

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 acresf use for irrigation water rights from Pahsimeroi River, Spring Creek, Goldburg Creek & Big Creek, add a point of rediversion 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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, August 08, 2019 1:35 PM
To: 'legals@lmtribune.com'
Subject: Legal Notice for your paper
Attachments: LegalNoticeTransferMerged.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

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For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, 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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, August 08, 2019 1:35 PM
To: 'legals@magicvalley.com'
Subject: Legal notice for your paper
Attachments: LegalNoticeTransferMerged.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.

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NOTICE OF PROPOSED CHANGE OF WATER RIGHT

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

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GARY SPACKMAN, Director

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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, August 08, 2019 1:35 PM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for your paper
Attachments: LegalNoticeTransferMerged.doc

Dear LEGAL NOTICE DEPARTMENT:

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jean.hersley@idwr.idaho.gov

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

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GARY SPACKMAN, Director

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

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From: Hersley, Jean
Sent: Thursday, August 08, 2019 1:35 PM
To: 'legals@idahostatesman.com'
Subject: Legal Notice for your paper
Attachments: LegalNoticeTransferMerged.doc

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208-287-6700 – Fax
jean.hersley@idwr.idaho.gov

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

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GARY SPACKMAN, Director

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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, August 08, 2019 1:35 PM
To: rhlegals@custertel.net
Subject: Legal Notice for your paper
Attachments: Recorder Herald.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

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices 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, PO Box 83720, Boise, Idaho, 83720-0098 before July 22, 2019. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

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:

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GARY SPACKMAN, Director

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

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

75-14955

ALICIA M SCHWARZ
ROBERT K SCHWARZ
PO BOX 480

BIG TIMBER, MT 59011-0480

Point of Diversion NESW S3 T23N R22E LEMHI County

Source EAST FORK TOWER CREEK Tributary TOWER CREEK

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 7/29/2019

Place Of Use: DOMESTIC

T23N R22E S3 NWSE

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 domestic purposes as defined by Idaho Code §42-111(1)(a).

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



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

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



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'.

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,

Jean Hersley
Technical Records Specialist II



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

June 24, 2019

FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE WA 98108

RE: APPLICATIONS FOR TRANSFER OF WATER RIGHTS 73-32, 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-10040, 73-14001, 73-12110 and 73-12146. (81964) / 73-15A, 73-150C, 73-188B, 73-2165, 73-7102, 73-10020A, 73-10020B and 73-11840. (81963)

Dear Applicant:

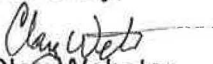
The Department of Water Resources (Department) received your applications to transfer the above mentioned water rights from you on October 18, 2017. These applications were placed on a 60-day hold to allow for an amendment to be drafted. The Department received amended applications for Transfer 81964 on March 7, 2018, May 15, 2018 and April 9, 2019. The department received amended applications for Transfer 81963 on May 15, 2018 and April 9, 2019. The Department received protests for these applications on August 20, 2018. The Department received the Joint Stipulation for Withdrawal of Protests on April 4, 2019. The Department is required to evaluate these applications in accordance with Idaho Code § 42-222.

The last amendments received changed the proposal to remove previously identified water rights and to move water right 73-2165 from transfer 81963 to transfer 81964. These changes will warrant re-advertising of these applications. Please submit \$100.00 to allow the department to continue with the processing of these applications.

Please provide the department with the requested information within 30 days of this letter. Or your applications will be returned to you unprocessed.

If you have any questions on this matter, please contact me at (208) 287-4910.

