

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, August 08, 2018 11:47 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: legal notice for your paper
Attachments: LegalNoticeTransferMerged(1).doc

I have attached a legal notice for your paper. Please confirm this notice will be published on the proposed dates. Thank you.

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

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

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, 73-2165, 73-259, 73-32. 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, create a 3,367 acre permissible place of 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 & remove a diversion point located southeast of the ranch property on BLM land. This area is located East of Pahsimeroi Valley Rd & Bart Lane in Custer & Lemhi Counties.

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 9/04/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/16/2018 and 8/23/2018

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, August 08, 2018 11:48 AM
To: 'LEGALNOTICES@POSTREGISTER.COM'
Subject: Legal Notice
Attachments: LegalNoticeTransferMerged(1).doc

I have attached a legal notice for your paper. Please confirm this notice will be published on the proposed dates. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
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<http://www.idwr.idaho.gov/water-rights/transfers/search.html>

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GARY SPACKMAN, Director

Published on 8/16/2018 and 8/23/2018

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, August 08, 2018 11:48 AM
To: 'LEGALS@LMTRIBUNE.COM'
Subject: Legal Notice
Attachments: LegalNoticeTransferMerged(1).doc

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*Jean Hersley
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208-287-4942*

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<http://www.idwr.idaho.gov/water-rights/transfers/search.html>

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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 9/04/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/16/2018 and 8/23/2018

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, August 08, 2018 11:49 AM
To: 'LEGALS@MAGICVALLEY.COM'
Subject: Legal Notice
Attachments: LegalNoticeTransferMerged(1).doc

I have attached a legal notice for your paper. Please confirm this notice will be published on the proposed dates. Thank you.

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

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GARY SPACKMAN, Director

Published on 8/16/2018 and 8/23/2018

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, August 08, 2018 11:33 AM
To: rhlegals@custertel.net
Subject: legal notice for your paper

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
August 8, 2018

208-756-2222 Page 1

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 September 4, 2018. 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

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, 73-2165, 73-259, 73-32. The purpose of the transfer is to change a portion of the above rights as follows:

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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 **9/04/2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/16/2018 and 8/23/2018

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

75-14899- READVERTISEMENT-CHANGED BENEFICIAL USE

CORY R ALBERT
KRISTIN M ALBERT

2862 HWY 93 N
GIBBONSVILLE, ID 83463
Point of Diversion SESW S11 T25N R21E LEMHI County
Source NORTH FORK SALMON RIVER Tributary SALMON RIVER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 07/27/2018
Place Of Use: DOMESTIC
T25N R21E S11 SWSE SESW

This application proposes the diversion and use of water from a tributary of the Salmon River 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 the diversion rate and acre will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

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 9/04/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/16/2018 and 8/23/2018

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, August 08, 2018 11:32 AM
To: 'info@challismessenger.com'
Subject: legal notice for your paper

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean

208-879-5276 Page 1

August 8, 2018

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 4, 2018. 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

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

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, 73-2165, 73-259, 73-32. 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, create a 3,367 acre permissible place of 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 & remove a diversion point located southeast of the ranch property on BLM land. This area is located East of Pahsimeroi Valley Rd & Bart Lane in Custer & Lemhi Counties.

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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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 9/04/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/16/2018 and 8/23/2018



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 8, 2018

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

RE: 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, 73-2165, 73-259,
73-32

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the CHALLIS MESSENGER, RECORDER HERALD on 8/16/2018 and 8/23/2018. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application 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 application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Jean Hersley
Technical Records Specialist

CC: JAMES P SPECK
SPF WATER ENGINEERING LLC



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 • PO BOX 83720 • BOISE ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 1, 2018

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

RE: Transfer No. 81964

Water Right No(s): 73-32, 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259,
73-2165, 73-10040, 73-10041, 73-12110 and 73-12146

Dear Ted:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for transfer. I have attached a copy of the application for your convenience. This is a companion transfer to Transfer No. 81963. A letter and recommendation form was sent to you on July 27, 2018 regarding comments on that application. 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 water master, 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 regional 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 II

Enclosure(s)

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

Transfer Application No.: 81964

Water Right No(s): 73-32,
73-147A, 73-147B, 73-147C,
73-150D, 73-189, 73-259,
73-2165, 73-10040, 73-10041,
73-12110 and 73-12146

Transfer Applicant's Name: FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE WA 98108-3806

Water master'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 _____, 2018

Water District No. 73

Water master's Signature

Printed Name

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, August 01, 2018 12:03 PM
To: Jeff Richards
Subject: transfer 81964
Attachments: 20180801115236.pdf; 20180801115402.pdf

I have attached Application for Transfer 81964 and the review memo, which is a companion of transfer 81963 for Flying Joseph Ranch. This transfer will be advertised August 16 & 23 but probably should be evaluated together. Please let me know if you have any questions.

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

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, August 01, 2018 11:59 AM
To: Clark, Cynthia Bridge; Skoro, Emily
Subject: Transfer 81964
Attachments: 20180801115236.pdf; 20180801115402.pdf

I have attached application for transfer 81964 and the review memo. This is a companion application for transfer 81963 that will be advertised on August 16 & 23. I thought you might like to evaluate them together.

