

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED**APR 09 2019**

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 3B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Flying Joseph Ranch, LLC

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.
- ☒ * 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 #1-10.

- ☐ ☒ #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 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).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

83193

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 09 2019

DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Flying Joseph Ranch, LLC Phone _____
Mailing address 7299 Perimeter Rd. S., Seattle, WA 98108 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 Representative

Name of Representative SPF Water Engineering, Roxanne Brown Phone (208) 383-4140
Mailing address 300 E. Mallard Dr., Ste. 350, Boise, ID 83706 Email rbrown@spfwater.com

- ☐ 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.

J.P. Fred FLYING JOSEPH RANCH LLC 4.3.19
Signature of Applicant or Authorized Representative Joe Clark, Member attorney-in-fact Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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.3**.

This application is presented to define the current place of use for water right 73-2147 in a pond constructed on applicant's property.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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 ☒ ☐	73-2147	5.04 cfs	fish propagation	1/1 to 12/31	springs/sinks
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.04 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 5.04 cubic feet per second and/or _____ acre-feet per year.

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 #

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	
13N	23E	19													X			X	
13N	23E	20										X							
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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:

Water is conveyed from springs (4) through ditches and pipes to the location of the pond. A measuring device and controlling works can be accommodated in the future as required by IDWR.

- 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. 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: not applicable

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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
not applicable

- f. 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 pond is described by water right 73-12146.

Mitigation for losses from the pond are provided by water rights 73-147A, 73-10041, and 73-12110 and pending applications for transfer for those same rights.

- g. 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:

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

Current Water Right No.: 73-2147

Current Owner: FLYING JOSEPH RANCH LLC
Priority Date: 8/8/1956
Origin: Water Right
Status: Active
Basis: Decreed

Source

SPRINGS

Tributary

SINKS

Beneficial Use

FISH PROPAGATION

From To

1/01 to 12/31

Total Diversion

Diversion Rate

5.04 CFS

5.04 CFS

Annual Volume

Location of Point(s) of Diversion

SPRINGS

CUSTER County

NW1/4NW1/4

Sec. 33, Twp 13N, Rge 23E B.M.

SPRINGS

CUSTER County

SE1/4SE1/4

Sec. 29, Twp 13N, Rge 23E B.M.

SPRINGS

CUSTER County

SE1/4SW1/4

Sec. 29, Twp 13N, Rge 23E B.M.

SPRINGS

CUSTER County

SW1/4SE1/4

Sec. 29, Twp 13N, Rge 23E B.M.

