

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 78200**

This is to certify that: TERRY L KETTERLING And/Or LINDA K KETTERLING  
 650 N 2ND E  
 MOUNTAIN HOME ID 83647  
 (208)587-9855

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 61-11975     | WR/Decreed          | 06/17/1966      | 1.97 cfs    | 470 af        | N/A               | N/A                | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 61-11975              | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 61-11975               | <b>61-11975</b>                  | 1.97 cfs             | 470 af                 | N/A               | N/A                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>1.97 cfs</b>      | <b>470 af</b>          | <b>N/A</b>        | <b>N/A</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description attached

Dated this 16<sup>th</sup> day of October, 2012.

  
 Western Regional Manager

SCANNED  
 01/23/2012

**WATER RIGHT NO. 61-11975**  
**As Modified by Transfer No. 78200**

In accordance with the approval of Transfer No. 78200, Water Right No. 61-11975 is now described as follows.

**Right Holder:** TERRY L KETTERLING And/Or LINDA K KETTERLING  
 650 N 2ND E  
 MOUNTAIN HOME ID 83647

**Priority Date:** June 17, 1966

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| COMMERCIAL            | 01/01       | to 12/31  | 0.56 CFS              | 133.0 AF      |
| STOCKWATER            | 01/01       | to 12/31  | 1.41 CFS              | 337.0 AF      |
|                       |             |           | 1.97 CFS              | 470.0 AF      |

**LOCATION OF POINTS OF DIVERSION:**

|              |        |                                          |
|--------------|--------|------------------------------------------|
| GROUND WATER | SESWNW | Sec. 35, Twp 04S, Rge 06E, ELMORE County |
| GROUND WATER | NWNENE | Sec. 3, Twp 05S, Rge 06E, ELMORE County  |
| GROUND WATER | NWNE   | Sec. 3, Twp 05S, Rge 06E, ELMORE County  |
| GROUND WATER | NWNE   | Sec. 3, Twp 05S, Rge 06E, ELMORE County  |

**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 |        |
| 05S 06E 3   | X  | X  | X  | X  |    |    |    |    | X  | X  | X  | X  | X  | X  | X  | X  |        |
| 05S 06E 10  | X  | X  | X  | X  | X  | X  | 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 |        |
| 05S 06E 2   |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |
| 05S 06E 3   | X  | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |    | X      |
| 05S 06E 10  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 05S 06E 11  |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |        |

SCANNED  
 OCT 23 2012

**WATER RIGHT NO. 61-11975**  
**As Modified by Transfer No. 78200**

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one (1) 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. 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.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
6. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
7. Rights 61-11975 and 61-10663 when combined shall not exceed a total diversion rate of 1.97 cfs, nor a total annual maximum diversion volume of 352 af for stockwater purposes.
8. Commercial use is for a dairy located within the NE, Sec 3, T5S, R6E.
9. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
10. Rights 61-12186, 61-12204, 61-12206 and 61-11975 when combined shall not exceed a total diversion rate of 4.3 cfs.

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 16<sup>th</sup> day of October, 2012.

  
Western Regional Manager

SCANNED  
OCT 23 2012

OCT 05 2012

WATER RESOURCES  
WESTERN REGION42-222-POD  
072011

AMENDED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☐ Change diversion point(s)☒ Add diversion point(s)☐ Ownership change1. APPLICANT(S) Terry &/or Linda Ketterling Phone 208-587-98552. MAILING ADDRESS 650 N 2nd East City Mountain HomeState ID Zip 83647 Email thomas.h.carson@gmail.com☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.3. LIST WATER RIGHT NUMBER(S) 61-11975☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.4. TOTAL AMOUNT OF WATER transferred is 1.97 cubic feet per second and or \_\_\_\_\_ acre-feet per annum.  
(diversion rate) (storage volume)5. POINT OF DIVERSION - Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

