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42-222 POD
07/2011

FEB 06 2012

WATER RESOURCES
WESTERN REGIONSTATE 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 Ketterling dba TLK Farms Phone _____2. **MAILING ADDRESS** 475 East 16 North City Mountain HomeState ID Zip 83647 Email _____☐ 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
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*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
5S	6E	3			NW	NE	Elmore	Ground Water	Proposed Well
5S	6E	3		NW	NE	NE	Elmore	Ground Water	Existing Well
5S	6E	3			NW	NE	Elmore	Ground Water	Existing Well

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Transfer No. 77743

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:

Add proposed well to existing system for dairy use.

- b. Who owns the property at the point(s) of diversion? Applicant

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 $\frac{1}{4}$ $\frac{1}{4}$ 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 of applicant or authorized agent

Terry L. Ketterling
Print name and title if applicable

2/6/12
Date

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, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes 5 pages of attachments. Received by KW Date 2/6/12

Fee paid \$580.00 Date 2/7/12 Received by MP Receipt # W039884

Preliminary review completed by KW Date 2/8/2012

No. C 122166		Due no later than Jan 31, 2012		Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. TLK FARMS, INC. TERRY L KETTERLING 650 NORTH 2ND EAST MOUNTAIN HOME ID 83647 USA		TERRY L KETTERLING 475 E 16 N MOUNTAIN HOME ID 83647		3. <u>New</u> Registered Agent Signature:*	
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).							
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
SECRETARY	LINDA K KETTERLING	475 E. 16TH N.	MOUNTAIN HOME	ID	USA	83647	
5. Organized Under the Laws of: ID C 122166		6. Annual Report must be signed.* Signature: Linda Ketterling Name (type or print): Linda Ketterling Date: 12/22/2011 Title: Sec/Treas					
Processed 12/22/2011		* Electronically provided signatures are accepted as original signatures.					

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Attachment 1

**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

GROUND WATER

Tributary

Beneficial Use

From To

Diversion Rate

Annual Volume

COMMERCIAL	01/01 to 12/31
STOCKWATER	01/01 to 12/31
<u>Total Diversion</u>	

0.56 CFS	133 AF
1.41 CFS	337 AF
1.97 CFS	470 AF

Location of Point(s) of Diversion

GROUND WATER
ELMORE County

NW1/4NE1/4NE1/4 Sec. 3, Twp 05S, Rge 06E B.M.

GROUND WATER
ELMORE County

NW1/4NE1/4 Sec. 3, Twp 05S, Rge 06E B.M.

Place of Use

COMMERCIAL Within ELMORE County

T05S R06E S3	NENE
T05S R06E S3	SWNE
T05S R06E S3	NESW
T05S R06E S3	SWSW
T05S R06E S3	NESE
T05S R06E S3	SWSE
T05S R06E S10	NENE
T05S R06E S10	SWNE
T05S R06E S10	NENW
T05S R06E S10	SWNW

T05S R06E S3	NWNE
T05S R06E S3	SENE
T05S R06E S3	NWSW
T05S R06E S3	SESW
T05S R06E S3	NWSE
T05S R06E S3	SESE
T05S R06E S10	NWNE
T05S R06E S10	SENE
T05S R06E S10	NWNW
T05S R06E S10	SENW

STOCKWATER Within ELMORE County

T05S R06E S2	SWSW
T05S R06E S3	NWNE
T05S R06E S3	SENE
T05S R06E S10	NENE

T05S R06E S3	NENE
T05S R06E S3	SWNE
T05S R06E S3	SESE
T05S R06E S11	NWNW

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Attachment 2

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. 082 The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
3. 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.
4. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. 106 Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
6. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. 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.
8. 01Q After specific notification by the Department, the right holder shall measure the diversion 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.
9. Commercial use is for a dairy located within the NE, Sec 3, T5S, R6E.
10. 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.
11. WB4 The total instantaneous diversion of water from all points of diversion under Rights 61-11975 and 61-10663 shall not exceed 1.97 cfs, nor total combined annual volume of 352 af.

