned by Kasper Land & Cattle LLC into a common PPU. The irrigation portions of these rights would then reflect an integrated system from Snake River,

ground water and Jensen Lake. Kasper Land & Cattle LLC is located along the north shore of the Snake River in Canyon County, immediately east of Walters Ferry Bridge and State Hwy 45.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see [www.idwr.idaho.gov/WaterManagement/WaterRights](http://www.idwr.idaho.gov/WaterManagement/WaterRights). Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 5/23/2016. The protestant must also send a copy of the protest to the applicant.  
GARY SPACKMAN, Director

Published on 5/5/2016 and 5/12/2016

## MEMORANDUM

TO: Transfer No. 80024  
FROM: Patrick Kelly  
DATE: January 28, 2016  
RE: Evaluation of Application

---

Transfer 80024 proposes to change the place of use of irrigation water rights 2-7109, 63-2712, 63-2955, 63-2631A, 63-2631C, 63-2632A, 63-2632C and 63-3099 owned by Kasper Land & Cattle LLC into a common PPU. The irrigation portions of these rights would then reflect an integrated system from Snake River, ground water and Jensen Lake. Kasper Land & Cattle LLC is located along the north shore of the Snake River in Canyon County, immediately east of Walters Ferry Bridge and State Hwy 45.

Representative of the application is Lori Graves of SPF Water Engineering LLC at 300 E Mallad Dr, Suite 350, Boise, ID 83706, (208) 383-4140, lgraves@spfwater.com.

### **Summary of Information Submitted**

**Authority to File:** The transfer application was signed by a Tom Kasper. IDSOS records indicate that a Thomas J Kasper is a Registered Agent and manager for Kasper Land & Cattle LLC, registration #W30743.

**Water Right Validity:** Water rights 63-2631A, 63-2631C, 63-2632A and 63-2632C were decreed in 2010 and are not subject to forfeiture. Water rights 2-7109, 63-2712, 63-2955 and 63-3099 were decreed in 2009 and are subject to validation. An application for extension of time to avoid forfeiture was received November 12, 2015 for these rights. They were advertised without protest and approval is pending for an additional 5 years to resume/establish beneficial use.

**Injury to Other Water Rights:** Injury is not anticipated since the transfer does not propose to change place of use away from where rights are not already in place. The transfer proposes to reflect in right what beneficial use is being applied to on land.

**Enlargement of Use:** Source or point of diversion changes are not proposed in the transfer. Combined use limits on the decree limit pertinent water rights to 1,824.0 acres. There are concerns that this creates an enlargement since the ground water rights are supplemental, and 63-2631C and 63-2632C may have been recorded with a "B" suffix. Because this is recorded on the 2-7109 decree in error, efforts to correct this are limited. In regards to the transfer, creating a PPU for the irrigation use will not result in any enlargement to rights they currently have.

**Local Public Interest:** Review staff has no information to suggest this application is inconsistent with the local public interest.

**Beneficial Use/Conservation of Water Resources:** The application proposes beneficial use consistent with conservation of water resources in Idaho.

**The application is consistent with criteria of I. C. § 42-222 and should be processed.**

### Additional Information Request

The original transfer application Page 3A describes a PPU of 1,893 acres. Combined use limits reveal a total limit of 1,894 acres for all of the appurtenant water rights. A request was made to Representative Lori Graves to add an acre to the appropriate QQ. An amended page 3A was received to add an acre to the SESE, Section 22.

A lien holder letter from RABO Agrifinance Inc was received with the original transfer application. Backfile of water rights finds that these irrigation rights also had a notice of interest submitted from Wells Fargo NA in 2011, set to expire 12/31/2016. Some of these rights had the lien holder identified on the contacts list, some did not. Those that did not were added, and the information was forwarded to the Representative to collect the appropriate documentation.