Sincerely,


Clay Webster
Water Rights Supervisor

- c. Roxanne Brown – SPF Water Engineering
James Speck – Speck and Aanestad
Darrell Early – AG for IDFG

MEMORANDUM

Date: 7/30/2019

To: Transfer 81964

From: Clay Webster

Re: Review & Evaluation of Sufficiency of Information

The department received an application from SPF Water Engineering on behalf of Flying Joseph Ranch on October 18, 2017. Then we received an amended application on 5/15/2019 and a second amended application in response to watermaster concerns and a stipulated settlement agreement with Idaho Fish and Game. This application proposes to transfer 73.4 acres of the irrigation component of 73-147A, 73-10041 and 73-12110 to Wildlife, Aesthetic, and Recreation Storage and Diversion to Storage. To enlarge an existing pond from an 11-acre surface area to a 27-acre surface area. Their proposal will reduce the authorized storage volume of the existing pond from 88.0 af to 86.4 af.

It also proposes to create an irrigation Place of Use reducing from 2,365.6 irrigable acres to 1,894 irrigable acres water rights 73-32, 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-10040, 73-10041 and 73-12110. This proposal will remove water right 73-2165 from this group of rights to be used with the ground water rights identified in transfer 81963. This right has historically been used to increase diversion and not increase irrigated acres of this group of rights. This POU is located East of Pahsimeroi Valley Rd and Bart Lane in Custer and Lemhi Counties.

This proposal will add a new point of rediversion to Big Creek water right 73-32. This POD is located in the **SWSE, T13N, R23E, S20** on Flying Joseph Ranch property Southeast of the airstrip. It is 1/2 mile Southwest of where McCoy Ln. curves on the Flying Joseph Ranch property in Lemhi County. According to the application and map this proposed POD is a rediversion point of the Big Creek water that is diverted through the California Ditch and injected into the Pahsimeroi River. Flying Joseph Ranch already has this proposed (rediversion) POD in section 20 authorized under Pahsimeroi River rights 73-147A, 73-150D, 73-10040, and 73-189 as well as Goldburg Creek right 73-147C along with Big Creek rights 73-10041, 73-12110 and 73-12260. Water right 73-32 is already authorized to divert the water down the California Ditch and inject the water into the Pahsimeroi River. This proposed additional POD will clarify where the rediversion is made to the Flying Joseph Ranch property from the Pahsimeroi River.

Authority to File:

Current county parcel data lists ownership of the property for this place of use as owned by Flying Joseph Ranch LLC. This application was signed by Joe Clark. He is listed on the Idaho Secretary of State Website as a member.

Water Right Validity:

73-32, 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040, 73-10041 and 73-12110 were decreed in the SRBA in 2010. 73-32, 73-10023, 73-10041 and 73-12110 were subject to transfer 80878 in July 2016 to add a point of diversion. 73-147A, 73-10041 and 73-12110 were subject of transfer 75708 which changed the nature of use of a portion of irrigation to authorize an 11 acre pond.

Injury to Other Water Rights:

This transfer will not authorize any additional diversion of water nor any additional irrigable acres. It will change the place of use of this water system to a smaller place of use to reflect current irrigation practices. This application will be advertised to address any concerns of owners of neighboring water rights.

Enlargement of Use:

Overall irrigable acres for WRs 73-147A, 73-10041 and 73-12110 will be reduced by 73.4 acres to

accommodate the evaporation losses associated with the larger surface area of the pond. The pond spreadsheet was provided showing that the total volume needed for this pond is 240.2 af (86.4 afa for fill and 153.8 af for seepage and evaporation). The consultant has provided a precipitation deficit evaluation using Grass Pasture-low management for this evaluation. The change in nature of use of 73.4 acres will provide 131.4 af per year. When you add the 110.9 af per year of rights for the existing pond you have enough volume to cover the total requirement of 240.2 af for the proposed pond. $131.4 + 110.9 = 242.3$.

Pahsimeroi River right 73-189 was split by ownership change in August 2017 to 73-189 and 73-12260. The 35 acres of 73-189 represented by 73-12260 overlapped the larger place of use of Big Creek rights 73-10041 and 73-12110. The applicant has proposed to reduce the acreage of the overlapping rights by the common 35 acres from rights 73-10041 and 73-12110 to avoid enlargement of these acres.