Place of Use

FISH PROPAGATION Within CUSTER County

T13N R23E S29

NESE

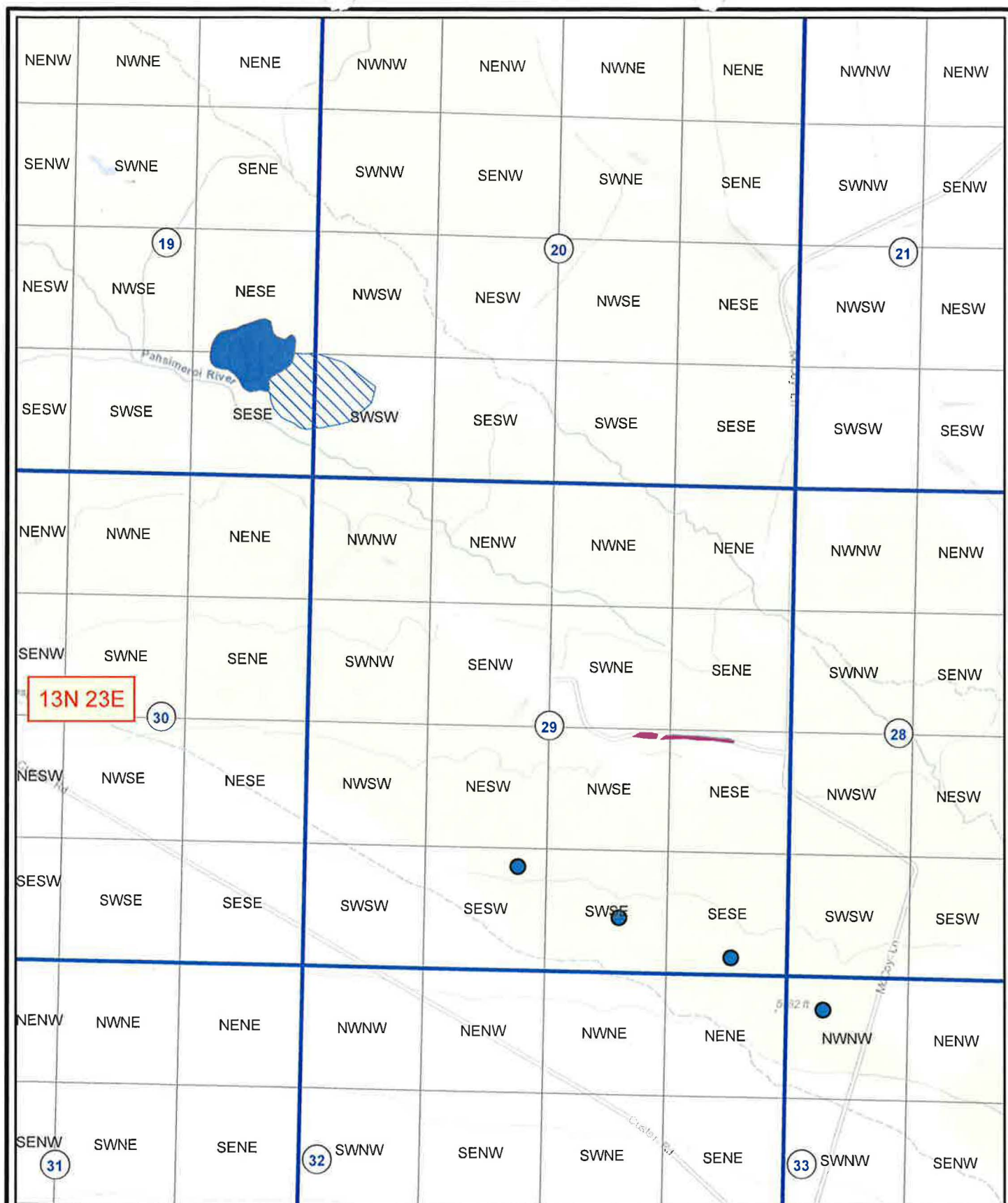
T13N R23E S29

NWSE

Conditions of Approval:

1. 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.

Decreed Date: 3/4/2011



- Existing Point of Diversion (unchanged)
- Existing Place of Use (to be abandoned)
- Existing Pond and Proposed Place of Use (73-12146)
- Proposed Pond Expansion (Transfer 81964)

Attachment 7a
Application for Transfer of Water Right 73-2147



0.25

Miles



SPF WATER
 ENGINEERING

RECEIVED

MAR 07 2011

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR - 4 2011

By _____ Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) ORDER OF PARTIAL DECREE

Case No. 39576

) Subcase No. 73-02147

) (Flying Joseph Ranch, LLC)

On January 6, 2011, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED

March 4, 2011


ERIC J. WILDMAN

Presiding Judge

Snake River Basin Adjudication

SCANNED

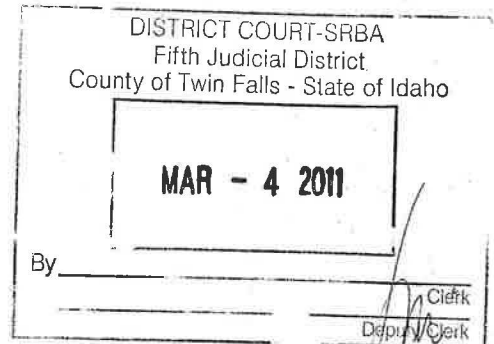
MAR - 8 2011

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 73-02147



NAME AND ADDRESS: FLYING JOSEPH RANCH LLC
C/O JOSEPH CLARK
7213 PERIMETER RD S
SEATTLE, WA 98108

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 5.04 CFS

PRIORITY DATE: 08/08/1956

POINT OF DIVERSION: T13N R23E S29 SWSE Within Custer County
SESW
SESE
S33 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fish Propagation	01-01 TO 12-31	5.04 CFS

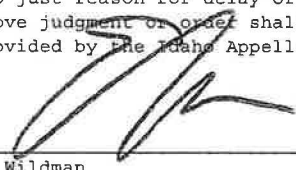
PLACE OF USE:	Fish Propagation	Within Custer County
	T13N R23E S29	NESE NWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

SCANNED
MAR - 8 2011

2011 MAR 04 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
)
)
)
CERTIFICATE OF MAILING

Water Right(s): 73-02147

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 73-02147 was mailed
on March 04, 2011, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

FLYING JOSEPH RANCH LLC
Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

JULIE MURPHY
Chief Deputy Clerk

CERTIFICATE OF MAILING

SCANNED
MAR - 8 2011
PAGE 1
03/04/11

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, August 08, 2019 1:35 PM
To: 'The Challis Messenger'
Subject: Legal Notice for your paper
Attachments: Challis Messenger.doc

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 3, 2019. Your cooperation is appreciated.