| Twsp | Rge | Sec | Govt Lot | ¼  | ¼  | ¼  | County | Source       | Local name or tag # |
|------|-----|-----|----------|----|----|----|--------|--------------|---------------------|
| 5S   | 6E  | 3   |          |    | NW | NE | ELMORE | GROUND WATER |                     |
| 5S   | 6E  | 3   |          | NW | NE | NE | ELMORE | GROUND WATER |                     |
| 5S   | 6E  | 3   |          |    | NW | NE | ELMORE | GROUND WATER |                     |
| 4S   | 6E  | 35  |          | SE | SW | NW | ELMORE | GROUND WATER | to be added to syst |
|      |     |     |          |    |    |    |        |              |                     |
|      |     |     |          |    |    |    |        |              |                     |
|      |     |     |          |    |    |    |        |              |                     |
|      |     |     |          |    |    |    |        |              |                     |
|      |     |     |          |    |    |    |        |              |                     |
|      |     |     |          |    |    |    |        |              |                     |
|      |     |     |          |    |    |    |        |              |                     |
|      |     |     |          |    |    |    |        |              |                     |

6. 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:

Pipe jointed to insert measuring device.

- b. Who owns the property at the point(s) of diversion? Terry and Linda Ketterling

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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(s), or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe \_\_\_\_\_

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and  $\frac{1}{4}$  of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature]  
Signature of applicant or authorized agent

Terry L. Ketterling  
Print name and title if applicable

10/4/12  
Date

[Signature]  
Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at [www.idwr.idaho.gov/WaterRightTransfers.Step4](http://www.idwr.idaho.gov/WaterRightTransfers.Step4) and in the *Application for Transfer Instructions*.

\$580.00

FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments. Received by RS Date 10.5.12

Fee paid 500.00 Date 9-19-12 Received by RS Receipt # W040578

Preliminary review completed by \_\_\_\_\_ Date \_\_\_\_\_

FEE OF \$80.00 RECEIVED BY RS ON 10.5.12 FOR THE AMENDED TRANSFER.  
RECEIPT # W040628

10/13/12

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

**Current Water Right No.:** 61-11975

**Current Owner:** TLK FARMS

**Priority Date:** 6/17/1966

**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> |
|------------------------------|-------------------------------|------------------------------|-----------------------------|
| COMMERCIAL                   | 01/01 to 12/31                | 0.56 CFS                     | 133 AF                      |
| STOCKWATER                   | 01/01 to 12/31                | 1.41 CFS                     | 337 AF                      |
|                              | <b><u>Total Diversion</u></b> | 1.97 CFS                     | 470 AF                      |

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

|                               |                 |         |          |              |
|-------------------------------|-----------------|---------|----------|--------------|
| GROUND WATER<br>ELMORE County | NW1/4NE1/4      | Sec. 3, | Twp 05S, | Rge 06E B.M. |
| GROUND WATER<br>ELMORE County | NW1/4NE1/4NE1/4 | Sec. 3, | Twp 05S, | Rge 06E B.M. |
| GROUND WATER<br>ELMORE County | NW1/4NE1/4      | Sec. 3, | Twp 05S, | Rge 06E B.M. |

**Place of Use**

RECEIVED  
JUL 17 3 2002

COMMERCIAL Within ELMORE County

|               |      |               |      |
|---------------|------|---------------|------|
| T05S R06E S3  | NENE | T05S R06E S3  | NWNE |
| T05S R06E S3  | SWNE | T05S R06E S3  | SENE |
| T05S R06E S3  | NESW | T05S R06E S3  | NWSW |
| T05S R06E S3  | SWSW | T05S R06E S3  | SESW |
| T05S R06E S3  | NESE | T05S R06E S3  | NWSE |
| T05S R06E S3  | SWSE | T05S R06E S3  | SESE |
| T05S R06E S10 | NENE | T05S R06E S10 | NWNE |
| T05S R06E S10 | SWNE | T05S R06E S10 | SENE |
| T05S R06E S10 | NENW | T05S R06E S10 | NWNW |
| T05S R06E S10 | SWNW | T05S R06E S10 | SENW |