### Discussion

Transfer 80024 proposes to change the place of use of 8 irrigation water rights owned by Kasper Land & Cattle LLC into a common PPU. The irrigation portions of these rights would then reflect an integrated system from Snake River, ground water and storage sources. Stockwater and commercial uses exist on some of these rights, but changes to these uses are not included in the transfer application.

| Combined use limits for Kasper Cattle rights pre transfer |                |        |       |
|-----------------------------------------------------------|----------------|--------|-------|
| Water Rights                                              | Diversion rate | Volume | Acres |
| 2-7109, 63-2712, 63-2955, 63-2631A, 63-2632A, 63-3099     |                |        | 1729  |
| 63-2712, 63-2955, 63-3099                                 | 9.76           | 2029.5 | 451   |
| 63-2631C, 63-2632C                                        |                |        | 165   |
| TOTAL ACRES (1729+165)                                    |                |        | 1894  |

An overlap analysis was submitted by the Representative with the transfer application. It was completed reviewing total acres irrigated on paper within each quarter-quarter. The total acre overlap in the analysis is 1,254 acres. This appears to be a more accurate since at the time of my review using aerial photography and ArcMap tools measures a total irrigation of 1,066.4 acres. My overlap review finds all eight rights combined carry a limit of 1,894 acres based on acre limits on rights and conditions of approval. See the Enlargement of Use section of this memo and correspondence from Craig Saxton attached regarding combined use limits. Ultimately, any potential error made during the adjudication process is not easily fixed in a transfer process since the rights are currently protected from forfeiture. Additionally, a department error sides in the favor of the water right owner.

Forfeiture concerns were expressed to the applicant and extensions to avoid forfeiture were then made prior to the end of the 2015 calendar year.

There are no other overlapping irrigation rights concerning Kasper Cattle property. POD overlap review finds stockwater and commercial rights diverted from the same wells or surface diversions - all owned by Kasper Cattle.

2-7109 had a stockwater POU "same as irrigation" designation. The use did not have a shape associated with it prior to transfer processing. Since the transfer purpose is to create a PPU for irrigation use, a shape was created using the pre-transfer irrigation shape.

Water rights 63-2631A & 63-2632A had a combined use limit of 324 acres in the database meaning there would be an overlap of 2 acres. However after pulling up the decree, there are no

such limitations identified on conditions, nor do the POU's sections overlap. So there really isn't a combined use at all. I will make a database comment and remove the limit from the rights.

Attachment 7B of the transfer application described a map of the proposed PPU. The PPU shape was drawn to reflect this map. The PPU shape is not a direct reflection of the acres authorized within each QQ, but is a close representation of the irrigation authorized based on information provided in the transfer application.

Kasper Cattle rights were decreed in 2009 & 2010 and migrated from adjudication to water rights prior to the processing of transfer 80024. No further action is required.

Water Supply Bank lease/rentals were not found to be associated with Kasper Cattle properties.

### **Summary**

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

RECEIVED

JAN 28 2016

WATER RESOURCES  
WESTERN REGION

MetLife Agricultural Investments  
Central Regional Office  
10801 Mastin Blvd., Suite 120  
Overland Park, KS 66210  
Phone: (913) 338-0629  
Fax: (913) 661-2267  
[www.metlife.com/ag](http://www.metlife.com/ag)

**MetLife**

John C. Espenmiller, Regional Director  
Phone: (913) 661-2233  
Email: [jcsenmiller@metlife.com](mailto:jcsenmiller@metlife.com)

Kevin J. Harshberger, Asst. Regional Director  
Phone: (913) 661-2249  
Email: [kharsberger@metlife.com](mailto:kharsberger@metlife.com)

David C. Russell, Director  
Phone: (913) 661-2266  
Email: [drussell@metlife.com](mailto:drussell@metlife.com)

Idaho Department of Water Resources  
Southern Regional Office  
650 Addison Ave W. Suite 500  
Twin Falls, ID 83301-5858

Re Metropolitan Life Insurance Company ("MetLife") Loan 198000 – Kasper Land & Cattle, LLC (the "Borrower") Canyon County, Idaho

Application for Transfer of Water Right No. 2-7109, 63-2631A, 63-2631C, 63-2632A, 63-2632C, 63-2712, 63-2955, and 63-3099

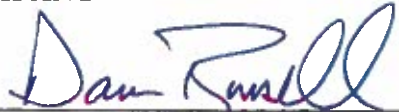
Dear Sir or Madam:

MetLife holds a security interest in water right numbers 2-7109, 63-2631A, 63-2631C, 63-2632A, 63-2632C, 63-2712, 63-2955, and 63-3099 (the "Water Rights") and has been asked to consent to permit the changing of the point of use, as described in the Application for Transfer of Water Rights.