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

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, August 01, 2018 11:57 AM
To: Yenter, Cindy
Subject: RE: Comments or concerns with Transfer 81963
Attachments: 20180801115236.pdf; 20180801115402.pdf

I have attached application for transfer 81964 and the memo. You can send your comments for that transfer also. It got missed for this advertising cycle. It will be advertised the 3rd and 4th weeks of August.

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

From: Yenter, Cindy
Sent: Wednesday, August 01, 2018 9:45 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: Comments or concerns with Transfer 81963

What about x 81964? Will that be advertised at the same time? I feel like I need to look at both of those together.

From: Hersley, Jean
Sent: Friday, July 27, 2018 8:43 AM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: Comments or concerns with Transfer 81963

Please read the attached letter and return the recommendation form to me. The transfer documents will be scanned by the end of the day. Let me know if you have any questions.

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

MEMORANDUM

Date: July 23, 2018

To: Transfer 81964

From: Clay Webster

Re: Review & Evaluation of Sufficiency of Information

The department received this application from SPF Water Engineering on behalf of Flying Joseph Ranch on October 18, 2017. 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. They also have a ground water right 73-12146 for the existing 11 acre pond. Because this proposed change will cause the pond to cross into 13N, 23E, S20, SWSW, it would change the current POU for the storage of these rights.

It also proposes to create an irrigation Permissible Place of Use (PPU) reducing from 2,365.6 irrigable acres to 2,292.2 irrigable acres within a 3,407.0 acre PPU for water rights 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040, 73-10041 and 73-12110 along with a split portion of right 73-32. The proposed PPU was reduced by 40 acres in the first response to an additional information request to this application. This PPU is located East of Pahsimeroi Valley Rd and Bart Lane in Custer and Lemhi Counties.

40 acres on the original application were listed on the proposed permissible place of use in T13N, R23E, S18, NWNW L3. However, the map provided shows these acres in T13N, R23E, S18 NWSW L3. This was corrected on the second amendment to the application.

They also propose to 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 Goldberg 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 specify where the rediversion is made to the Flying Joseph Ranch property from the Pahsimeroi River.

They also requested to remove a point of diversion located in NESW, T12N, R23E, S2 from all water rights. (73-150C, 73-147A, 73-150D, 73-189 & 73-10040 are all Flying Joseph Ranch LLC water rights with this POD) from the Pahsimeroi River. This POD is located South of the corner of Hatch Lane and Double Springs Rd in Custer County.

Authority to File:

Current county tax lot data lists ownership of most of the property for this permissible 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 and 73-12146 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.

73-32 authorizes the irrigation of 73.0 acres. I found that only 53.0 acres were irrigated within it's authorized place of use in the last five years. The current combined limits of the rest of the rights proposed in transfer application 81964 authorize 2,365.6 acres. Historical use review shows that a total of 1,652.4 acres have been irrigated of the 2,365.6 acres authorized in the last five years. They propose to put a 25 acre portion of right 73-32 with Transfer 81964. $25.0 + 1,652.4 = 1,677.4 - 35$ (acres from ownership change split of 73-189) = 1,642.4 (acres are available for transfer.) – 73.4 acres (irrigation component of 73-147A, 73-10041 and 73-12110 to Wildlife, Aesthetic, and Recreation Storage and Diversion to Storage) = 1,569 acres left for irrigation within the 3,367.0 acre PPU. 3,407 original proposed – 40 acres owned by Pahsimeroi River Farms.

Injury to Other Water Rights:

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

Enlargement of Use:

Overall irrigable acres will be reduced by 73.4 acres to accommodate the evaporation and seepage 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. 73-189 overlapped the larger place of use of Big Creek rights 73-10041 and 73-12110. If the transfers are approved the combined limits for the irrigable acres will have to include 73-12260 or a proportional amount of rights 73-10041 and 73-12210 appurtenant to the common 35 acres will have to be abandoned to avoid enlargement of these acres. The applicant has proposed to reduce the acreage of the overlapping rights by the associated 35 acres. This eliminates the potential to enlarge the irrigable acres by 35.0 acres within the PPU proposed on transfer 81964 for Flying Joseph Ranch.

Big Creek rights have a lower rate per acre than the Pahsimeroi River water rights. 73-10041 provides 0.003 cfs per acre while 73-12110 provides 0.014 cfs per acre. 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. These water rights will be reduced by the proportionate rate amount that was associated with the 35 acres to avoid an enlargement.

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 will be requested from the watermasters and this application will be advertised to address any concerns.

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: Thursday, July 12, 2018 2:42 PM
To: 'James Speck'
Subject: RE: Flying Joseph Ranch LLC - Applications for Transfer Nos. 81963 and 81964

Jim,

As you know the last requested information received on this application was June 26, 2018. I am currently working through the application and the answers to requests for information received. I hope to have these applications ready to an advertise soon. Thanks for your patience.