Decreed Date: 10/26/2000

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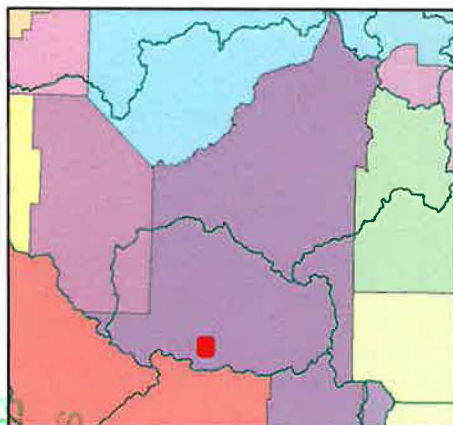
Attachment 3



Idaho Department of Water Resources

**Water Right
61-11975
(COMMERCIAL)**

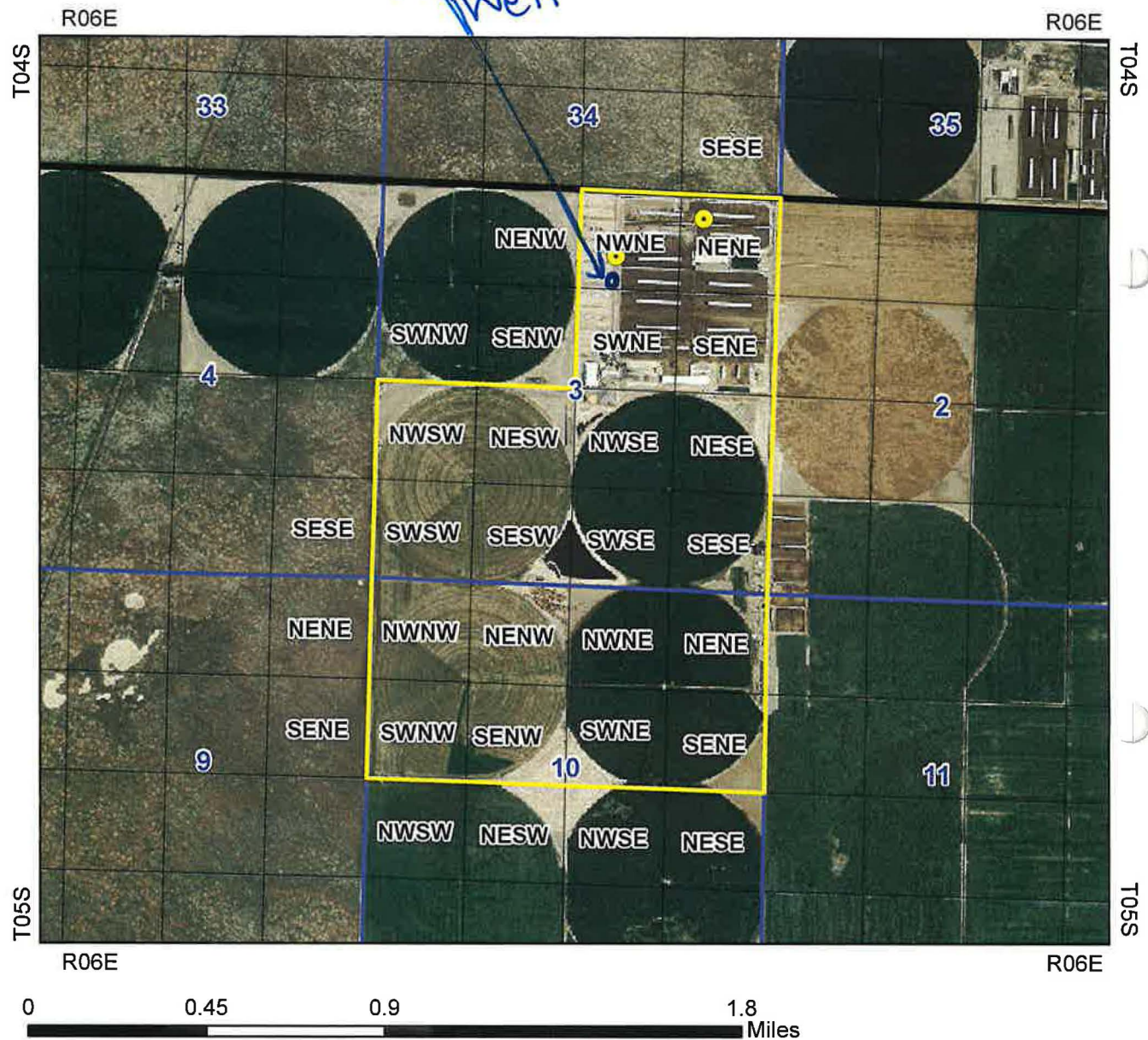
- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



**Elmore County
IDWR Basin 61**

Prepared by Walker, Kay

2009 Aerial Photography



Attachment 4

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Idaho Department of Water Resources

**Water Right
61-11975
(STOCKWATER)**

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



**Elmore County
IDWR Basin 61**

Prepared by Walker, Kay

2009 Aerial Photography



Attachment 5