This letter serves as written acknowledgment and consent to the Application for Transfer of Water Rights as fully described in the unsigned State of Idaho Department of Water Resources Application for Transfer of Water Rights Transfer ("Applications") (as attached).

Consent is subject to receipt and acceptance by MetLife legal counsel of the signed Applications

**METROPOLITAN LIFE INSURANCE  
COMPANY**

By:   
Name: David C. Russell  
Its: Director

January 28, 2016

Encl.  
DCR/kpk

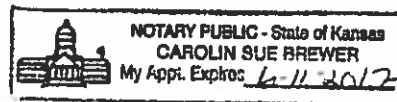
STATE OF Kansas )  
 ) ss.  
COUNTY OF Johnson)

Before me, a Notary Public in and for said County and State, personally appeared David C. Russell, the Director of Metropolitan Life Insurance Company, and acknowledged the execution of the foregoing instrument on behalf of said holders, and who, has been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 28<sup>th</sup> day of January, 2016.

Carolyn Sue Brewer  
(Notary Public)

My Commission Expires: 6-11-2017



Copies to: Clear Creek Land and Management  
Lori Graves, SPF Water Engineering, LLC

## MEMORANDUM

TO: Transfer No. 80024  
FROM: Patrick Kelly  
DATE: January 28, 2016  
RE: Evaluation of Application

---

Transfer 80024 proposes to change the place of use of irrigation water rights 2-7109, 63-2712, 63-2955, 63-63-2631A, 63-2631C, 63-2632A, 63-2632C and 63-3099 owned by Kasper Land & Cattle LLC into a common PPU. The irrigation portions of these rights would then reflect an integrated system from Snake River, ground water and Jensen Lake. Kasper Land & Cattle LLC is located along the north shore of the Snake River in Canyon County, immediately east of Walters Ferry Bridge and State Hwy 45.

Representative of the application is Lori Graves of SPF Water Engineering LLC at 300 E Mallad Dr, Suite 350, Boise, ID 83706, (208) 383-4140, lgraves@spfwater.com.

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#### **Injury to Other Water Rights:**

Injury is not anticipated since the transfer does not propose to change place of use away from where rights are not already in place. The transfer proposes to reflect in right what beneficial use is being applied to on land.

#### **Enlargement of Use:**

Source or point of diversion changes are not proposed in the transfer. Combined use limits on the decree limit pertinent water rights to 1,729.0 acres. There are concerns that this creates an enlargement since the ground water rights are supplemental, and 63-2631C and 63-2632C may have been recorded with a "B" suffix. Because this is recorded on the decree, and errors on the side of the water right owner, efforts to fix this are limited to changing the conditions to include suffix "C" rights in place of "B" while maintaining a limit of 1,729 acres.

#### **Local Public Interest:**

Review staff has no information to suggest this application is inconsistent with the local public interest.

#### **Beneficial Use/Conservation of Water Resources:**

The application proposes beneficial use consistent with conservation of water resources in Idaho.

**The application is consistent with criteria of I. C. § 42-222 and should be processed**

### Additional Information Request

The original transfer application Page 3A describes a PPU of 1,893 acres. Combined use limits reveal a total limit of 1,894 acres for all of the appurtenant water rights. A request was made to Representative Lori Graves to add an acre to the appropriate QQ. An amended page 3A was received to add an acre to the SESE, Section 22.

A lien holder letter from RABO Agrifinance Inc was received with the original transfer application. Backfile of water rights finds that these irrigation rights also had a notice of interest submitted from Wells Fargo NA in 2011, set to expire 12/31/2016. Some of these rights had the lien holder identified on the contacts list, some did not. Those that did not were added, and the information was forwarded to the Representative to collect the appropriate documentation.

### Discussion

Transfer 80024 proposes to change the place of use of 8 irrigation water rights owned by Kasper Land & Cattle LLC into a common PPU. The irrigation portions of these rights would then reflect an integrated system from Snake River, ground water and storage sources. Stockwater and commercial uses exist on some of these rights, but changes to these uses are not included in the transfer application.