Big Creek rights have a lower rate per acre than the Pahsimeroi River water rights. 73-10041 provides 0.003 cfs per acre while 73-189 and the split portion (73-12260) provide 0.02 cfs per acre. Correspondence from the consultant indicates that they wish to retain the diversion rate on reduced irrigable acres (35 less acres from the split of right 73-189) on the remaining acres of their system.

Combined limit conditions will be carried over from these water rights as well as an overall combined limit to eliminate an enlargement of use.

Local Public Interest:

There is a minimum stream flow (MSF) right (73-7045) for the Pahsimeroi River. This proposed transfer will not allow for increased diversions and should not negatively effect this MSF. As proposed, this transfer will clarify the manner that these water rights are diverted, injected and rediverted to provide a clearer understanding of how this water is delivered to the place of use. This place of use and points of diversion fall within Water District 73 and 170. Comment was be requested from the watermasters and this application was advertised to address concerns. Watermaster comments and a stipulation agreement with Idaho Fish & Game have resulted in the application amendment received 4/4/2019.

Beneficial Use/Conservation of Water Resources:

The beneficial uses proposed under the transfer appear consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area:

No effects are anticipated.

Effect on Agricultural Base of the Local Area:

This proposal will reduce 73.4 irrigable acres. This should have a minimal effect on the local agricultural base.

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.

Webster, Clay

From: Webster, Clay
Sent: Monday, July 15, 2019 10:46 AM
To: 'James Speck'
Subject: RE: RE: RE: Request for more information for Transfer Applications 81963 & 81964

Jim,

We did receive the payment.

Sincerely,
Clay

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Wednesday, July 03, 2019 11:51 AM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Subject: RE: RE: RE: Request for more information for Transfer Applications 81963 & 81964

Clay,

Did u get the \$100 payment?

Jim

-----Original Message-----

From: Webster, Clay
Sent: Monday, June 24, 2019 9:28 AM
To: James Speck
Cc: Joe Clark (jclark@winglets.com); Troy Zeigler (trz@custertel.net); Roxanne Brown; Early, Darrell

Jim,

Please send to the Department. You can send it to my attention.

Thanks,
Clay

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, June 24, 2019 9:23 AM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Cc: Joe Clark (jclark@winglets.com) <jclark@winglets.com>; Troy Zeigler (trz@custertel.net) <trz@custertel.net>; Roxanne Brown <rbrown.boise@gmail.com>; Early, Darrell <darrell.early@ag.idaho.gov>
Subject: RE: RE: Request for more information for Transfer Applications 81963 & 81964

Clay,

Should we send the check for \$100 to you?

Jim

-----Original Message-----

From: Webster, Clay <Clay.Webster@idwr.idaho.gov>

Sent: Monday, June 24, 2019 8:51 AM

To: James Speck <jim@speckandaanestad.com>

Cc: Joe Clark (jclark@winglets.com) <jclark@winglets.com>; Troy Zeigler (trz@custertel.net) <trz@custertel.net>;

Roxanne Brown <rbrown.boise@gmail.com>; Early, Darrell <darrell.early@ag.idaho.gov>

Subject: RE: RE: Request for more information for Transfer Applications 81963 & 81964

Jim,

Through the review of the original applications and the transfer application for Pahsimeroi Farms 81861 (which is still under protest from IF&G) it was identified that allowing the 35 acres originally irrigated by these overlapping rights 73-10041 and 73-12110, and allowing them to be moved to another 35 acres could cause an enlargement of acres irrigated. With the proposal in front of us now, Flying Joseph Ranch is proposing to reduce the irrigated acres of original acres authorized under the stacked group of water rights. With the reduction of acres, this concern has been addressed.

As I informed you (via email on 11/27/2018) prior to advertising, any significant changes to these applications could require us to advertise these applications again. We will need to re-advertise these applications. There has been a point of diversion added for the pond and the change to which group of water rights 73-2165 will be associated. Please see the attached letter (being mailed today) requesting the additional funds for re-advertising.

