



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

12/16/2019

FLYING JOSEPH RANCH LLC
C/O JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

STATE OF IDAHO DEPT OF FISH AND GAME
C/O ANN VONDE, DEPUTY AG
IDAHO OFFICE OF ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720-0010

Re: Withdrawal of Protest against Applications for Transfer No. 81963 and 81964 (Flying Joseph Ranch LLC)

Dear Parties:

The Department of Water Resources acknowledges receipt of your stipulation for withdrawal of protests ("stipulation") against the above referenced applications. The parties have agreed to the protestant's withdrawal if approval of the transfer applications are conditioned substantially as provided in the stipulation. Additionally, the stipulation required the applicant to submit an additional transfer application and permit application.

In any conditional withdrawal, the Department must review the agreement to ensure that conditions to be included in an approval are acceptable. The agreement included components that are to be addressed by the Department as conditions on the face of the approval(s) as well as components that are the responsibility of the parties to accomplish and enforce. The attached draft approval(s) contain the conditions stipulated by the parties as well as other conditions required by the Department. Draft approvals for all four Flying Joseph Ranch LLC filings (Transfer Nos. 81963, 81964, 83193 and Permit No. 73-12266) are enclosed for your review.

Please review the draft approvals carefully. **If you think the draft approvals are not substantially in conformance with your stipulated conditions, please contact the Department within 14 days of the date of this letter with your concerns.** The applications have no remaining protests; therefore, if we do not hear from you, the Department will take the steps necessary to bring the applications to final resolution. As always, you may file a petition for reconsideration within 14 days after the preliminary orders approving the transfers and permit are issued.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Angela M. Grimm, P.G.
Water Rights Section Manager

Enclosure

Cc. Flying Joseph Ranch LLC, Roxanne Brown (via email), Troy Ziegler (via email), and Joe Clark (via email)

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81963**

This is to certify that: **FLYING JOSEPH RANCH LLC**
7299 PERIMETER RD S
SEATTLE, WA 98108-3806

DRAFT

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
73-10020A	WR/DECREED	6/9/1969	4.340 cfs	651.0 af	N/A	217.0	GROUND WATER
73-10020B	WR/DECREED	6/9/1969	3.090 cfs	463.0 af	155.0	251.0	GROUND WATER
73-11840	WR/DECREED	6/6/1969	1.920 cfs	288.0 af	96.0	251.0	GROUND WATER
73-2165	WR/DECREED	9/23/1966	2.050 cfs	874.2 af	N/A	294.0	GROUND WATER
73-7102	WR/LICENSE	9/17/1992	1.650 cfs	598.9 af	N/A	240.0	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>
73-10020A	NO	NO	YES	YES	NO	NO
73-10020B	NO	NO	YES	YES	NO	NO
73-11840	NO	NO	YES	YES	NO	NO
73-2165	NO	YES	YES	NO	NO	NO
73-7102	NO	NO	YES	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>
73-10020A	73-10020A	4.340 cfs	651.0 af	217.0	675.0	N/A	N/A	N/A	N/A	N/A
73-10020B	73-10020B	3.090 cfs	463.0 af	155.0	675.0	N/A	N/A	N/A	N/A	N/A
73-11840	73-11840	1.920 cfs	288.0 af	96.0	675.0	N/A	N/A	N/A	N/A	N/A
73-2165	73-2165	2.050 cfs	874.2 af	294.0	675.0	N/A	N/A	N/A	N/A	N/A
73-7102	73-7102	1.650 cfs	598.9 af	240.0	675.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		13.050 cfs	2875.1 af	675.0	675.0		N/A	N/A	N/A	N/A

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81963**

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 _____ day of _____, _____.

Angela M. Grimm, Water Rights Section Manager

WATER RIGHT NO. 73-7102**As Modified by Transfer No. 81963**

In accordance with the approval of Transfer No. 81963, Water Right No. 73-7102 is now described as follows:

Right Holder: FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE, WA 98108-3806

Priority Date: 9/17/1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/15	to 10/15	1.650 cfs	598.9 af
			1.650 cfs	598.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 1 Twp 13N Rge 22E	CUSTER County
GROUND WATER	NESE	Sec 12 Twp 13N Rge 22E	CUSTER County
GROUND WATER	NESE	Sec 13 Twp 13N Rge 22E	CUSTER County
GROUND WATER	SESW	Sec 18 Twp 13N Rge 23E	CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	22E	1												1.0			35.0	31.0	67.0
13N	22E	12	32.0	36.0	0.5	33.0	0.5						10.0	35.0	31.0		21.0	26.0	225.0
13N	22E	13	31.0	36.0	12.0	17.0	40.0	23.0	5.0	24.0									188.0
13N	23E	7							32.0				31.0	32.0	34.0				129.0
									L 2				L 3	L 4					
13N	23E	18					34.0	32.0											66.0
								L 1											

Right Acre Limit: 240.0

POU Total Acres: 675.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 240 acres within the authorized place of use in a single irrigation season.
2. Rights 73-2165, 73-7102, 73-10020A, 73-10020B and 73-11840 when combined shall not exceed the irrigation of 675 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81963

WATER RIGHT NO. 73-7102
As Modified by Transfer No. 81963

CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 170.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 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.
7. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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. 73-10020A**As Modified by Transfer No. 81963**

In accordance with the approval of Transfer No. 81963, Water Right No. 73-10020A is now described as follows:

Right Holder: FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE, WA 98108-3806