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, July 10, 2018 4:58 PM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Cc: Roxanne Brown (rbrown@spfwater.com) <rbrown@spfwater.com>; Joe Clark (jclark@winglets.com) <jclark@winglets.com>; Troy Zeigler (trz@custertel.net) <trz@custertel.net>
Subject: Re: Flying Joseph Ranch LLC - Applications for Transfer Nos. 81963 and 81964

Clay,

A you know I represent the Applicant in these matters. I have been following your exchange of correspondence and documents with Roxanne Brown and I believe she has adequately addressed all of your requests for information. The Applications were originally filed in October, 2017. How soon can we expect them to be advertised so that we will then know if anyone else has concerns about them?

Thank you.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue North
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com



SPF WATER
ENGINEERING

RECEIVED

JUN 26 2018

DEPARTMENT OF
WATER RESOURCES

June 26, 2018

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

Re: Application for Transfer Nos. 81963 and 81964 – June 4, 2018 Request for Additional Information

Dear Clay,

On behalf of Flying Joseph Ranch, we are pleased to submit the additional information you requested in correspondence date June 4, 2018. The information is provided in the order requested.

Enlargement of Water Rights Appurtenant to Pahsimeroi River Farms

As noted in our letter submitted May 15, 2018:

Flying Joseph Ranch did not choose to convey portions of water rights 73-10041 and 73-12210 to Pahsimeroi River Farms. These two water rights are currently described within a very large place of use, making the per-acre contribution of each right very small. Instead of conveying very small portions of water rights 73-10041 and 73-12210 to Pahsimeroi River Farms, Flying Joseph Ranch elected to use these rights on a smaller area (the original area of use minus 35 acres conveyed to PRF). Since no additional area will be irrigated, Flying Joseph Ranch does not understand this to be an enlargement of the rights. We understand the Department's concern with enlargement, and respectfully request to review and comment on proposed combined use provisions and other Conditions of Approval prior to issuance of the approved transfer. *(Please note this paragraph refers to water right 73-12110, not 73-12210 as originally submitted.)*

The water rights in questions (73-10041 and 73-12110) have very junior priority dates (11/24/1909 and 4/1/1969). Watermaster Ted O'Neal states the rights have never been administered by the water district because they are out of priority prior to regulation each year. Your letter states concern over increased consumptive use, but this seems impossible given the large number of water rights available as the normal season begins each year. As also previously stated, the applicant understands IDWR's concern and looks forward to a review of the Department's decision concerning the use of these rights.

Total Area Irrigated in Previous Five Years

Flying Joseph Ranch lies in the upper Pahsimeroi River Valley. Precipitation on the valley floor averages 8 inches annually¹, thus water users rely heavily on spring runoff of snow from the Lemhi and Lost River mountain ranges to accomplish crop production. Available water is literally "feast or famine". Some years, if snowfall is abundant and runoff occurs at the right time (and is not too fast, not too slow), Flying Joseph is able to use all available water for irrigation on almost every corner of the property through use of existing flood irrigation ditches (many visible on current aerial photography), and distribution through portable handlines. This area, in excellent water years, may exceed the irrigated area authorized by existing water rights, not by design but by the nature of abundant flood irrigation. This is the purpose of the proposed permissible place of use.

Use of Water Right 73-32 in Previous Five Years

The purpose of the transfer applications filed by Flying Joseph Ranch is to correct IDWR's records to reflect actual irrigation practices that have been in place for more than 10 years. As such, water right 73-32 has not been used solely on its currently described place of use for a very long time and should not be reduced based on the existing IDWR shapefile. In fact, the distribution systems combine and convey Big Creek water rights (including 73-32) as detailed in the applications.

Various Overlapping Water Rights and Combined Use Conditions

We understand that several of the historical Flying Joseph Ranch water rights were adjudicated without the use of combined use conditions commonly applied by IDWR to overlapping water rights. We also understand that combined use conditions will be applied during the processing of the transfer applications.

Please contact SPF or Mr. Jim Speck if you have additional questions.

Best Regards,



Roxanne Brown
Sr. Water Rights Specialist

CC: Jim Speck, Joe Clark

Enclosures

¹ "A Reconnaissance of the Water Resources of the Pahsimeroi River Basin, Idaho", IDWR Water Information Bulletin No. 31, 1973

Webster, Clay

From: Roxanne Brown <RBrown@spfwater.com>
Sent: Thursday, June 07, 2018 10:18 AM
To: Webster, Clay; James Speck
Subject: RE: Request for additional information on Transfer Applications 81963 and 81964 Flying Joseph Ranch LLC

Clay – I have reviewed your request and will explain the overlaps identified in the letter. In addition, you appear to have done a § 42-222 forfeiture analysis on the transfer applications. I wonder how this squares with the resumption of use process that can occur at any time?

Roxanne

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2136

e. rbrown@spfwater.com | c. 208.859.8428

From: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Sent: Friday, June 1, 2018 1:32 PM
To: Roxanne Brown <RBrown@spfwater.com>; James Speck <jim@speckandaanestad.com>
Subject: Request for additional information on Transfer Applications 81963 and 81964 Flying Joseph Ranch LLC

Roxanne and Jim,

The attached request for additional information was sent out today on these applications. Have a great weekend!

