

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79209

This is to certify that: DANIEL B HANSEN AND/OR
KAREN L HANSEN
C/O KD BAR RANCH
6500 SE 7TH AVE
CALDWELL, ID 83607

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
63-12576	WR/LICENSE	5/6/1981	1.750 cfs	630.0 af	N/A	140.0	GROUND WATER
63-33928	WR/DECREED	11/9/1977	2.680 cfs	612.0 af	N/A	136.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

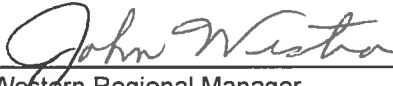
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-12576	NO	NO	NO	YES	NO	NO
63-33928	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-12576	63-12576	1.750 cfs	630.0 af	N/A	140.0	N/A	N/A	N/A	N/A	N/A
63-33928	63-33928	2.680 cfs	612.0 af	N/A	136.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.460 cfs	1242.0 af	N/A	276.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 28th day of July, 2014.


Western Regional Manager

SUPPORT DATA

W FILE # 63-12576

Transfer No. 79209

SCANNED

OCT 10 2014

WATER RIGHT NO. 63-12576
As Modified by Transfer No. 79209

In accordance with the approval of Transfer No. 79209, Water Right No. 63-12576 is now described as follows:

Right Holder: DANIEL B HANSEN AND/OR
 KAREN L HANSEN
 C/O KD BAR RANCH
 6500 SE 7TH AVE
 CALDWELL, ID 83607

Priority Date: 5/6/1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	1.750 cfs	630.0 af
			1.750 cfs	630.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSE	Sec 7	Twp 06N Rge 03W PAYETTE County
GROUND WATER	NWSE	Sec 7	Twp 06N Rge 03W PAYETTE County
GROUND WATER	NWSW	Sec 8	Twp 06N Rge 03W PAYETTE County
GROUND WATER	SESW	Sec 8	Twp 06N Rge 03W PAYETTE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	03W	7													35.0			35.0	70.0
06N	03W	8										35.0	35.0						70.0

POU Total Acres: 140.0

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Rights 63-12576 and 63-33928 when combined shall not exceed a total diversion rate of 3.46 cfs.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
4. Use of this right is combined with water from Black Canyon Irrigation District.

Transfer No. 79209

WATER RIGHT NO. 63-12576
As Modified by Transfer No. 79209

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 612.0 af at the field headgate for the place of use.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to all or part of the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
9. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-33928
As Modified by Transfer No. 79209

In accordance with the approval of Transfer No. 79209, Water Right No. 63-33928 is now described as follows:

Right Holder: DANIEL B HANSEN AND/OR
 KAREN L HANSEN
 C/O KD BAR RANCH
 6500 SE 7TH AVE
 CALDWELL, ID 83607

Priority Date: 11/9/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.680 cfs	612.0 af
			2.680 cfs	612.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSE	Sec 7	Twp 06N Rge 03W PAYETTE County
GROUND WATER	NWSE	Sec 7	Twp 06N Rge 03W PAYETTE County
GROUND WATER	NWSW	Sec 8	Twp 06N Rge 03W PAYETTE County
GROUND WATER	SESW	Sec 8	Twp 06N Rge 03W PAYETTE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	03W	8									34.0			34.0		34.0	34.0		136.0

POU Total Acres: 136.0

CONDITIONS OF APPROVAL

- Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- Rights 63-12576 and 63-33928 when combined shall not exceed a total diversion rate of 3.46 cfs.
- The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- Use of this right is combined with water from Black Canyon Irrigation District.

Transfer No. 79209

WATER RIGHT NO. 63-33928
As Modified by Transfer No. 79209

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 612.0 af at the field headgate for the place of use.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to all or part of the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
9. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
14. This right was previously numbered 65-12057.



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

July 28, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

DANIEL B HANSEN
KAREN L HANSEN
C/O KD BAR RANCH
6500 SE 7TH AVE
CALDWELL ID 83607

Re: Transfer No. 79209
Water Right No's: 63-12576, 63-33928

Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in black ink that reads "Rachel Sommer." The signature is written in a cursive style with a large, stylized "R" and a trailing dot at the end.

Rachel Sommer
Administrative Assistant

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 79209
Water Right No's: 63-12576, 63-33928**

**DANIEL B HANSEN
C/O KD BAR RANCH
6500 SE 7TH AVE
CALDWELL ID 83607**

**KAREN L HANSEN
C/O KD BAR RANCH
6500 SE 7TH AVE
CALDWELL ID 83607**

**RABO AGRIFINANCE INC
12443 OLIVE BLVD STE 50
ST LOUIS MO 63141**

A handwritten signature in cursive script, reading "Rachel Sommer", is positioned above a horizontal line.