Sincerely

Jean Hersley
Idaho Department of Water Resources
320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 – telephone
208-287-6700 – Fax
jean.hersley@idwr.idaho.gov

August 8, 2019

Legal Notice Department

Challis Messenger
PO Box 405
Challis ID 83226

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 3, 2019. Your cooperation is appreciated.

Sincerely

Jean Hersley
Idaho Department of Water Resources
320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 – telephone
208-287-6700 – Fax
jean.hersley@idwr.idaho.gov

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

73-12266

FLYING JOSEPH RANCH LLC

7299 PERIMETER RD S

SEATTLE, WA 98108-3806

Point of Diversion NENW S29 T13N R23E CUSTER County

Source UNNAMED STREAM Tributary PAHSIMEROI RIVER

Use: RECREATION

01/01 to 12/31

2.96 CFS

Date Filed: 7/30/2019

Place Of Use: RECREATION

T13N R23E S19 NESE SESE

T13N R23E S20 SWSW

This application proposes the diversion and use of water from a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non consumptive purposes.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see

<https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 9/3/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/15/2019 and 8/22/2019

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

AMENDED TRANSFER NO. 81963

FLYING JOSEPH RANCH LLC, 7299 PERIMETER RD S, SEATTLE, WA 98108-3806; has filed Application No. 81963 for changes to the following water rights within CUSTER County(s): Right No(s). 73-10020A, 73-10020B, 73-11840, 73-2165, 73-7102; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

reduce irrigable acres of ground water rights from 1002 acres to 675 acres, and remove a diversion point located in NENW Sec13,T13NR22E which represents a dry well. Include remaining wells on all rights as authorized diversion points. This area is located east of Pahsimeroi Valley Rd & Custer Rd. in Custer County.

AMENDED TRANSFER NO. 81964

FLYING JOSEPH RANCH LLC, 7299 PERIMETER RD S, SEATTLE, WA 98108-3806; has filed Application No. 81964 for changes to the following water rights within CUSTER, LEMHI County(s): Right No(s). 73-10040, 73-10041, 73-12110, 73-12146, 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-32; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

change nature of use of Pahsimeroi River & Big Creek water rights from irrigation of 73.4 acres to storage uses to enlarge an existing pond, reduce irrigable acres from 2,365.6 to 1,894.0 acres use for irrigation water rights from Pahsimeroi River, Spring Creek, Goldburg Creek & Big Creek, add a point of redirection from the Pahsimeroi River for delivery of Big Creek water. This area is located East of Pahsimeroi Valley Rd & Bart Lane in Custer & Lemhi Counties.

TRANSFER NO. 83193

FLYING JOSEPH RANCH LLC, 7299 PERIMETER RD S, SEATTLE, WA 98108-3806; has filed Application No. 83193 for changes to the following water rights within CUSTER County(s): Right No(s). 73-2147; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

to change the place of use from fish raceways located in sec. 29, T13N, R23E, on the Flying Joseph Ranch, to a pond located in sec. 19, T13N R23E, near the air strip on the ranch.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfers, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 9/3/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/15/2019 and 8/22/2019



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 8, 2019

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

RE: Application For Permit No. 73-12266
Transfer No. 81963
Water Right No(s). 73-10020A, 73-10020B, 73-11840, 73-2165, 73-7102
Transfer No. 81964
Water Right No(s). 73-10040, 73-10041, 73-12110, 73-12146, 73-147A, 73-147B,
73-147C, 73-150D, 73-189, 73-259, 73-32
Transfer No. 83193
Water Right No(s). 73-2147

Dear Applicant(s):

The Department of Water Resources has received your water right transfer applications and application for permit. Please refer to the transfer and water right numbers referenced above in all future correspondence regarding these transfers and application.