Sincerely,

Clay Webster

Water Rights Supervisor

clay.webster@idwr.idaho.gov

208-287-4910

Idaho Department of Water Resources (IDWR)

Webster, Clay

From: Roxanne Brown <RBrown@spfwater.com>
Sent: Thursday, June 07, 2018 10:05 AM
To: Webster, Clay
Subject: RE: Shapefiles of irrigated acres for Flying Joseph Ranch LLC

Clay – Thank you for this. I have sent a map to the ranch manager to confirm irrigated areas in the last 5 years and the method of irrigation. I'll try and wrap this up as soon as possible.

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC
300 E Mallard Drive, Suite 350 | Boise, ID 83706
p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2136
e. rbrown@spfwater.com | c. 208.859.8428

From: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Sent: Friday, June 1, 2018 1:35 PM
To: Roxanne Brown <RBrown@spfwater.com>
Subject: Shapefiles of irrigated acres for Flying Joseph Ranch LLC

Roxanne,

Here are the shape files for the irrigated acres that we found. Thanks.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 4, 2018

FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE WA 98108

RE: APPLICATIONS FOR TRANSFER OF WATER RIGHTS

Transfer 81964 - Rights 73-32 (part), 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040, 73-14001, 73-12110 and 73-12146

Transfer 81963 - 73-15A, 73-32 (part), 73-150C, 73-188B, 73-2159, 73-2162, 73-4001, 73-4003, 73-7102, 73-10020A, 73-10020B, 73-10023, 73-10024, 73-11840, 73-12171 and 73-12172

Dear Applicant:

The Department of Water Resources (Department) received amendments for Applications for Transfer 81963 and 81964 on the above mentioned water rights on May 15, 2018 in response to a request for additional information sent April 19, 2018. The Department is required to evaluate these applications in accordance with Idaho Code § 42-222. The following issues will need to be addressed prior to the continued processing of these applications.

The first is the enlargement concern of water rights 73-10041 and 73-12110. While the proposal of the reduction of the 35 acres addresses the enlargement of irrigable acres, it does not address the enlargement of the associated rate. Allowing the 0.595 cfs associated with the irrigation of the 35 acres being split off rights 73-10041 and 73-12110 to be applied to other acres, could allow an increase in consumptive use on acres not previously covered by this rate.

The second issue is that a review of irrigated acres found a total of 2,878.2 acres have been irrigated in the last five years on the Flying Joseph Ranch LLC properties instead of the 4,269.4 acres authorized. See attached map showing these irrigated acres. A GIS shape file identifying these same acres will be sent to your consultant.

The result of this analysis, revealed under Right 37-32, proposed to be split between the two transfers, a total of 53 acres was irrigated within the last 5 years instead of the 73 acres authorized.

Further review found there are 34 overlapping acres between the existing place of use for 37-32 and 73-10020B and 73-11840 that were not addressed in any previous conditions. These acres are 30 acres in the NENE of S13, T13N, R22E, and 4 acres in the SENE of S13, T13N, R22E.

There is also an overlap of 3.1 acres in the 2,365.6 acre POU of rights proposed for transfer 81964 and right 73-7102 which was not addressed in previous conditions. These acres are 0.5 acres in NWNE of S12, T13N, R22E, and 2.6 acres in NENW of S12, T13N, R22E.

There was also an overlap of 23.0 acres in the 2,365.6 acre POU of rights proposed for transfer 81964 and right 73-10020A which was not addressed in previous conditions. These acres are 23.0 acres in SWNE of S12, T13N, R22E.

Right 73-189 was reduced by 35 acres due to the ownership change resulting in Right 73-12260. This means a total of 1,652.4 acres with proportionate rates and volumes are available for Transfer 81964 along with a portion of the 53 acres available under Right 73-32.

A total of 1,137.8 acres with proportionate rates and volumes are available for Transfer 81963 along with a portion of the 53 acres available under Right 73-32.

Transfer 81964	Transfer 81963	Right 73-32	Total Transfer Acres	Right 73- 12260	Total Irrigated Acres
1652.4 acres	1137.8 acres	53 acres	2843.2 acres	35 acres	2878.2 acres

Please provide the Department with any evidence supporting irrigation of additional acres within the last 5 years under the rights proposed transferred beyond those identified on the enclosed map.

Also, specify the manner in which you wish to split the 53 acres identified as irrigated and available for transfer under Right 73-32 between the two transfers.

Return the requested information within 30 days or by July 5, 2018, so that processing of your applications can continue. Failure to provide the requested information in a timely manner may result in the applications being voided.

