

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 12 2015
WATER RESOURCES
WESTERN REGION

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

Section 42-222(4), Idaho Code, provides that a water right holder may apply to protect a valid water right from forfeiture. Upon a showing of reasonable cause, the Director may grant one (1) extension of five (5) years in which to resume use.

1. Water Right No. 2-7109 (one right per application)
☒ Attach a copy of the water right record, available at <http://www.idwr.idaho.gov>, *Water Right Transfers, Step 1*, or by contacting any Department office.
2. Applicant Kasper Land & Cattle, LLC Phone 208-573-5534
3. Are you the current water right holder of record? Yes ☒ No ☐
☐ If no, provide documentation of your authority to sign on behalf of the right holder -- OR -- attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee.
4. Mailing address ☒ Same as water right record -- OR -- complete the following information:
Address _____ City _____
State _____ Zip code _____ Email _____
5. Give the last date water was beneficially used Decree Date: 10/21/2009
6. Explain your reasons for non-use of the water right and your reasons for requesting an extension of time.
Attach additional documentation if needed.
A temporary reduction in land irrigated with surface water during integration of multiple water rights and irrigation systems.

The information contained in this application is true to the best of my knowledge.

Signature of applicant or authorized agent

Print name (and title, if applicable)

Date

Signature of applicant or authorized agent

Print name (and title, if applicable)

Date

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby _____ said application, subject to the following conditions or reasons:

The right holder shall resume beneficial use of water *on or before* _____

Signed this _____ day of _____, 20_____.

Title: _____

Stamped received ☒ Fee receipted by Q Date 11/12/15 Receipt # W043670

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/11/2014

WATER RIGHT NO. 2-7109

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KASPER LAND & CATTLE LLC 3349 HILL RD MELBA, ID 83641 (208)573-5534
Directors Report Owner	EASTERN WESTERN CORP ATTENTION MICHAEL E MCGINLEY 1426 S E GIDEON ST PO BOX 3228 PORTLAND, OR 97208-3228 (503)236-1978
Attorney	MOORE SMITH BUXTON & TURCKE CHARTERED C/O BRUCE M SMITH 950 W BANNOCK STE 520 BOISE, ID 83702 (208)331-1800
Attorney	BRUCE M SMITH MOORE SMITH BUXTON & TURCKE 950 W BANNOCK ST STE 520 BOISE, ID 83702 (208)331-1800
Original Owner	EASTERN WESTERN CORP C/O JIM HIPWELL 3349 HILL RD S MELBA, ID 83641 (208)495-1134
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141

Priority Date: 03/03/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	11.87 CFS	
STOCKWATER	1/01	12/31	0.23 CFS	
Total Diversion			11.87 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER|SWNW L1 3|Sec. 21|Township 01S|Range 02W|CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	02W	16		NENE	33		NWNE	20		SWNE	36		SENE	36
				NENW	31		NWNW	36		SWNW	29		SENW	36
				NESW	36		NWSW	36		SWSW	35		SESW	35
				NESE	35		NWSE	36		SWSE	37		SESE	37
			21	SWNE	40		SENE	40						
				SENW	29									
		22		NESE	37		NWSE	11		SESE	8			
				NENW	8		NWNW	38		SWNW	40		SENW	31
				NESW	36		NWSW	37		SWSW	40		SESW	40
				NWSE	30		SWSE	39		SESE	2			

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 1050

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. 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.
3. 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.
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.

Dates:

Licensed Date:

Decreed Date: 10/21/2009

Permit Proof Due Date: 6/1/1983

Permit Proof Made Date: 1/1/1900

Permit Approved Date: 6/26/1973

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

[Close](#)

Neely, Rachel

From: Neely, Rachel
Sent: Wednesday, November 25, 2015 12:29 PM
To: 'LEGALNOTICES@POSTREGISTER.COM'; 'LEGALS@LMTRIBUNE.COM';
'LEGALS@MAGICVALLEY.COM'
Subject: Bonneville Legal Ad - Nez Perce - 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 on 12/3/15 & 12/10/15.