STOCKWATER Within ELMORE County

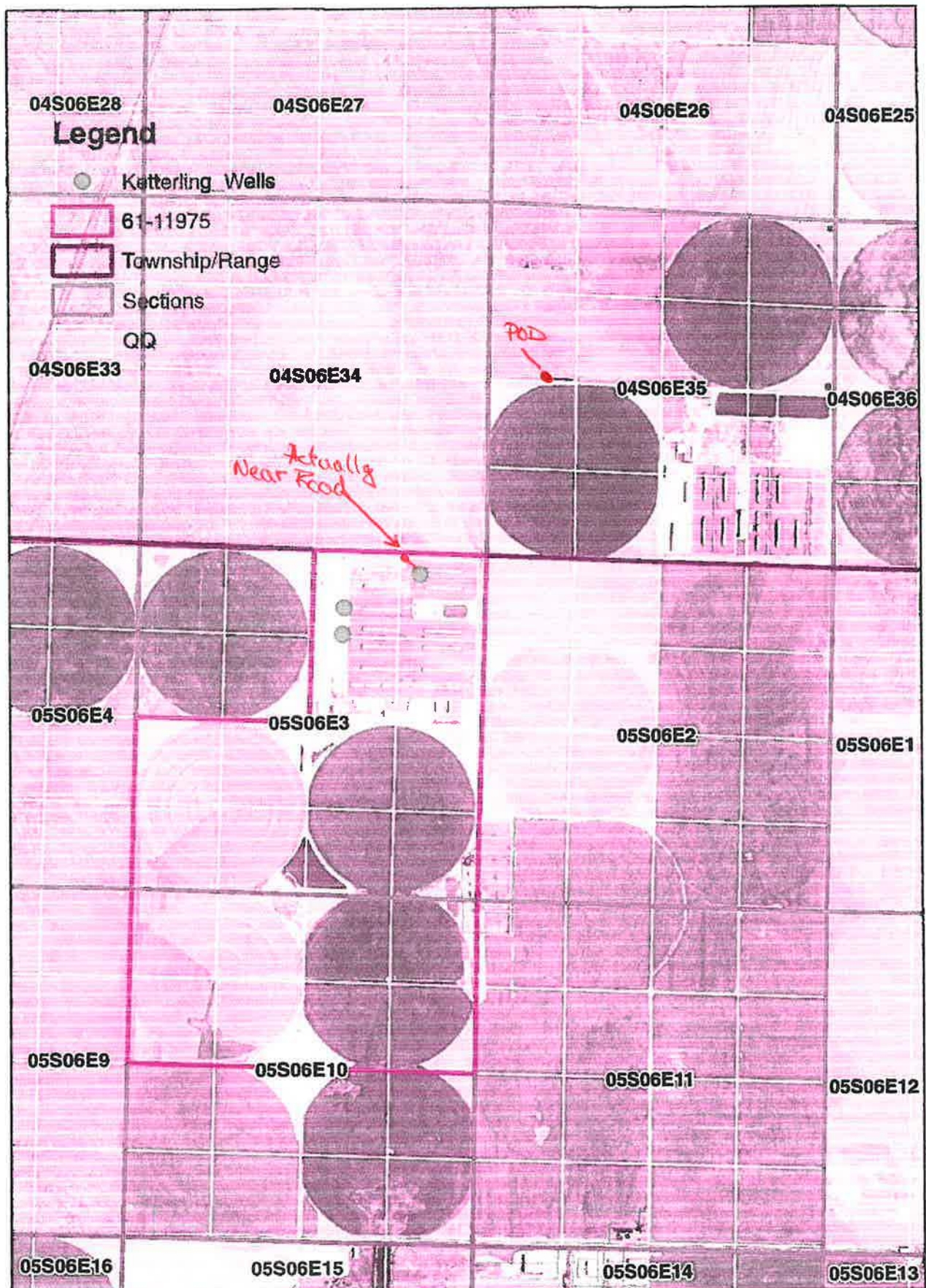
|               |      |               |      |
|---------------|------|---------------|------|
| T05S R06E S2  | SWSW | T05S R06E S3  | NENE |
| T05S R06E S3  | NWNE | T05S R06E S3  | SWNE |
| T05S R06E S3  | SENE | T05S R06E S3  | SESE |
| T05S R06E S10 | NENE | T05S R06E S11 | NWNW |

Conditions of Approval:

1. 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.
2. 082 The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
3. 106 Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
4. 01M 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. WD8 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
8. Commercial use is for a dairy located within the NE, Sec 3, T5S, R6E.
9. T19 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.
10. X35 Rights 61-11975 and 61-10663 when combined shall not exceed a total diversion rate of 1.97 cfs, nor a total annual maximum diversion volume of 352 af.

