

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76341APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) McFarland Livestock Company Phone (208) 768-2718 or 768-2711Mailing address P.O. Box 50, Lemhi, Idaho 63465 Email _____

- ☒ 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 Ron Troy Phone (208) 220-2266Mailing address P.O. Box 611, Salmon, Idaho 83467 Email rtroy@tnc.org☐ 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.

Tex J. and Melva Kauer
Signature of Applicant or Authorized Representative

Tex J. and Melva Kauer
Print Name and Title if applicable

February 26, 2010
Date

Blair Kauer
Signature of Applicant or Authorized Representative

Blair Kauer
Print Name and Title if applicable

February 26, 2010
Date

RECEIVED

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 _____

FEB 26 2010
Department of Water Resources
Eastern Region

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**. McFarland Livestock proposes to eliminate the lower portion of Lemhi lateral L-52 and change point of diversion for McFarland's 4.06 cfs base water right to lateral L-46A where water would be pumped into a pressurized sprinkler sytem versus current flood irrigation system. We also propose a slight change in area of use to reflect system.

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	74-1562	4.06	Agriculture	Mar. 15 to Nov. 15	Lemhi River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.06 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
yes		SW	NW	NW	24	17N	24E	Lemhi	Lemhi River	L-46A

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
T17N	24E	14							1.04		3.86	36.5	29.1	30.0			14.0		114.5
		15													7.50				7.5

Total Acres (for irrigation use) 122.0

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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: The point of diversion is in an existing lateral (L-46A) and would be located behind an existing fish screen and prior to a splitter box distributing water to 4 water right holders that irrigate from L-46A. One of the 4 current irrigators on L-46A is McFarland Livestock (the applicant). Metering would be at the wier that is currently located between the Lemhi diversion and the fish screen.
- b. Who owns the property at the point(s) of diversion? Snyder Ranches
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: The landowner has agreed to provide a 30' utility easement for installation, inspection and repair of necessary irrigation and electrical equipment. The easement would be in the form of a written agreement and surveyed by a professional surveyer.
- 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: Snyder Ranches currently does not have any liens on the property where the proposed new point of diversion would be located.
It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: Agricultural production in area of use would more than double under the new irrigation system and there would be a substantial reduction in water use. Also, risk of top-soil erosion would also be reduced substantially in the area of use as well as along the 7 mile elevated irrigation lateral that would be eliminated.
- e. 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: The only other water right on L-52 is owned by The Nature Conservancy and they would like to donate their water under that right to the water resource board's water supply bank. Water users on L-46A include Shiner Ranches, Far Niente Ranch, Rand Robison and McFarland Livestock, all who have expressed verbal consent to the additional water use from their lateral.

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-1562

WATER RIGHT NUMBER: 74-1562

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MC FARLAND LIVESTOCK CO INC C/O TEX J KAUER PO BOX 50 LEMHI, ID 83465 (208)768-2711

Priority Date: 04/01/1936

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LEMHI RIVER	SALMON RIVER
LITTLE SPRING CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	4.060 CFS	
	<u>Total Diversion:</u>	4.060 CFS	

Location of Point(s) of Diversion

LITTLE SPRING CREEK	NE 1/4 SE 1/4	Sec. 32, Twp 17N, Rge 25E, B.M.
LEMHI County	(Injection)	
LITTLE SPRING CREEK	NW 1/4 NW 1/4	Sec. 32, Twp 17N, Rge 25E, B.M.
LEMHI County	(Rediversion)	
LEMHI RIVER	NE 1/4 SW 1/4	Sec. 33, Twp 17N, Rge 25E, B.M.
LEMHI 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	
17N	24E	14							2.0		6.0	37.0	27.0	29.0				16.0	117.0
17N	24E	15													5.0				5.0

Total Acres: 122

Conditions of Approval:

1. E64 This right authorizes the irrigation of 121.5 total acres.
2. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-1562

3. U42 Place of use does not include federal public lands
4. E55 USE OF THIS RIGHT WITH RIGHT NO. 74-1556 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 284.9 ACRES IN A SINGLE IRRIGATION SEASON.

Remarks:Comments:

1. rbrown 9/23/2003 Recommendation
Comment: based on Lemhi decree
2. rbrown 9/23/2003 POD
Comment: corrected based on IDWR GPS data.
3. rbrown 9/23/2003 POU
Comment: Contract employee Bob Loucks suggested changes to the POU. The POU will be recommended as mapped in the Lemhi adjudication.
4. rbrown 9/23/2003 Overlap
Comment: There is a 2 acre overlap in the SWNW on this right and right no. 74-1556.