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|-----------------------------------------------------------|----------------|--------|-------|
| Water Rights                                              | Diversion rate | Volume | Acres |
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| 63-2712, 63-2955, 63-3099                                 | 9.76           | 2029.5 | 451   |
| 63-2631C, 63-2632C                                        |                |        | 165   |
| TOTAL ACRES (1729+165)                                    |                |        | 1894  |

At the time of review, aerial photography and ArcMap tools measure a total irrigation of 1,066.4 acres. All eight rights combined carry a limit of 1,894 acres. See the Enlargement of Use section of this memo and correspondence from Craig Saxton attached regarding combined use limits.

Forfeiture concerns were expressed to the applicant and extensions to avoid forfeiture were then made prior to the end of the 2015 calendar year.

There are no other overlapping irrigation rights concerning Kasper Cattle property. POD overlap review finds stockwater and commercial rights diverted from the same wells or surface diversions - all owned by Kasper Cattle.

Water rights 63-2631A & 63-2632A had a combined use limit of 324 acres in the database meaning there would be an overlap of 2 acres. However after pulling up the decree, there are no such limitations identified on conditions, nor do the POU's sections overlap. So there really isn't a combined use at all. I will make a database comment and remove the limit from the rights.

Attachment 7B of the transfer application described a map of the proposed PPU. The PPU shape was drawn to reflect this map. The PPU shape is not a direct reflection of the acres authorized within each QQ, but is a close representation of the irrigation authorized based on information provided in the transfer application.

Kasper Cattle rights were decreed in 2009 & 2010 and migrated from adjudication to water rights prior to the processing of transfer 80024. No further action is required.

Water Supply Bank lease/rentals were not found to be associated with Kasper Cattle properties.

### **Summary**

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

## Kelly, Patrick

---

**From:** Saxton, Craig  
**Sent:** Thursday, January 28, 2016 12:44 PM  
**To:** Kelly, Patrick  
**Cc:** Grimm, Angie  
**Subject:** RE: Kasper Land & Cattle brain buster

Ok.

Well, I have reached a dead end for the most part. This is very perplexing.

On May 25, 1989, claim 02-7109 filed. On the claim, the other water rights listed were 63-2712, 63-2955, 63-3099, 63-2631A&C, 63-2632A&C. So at the time 02-7109 was filed, there was no reference to the "B" portions. I don't know how the "B" portions made it to the limiting condition. It makes me think that it was just an error and someone typed in B when they meant C. This could be supported by the fact that notes in the claim record for the B portions indicate the claims for the "B" portions were never filed.

So... for fun, let's go with this theory and just assume that the condition that limits the rights to 1729 acres really should be referencing the C portions of 63-2631 and 63-2632. If we do that, then I can get us close to the 1729 by making some other assumptions.

If we sum the total acres for all the surface water rights, we end up with 1706 acres. This would mean that the reviewer treated the "Total Acres" as "Acre Limits" and ignoring the fact that there are overlapping acres.

| Basin   | Sequence | Suffix | Process     | Basis   | Status | Priority Date | Diversion Rate | Total Acres |
|---------|----------|--------|-------------|---------|--------|---------------|----------------|-------------|
| 2       | 7109     |        | Water Right | Decreed | Active | 3/3/1973      | 11.870         | 1,050.0     |
| 63      | 2631     | A      | Water Right | Decreed | Active | 6/21/1946     | 3.920          | 196.0       |
| 63      | 2631     | C      | Water Right | Decreed | Active | 8/30/1947     | 1.860          | 165.0       |
| 63      | 2632     | A      | Water Right | Decreed | Active | 6/21/1946     | 2.600          | 130.0       |
| 63      | 2632     | C      | Water Right | Decreed | Active | 8/30/1947     | 1.050          | 165.0       |
| Total = |          |        |             |         |        |               |                | 1,706.0     |

Then if we bring in the supplemental GW rights. You stated that all but 5 acres of the GW were supplemental. So you could add the 5 acres to 1706 and it gets you to 1711. Still not quite there. I actually ran a POU Comparison report and on paper, it appears that there are 30 acres where the supplemental rights list a POU not covered with the identified SW rights. So if we went  $1706 + 30 = 1736$ , we over shoot by 7 acres but are getting closer.