A legal notice for Transfer applications No. 81963 & 81964 has been prepared and is scheduled for publication in the CHALLIS MESSENGER on 8/14/2019 and 8/21/2019, RECORDER HERALD, TIMES NEWS, IDAHO STATESMAN, LEWISTON TRIBUNE, POST REGISTER on 8/15/2019 and 8/22/2019. Application for Permit 73-12266 and Transfer No. 83193 were published in the CHALLIS MESSENGER on 8/14/2019 and 8/21/2019 only. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the applications are not protested, the Department will process your applications and notify you of any action taken on the application. If your applications are approved, the Department will send you a copy of the approval documents.

Please contact this office if you have any questions regarding the applications.

Sincerely,

Jean Hersley
Technical Records Specialist

CC: JAMES P SPECK
SPF WATER ENGINEERING LLC
ANN VONDE
TROY ZIEGLER

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, August 08, 2019 2:57 PM
To: Yenter, Cindy; Clark, Cynthia Bridge; Golden, Kala; Cassel, Amy
Subject: applications being advertised

Application for Permit No. 73-12266 and 75-14955
Application for Transfer No. 81963, 81964 & 83193

These applications are being published in the next two weeks. Protest end date is September 3, 2019. Please let me know if you have any comments or concerns with the applications. Documents will be available on PC Docs by noon tomorrow. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 8, 2019

WATER DISTRICT #73
TED ONEAL
11 O NEAL LN
MAY ID 83253

RE: Application for Permit: 73-12266
Application for Transfer 83193, 81963 & 81964

Dear Watermaster:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for permit. You can find a copy of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Jean Hersley
Technical Records Specialist

Enclosure(s)

State of Idaho
Department of Water Resources
Application for Permit

RECOMMENDATION FORM

Application No.: 73-12266

Applicant's Name: FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE WA 98108

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2019

Water District No. 73

Watermaster's Signature _____

Printed Name: _____

State of Idaho
Department of Water Resources
Application for Transfer

RECOMMENDATION FORM

Application No.: 81963

Applicant's Name: FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE WA 98108

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2019

Water District No. 73

Watermaster's Signature _____

Printed Name: _____

State of Idaho
Department of Water Resources
Application for Transfer

RECOMMENDATION FORM

Application No.: 81964

Applicant's Name: FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE WA 98108

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2019

Water District No. 73

Watermaster's Signature _____

Printed Name: _____

State of Idaho
Department of Water Resources
Application for Transfer

RECOMMENDATION FORM

Application No.: 83193

Applicant's Name: FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE WA 98108

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2019

Water District No. 73

Watermaster's Signature _____

Printed Name: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 8, 2019

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
900 NORTH SKYLINE SUITE B
IDAHO FALLS ID 83402

RE: Application for Permit No. 73-12266 and 75-14955
Application for Transfer No. 81963, 81964 & 83193

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. You can find copies of the applications at:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the applications as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of these applications, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the applications.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley". The signature is written in dark ink and is positioned above the printed name.

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, August 08, 2019 2:50 PM
To: Jeff Richards
Subject: Comments for applications for transfer 81963, 81964 & 83193 and applications for permit 73-12266 & 75-14955

RE: Application for Permit No. 73-12266 and 75-14955
Application for Transfer No. 81963, 81964 & 83193

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. You can find a copy of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the applications as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please note that Application for Transfer No. 81963 & 81964 are being re-published due to amended applications from a Stipulation Agreement between Idaho Department of Fish & Game and the applicant.

Please contact this office if you have any questions regarding the applications.

Sincerely,

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 8, 2019

IDAHO DEPT FISH AND GAME
ATTN: JEFF RICHARDS
99 HWY 93 N
SALMON ID 83467

RE: Application for Permit No. 73-12266 and 75-14955
Application for Transfer No. 81963, 81964 & 83193

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. You can find a copy of the application at:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the applications as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please note that Application for Transfer No. 81963 & 81964 are being re-published due to amended applications from a Stipulation Agreement between Idaho Department of Fish & Game and the applicant.