Sincerely,

Clay Webster

Water Rights Supervisor

clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]

Sent: Thursday, June 13, 2019 9:08 AM

To: Webster, Clay <Clay.Webster@idwr.idaho.gov>

Cc: Joe Clark (jclark@winglets.com) <jclark@winglets.com>; Troy Zeigler (trz@custertel.net) <trz@custertel.net>;

Roxanne Brown <rbrown.boise@gmail.com>

Subject: RE: RE: Request for more information for Transfer Applications 81963 & 81964

Clay,

Please reply to my last e-mail below ASAP. Thank you.

Jim

-----Original Message-----

From: James Speck

Sent: Tuesday, June 04, 2019 5:03 PM

To: Webster, Clay

Cc: Joe Clark (jclark@winglets.com); Troy Zeigler (trz@custertel.net); Roxanne Brown

Clay,

I had understood the information on the water right split with Pashimeroi River Farms, which you are again requesting as the last bullet point of the letter described below, was adequately addressed by the information on the first page of Roxanne's June 26, 2018 letter to you (copy attached). If that's not the case, please explain why a combined use limit in the approval of 81964 doesn't fully address your concerns.

Jim

-----Original Message-----

From: Webster, Clay <Clay.Webster@idwr.idaho.gov>

Sent: Tuesday, June 04, 2019 4:26 PM

To: James Speck <jim@speckandaanestad.com>

Cc: Joe Clark (jclark@winglets.com) <jclark@winglets.com>; Troy Zeigler (trz@custertel.net) <trz@custertel.net>;

Roxanne Brown <rbrown.boise@gmail.com>

Subject: Request for more information for Transfer Applications 81963 & 81964

Jim,

I reviewed the applications for amendment for transfers 81963 & 81964. I found a few things that will need to be addressed. The letter requesting more information (attached) was mailed today to Flying Joseph Ranch LLC. I appreciate your assistance with these applications.

Sincerely,

Clay Webster

Water Rights Supervisor

clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]

Sent: Tuesday, June 04, 2019 3:28 PM

To: Webster, Clay <Clay.Webster@idwr.idaho.gov>

Cc: Joe Clark (jclark@winglets.com) <jclark@winglets.com>; Troy Zeigler (trz@custertel.net) <trz@custertel.net>;

Roxanne Brown <rbrown.boise@gmail.com>

Subject: RE: FW: Flying Joseph Ranch Application for Permit

Clay,

I left you a voice mail earlier today. When we last spoke on May 7 you estimated it would take not more than two weeks to complete the review of the amended transfer applications filed by Roxanne Brown. It's now 4 weeks. What is the status of your review? How close are you to approving the amended applications? We have resolved the IDFG protests and my client is quite frustrated by this further delay. Please get back to me right away.

Jim

-----Original Message-----

From: James Speck

Sent: Tuesday, April 30, 2019 9:25 AM

To: Clay Webster (clay.webster@idwr.idaho.gov)
Cc: Joe Clark (jclark@winglets.com); Troy Zeigler (trz@custertel.net); Roxanne Brown

Hi Clay,

Per Jean's e-mails below we are updated on the status of the new applications filed relating to this property. Can you please update us on the status of the amended transfer applications filed by Roxanne at the beginning of April? Thank you.

Jim

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, April 30, 2019 7:35 AM
To: James Speck <jim@speckandaanestad.com>
Cc: Joe Clark (jclark@winglets.com) <jclark@winglets.com>; Troy Zeigler (trz@custertel.net) <trz@custertel.net>; Roxanne Brown <rbrown.boise@gmail.com>
Subject: RE: Flying Joseph Ranch Application for Permit

The Department received the fees for the new transfer application and application for permit yesterday. Neither have been assigned to an agent. I'm trying to keep them together so the applications will be assigned when the application for permit is complete.