Priority Date: 6/9/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	4.340 cfs	651.0 af
			4.340 cfs	651.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 1 Twp 13N Rge 22E	CUSTER County
GROUND WATER	NESE	Sec 12 Twp 13N Rge 22E	CUSTER County
GROUND WATER	NESE	Sec 13 Twp 13N Rge 22E	CUSTER County
GROUND WATER	SESW	Sec 18 Twp 13N Rge 23E	CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	22E	1												1.0			35.0	31.0	67.0
13N	22E	12	32.0	36.0	0.5	33.0	0.5						10.0	35.0	31.0		21.0	26.0	225.0
13N	22E	13	31.0	36.0	12.0	17.0	40.0	23.0	5.0	24.0									188.0
13N	23E	7							32.0			31.0	32.0	34.0					129.0
									L 2			L 3	L 4						
13N	23E	18					34.0	32.0											66.0
								L 1											

Right Acre Limit: 217.0

POU Total Acres: 675.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 217 acres within the authorized place of use in a single irrigation season.
2. Rights 73-2165, 73-7102, 73-10020A, 73-10020B and 73-11840 when combined shall not exceed the irrigation of 675 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81963

WATER RIGHT NO. 73-10020A
As Modified by Transfer No. 81963

CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 170.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 73-11840**As Modified by Transfer No. 81963**

In accordance with the approval of Transfer No. 81963, Water Right No. 73-11840 is now described as follows:

Right Holder: FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE, WA 98108-3806

Priority Date: 6/6/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	1.920 cfs	288.0 af
			1.920 cfs	288.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 1 Twp 13N Rge 22E	CUSTER County
GROUND WATER	NESE	Sec 12 Twp 13N Rge 22E	CUSTER County
GROUND WATER	NESE	Sec 13 Twp 13N Rge 22E	CUSTER County
GROUND WATER	SESW	Sec 18 Twp 13N Rge 23E	CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	22E	1												1.0			35.0	31.0	67.0
13N	22E	12	32.0	36.0	0.5	33.0	0.5						10.0	35.0	31.0		21.0	26.0	225.0
13N	22E	13	31.0	36.0	12.0	17.0	40.0	23.0	5.0	24.0									188.0
13N	23E	7							32.0			31.0	32.0	34.0					129.0
									L 2			L 3	L 4						
13N	23E	18					34.0	32.0											66.0
								L 1											

Right Acre Limit: 96.0

POU Total Acres: 675.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 96 acres within the authorized place of use in a single irrigation season.
2. Rights 73-2165, 73-7102, 73-10020A, 73-10020B and 73-11840 when combined shall not exceed the irrigation of 675 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81963

WATER RIGHT NO. 73-11840

As Modified by Transfer No. 81963

CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 170.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 73-10020B**As Modified by Transfer No. 81963**

In accordance with the approval of Transfer No. 81963, Water Right No. 73-10020B is now described as follows:

Right Holder: FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE, WA 98108-3806

Priority Date: 6/9/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	3.090 cfs	463.0 af
			3.090 cfs	463.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 1 Twp 13N Rge 22E	CUSTER County
GROUND WATER	NESE	Sec 12 Twp 13N Rge 22E	CUSTER County
GROUND WATER	NESE	Sec 13 Twp 13N Rge 22E	CUSTER County
GROUND WATER	SESW	Sec 18 Twp 13N Rge 23E	CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	22E	1												1.0			35.0	31.0	67.0
13N	22E	12	32.0	36.0	0.5	33.0	0.5						10.0	35.0	31.0		21.0	26.0	225.0
13N	22E	13	31.0	36.0	12.0	17.0	40.0	23.0	5.0	24.0									188.0
13N	23E	7							32.0				31.0	32.0	34.0				129.0
									L 2				L 3	L 4					
13N	23E	18					34.0	32.0											66.0
								L 1											

Right Acre Limit: 155.0

POU Total Acres: 675.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 155 acres within the authorized place of use in a single irrigation season.
2. Rights 73-2165, 73-7102, 73-10020A, 73-10020B and 73-11840 when combined shall not exceed the irrigation of 675 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81963

WATER RIGHT NO. 73-10020B
As Modified by Transfer No. 81963

CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.170.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 73-2165**As Modified by Transfer No. 81963**

In accordance with the approval of Transfer No. 81963, Water Right No. 73-2165 is now described as follows:

Right Holder: FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE, WA 98108-3806

Priority Date: 9/23/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	2.050 cfs	874.2 af
			2.050 cfs	874.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 1 Twp 13N Rge 22E	CUSTER County
GROUND WATER	NESE	Sec 12 Twp 13N Rge 22E	CUSTER County
GROUND WATER	NESE	Sec 13 Twp 13N Rge 22E	CUSTER County
GROUND WATER	SESW	Sec 18 Twp 13N Rge 23E	CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	22E	1												1.0			35.0	31.0	67.0
13N	22E	12	32.0	36.0	0.5	33.0	0.5						10.0	35.0	31.0		21.0	26.0	225.0
13N	22E	13	31.0	36.0	12.0	17.0	40.0	23.0	5.0	24.0									188.0
13N	23E	7							32.0				31.0	32.0	34.0				129.0
									L 2				L 3	L 4					
13N	23E	18					34.0	32.0											66.0
								L 1											

Right Acre Limit: 294.0

POU Total Acres: 675.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 294 acres within the authorized place of use in a single irrigation season.
2. Rights 73-2165, 73-7102, 73-10020A, 73-10020B and 73-11840 when combined shall not exceed the irrigation of 675 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 81963

WATER RIGHT NO. 73-2165
As Modified by Transfer No. 81963

CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 170.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.