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

Sincerely,

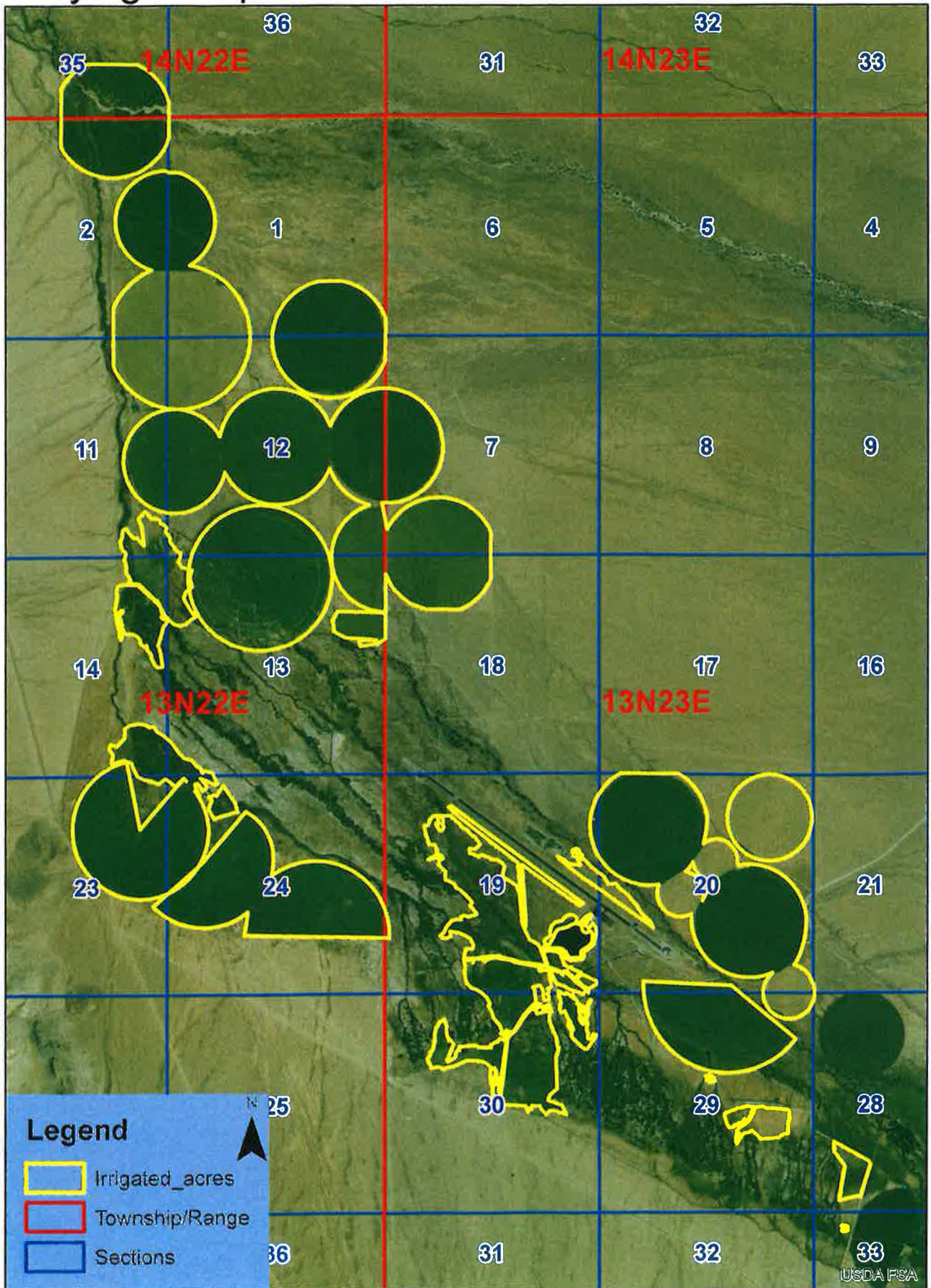


Clay Webster
Water Rights Supervisor

- c. Roxanne Brown – SPF Water Engineering
James Speck – Speck and Aanestad

Enclosure - Map

Flying Joseph Ranch LLC Historical Use Review





SPF WATER
ENGINEERING

RECEIVED

MAY 15 2018

DEPARTMENT OF
WATER RESOURCES

May 15, 2018

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

Re: Application for Transfer Nos. 81963 and 81964 – Request for Additional Information

Dear Clay,

On behalf of Flying Joseph Ranch, we are pleased to submit the additional information you requested in correspondence date April 19, 2018. The information is provided in the order requested.

Description of the Proposed Permissible Place of Use

A typographical error has been identified and corrected on the enclosed amendment of Transfer No. 81964.

Property Owned by Pahsimeroi River Farms

After consideration, lands owned by Pahsimeroi River Farms have been removed from proposed Transfer No. 81964. The corrected place of use is shown on the amended transfer application submitted with this correspondence.

Property Owned by Idaho Department of Lands

We believe Farming Lease No. C800060 approved by the Idaho Department of Lands and signed by Flying Joseph Ranch on September 6, 2017 is sufficient evidence of the applicant's authorization to file Transfer Application 81963. A copy of the lease is enclosed.

Enlargement of Water Rights Appurtenant to Pahsimeroi River Farms

A portion of water right 73-189 was conveyed by Flying Joseph Ranch to Pahsimeroi River Farms (PRF) at the time of the sale of land in the SWSE Section 35, T14N R22E. PRF changed ownership of their portion of 73-189 (now numbered 73-12260) and filed Application for Transfer No. 81861 to correct the place of use description of the water right and authorize irrigation of the PRF land.

Flying Joseph Ranch did not choose to convey portions of water rights 73-10041 and 73-12210 to Pahsimeroi River Farms. These two water rights are currently described within a very large place of use, making the per-acre contribution of each right very small. Instead of conveying very small portions of water rights 73-10041 and 73-12210 to Pahsimeroi River Farms, Flying Joseph Ranch elected to use these rights on a smaller area (the original area of use minus 35 acres conveyed to PRF). Since no additional area will be irrigated, Flying Joseph Ranch does not understand this to be an enlargement of the rights. We understand the Department's concern with enlargement, and respectfully request to review and comment on proposed combined use provisions and other Conditions of Approval prior to issuance of the approved transfer.