The unprotested amended transfers are being worked on by Clay Webster. I'm not sure where he is in the processing of these.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, April 29, 2019 4:27 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov <mailto:Jean.Hersley@idwr.idaho.gov> >

Cc: Joe Clark (jclark@winglets.com <mailto:jclark@winglets.com>) <jclark@winglets.com <mailto:jclark@winglets.com>
>; Troy Zeigler (trz@custertel.net <mailto:trz@custertel.net>) <trz@custertel.net <mailto:trz@custertel.net> >;
Roxanne Brown <rbrown.boise@gmail.com <mailto:rbrown.boise@gmail.com> >
Subject: RE: Flying Joseph Ranch Application for Permit

Jean,

Are you also working on the new transfer application and the two now unprotested amended transfer applications? If so, where do you stand in the approval process? Thank you.

Jim

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov <mailto:Jean.Hersley@idwr.idaho.gov> >
Sent: Monday, April 29, 2019 3:40 PM
To: James Speck <jim@speckandaanestad.com <mailto:jim@speckandaanestad.com> >
Subject: FW: Flying Joseph Ranch Application for Permit

I forgot to cc: you with this email.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

From: Hersley, Jean
Sent: Monday, April 29, 2019 3:39 PM
To: 'Roxanne Brown' <RBrown@spfwater.com <mailto:RBrown@spfwater.com> >
Subject: Flying Joseph Ranch Application for Permit

Roxanne,

I have attached page 1 of Flying Joseph Ranch, LLC most recent application for permit. Item #4, location of the Point(s) of diversion is not complete. When the source is a spring, the description of the pod's need to be listed to the 10 acre

tract. Please have your client amend the points of diversion, initial and date the changes, then return to me. To keep things moving on this application, you may email me a copy of the amended page then place the document in the mail. Please provide the amended POD description within 30 days or the application will be returned unprocessed. I'm sorry I didn't catch this error when I requested the filing fees. Please let me know if you have any questions. Thank you.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

Attachment(s): 2018.06.26 spf ltr to idwr re xfr apps.pdf



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

June 24, 2019

FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE WA 98108

RE: APPLICATIONS FOR TRANSFER OF WATER RIGHTS 73-32, 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-10040, 73-14001, 73-12110 and 73-12146. (81964) / 73-15A, 73-150C, 73-188B, 73-2165, 73-7102, 73-10020A, 73-10020B and 73-11840. (81963)

Dear Applicant:

The Department of Water Resources (Department) received your applications to transfer the above mentioned water rights from you on October 18, 2017. These applications were placed on a 60-day hold to allow for an amendment to be drafted. The Department received amended applications for Transfer 81964 on March 7, 2018, May 15, 2018 and April 9, 2019. The department received amended applications for Transfer 81963 on May 15, 2018 and April 9, 2019. The Department received protests for these applications on August 20, 2018. The Department received the Joint Stipulation for Withdrawal of Protests on April 4, 2019. The Department is required to evaluate these applications in accordance with Idaho Code § 42-222.

The last amendments received changed the proposal to remove previously identified water rights and to move water right 73-2165 from transfer 81963 to transfer 81964. These changes will warrant re-advertising of these applications. Please submit \$100.00 to allow the department to continue with the processing of these applications.

Please provide the department with the requested information within 30 days of this letter. Or your applications will be returned to you unprocessed.

If you have any questions on this matter, please contact me at (208) 287-4910.

Sincerely,

Clay Webster

Water Rights Supervisor

- c. Roxanne Brown – SPF Water Engineering
- James Speck – Speck and Aanestad
- Darrell Early – AG for IDFG

Webster, Clay

From: Webster, Clay
Sent: Monday, June 24, 2019 8:51 AM
To: 'James Speck'
Cc: Joe Clark (jclark@winglets.com); Troy Zeigler (trz@custertel.net); Roxanne Brown; 'Early, Darrell'
Subject: RE: RE: Request for more information for Transfer Applications 81963 & 81964
Attachments: 20190624083856.pdf

Jim,

Through the review of the original applications and the transfer application for Pahsimeroi Farms 81861 (which is still under protest from IF&G) it was identified that allowing the 35 acres originally irrigated by these overlapping rights 73-10041 and 73-12110, and allowing them to be moved to another 35 acres could cause an enlargement of acres irrigated. With the proposal in front of us now, Flying Joseph Ranch is proposing to reduce the irrigated acres of original acres authorized under the stacked group of water rights. With the reduction of acres, this concern has been addressed.