Please contact this office if you have any questions regarding the applications.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Webster, Clay

From: Storms, Scott
Sent: Wednesday, July 03, 2019 8:49 AM
To: Webster, Clay
Subject: FW: Flying Joe xfer 73-2147 and new spring application
Attachments: image-2019-06-26-11-06-27-4.jpg; image-2019-06-26-11-18-38-2.jpg; FJR xfer 73-2147.jpg; image-2019-06-26-11-07-41-6.jpg

From: Yenter, Cindy
Sent: Tuesday, July 02, 2019 1:08 PM
To: Storms, Scott
Subject: Flying Joe xfer 73-2147 and new spring application

Scott –

I verified that the spring POD locations on 73-2147 are accurate. Each location is comprised of a spring complex and diversion is definitely NOT occurring at the springhead. We didn't go to the springs, but stopped on the road and looked up each drainage. It was evident that water was arising at multiple locations. Each spring complex flows north forming a common channel flowing west, that is labeled in the flow layer as "Pahsimeroi River" but which is known locally as Spring Creek. The main Pahsimeroi channel according to the watermaster is the northernmost channel, labeled Goldburg Creek in some reaches. All other channels through Flying Joe Ranch are side channels or spring channels.

The pipe inlet from Spring Creek and the inflow point to the lake are labeled on the attached map. Photos include GIS locations. The third photo is looking downstream toward the intake and shows an overflow culvert above the intake. Any flows that the pipe won't take exit the culvert back to Spring Creek. We estimated about 5 cfs going into the pipeline. There are no controls and no measuring device.

I visited with Clay yesterday about the possible structure of the transfer and application pods. If a point of redirection is added at the pipeline inlet, we figure that the spring pods may need to be labeled as points of injection, or that points of injection will also have to be added to the license and the permit. Another option is to abandon the spring PODs and move to a single pod in Spring Creek/unnamed stream. My experience is that water users with these type of rights are hesitant to move away from the historic source, thinking perhaps they have more leverage in a water call if they could call to the decreed pod. I don't necessarily agree but if it makes them feel better it might not be a problem to leave the spring pods. The final word on that will of course be Angie's and Shelley's, but it may be an interesting discussion. Please feel free to include me as necessary.

In any event, actual diversion is occurring at the pipeline in the unnamed stream (Spring Creek), and measurement is next to impossible at the springs themselves. I feel that measurement and control is most feasible just above the pipeline entry point, and to preserve this protocol there should be a condition placed in the rights which specifies the location of required measurement and control. Clay suggested I include condition language, so here it is:

"Measurement and control of right nos 73-2147 and <new permit> shall occur at or immediately above the inlet to the pipeline situated in NENW Sec 20, T13N R23E"

I also anticipate an inclination to require quantification of the spring flow at the original pods, and place a limit on diversion under 73-2147 to the amount available at the springs.. not only is that not feasible, because of the application for permit I don't think its necessary. If diversions at the pipeline exceed the historic diversions, which we don't know in the first place, the excess will be covered by the permit. We don't believe the pipeline will carry all 8 cfs, although there would be a potential to enlarge the pipe during lake expansion and during the permit development period.

*Cindy Yenter
Idaho Dept of Water Resources
Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*