So...I don't know how they got to 1729 acres. I don't suppose they included acreage that was irrigated by share water? I don't see any sign of that.

That said, I have to go back to my original e-mail. I think the acre limit that you are stuck with is the one on the partial decree. I believe there was an error here, but it is to the right holders benefit. To fix it, I think they would have to agree to reducing their water rights. I think you can clean up the condition at the transfer making an argument that there was a simple error in the condition and the limitation really should be with the C portions instead of the B portions. So I would think that part could be cleaned up. I don't know how to clean up the total acreage though.

Sorry I don't have better answer or an easy fix for you. Let me know if you want me to send you my POU comparison review. You can run it off of Query tools though if you want.

Later,

c

---

**From:** Kelly, Patrick  
**Sent:** Tuesday, January 19, 2016 10:52 AM  
**To:** Saxton, Craig  
**Cc:** Grimm, Angie  
**Subject:** RE: Kasper Land & Cattle brain buster

Thanks a lot Craig, we appreciate your support on this one.

---

**From:** Saxton, Craig  
**Sent:** Tuesday, January 19, 2016 10:38 AM  
**To:** Kelly, Patrick  
**Cc:** Grimm, Angie  
**Subject:** RE: Kasper Land & Cattle brain buster

Hey Patrick,

Sorry it took a bit to get back to you. I was out last week.

I have been digging through this most of the morning looking for an easy answer and this looks like a mess. I did dig to try to figure out the history as to where the 1729 acres came from and why the condition references the "B" portions instead of the "C" portions of 63-2631 and 63-2632, but was not able to find an easy answer. Before we try to recreate the whole history on this, I guess I am wondering if we can correct the issues within the transfer.

You asked what the bottom line acre limit is and what the options are regarding the condition on the decree. As it sits, I would consider the bottom line acre limit as being what is on the face of the decree. It seems the two options are that it could be fixed through the transfer process, or through the court.

There are some hurdles with the court process though. First we need to make sure there is an error. Meaning we need to figure out how the 1729 acre limit was determined and what it should be (which you have already done). The other thing is that the applicant is going to need to petition the court to set aside the partial decree to essentially file a late objection. IDWR isn't going to initiate an error correction for something that probably should have been caught through the Notice of Error process or the objection process. This isn't to say Carter or I or whoever wouldn't support a change

upon review, but Carter doesn't want IDWR to be the one asking the court to make these changes....unless it is clearly an error that the claimant had no control over. Not to mention that we are going to have to have the water right owner agree that we made an error in his favor and we should reduce his overall acre limit.

I looked at the partial decree dates and it looks like we might be in a gray zone as to if we have the authority to reduce the acre limit based on non-use through the transfer. But I think that would be the cleanest way to handle it. However, I can try to track the history and figure out how we reached the recommendation that was eventually partially decreed, but it might be a little while before I can get to it. I will try to prioritize it though.

c

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**From:** Kelly, Patrick  
**Sent:** Monday, January 11, 2016 5:10 PM  
**To:** Saxton, Craig  
**Cc:** Grimm, Angie  
**Subject:** Kasper Land & Cattle brain buster

Craig,  
I have what seems to be a tough one that might be easier if we discuss, but I can give you the gist of what we are looking at...

We have received a transfer application (80024) proposing to create a PPU based on 8 water rights (2-7109, 63-2712, 63-2955, 63-63-2631A, 63-2631C, 63-2632A, 63-2632C and 63-3099) from Snake River, Ground Water, and Jensen Lake sources. One right in particular (2-7109) carries a condition from the decree that states:

*Right Nos. 2-7109, 63-2712, 63-2955, 63-2631A, 63-2631B, 63-2632A, 63-2632B and 63-3099 are limited to the irrigation of a combined total of 1729 acres in a single irrigation season.*

The right carries a 1,050 ac POU. Rights 63-712, 63-2955 & 63-3099 are ground water rights and supplemental to surface water for all but 5 acres, and rights 63-2631B & 63-2632B were disallowed. The issue here is that the condition seems to create an enlargement since it appears a more appropriate limit would be 1,381 acres (1,050 (2-7109) + 5 (63-712, 63-2955 & 63-3099) + 326 (63-2631A, 63-2632A) = 1,381 acres).