As I informed you (via email on 11/27/2018) prior to advertising, any significant changes to these applications could require us to advertise these applications again. We will need to re-advertise these applications. There has been a point of diversion added for the pond and the change to which group of water rights 73-2165 will be associated. Please see the attached letter (being mailed today) requesting the additional funds for re-advertising.

Sincerely,
Clay Webster
Water Rights Supervisor
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Thursday, June 13, 2019 9:08 AM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Cc: Joe Clark (jclark@winglets.com) <jclark@winglets.com>; Troy Zeigler (trz@custertel.net) <trz@custertel.net>; Roxanne Brown <rbrown.boise@gmail.com>
Subject: RE: RE: Request for more information for Transfer Applications 81963 & 81964

Clay,

Please reply to my last e-mail below ASAP. Thank you.

Jim

-----Original Message-----

From: James Speck
Sent: Tuesday, June 04, 2019 5:03 PM
To: Webster, Clay
Cc: Joe Clark (jclark@winglets.com); Troy Zeigler (trz@custertel.net); Roxanne Brown

Clay,

I had understood the information on the water right split with Pashimeroi River Farms, which you are again requesting as the last bullet point of the letter described below, was adequately addressed by the information on the first page of Roxanne's June 26, 2018 letter to you (copy attached). If that's not the case, please explain why a combined use limit in the approval of 81964 doesn't fully address your concerns.

Jim

-----Original Message-----

From: Webster, Clay <Clay.Webster@idwr.idaho.gov>

Sent: Tuesday, June 04, 2019 4:26 PM

To: James Speck <jim@speckandaanestad.com>

Cc: Joe Clark (jclark@winglets.com) <jclark@winglets.com>; Troy Zeigler (trz@custertel.net) <trz@custertel.net>; Roxanne Brown <rbrown.boise@gmail.com>

Subject: Request for more information for Transfer Applications 81963 & 81964

Jim,

I reviewed the applications for amendment for transfers 81963 & 81964. I found a few things that will need to be addressed. The letter requesting more information (attached) was mailed today to Flying Joseph Ranch LLC. I appreciate your assistance with these applications.

Sincerely,

Clay Webster

Water Rights Supervisor

clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]

Sent: Tuesday, June 04, 2019 3:28 PM

To: Webster, Clay <Clay.Webster@idwr.idaho.gov>

Cc: Joe Clark (jclark@winglets.com) <jclark@winglets.com>; Troy Zeigler (trz@custertel.net) <trz@custertel.net>; Roxanne Brown <rbrown.boise@gmail.com>

Subject: RE: FW: Flying Joseph Ranch Application for Permit

Clay,

I left you a voice mail earlier today. When we last spoke on May 7 you estimated it would take not more than two weeks to complete the review of the amended transfer applications filed by Roxanne Brown. It's now 4 weeks. What is the status of your review? How close are you to approving the amended applications? We have resolved the IDFG protests and my client is quite frustrated by this further delay. Please get back to me right away.

Jim

-----Original Message-----

From: James Speck

Sent: Tuesday, April 30, 2019 9:25 AM
To: Clay Webster (clay.webster@idwr.idaho.gov)
Cc: Joe Clark (jclark@winglets.com); Troy Zeigler (trz@custertel.net); Roxanne Brown

Hi Clay,

Per Jean's e-mails below we are updated on the status of the new applications filed relating to this property. Can you please update us on the status of the amended transfer applications filed by Roxanne at the beginning of April? Thank you.