Decreed Date: 10/26/2000

SEPT 12 2002



RECEIVED

SEP 19 2012

WATER RESOURCES  
WESTERN REGION42-222 POD  
07/2011STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☐ Change diversion point(s)☒ Add diversion point(s)☐ Ownership change

1. APPLICANT(S) Terry and Linda Ketterling Phone 208-587-9855  
 2. MAILING ADDRESS 650 N 2nd East City McHome  
 State ID Zip 83647 Email thomas.h.carson@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 61-11975 Existing  
61-12186 Add

- ☐ Attach a copy of the water right(s) as recorded, available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
 (diversion rate) (storage volume)

5. POINT OF DIVERSION - Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), Water Right Transfers, Online Resources.

| Twp         | Rge | Sec | Govt Lot | %  | %  | %  | County | Source  | Local name or tag # |
|-------------|-----|-----|----------|----|----|----|--------|---------|---------------------|
| Add 4S      | 6E  | 35  |          | SE | SW | NW | Elmore | G Water | 61-12186            |
| Existing 5S | 6E  | 3   |          | NW | NE | NE | Elmore | G Water | 61-11975            |
| 5S          | 6E  | 3   |          |    | NW | NE | Elmore | G Water | 61-11975            |
| 5S          | 6E  | 3   |          |    | NW | NE | Elmore | G Water | 61-11975            |
|             |     |     |          |    |    |    |        |         |                     |
|             |     |     |          |    |    |    |        |         |                     |
|             |     |     |          |    |    |    |        |         |                     |
|             |     |     |          |    |    |    |        |         |                     |
|             |     |     |          |    |    |    |        |         |                     |
|             |     |     |          |    |    |    |        |         |                     |
|             |     |     |          |    |    |    |        |         |                     |

Superceded by Amended Transfer Rec'd 10/5/2012.

## 6. 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:

Pipe jointed to insert measuring devise

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

- c. 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(s), or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe \_\_\_\_\_

7. MAP - ☐ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and 1/4 1/4 of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

x Terry L. Ketterling  
Signature of applicant or authorized agent

Terry L Ketterling  
Print name and title if applicable

19 SEPT 2012  
Date

x Linda K. Ketterling  
Signature of applicant or authorized agent

Linda K Ketterling  
Print name and title if applicable

19 SEPT 2012  
Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers*, Step 4 and in the *Application for Transfer Instructions*.

## FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments. Received by RS Date 9-19-12  
Fee paid 500 Date 9-19-12 Received by RS Receipt # W040578  
Preliminary review completed by \_\_\_\_\_ Date \_\_\_\_\_



## 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)

October 16, 2012

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

LINDA K KETTERLING  
And/Or  
TERRY L KETTERLING  
650 N 2ND E  
MOUNTAIN HOME ID 83647

RE: Transfer No.: 78200  
Water Right No(s): 61-11975

### 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.

877-732-2348  
855-732-2348

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, appearing to read "John Westra", with the word "for" written below it.

John Westra

Western Regional Manager

Enclosure(s)

RECEIVED  
JUL 16 2012

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 78200**  
**WATER RIGHTS NOS. 61-11975**

**LINDA K KETTERLING**  
**650 N 2ND E**  
**MOUNTAIN HOME ID 83647**

**TERRY L KETTERLING**  
**650 N 2ND E**  
**MOUNTAIN HOME ID 83647**



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**Mandi Pearson**  
**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. 78200  
FROM: Kay Walker *KW*  
DATE: October 15, 2012  
RE: Evaluation of Application

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The transfer proposes to add an existing irrigation well to the dairy system under water right 61-11975. The applicant received an approved transfer earlier this year (February 9, 2012) to add a new well to the system but it did not provide enough water. This transfer, if approved, would allow them to use water from the irrigation well to provide water to their dairy.