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

November 25, 2015

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 Extension of time to avoid Forfeiture of a Water Right No. 2-7109

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 12/21/2015. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosures

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

Kasper Land & Cattle LLC of 3349 Hill Rd, Melba 83641 filed an application on November 12, 2015 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 2-7109 with a 1973 priority from the Snake River totaling 11.87 cfs. The right holder proposes nonuse of the right due to a temporary reduction in land irrigated with surface water during integration of multiple water rights and irrigation systems. The right serves property located immediately east of Walters Ferry Bridge and State Hwy 45, north of the Snake River.

For additional information concerning the property location, please contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed extension(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the application(s) must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of \$25 for each application on or before 12-21-2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/3/15 and 12/10/15.

Neely, Rachel

From: Neely, Rachel
Sent: Wednesday, November 25, 2015 12:24 PM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ads
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ads for publication on 12/3/15 & 12/10/15.

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

November 25, 2015

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

RE: Application for Permit No. 63-34145
 Application for Permit No. 63-34163
 Application for Extension of time to avoid Forfeiture of a Water Right No. 2-7109

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 12/21/2015. 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:

63-34145

TOBY DAVIS
KRISTI DAVIS
6554 W HOLLILYNN DR
BOISE, ID 83709
Point of Diversion NESW S7 T02N R02E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.06 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.08 CFS
Date Filed: 9/21/2015
Places of Use: IRRIGATION, STOCKWATER
T02N R02E S7 NESW
Total Acres: 2
Water bearing zone to be appropriated is from 200 to 400 feet.

63-34163

JEFF SEGLEM
4569 N CRESWELL PL
BOISE, ID 83713
Point of Diversion NENE S26 T05N R01E ADA County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: HEATING 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 11/12/2015
Places of Use: HEATING, DOMESTIC
T05N R01E S26 NENE
Water bearing zone to be appropriated is from 200 to 300 feet.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

Kasper Land & Cattle LLC of 3349 Hill Rd, Melba 83641 filed an application on November 12, 2015 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 2-7109 with a 1973 priority from the Snake River totaling 11.87 cfs. The right holder proposes nonuse of the right due to a temporary reduction in land irrigated with surface water during integration of multiple water rights and irrigation systems. The right serves property located immediately east of Walters Ferry Bridge and State Hwy 45, north of the Snake River.

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 extension(s) please see 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 12-21-2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/3/2015 and 12/10/2015

Neely, Rachel

From: Neely, Rachel
Sent: Wednesday, November 25, 2015 12:27 PM
To: 'legals@idahopress.com'
Subject: Canyon Legal Ads
Attachments: Canyon Cover Letter.docx; Canyon Legal Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ads for publication on 12/3/15 & 12/10/15.

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

November 25, 2015

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

RE: Application for Permit No. 63-34138
 Application for Permit No. 63-34139
 Application for Permit No. 63-34142
 Application for Permit No. 63-34147
 Application for Permit No. 63-34161
 Application for Extension to Avoid Forfeiture of a Water Right No. 63-2712
 Application for Extension to Avoid Forfeiture of a Water Right No. 63-2955
 Application for Extension to Avoid Forfeiture of a Water Right No. 63-3099
 Application for Extension to Avoid Forfeiture of a Water Right No. 2-7109
 Application for Extension to Avoid Forfeiture of a Water Right No. 63-34150
 Application for Extension to Avoid Forfeiture of a Water Right No. 63-34151

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 12/21/2015. 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:

63-34138

JUSTIN CHRISTENSEN
SUNNY CHRISTENSEN
8571 BENNETT RD
NAMPA, ID 83686
Point of Diversion NENW S34 T02N R02W CANYON County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: HEATING 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 9/2/2015
Places of Use: DOMESTIC, HEATING
T02N R02W S34 NENW
Water bearing zone to be appropriated is from 154 to 242 feet.

63-34139

DIXIE LAND LLC
22993 HOWE RD
CALDWELL, ID 83607
Point of Diversion L1(NENE) S1 T04N R05W CANYON County Source NORTH DRAIN Tributary DIXIE SLOUGH
Use: IRRIGATION 03/01 to 11/15 1.06 CFS
Total Diversion: 1.06 CFS
Date Filed: 9/8/2015
Place of Use: IRRIGATION
T04N R05W S1 L1(NENE) L2(NWNE)
Total Acres: 53

63-34142

SCHOBER & SON LLC
430 AURORA DR
NAMPA, ID 83686
Point of Diversion SWSE S19 T03N R02W CANYON County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.94 CFS
Total Diversion: 0.94 CFS
Date Filed: 9/14/2015
Place of Use: IRRIGATION
T03N R02W S19 NWSE SWSE
Total Acres: 47
Water bearing zone to be appropriated is from 100 to 350 feet.