Jim

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, April 30, 2019 7:35 AM
To: James Speck <jim@speckandaanestad.com>
Cc: Joe Clark (jclark@winglets.com) <jclark@winglets.com>; Troy Zeigler (trz@custertel.net) <trz@custertel.net>; Roxanne Brown <rbrown.boise@gmail.com>
Subject: RE: Flying Joseph Ranch Application for Permit

The Department received the fees for the new transfer application and application for permit yesterday. Neither have been assigned to an agent. I'm trying to keep them together so the applications will be assigned when the application for permit is complete.

The unprotested amended transfers are being worked on by Clay Webster. I'm not sure where he is in the processing of these.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Monday, April 29, 2019 4:27 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov <mailto:Jean.Hersley@idwr.idaho.gov> >

Cc: Joe Clark (jclark@winglets.com <mailto:jclark@winglets.com>) <jclark@winglets.com <mailto:jclark@winglets.com>
>; Troy Zeigler (trz@custertel.net <mailto:trz@custertel.net>) <trz@custertel.net <mailto:trz@custertel.net> >;
Roxanne Brown <rbrown.boise@gmail.com <mailto:rbrown.boise@gmail.com> >
Subject: RE: Flying Joseph Ranch Application for Permit

Jean,

Are you also working on the new transfer application and the two now unprotested amended transfer applications? If so, where do you stand in the approval process? Thank you.

Jim

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov <mailto:Jean.Hersley@idwr.idaho.gov> >
Sent: Monday, April 29, 2019 3:40 PM
To: James Speck <jim@speckandaanestad.com <mailto:jim@speckandaanestad.com> >
Subject: FW: Flying Joseph Ranch Application for Permit

I forgot to cc: you with this email.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

From: Hersley, Jean
Sent: Monday, April 29, 2019 3:39 PM
To: 'Roxanne Brown' <RBrown@spfwater.com <mailto:RBrown@spfwater.com> >
Subject: Flying Joseph Ranch Application for Permit

Roxanne,

I have attached page 1 of Flying Joseph Ranch, LLC most recent application for permit. Item #4, location of the Point(s) of diversion is not complete. When the source is a spring, the description of the pod's need to be listed to the 10 acre

tract. Please have your client amend the points of diversion, initial and date the changes, then return to me. To keep things moving on this application, you may email me a copy of the amended page then place the document in the mail. Please provide the amended POD description within 30 days or the application will be returned unprocessed. I'm sorry I didn't catch this error when I requested the filing fees. Please let me know if you have any questions. Thank you.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

Attachment(s): 2018.06.26 spf ltr to idwr re xfr apps.pdf



RECEIVED

JUN 05 2019

DEPARTMENT OF
WATER RESOURCES

June 5, 2019

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

Re: Amended Applications for Transfer Nos. 81963, 81964

Clay,

This letter is a response to your request for additional information dated June 4, 2019. We address the issues in the order presented in your letter:

1. Water Right No. 73-12146 has been added to Transfer No. 81964 to clarify the points of diversion and places of use for the pond. Please see the attached amended transfer application. Mr. Jim Speck will be forwarding the signed original to IDWR directly.
2. Water Right No. 73-2165 has been used for many years in the system described by Transfer No. 81963. The entire flow rate and volume is listed on page 3 of the transfer to indicate the entire right is being transferred and to assist with calculation of appropriate fees. However, on page 4 of the transfer the applicant states "Water right 73-2165 contributes additional flow rate, but no additional irrigated acreage." We understand that an additional increment of diversion rate to acres already in production while will not increase the consumptive use of cultivated crops. We understand IDWR may choose to apply conditions limiting combined volume when used with other groundwater rights described by Transfer No. 81964.

Unstacking Water Right No. 73-2165 from the surface water rights described by Transfer No. 81964 will actually decrease consumptive use as those acres will no longer receive supplemental groundwater after surface water supplies are curtailed seasonally. Again, the intention is to increase available flow rate to existing irrigated land.