The site is located approximately 8 miles south of Mountain Home and 7.5 miles southeast of Mountain Home Air Force Base.

Contact person for the applicant is Thomas Carson, Chief Financial Officer for the Ketterlings. Mr. Carson can be reached at 650 N 2<sup>nd</sup> East, Mountain Home, ID, 83647, phone: 587-7060.

### Deviations from Transfer Policy Standards

This application was submitted on the short form since the proposal is just to add an existing irrigation well to their water right for use in an existing dairy. Since the only change to the water right will be an additional point of diversion the application can be processed without being advertised.

### Summary of Information Submitted

#### **Authority to File:**

The applicants are the right holders of record.

#### **Water Right Validity:**

Right is presumed to be valid. 2009 aerial photography of this area shows the stock pens and dairy facilities are in place.

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

There should be no injury to other water rights. The applicant intends to add the irrigation well to system with no increase in the amount of water to be diverted.

SCANNED  
10/15/12

**Enlargement of Use:**

No increase in the amount of water to be diverted or used is proposed under this application.

**Local Public Interest:**

It is within the public interest to allow property owners to improve their water supply to meet the needs of their operation.

**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.**

**Discussion**

Data entry affected the correct record. The right was partially decreed in October of 2000 and has had a couple of transfers filed and approved since then.

Overlapping rights at existing POD &/or POU are Right 61-10663. That overlap has already had limitations in place on the previous transfers of this right. The overlaps found for the well that is proposed to be added are irrigation right Nos. 61-12186, 61-12204 and 61-12206. The irrigation rights are limited to 4.3 cfs and this right should also be included in that limitation so that the use of water under this proposal does not reduce the water allowed for irrigation purposes.

**Summary**

Assuming other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 is not applicable since a new well is not proposed.

## Walker, Kay

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**From:** Thomas Carson [thomas.h.carson@gmail.com]  
**Sent:** Wednesday, October 03, 2012 11:19 AM  
**To:** Walker, Kay  
**Cc:** Launa Fowler; Linda Ketterling; Terry L Ketterling; Tony Ketterling  
**Subject:** Ketterling paperwork  
**Attachments:** Ketterling Smokin\_Claw\_Deed\_&\_Land\_discription.pdf; Ketterling Rock\_Barn\_land\_Deed\_&\_Land\_discription.pdf; Ketterling Feedlot\_Deed\_&\_Land\_discription.pdf

Kay -

I am attaching copies of the deeds for the respective properties. The "Rock Barn" property is where the additional POD is being added, the "Smoking Claw" property is where the older water rights were being transferred to the dairy, and the "Feedlot" is where the more recent water rights were being transferred off of to the Smoking Claw property.

I will have the remaining paperwork signed and delivered to your office either tomorrow or Friday.

It looks like the fee is an additional \$105. \$80 more for adding the additional POD plus \$25 for the Change in Water Right Ownership.

Thank you for your help.

Tom Carson  
208-468-3500

--  
Thomas H Carson  
208-880-6363

*owner change done  
per Rachel 10/11/12*

## Walker, Kay

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**From:** Walker, Kay  
**Sent:** Tuesday, October 02, 2012 4:07 PM  
**To:** thomas.h.carson@gmail.com  
**Cc:** Walker, Kay  
**Subject:** Ketterling Transfer

Mr. Carson:

I have attached an Amended Transfer Application form. Please be advised that the filing fee is \$580.00 so we need an additional \$80.00 for this application.

The location of the point of diversion in Section 35 needs to be added to the map attached to the application.

Have the application signed and submitted with all the attachments and additional filing fee. We will also need to process the change in ownership before we can act on the transfer or it should be filed in the same name as on the water right, i.e. TLK Farms. I have also attached an ownership change form for your convenience.

Hope this helps.

Kay Walker  
334-2190



Amended Transfer  
App.pdf



Change of  
Ownership form.pdf