Surface Water Conveyance to Northern Pivots

Surface water to the five northern pivots is supplied to the pipeline shown on the map included with Transfer Application 81964 through an open ditch. Water from Big Creek, Goldberg Creek and the Pahsimeroi River are diverted (or rediverted) from the Pahsimeroi River channel in the SWSE, Section 20, T13N, R23E and flows in a series of ditches to the beginning of the pipeline located in the SWNW, Section 13, T13N, R22E. Water from Spring Creek is delivered through the same system of ditches to the pivot pipeline in Section 13.

Map of Conveyance and Distribution System for Proposed Transfer Nos. 81963

Please see the enclosed map labeled "Transfer Application No. 81963 Conveyance and Distribution System". The following details are provided to clarify the distribution system:

- Bear Creek is diverted near its confluence with "Ditch Creek" which appears to be a constructed ditch, rather than a natural stream channel. From there, Bear Creek water is injected into Goldberg Creek, then injected into the Pahsimeroi River, and rediverted at two points of diversion located in Section 18 and Section 28, T13N, R23E.
- Big Creek water is conveyed in the California Ditch, injected into the Pahsimeroi River, and rediverted at two points of diversion in Section 18 and Section 28.
- Groundwater wells are located as shown on the map. Groundwater is distributed in a series of pipelines also shown on the map.
- Surface water (Big Creek, Bear Creek, and the Pahsimeroi River) is combined with groundwater and distributed through the existing pipelines.
- Combined groundwater and surface water is distributed outside of existing pivots through a series of ditches and/or sprinkler systems depending on available annual water supply.

Removal of a Point of Diversion

Amended Transfer Application No. 81964 identifies a point of diversion to be removed from all water rights identified on the application. This includes water rights 73-147A, 73-150D, 73-189, and 73-10040. Your correspondence is correct; water right 73-150C is not listed on Transfer Application No. 81964. An amended Point of Diversion Supplement page is enclosed. The amended supplement should be added to Transfer Application No. 81963 to clarify the proposed removal of the point of diversion in the NESW, Section 2, T12N, R23E. No other changes to the points of diversion of water rights listed on Transfer Application No. 81963 are proposed.

Please contact SPF or Mr. Jim Speck if you have additional questions.

Best Regards,



Roxanne Brown
Sr. Water Rights Specialist

CC: Jim Speck, Joe Clark

Enclosures

Webster, Clay

From: Roxanne Brown <RBrown@spfwater.com>
Sent: Monday, April 23, 2018 11:34 AM
To: Webster, Clay; jgalfano@winglets.com
Cc: James Speck
Subject: RE: Transfer applications 81963 & 81964 Request for Additional Information

Clay – We will be addressing your questions as quickly as we can.

Roxanne

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC
300 E Mallard Drive, Suite 350 | Boise, ID 83706
p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2136
e. rbrown@spfwater.com | c. 208.859.8428

From: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Sent: Friday, April 20, 2018 7:42 AM
To: jgalfano@winglets.com
Cc: Roxanne Brown <RBrown@spfwater.com>; James Speck <jim@speckandaanestad.com>
Subject: Transfer applications 81963 & 81964 Request for Additional Information

Dear Applicant,

The Department of Water Resources has completed our initial review of your transfer applications for Flying Joseph Ranch LLC. This letter requesting additional information on transfer applications 81963 and 81964 and attached map were mailed yesterday. Thanks you for your attention to this matter.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 19, 2018

FLYING JOSEPH RANCH LLC
7299 PERIMETER RD S
SEATTLE WA 98108

RE: APPLICATIONS FOR TRANSFER OF WATER RIGHTS 73-32 (part), 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040, 73-14001, 73-12110 and 73-12146. (81964) / 73-15A, 73-32 (part), 73-150C, 73-188B, 73-2159, 73-2162, 73-4001, 73-4003, 73-7102, 73-10020A, 73-10020B, 73-10023, 73-10024, 73-11840, 73-12171 and 73-12172. (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. This application was placed on a 60-day hold to allow for an amendment to be drafted. The Department received an Amended Application for transfer 81964 on March 7, 2018. The department is required to evaluate these applications in accordance with Idaho Code § 42-222. Initial review of 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;

- The tabature of the legal description of the proposed permissible place of use and the map provided does not match (see T13N,R23E,S18 on transfer 81964). **Supply updated maps or tabature to correct this discrepancy for the proposed PPU.**
- Some of the legal description tabature provided shows acreages owned by Pahsimeroi Farms LLC & Gia Guddat and Idaho Department of Lands. **Supply written authorizations to utilize these places of use.**
- Water right 73-12260 was split from 73-189 which shared a common place of use with 73-10041 and 73-12210. Either the combined limit for the irrigable acres will have to include 73-12260, or a proportional amount of rights 73-10041 and 73-12210 appurtenant to the common 35 acres will have to be abandoned to avoid enlargement of these acres. **Supply written instructions on how you wish the department to address this enlargement concern.**
- **Supply an explanation of how the surface water is being conveyed to the Northern pivots on transfer 81964. (see provided map attached)**