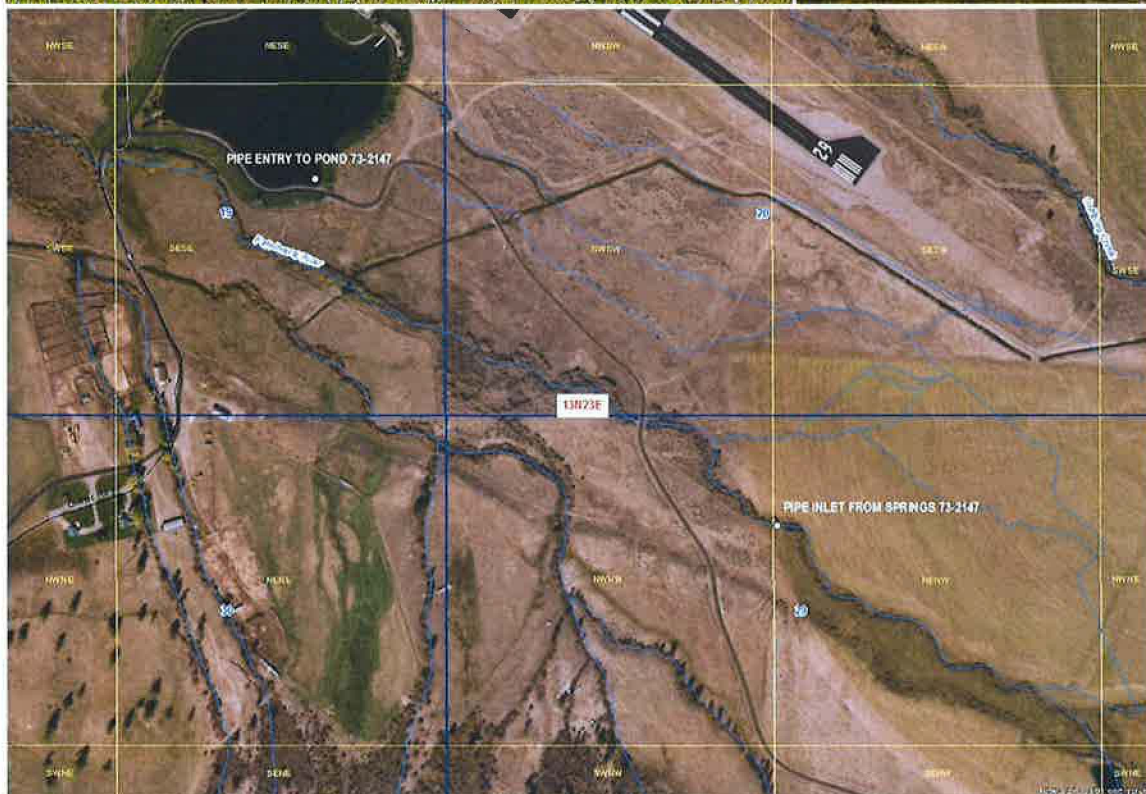




16°N (T) 44.437643, -113.771802 ±16ft ▲ 5597ft



113°E (T) 44.433962, -113.764761 ±9ft ▲ 5603ft



MEMORANDUM

Date: June 28, 2019
To: Transfer 83193
From: Scott Storms
Re: Review & Evaluation of Sufficiency of Information

Idaho Department of Water Resources (the Department) received application for Transfer from SPF Water Engineering on behalf of Flying Joseph Ranch (FJR) on April 9, 2019. This application for transfer was part of a joint stipulation for withdrawal of protest between Flying Joseph Ranch and the Idaho Department of Fish and Game (IDFG) over the matters of application for permit no. 73-12175 and transfer applications 81963 and 81964. As part of the agreement, amendments were made to transfer applications 81963 and 81964, application for permit no. 73-12175 was withdrawn, and a new application for permit was submitted (73-12266), as well as this new application for transfer, no. 83193. Transfer applications 81963 and 81964 are currently under review by Water Rights Supervisor, Clay Webster. Transfer application 81963 is strictly for irrigation use and is not connected with this review. Transfer application 81964 is built to cover the enlargement of a pond from 11 acres to 27 acres. The storage volume will actually decrease in this proposal, from 88.0 af to 86.4 af. The transfer includes a change in place of use for 73-12146, the existing right that covers the pond, in order to cover the expansion into the next quarter quarter (QQ). Transfer 81964 also includes a change in nature of use for portions of 73-147A, 73-10041 and 73-12110, from Irrigation to Wildlife, Aesthetic and Recreation Storage, in order to cover the additional evaporation and seepage losses that will occur due to increased surface area.

This transfer was submitted along with application for permit 73-12266 and proposes to move the place of use (POU) for WR 73-2147 from the current fish raceways covered by the right, to the expanded pond, as flow-through water for fish propagation. Permit application 73-12266 is for the appropriation of additional flow-through water for fish propagation in the pond, diverted from the same springs and through the same diversion system as 73-2147. Because of the interconnectedness of this transfer and permit application 73-12266, they are being reviewed concurrently.

Diagrams in the back file of 73-2147 show a system that diverts water through ditches to the old raceways, through the raceways, and out into the Pahsimeroi River. This transfer application proposes to convey water from these springs through a system of ditches and pipes, to the pond. The pond then has an outlet that leads into the Pahsimeroi River, about one and a half miles downstream of where the original raceways empty into the river. All diversion to storage, storage volumes, and pond losses due to evaporation and seepage, are to be covered by rights involved in transfer 81694. This transfer, along with flows in permit application 73-12266 are strictly for flow-through waters, where the same amount diverted into the pond from the springs will also exit the pond, into the Pahsimeroi.

Authority to File:

Department records list Flying Joseph Ranch LLC as the owner of this right. Parcel data maintained by the Department shows the acres at the original POU and the proposed POU are owned by the Flying Joseph Ranch. The application was signed by J.P. Speck, Flying Joseph Ranch LLC Attorney-in-part. The notice of withdrawal of application for permit 73-12175 included an affidavit appointing James Speck Power of Attorney for water rights for Flying Joseph Ranch. No concerns of authority to file.