**Rachel Sommer
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }

County of Payette }

John E. Dillon

Of Payette, Payette County, Idaho, being

First duly sworn, deposes and says:

- 1) That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not party to the above entitled action.
- 2) That I am the representative of the Independent Enterprise, a weekly newspaper published in the County of Payette and State of Idaho; that the said newspaper is in general circulation in the said Count of Payette, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
- 3) That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:

July 2, 9, 2014

Legal # 83597

Public Water

Department of Water Resources

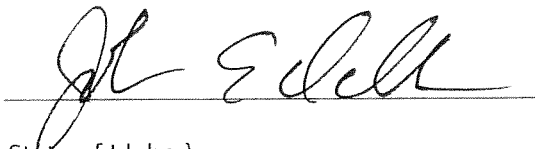
2735 Airport Way

Boise, Id 83705

RECEIVED

JUL 11 2014

WATER RESOURCES
WESTERN REGION



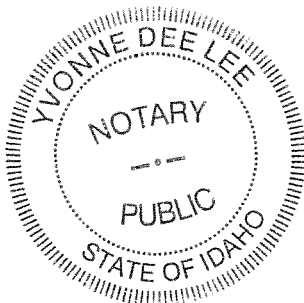
State of Idaho }

County of Payette }

On this 9th day of July in the year 2014

Before me a Notary Public, personally appeared.

John E Dillon, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.



Notary Public for Idaho

Residing at Payette County

My Commission expires November 4, 2019

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

✓ **63-33926**

DANIEL B HANSEN
KAREN L HANSEN
C/O KD BAR RANCH
6500 SE 7TH AVE
CALDWELL, ID 83607
Point of Diversion NWSW SESW S8 T06N
R03W PAYETTE County Source GROUND
WATER
(2) Points of Diversion NWSE S7 T06N
R03W PAYETTE County Source GROUND
WATER
Use: IRRIGATION 03/01 to 11/15 1.97
CFS
Total Diversion: 1.97 CFS
Date Filed: 3/10/2014
Place of Use: IRRIGATION
T06N R03W S7 NESE SESE
T06N R03W S8 SW(ALL) NWSE SWSE
Total Acres: 320
Water bearing zone to be appropriated is
from 100 to 700 feet.

✓ **63-33927**

DANIEL B HANSEN
KAREN L HANSEN
C/O KD BAR RANCH
6500 SE 7TH AVE
CALDWELL, ID 83607
Point of Diversion SENE S13 T06N R04W
PAYETTE County Source GROUND WA-
TER
(2) Points of Diversion NWSE S7 T06N
R03W PAYETTE County Source GROUND
WATER
Use: IRRIGATION 03/01 to 11/15 0.82
CFS
Total Diversion: 0.82 CFS
Date Filed: 3/10/2014
Place of Use: IRRIGATION
T06N R04W S13 NE(ALL) NESE SESE
Total Acres: 87
Water bearing zone to be appropriated is
from 100 to 700 feet.

**PROPOSED CHANGE OF
WATER RIGHTS**

✓ Daniel B. &/or Karen L. Hansen, c/o KD
Bar Ranch, 6500 SE 7th Ave., Caldwell,
ID, 83607, filed Application No. **79209** to
transfer two water rights with 1977 to
1981 priority dates from ground water to-
taling 3.46 cfs. The purpose of the trans-
fer is to add wells to create an integrated
irrigation system. Water will be used at the
current place of use on the north side of
SE 7th Ave., approximately 2 miles north-
east of I-84, 1.3 miles west of el Paso Road
and 1.4 miles east of Cassia Road.

Permits will be subject to all prior water
rights. For additional information con-
cerning the property location, contact
Western Region office at (208) 334-2190;
or for a full description of the rights &/or
proposed transfer, please see
[www.idwr.idaho.gov/apps/ExtSearch/WR
Filing.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WR
Filing.asp). Protests may be submitted
based on the criteria of Sec 42-222 and
42-203A, Idaho Code. Any protest against
the approval of this application(s) must be
filed with the Director, Dept. of Water Re-
sources, Western Region, 2735 Airport
Way, Boise, ID 83705 together with a pro-
test fee of
\$25.00 for each application on or before
7/21/2014. The protestant must also
send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Published on 7/2/2014 and 7/9/2014

Legal Number 83597 July 2, 9, 2014

OK
7/17/14
RS

RECEIVED

JUL 11 2014

WATER RESOURCES
WESTERN REGION