

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77403

This is to certify that: DANIEL HANSEN And/Or
KAREN HANSEN
C/O KD BAR RANCH
6500 SE 7TH AVE
CALDWELL ID 83607
(208)890-2552

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-12569	WR/License	04/19/2000	0.11 cfs	9.8 af	N/A	N/A	GROUND WATER
63-31261	WR/License	06/05/2001	4 cfs	1762.9 af	200	391.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-12569	NO	NO	NO	YES	NO	NO
63-31261	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-12569	63-12569	0.11 cfs	9.8 af	N/A	N/A		N/A	N/A	N/A	N/A
63-31261	63-31261	4 cfs	1762.9 af	N/A	391.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		4.11 cfs	1772.7 af	N/A	391.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 1st day of August, 20 11


John Westra, Western Regional Manager

SUPPORT DATA
IN FILE # 63-12569

SCANNED
AUG 03 2011

WATER RIGHT NO. 63-12569
As Modified by Transfer No. 77403

In accordance with the approval of Transfer No. 77403, Water Right No. 63-12569 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: April 19, 2000

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	to 12/31	0.08 CFS	2.4 AF
STOCKWATER	01/01	to 12/31	0.11 CFS	7.4 AF
			0.11 CFS	9.8 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

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	03W	7															X	X	

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	03W	7															X	X	

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre for each home.
5. Domestic use is for two homes.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

WATER RIGHT NO. 63-12569

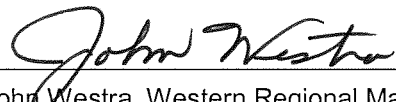
As Modified by Transfer No. 77403

CONDITIONS OF APPROVAL

7. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This water right 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.

Dated this 1st day of August, 2011



John Westra, Western Regional Manager

WATER RIGHT NO. 63-31261
As Modified by Transfer No. 77403

In accordance with the approval of Transfer No. 77403, Water Right No. 63-31261 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: June 05, 2001

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	4.00 CFS	1,759.5 AF
COMMERCIAL	01/01	to 12/31	0.22 CFS	3.4 AF
			4.00 CFS	1,762.9 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

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
06N	03W	6																	36.0	36.0
06N	03W	7	36.0		40.0	40.0										28.0	31.0			175.0
06N	03W	18	8.0	8.0	8.0		39.0	38.0	39.0	40.0										180.0
								L 1	L 2											

Total Acres: 391

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
06N	03W	7														X	X			
06N	03W	18		X	X															

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-31261
As Modified by Transfer No. 77403

CONDITIONS OF APPROVAL

3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
5. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
6. A portion of the groundwater designated for irrigation use under this license is supplemental to existing surface water. In the area of overlap between groundwater rights associated with this license and existing surface water rights, 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 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. A portion of the groundwater designated for irrigation use under this license is supplemental to existing surface water. In the area of overlap between groundwater rights associated with this license and existing surface water rights, if the surface water right(s) appurtenant to 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 for irrigation purposes 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 is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.
9. The irrigation components of rights 65-13933 and 63-31261 when combined shall not exceed a total diversion rate of 7.82 cfs, a total annual maximum diversion volume of 1759.5 af at the field headgate, and the irrigation of 391 acres.
10. 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 lands above.
11. Commercial use is for dust abatement and shall not exceed a total annual volume of 3.4 af.

This water right 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.

Dated this 1st day of August, 20 11


John Westra, Western Regional Manager



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 2, 2011

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

RE: Transfer No.: 77403
Water Right No(s): 63-31261 63-12569

Transfer Approval Notice

Dear Water Right Holder:

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 homepage 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,

for John Westra
Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77403
WATER RIGHTS NOS. 63-31261 63-12569

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

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


Jean Hersley
Office Specialist II

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.

MEMORANDUM

TO: Transfer No. 77403
FROM: Kay Walker 
DATE: July 20, 2011
RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add a point of diversion to the existing system. No other changes are contemplated by this application.

The site is located south of Black Canyon Canal, east of Sand Hollow Rd., and 3.5 miles north of the town of Sand Hollow.

Contact person for the applicant is Lori Graves, Water Right Specialist, SPF Engineering, 300 E. Mallard Dr., Suite 350, Boise, ID, 38706. Lori can be reached at (208)383-4140.

Deviations from Transfer Policy Standards

The transfer only contemplates an additional point of diversion. No other changes are proposed so the transfer was submitted on the shortened version of the application form. Advertising this proposal is not necessary since it is only for an additional point of diversion.

The licenses for this system were issued with the point of diversion listed to a 10 acre tract. The application form only describes the points of diversion to a 40 acre tract. Both wells are clearly identified on the map attached to the transfer application form and will be located within the same 10 acre tract as shown on the license. Recommend we use the 40 acre tract description on any final action taken on this proposal to allow the applicants flexibility in the location of their wells. The points of diversion will be pinpointed to the 10 acre tract in arc map which provides acceptable information for ground water.

Summary of Information Submitted

Authority to File:

The transfer applicants are the right holders of record so no further action is needed to confirm their authority.

Water Right Validity:

The rights are presumed to be valid because the licenses for these rights were issued within the past five year period, on May 16, 2008. The rights were not

required to be claimed in the Snake River Basin Adjudication (SRBA) due to their priority dates which are later than 1987.

Injury to Other Water Rights and Enlargement of Use:

There should be no injury to other water rights. There will be no change in the place of use, only an additional point of diversion is proposed. A measuring device can be required to be installed to prevent more water from being diverted as provided under the conditions of approval on the licenses. No increase in diversion rate, diversion volume or consumptive use volume should occur.

Local Public Interest:

It is within the public interest to allow right holders to modify their systems to provide the water they are entitled to under their rights.

Beneficial Use/Conservation of Water Resources:

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

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Discussion

Data entry affected the correct records which are the licensed water rights.

Overlapping rights at existing &/or proposed points of diversion is a domestic and stockwater right in the name of Meroney (65-6458). The 40 acre tract wherein the points of diversion are located is owned by the applicants, per tax lot data, so there is no p/d overlap as far as I can tell. Overlapping rights at the place of use include rights from Black Canyon Irrigation District and the Bureau of Reclamation. The licenses have been conditioned to prevent more than one inch per acre of water for the land when the sources are combined. There is also a license numbered 65-13933 from a ground water source that irrigates the same place of use as 63-32261. That license is not included in this application since it is from the Payette River drainage basin and the rights involved in the transfer are from the Boise River drainage basin. There will be no change to the licensed conditions of approval so Rt. 65-13933 did not have to be included in this application as an associated right.

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.

Condition 046 is necessary since a new well is proposed.