- **Supply a map of the conveyance and distribution systems for transfer 81963. Make sure it shows how the water is being conveyed from all sources (Spring Creek, Goldburg Creek, Ground Water , Pahsimeroi River and Big Creek) to the pivot systems.**
- 73-150C was not named on transfer 81964, therefore this POD cannot be removed from that right by this transfer application. 73-150C is named on transfer 81963. However, this transfer did not request the removal of this POD. **How do you wish to proceed on this issue?**

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

Webster, Clay

From: Roxanne Brown <RBrown@spfwater.com>
Sent: Wednesday, April 18, 2018 9:40 AM
To: Webster, Clay
Subject: RE: Flying Joseph Ranch LLC Transfers 81963 and 81964
Attachments: GW PPU.SHX; GW PPU.DBF; GW PPU.PRJ; GW PPU.SBN; GW PPU.SBX; GW PPU.SHP; SW PPU.SHX; SW PPU.DBF; SW PPU.PRJ; SW PPU.SBN; SW PPU.SBX; SW PPU.SHP

Please let me know if you need anything else.

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2136

e. rbrown@spfwater.com | c. 208.859.8428

From: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Sent: Tuesday, April 17, 2018 2:56 PM
To: Roxanne Brown <RBrown@spfwater.com>
Subject: Flying Joseph Ranch LLC Transfers 81963 and 81964

Roxanne,

I am currently reviewing the Transfers for Flying Joseph Ranch. Could you send me the shape files for the proposed permissible places of use? Thanks

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

TRANSMITTAL

RECEIVED

MAR 07 2018

DEPARTMENT OF
WATER RESOURCES

DATE: March 6, 2018

TO: Idaho Department of Water Resources, Pam Skaggs

FROM: Roxanne Brown

RE: Transfer Application No. 81964

JOB NO.:

The following items are:

- | | | |
|--------------------------------------|--|---|
| ☐ Requested | ☒ Attached | ☐ Shipped Via _____ |
| ☐ Report | ☐ Specification | ☐ Cost Estimate ☐ Shop Drawings |
| ☐ Test Result | ☐ Prints | ☐ Test Sample ☐ Other |

No.	Description
1	Amended Transfer Application 81964 and supporting materials

These materials are submitted:

- | | |
|--|---|
| ☐ At your request | ☒ For your action |
| ☐ For your approval | ☐ For your files |
| ☐ For your review | ☐ For your information |

General Remarks: Please contact Roxanne Brown with any questions.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 10, 2018

FLYING JOSEPH RANCH LLC
7299 PERIMETER RD
SEATTLE WA 98108

RE: Applications for Transfer 81962, 81963 & 81964
Flying Joseph Ranch LLC

Dear Applicant:

I have enclosed email correspondence between your representative Roxanne Brown of SPF Engineering (SPF) and myself regarding your transfer applications. On your applications you designated original mail should be sent to you and copies to SPF as your representative. Since you didn't provide an email address on your application and couldn't be included in our email correspondence, I am sending you this letter to explain the current status of your application.

Roxanne explained that recent discussions with Idaho Department of Fish and Game have resulted in a different strategy for your water rights than proposed under the existing applications. One application may be withdrawn and another revised. The Department has agreed to place these applications on a 60-day hold to allow for these proposed changes to the applications to be accomplished.

If you require additional information regarding this matter, please call me directly at (208) 287-4951, e-mail me at pam.skaggs@idwr.idaho.gov or contact me by mail.

Sincerely,

Pamela S. Skaggs
Water Rights Supervisor

Enclosure

Copy to: SPF Water Engineering LLC, Roxanne Brown

Skaggs, Pam

From: Roxanne Brown <RBrown@spfwater.com>
Sent: Wednesday, January 10, 2018 9:48 AM
To: Skaggs, Pam
Cc: 'Jim Speck (jim@speckandaanestad.com)'; Webster, Clay; Rauhut, Manuel; Keen, Shelley
Subject: RE: Flying Joseph Ranch transfer

Thanks, Pam.

Flying Joseph Ranch is currently working through the details concerning the apparent overlap on Pahsimeroi River Farms and we hope to resolve the issue soon. I'll let you know the result as soon as possible.

Roxanne

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC
300 E Mallard Drive, Suite 350 | Boise, ID 83706
p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2136
e. rbrown@spfwater.com | c. 208.859.8428

From: Skaggs, Pam [mailto:Pam.Skaggs@idwr.idaho.gov]
Sent: Wednesday, January 10, 2018 8:23 AM
To: Roxanne Brown <RBrown@spfwater.com>
Cc: 'Jim Speck (jim@speckandaanestad.com)' <jim@speckandaanestad.com>; Webster, Clay <Clay.Webster@idwr.idaho.gov>; Rauhut, Manuel <Manuel.Rauhut@idwr.idaho.gov>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Subject: RE: Flying Joseph Ranch transfer

Roxanne,

Thank you for your communication regarding the status of Flying Joseph Ranch LLC, Transfer applications 81962, 81963 and 81964. These transfers will be placed on a 60-day processing hold per your request to allow an opportunity to withdraw or revise them to meet your client's needs.