Water Right Validity:

This water right was licensed August 8, 1956 and decreed March 4, 2011. There are no indications that the water was not used for 5 or more year's strait since the decree date. There are no concerns over the

validity of this right.

Injury to Other Water Rights:

The points of diversion, original place of use, and the proposed place of use are all located on lands owned by the Flying Joseph Ranch. There are no changes to the points of diversion and this is a non-consumptive use of the water where all water flowing into the pond flows back out and into the stream. No injury to other water rights are evident.

Enlargement of Use:

Although the proposed POU is for a pond with a much higher volume than the original raceways, WR 73-12146 covers a large portion of the ponds volume and evaporation/seepage loss. Additionally transfer 81964, currently under review by Clay Webster, was designed to change the nature of use for a portion four irrigation rights from Irrigation to Wildlife, Aesthetic and Recreation Storage in order to cover additional water needed to fill the pond and cover pond losses. This transfer (83193) along with the new application for permit 73-12266, are proposals for non-consumptive flow-through water of the pond and to cover the fish propagation use. The same amount of water flowing into the pond will simultaneously flow out of the pond and back to the stream. No issues with enlargement are apparent.

Local Public interest:

This transfer and permit application 73-12266 were part of a protest withdrawal stipulation between Flying Joseph Ranch and IDFG over matters of concern with original permit application 73-12175 and transfer applications 81963 and 81964. As part of the agreement, IDFG agreed not to protest this transfer or application 73-12266 as long as the applications remain in the form agreed upon and FJR installs a headgate and measuring device at a location described in the agreement. This transfer will be advertised to allow other local public interests to submit protest as fit.

Beneficial Use/Conservation of Water Resources:

This application proposes beneficial use consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area: No effect anticipated

Effect on Agricultural Base of the Local Area: No effect anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 17, 2019

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

Re: Application for Transfer of Water Right(s) 73-2147
Application for Permit

Dear Applicant(s):

On April 9, 2019, the Department of Water Resources received an Application for Transfer for water right 73-2147 and an application for permit for fish propagation. Preliminary review of the application indicates that it is incomplete and cannot be accepted for processing. The required information is described below.

- The fees were not submitted. Correct Fee Amount for the transfer is \$900.00 and the correct fee for the application for permit is \$330 for a total of \$1,230.00.

Please provide the requested fees within 30 days or your applications will be returned unprocessed.

Please contact this office if you have any questions regarding this matter.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure

c: SPF Water Engineering LLC



April 8, 2019

Clay Webster
Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
APR 09 2019
DEPARTMENT OF
WATER RESOURCES

Re: Amended Applications for Transfer Nos. 81963, 81964; Withdrawal of Application for Permit No. 73-12175; Transfer Application (Water Right No. 73-2147); Application for Permit to be developed from unnamed springs

Clay,

On behalf of Flying Joseph Ranch (FJR), we are pleased to submit the following documents:

- An amended transfer application (No. 81963) for groundwater use by FJR;
- An amended transfer application (No. 81964) for surface water use by FJR;
- A withdrawal of Application for Permit No. 73-12175. (This application was protested by the Idaho Department of Fish and Game (IDFG) and withdrawal of the application is required by a settlement between FJR and IDFG);
- A new transfer application describing the use of Water Right No. 73-2147 in a pond constructed by FJR;
- A new permit application to develop additional flow to the pond from unnamed springs.

In the case of Transfer Applications 81963 and 81964, the descriptions of the points of diversion and places of use is intended to correct the water right records to show use of the various rights which has been in place for five years or more, with one exception. Interconnection of the groundwater wells has not occurred in the past. FJR intends to interconnect the wells to allow for rehabilitation and maintenance of the wells, and additional flexibility in irrigation practice in the future.

Please contact me with any questions. I am willing to meet with you to discuss these applications and share GIS data as needed to assist IDWR with its review. Mr. Jim Speck remains as legal counsel for Flying Joseph Ranch, and I remain the technical consultant for the water user.

Best Regards,

A handwritten signature in blue ink that reads "Roxanne Brown".

Roxanne Brown
Sr. Water Rights Specialist

CC: Jim Speck
Flying Joseph Ranch
Cindy Yenter, IDWR Salmon Office
Ann Vonde, Deputy Attorney General

SPF Job No. 1327.0010