When we consider the 165 acre limit from 63-2631C and 63-2632C, a total combined limit of 1,894 acres comes out as a possibility on property that is currently irrigating ~1,066 acres. Additionally, the applicant has filed new application for permit to bring all sources to the standard inch per acre.

I need to know what a bottom line acre limit is here or what are options are regarding the condition on the decree. Any suggestions?



**SPF WATER**  
ENGINEERING

November 9, 2015

RECEIVED

NOV 12 2015

WATER RESOURCES  
WESTERN REGION

Patrick Kelly  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

**Subject: *Applications for Extension of Time to Avoid Forfeiture***  
***Water Rights 2-7109, 63-2712, 63-2955 and 63-3099***

Dear Patrick,

Enclosed on behalf of Kasper Land & Cattle, LLC, and per your request, are *Applications for Extension of Time to Avoid Forfeiture* for water rights 2-7109, 63-2712, 63-2955 and 63-3099. These four rights were decreed in 2009 and are part of a transfer application we filed April 1, 2015. Based on current Department policy, these rights will be subject to forfeiture analysis at the end of this year (December 31, 2015). Since it does not appear the transfer application will be approved by December 31, 2015, the applicants are submitting the enclosed extension requests to insure protection from forfeiture while transfer processing proceeds.

Check No. 3240 for \$400 is enclosed for the filing fees; \$100/application. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves  
Water Rights Specialist

Cc: Tom Kasper  
Bruce Smith

Enclosures

SPF file number: 1126.0010



RECEIVED

April 1, 2015

APR 01 2015

WATER RESOURCES  
WESTERN REGION

Angie Grimm  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

***Subject: Applications for Permit (2); Application for Transfer***

Dear Angie,

Enclosed on behalf of Kasper Land & Cattle, LLC, is an *Application for Transfer* and two *Applications for Permit*. The purpose of the transfer application is to change the irrigation portions of appurtenant water rights to reflect an integrated irrigation system. The purpose of the permit applications is to increase maximum diversion rates to a full appropriation of 0.02 cfs/acre on all lands that currently have an appropriation of less than 0.02 cfs/acre (deficit acres) and provide full irrigation of 86 additional acres.

The source of water for the first application is wastewater generated within the Boise-Kuna Irrigation District. The Applicant currently receives water delivered via the Boise-Kuna Irrigation District under a court judgment. Approval of the first application would entitle the Applicant to put any wastewater delivered in excess of the court judgment to beneficial use. The Applicant understands delivery limitations associated with use of wastewater. The proposed place of use (PPU) reflects the same PPU proposed on the above-described transfer application.

Approval of the second application will authorize the Applicant to use groundwater as a supplemental water source when wastewater delivered via the Boise-Kuna Irrigation District is unavailable. Again, the proposed PPU reflects that proposed on the above-described transfer application.

An overlap analysis (attached) was performed to identify acres currently authorized to receive a full appropriation (0.02 cfs) and acres not authorized for a full appropriation. The analysis indicates that 1,254 acres are currently authorized for irrigation with Snake River water, Jensen Lake water (delivered via the Boise-Kuna Irrigation District), and/or ground water under the Applicant's existing water rights. Of that amount, 882 acres are currently authorized to receive 0.02 cfs/acre. The 312 deficit acres currently are authorized to receive primary Snake River water at a rate of only 0.0113 cfs/acre under water right 2-7109 and 60 acres are authorized to receive primary Jensen Lake water at a rate of only 0.018 cfs/acre under rights 63-2631C & 63-2632C.

Check No. 9157 for \$3,320 is enclosed for the filing fees (\$410 for each permit application and \$2,500 for the transfer application).

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,



Lori Graves  
Water Rights Specialist

Cc: Tom Kasper, Bruce Smith

Enclosures

SPF file number: 1126.0030