63-34147

MIKE SKOGSBERG
DIAMOND S FARMS LLC
23460 STAFFORD RD
CALDWELL, ID 83607
Point of Diversion SENE S25 T05N R04W CANYON County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 3 CFS
Total Diversion: 3 CFS
Date Filed: 9/17/2015
Place of Use: IRRIGATION
T05N R03W S30 L2(SWNW) NESW L3(NWSW)
T05N R04W S25 SWNE SENE SWSW SESW NESE SESE
Total Acres: 301
Water bearing zone to be appropriated is from 40 to 240 feet. Applicant proposes irrigating 200 acres.

63-34161

AMELIA RASMUSSEN
TIMOTHY RASMUSSEN
1281 LA REATA WAY
MIDDLETON, ID 83644
Point of Diversion SWSE S2 T05N R03W CANYON County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.2 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.26 CFS
Date Filed: 11/4/2015
Places of Use: DOMESTIC, IRRIGATION, STOCKWATER
T05N R03W S2 SWSE
Total Acres: 10

Water bearing zone to be appropriated is from 200 to 450 feet.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

Kasper Land & Cattle LLC of 3349 Hill Rd, Melba 83641 filed an application on November 12, 2015 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 63-2712 with a 1950 priority from ground water totaling 1.80 cfs. The right holder proposes nonuse of the right due to a temporary reduction in land irrigated with surface water during integration of multiple water rights and irrigation systems. The right serves property located immediately east of Walters Ferry Bridge and State Hwy 45, north of the Snake River.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

Kasper Land & Cattle LLC of 3349 Hill Rd, Melba 83641 filed an application on November 12, 2015 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 63-2955 with a 1953 priority from ground water totaling 5.00 cfs. The right holder proposes nonuse of the right due to a temporary reduction in land irrigated with surface water during integration of multiple water rights and irrigation systems. The right serves property located immediately east of Walters Ferry Bridge and State Hwy 45, north of the Snake River.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

Kasper Land & Cattle LLC of 3349 Hill Rd, Melba 83641 filed an application on November 12, 2015 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 63-3099 with a 1956 priority from ground water totaling 3.70 cfs. The right holder proposes nonuse of the right due to a temporary reduction in land irrigated with surface water during integration of multiple water rights and irrigation systems. The right serves property located immediately east of Walters Ferry Bridge and State Hwy 45, north of the Snake River.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

Kasper Land & Cattle LLC of 3349 Hill Rd, Melba 83641 filed an application on November 12, 2015 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 2-7109 with a 1973 priority from the Snake River totaling 11.87 cfs. The right holder proposes nonuse of the right due to a temporary reduction in land irrigated with surface water during integration of multiple water rights and irrigation systems. The right serves property located immediately east of Walters Ferry Bridge and State Hwy 45, north of the Snake River.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

Stephen H and Connie J Farden of 1708 Primrose Drive, Nampa, ID 83686 filed an application on 10-28-15 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 63-34150 with a 1963 priority from ground water totaling .08 cfs. The right holder is a new property owner who desires to put the 2009 decreed right to use, but needs time to repair the system. The right serves property located on the corner of Primrose Drive and South Powerline Road in Nampa.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

John P and Shauna R Mullins of 3423 Portland Ave, Nampa, ID 83686 filed an application on 10-29-15 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 63-34151 with a 1963 priority from ground water totaling .07 cfs. The right holder is a new property owner who desires to put the 2009 decreed right to use, but needs time to repair the system. The right serves property located on the corner of Primrose Drive and South Powerline Road in Nampa.

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 extension(s) please see 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 12-21-2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/3/2015 and 12/10/2015



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

November 25, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

KASPER LAND & CATTLE LLC
3349 HILL RD
MELBA ID 83641

Application for Extension of Time to Avoid Forfeiture of a Water Right No. 2-7109

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the PRESS TRIBUNE, THE ID STATESMAN, POST REGISTER, LEWISTON MORN TRIBUNE, and TIMES NEWS on 12/3/2015 and 12/10/2015. 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 permit.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Neely', with a long horizontal line extending to the right.

Rachel Neely
Administrative Assistant