



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. 83193**

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>
73-2147	WR/DECREED	8/8/1956	5.040 cfs	N/A	N/A	N/A	SPRINGS

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>
73-2147	NO	NO	YES	NO	NO	YES

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>
73-2147	73-2147	5.040 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.040 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

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. 73-2147
As Modified by Transfer No. 83193

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In accordance with the approval of Transfer No. 83193, Water Right No. 73-2147 is now described as follows:

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

Priority Date: 8/9/1956

Source: SPRINGS

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
RECREATION	01/01	to 12/31	5.040 cfs 5.040 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRINGS	NENW	Sec 29 Twp 13N Rge 23E	CUSTER County	(R)
SPRINGS	NENW	Sec 29 Twp 13N Rge 23E	CUSTER County	(I)
SPRINGS	SESE	Sec 29 Twp 13N Rge 23E	CUSTER County	
SPRINGS	SWSE	Sec 29 Twp 13N Rge 23E	CUSTER County	
SPRINGS	SESW	Sec 29 Twp 13N Rge 23E	CUSTER County	
SPRINGS	NWNW	Sec 33 Twp 13N Rge 23E	CUSTER County	

PLACE OF USE: RECREATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	23E	19													X				X
13N	23E	20											X						

CONDITIONS OF APPROVAL

1. 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. 73.
2. 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).
3. Measurement and control of this right shall occur at or immediately above the intake to the pipeline at the point of re-diversion situated in the NE NW of Section 29, T13N, R23E.
4. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the pond and the amount of water released from the pond.

Transfer No. 83193

WATER RIGHT NO. 73-2147
As Modified by Transfer No. 83193

DRAFT

CONDITIONS OF APPROVAL

5. Use of water under this right shall be non-consumptive.
6. Diversion at the point of re-diversion is limited to times when water is available and in priority at the points of diversion.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
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.
10. 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.