Dates and Other Information:

Licensed Date:
 Decreed Date: 8/14/2007
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		285.9

Combined Water Rights: 74-1562

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			09/23/2003	rbrown	Closed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/23/2003 12:51:35 PM	rbrown	Edited point location

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New Water Right 74-1562									
Township	Range	Section	Tract	Acres	Tract	Acres	Tract	Acres	Tract
T17N	24E	14	SWNW	1.04					
		14	NESE	3.86	NMSW	36.51	SMSW	29.10	SESW
		14	SWSE	14.00					
		15	NESE	7.50					
								TOTAL	
								Acres	122.00
New POD: SW¼ NW¼ NW¼ Sec 24, T17N, R24E (1-40 Diverion)									

(L-46A)



The Nature Conservancy - L-52 Closure
Kauer Irrigation System
Water Right 74-1562 Transfer Map

Designed	TED	Date	02/22/2010
Drawn	TED	Date	02/22/2010
Checked			
Approved			

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1" = 660'

New water right 74-1502										
Township	Range	Section	Water Acres	Tract	Acres	Tract	Acres	Tract	Acres	
T17N	24E	14	SWNW	1.04						
		14	NESE	3.66	NWSW	36.51	SWSW	29.10	SESW	29.99
		14	SWSE	14.00						
		15	NESE	7.50						
								TOTAL	122.00	
New POD: SW ¹ NW ¹ NW ¹ Sec 24, T17N, R24E (1-46 Diversion)										

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

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MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

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PETE T. CENARRUSA
SECRETARY OF STATE

BEN YSURA
CHIEF DEPUTY
SECRETARY OF STATE

700 West Jefferson
PO Box 83720
Boise, Idaho 83720-0080
Telephone 208 334-2300
Facsimile 208 334-2282
e-mail: sosinfo@idsos.state.id.us
<http://www.idsos.state.id.us>



STATE OF IDAHO
SECRETARY OF STATE

June 4, 1999

Corporations Division
208 334-2301
Uniform Commercial Code Division
208 334-3191
Facsimile 334-2847
Trademarks/Notaries Division
208 334-2300
Elections Division
208 334-2852
Legislative and Executive Affairs
208 334-2300
Fiscal Division
208 334-5355
Computer Services
208 334-5354

MCFARLAND LIVESTOCK CO INC
PO BOX 50
MAIERS LANE
LEMHI ID 83465

RE: MCFARLAND LIVESTOCK CO., INC.

Dear: Tex J. Kauer

Our office received your letter requesting the change of officers for the above named corporation and that change has been filed. Just to let you know, we will be mailing the annual report form out in July and that will be due in our office by November 30, 1999. Although you have just notified us of a change of officers, you will still need to send in this annual report form.

If you have any questions or need further assistance, please do not hesitate to contact this office at (208) 332-2819.

Very truly yours,

A handwritten signature in black ink that reads "Kerri Krosch".

Kerri Krosch
Corporate Division

Enclosures: cited

May 31, 1999
P.O. Box 50
Lemhi, Id 83465

Dear Sir:

As a result of a recent stockholders and directors meeting, we have elected the officers and directors of an Idaho corporation, namely McFarland Livestock Co., Inc. of P.O. Box 50, Maier's Lane, Lemhi, Idaho 83465, as follows:

President: Tex J. Kauer, Box 50, Lemhi, Idaho 83465

Vice President: Blair J. Kauer, Box 50, Lemhi, Idaho 83465

Secretary & Treasurer: Melva M. Kauer, Box 50, Lemhi, Idaho 83465

Directors: Tex J. Kauer, Box 50, Lemhi, Idaho 83465
Blair J. Kauer, Box 50, Lemhi, Idaho 83465
Melva M. Kauer, Box 50, Lemhi, Idaho 83465
Celestia R. Kauer Calhoun, Box 50, Lemhi, ID 83465
Melody F. Kauer, Box 50, Lemhi, Idaho 83465

We are requesting a confirmation from you, that the above officers and directors are duly recorded in the office of the Idaho Secretary of State, and dated as such.

Sincerely,

Tex J. Kauer

Tex J. Kauer
President

McFarland Livestock Co., Inc.

McFarland Livestock Co. Inc.
is organized under the laws of Idaho, C 41195

99 JUN -4 AM 8:57
SECRETARY OF STATE
STATE OF IDAHO

FILED

No. C 41195		Due no later than 7/31/2009 Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080		1. Mailing Address: Correct in this box if needed. MCFARLAND LIVESTOCK COMPANY, INC. MELVA M KAUER 32 MAIERS LN PO BOX 50 LEMHI ID 83465		MELVA M KAUER 32 MAIERS LN LEMHI ID 83465	
NO FILING FEE IF RECEIVED BY DUE DATE		3. New Registered Agent Signature:			
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
Office Held	Name	Street or PO Address	City	State	Zip
Pres.	Tex J. Kauer	PO Box 50, Lemhi	ID	83465	
V. Pres.	Blair J. Kauer	PO Box 50, Lemhi	ID	83465	
Sec. Treas.	Melva M. Kauer	PO Box 50, Lemhi	ID	83465	
Director	Tex J. Kauer	PO Box 50, Lemhi	ID	83465	
Director	Blair J. Kauer	PO Box 50, Lemhi	ID	83465	
Director	Melva M. Kauer	PO Box 50, Lemhi	ID	83465	
Director	Melody F. Kauer	PO Box 50, Lemhi	ID	83465	
Director	Celestia R. Kauer	PO Box 50, Lemhi	ID	83465	
Director	885 West Cranberry Bldg. Drive	Palitwanks AK			99712-1104
5. Organized Under the Laws of: ID C 41195		6. Annual Report must be signed. Signature: <u>Melva M. Kauer</u> Date: <u>9 July '09</u> Name (type or print): <u>Melva M. Kauer</u> Title: <u>Sec/Treas.</u>			