3. Our copy of Transfer No. 81964 (amended April 2019) included a point of injection from Big Creek to the Pahsimeroi River (T13N, R 23E, S27, SESW), and a point of redirection from the Pahsimeroi River (T13N, R23E S20 SWSE). The attached amended Transfer No. 81964 also includes these points.
4. Water Right Nos. 73-10041 and 73-12110 entirely overlap Water Right Nos. 73-189 and 73-12260 (a portion of 73-189 conveyed to Pahsimeroi River Farms). We recommend IDWR reduce Water Right Nos. 73-10041 and 73-12110 by a 35-acre proportionate share to prevent enlargement.

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 cursive script that reads "Roxanne Brown".

Roxanne Brown
Sr. Water Rights Specialist

CC: Jim Speck
Flying Joseph Ranch

SPF Job No. 1327.0010



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

June 4, 2019

FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE WA 98108

RE: APPLICATIONS FOR TRANSFER OF WATER RIGHTS 73-32, 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-10040, 73-14001 and 73-12110. (81964) / 73-7102, 73-10020A, 73-10020B, 73-11840, and 73-2165. (81963)

Dear Applicant:

The Department of Water Resources (Department) received your amended applications to transfers of the above mentioned water rights from you on April 9, 2019. This application was placed on hold awaiting the receipt of an application for permit required by stipulation agreement with Idaho Fish and Game to withdraw protests. That application was received with errors on May 2, 2019. The corrections were received by the Department on May 9, 2019. The Department is required to evaluate these applications in accordance with Idaho Code § 42-222. Initial review found that we need additional information for clarification of your applications. The following is a list of items that need to be addressed prior to processing these applications;

- Water right 73-12146 is the current ground water right that authorizes the pond being proposed for changed with application 81964. This water right was not included in this amended application. It should be included to keep the place of use consistent with the pond. This water right Place of Use is described as NESE and SESE of T13N,R23E,S19. This proposed change to the pond will add SWSW of T13N,R23E,S20 to the Place of Use.
- Water right 73-2165 was included in transfer 81963. However this rights place of use is completely overlapped by, and has an acre limit with, the rights proposed for transfer application 81964. If water right 73-2165 remains in transfer 81963 there are enlargement concerns. First, this right is being proposed to be unstacked from the rights included in transfer 81964. Second, the current acre limit for the other rights included in transfer 81963 (water rights 73-7102, 73-10020A, 73-10020B and 73-11840) provide 0.011 cfs per acre and 2.0 af per acre for the system. Adding 73-2165 to this system, as proposed, will raise the authorized amounts for this system to 0.019 cfs per acre and 4.26 af per acre. This could allow a more consumptive crop to be grown than in the past. Please demonstrate how you propose to accomplish the change without causing an enlargement of the historical consumptive use currently authorized under water rights 73-7102, 73-10020A, 73-10020B and 73-

11840. Also propose how unstacking 73-2165 from the surface water rights included in transfer 81964 can be accomplished without causing enlargement.

- The amended application for 81964 did not request to add the POD located in **SWSE, T13N, R23E, S20** to water right 73-32, though this is the point of injection for the California Canal. This should be added to this Big Creek water right to clarify your diversion system.
- Water right 73-12260 (Pahsimeroi River Farms LLC) was split from 73-189 which shared a common place of use with 73-10041. The unstacking of these rights provides an opportunity to enlarge the area previously covered by that portion of 73-189 and 73-10041. Please provide historical diversion records to demonstrate the amount of water under right 73-10041 used on the common 35 acres. This amount of water can be limited through this transfer **or** a proportional amount of right 73-10041 appurtenant to the common 35 acres will have to be reduced to avoid enlargement of these acres. **Supply written instructions on how you wish the department to address this enlargement concern.**

Please provide the department with information addressing these concerns within 30 days of this letter. Or your applications will be returned to you unprocessed.

If you have any questions on this matter, please contact me at (208) 287-4910.

Sincerely,



Clay Webster
Water Rights Supervisor

- c. Roxanne Brown – SPF Water Engineering
James Speck – Speck and Aanestad
Anne Vonde – Deputy AG



SPF WATER
ENGINEERING

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,

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