You haven't addressed the overlap questions in the December 4, 2017, letter to Pahsimeroi River Farms LLC regarding related Transfer application 81861. Please advise me regarding the status of this application and respond to our concerns. Transfer 81861 is an acceptable application that will be advertised the first two weeks of February regardless of our concerns and the possibility the transfer may not be approved. If you intend to withdraw or revise this application, please advise me as soon as possible. Once the application has been advertised the fee will not be refunded if the application is withdrawn and modifications to the application may require re-advertisement with an additional fee.

A status letter with a copy of this email will be sent out to both the applicants regarding the status of their individual applications since they didn't provide email addresses and requested original correspondence be addressed to them.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
322 E. Front St
PO Box 83720



SPF WATER
ENGINEERING

October 26, 2017

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

RECEIVED
OCT 26 2017
DEPARTMENT OF
WATER RESOURCES

Via hand-delivery

Re: Application for Transfer – Flying Joseph Ranch

Dear Pam,

On behalf of Joe Clark and Flying Joseph Ranch, we are pleased to submit the attached letter to be included with the Flying Joseph transfer application (Water Right Nos. 73-32, et al.).

The application seeks to correctly describe the place of use for the listed water rights after installation of several pivots, including land owned by Pahsimeroi River Farms. Manuel Rauhut of your office is currently reviewing the transfer application filed by Pahsimeroi River Farms.

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.

Best Regards,

Roxanne Brown
Sr. Water Rights Specialist

CC: Jim Spock
Flying Joseph Ranch

SPF Job No. 1327.0010

COPY

October 23, 2017

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

Re: Authorization for Transfer Application (73-32 et al.) – Flying Joseph Ranch
Change in Ownership and Place of Use Transfer (73-189) – Pahsimeroi River Farms

Dear Ms. Skaggs,

I am a member and sole owner of Pahsimeroi River Farms after the death of my husband, Scott Kartermann. This letter is intended to inform the Department that I am aware of a transfer application filed by Flying Joseph Ranch that includes an irrigated area of Pahsimeroi River Farms. I authorize processing of the transfer as it pertains to my property.

Pahsimeroi River Farms has an agreement with Flying Joseph Ranch to continue irrigation of my land with an existing pivot. Flying Joseph Ranch will continue delivery of my portion of water right 73-189 until such time our agreement terminates.

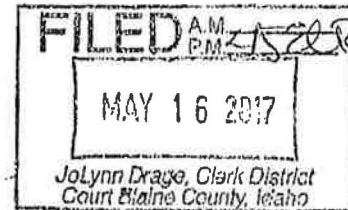
Thank you for your consideration of this matter.

A handwritten signature in cursive script, appearing to read 'Gla Guddat', with a long horizontal flourish extending to the right.

Gla Guddat

Robert I. Fallowfield
LUBOVISKI, WYGLE,
FALLOWFIELD & RITZAU, P.A.

Suite 205, The Station
460 Sun Valley Road
P.O. Box 1172
Ketchum, Idaho 83340
Tel: 208/726-8219
Fax: 208/726-3750
rfallowfield@lwflaw.com
ISB No. 1951



Attorneys for Petitioner

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF)	
SCOTT MONROE KARTERMAN,)	Case No. CV-2017-254
Deceased.)	DECREE VESTING ESTATE
)	IN SURVIVING SPOUSE

Upon consideration of the Petition for Summary Administration of Estate in which
Surviving Spouse is Sole Beneficiary filed by Gia M. Guddat, the Court finds that:

1. The facts set forth in the Petition are true.
2. The required notice to the Decedent's only child has been given.
3. The decedent, Scott Monroe Karterman, died on March 31, 2017, domiciled in Blaine County, Idaho.
4. Venue is proper.
5. The decedent and Gia M. Guddat were married on November 19, 2001, in Miami, Florida and remained married until the decedent's death.
6. The surviving spouse, Gia M. Guddat, is the sole devisee of the decedent.

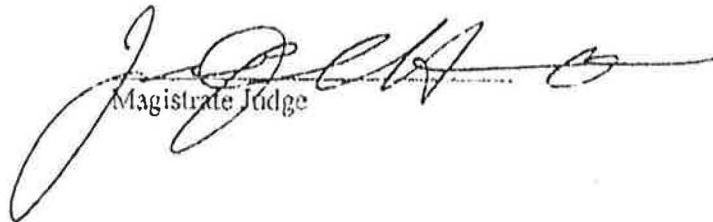
DECREE VESTING ESTATE IN SURVIVING SPOUSE/1

7. The decedent died testate, leaving a Will dated February 21, 2017, The Will was validly executed and is the last Will of the decedent.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. Gia M. Guddat is the surviving spouse of the decedent and is the sole devisee of the decedent.
2. The property of the decedent is hereby vested in and distributed to Gia M. Guddat free and clear of all right, title, claim or demand of any person or persons claiming or attempting to claim under the estate of the decedent as heir, devisee or otherwise except as a proper creditor.
3. The surviving spouse shall assume and be liable for any and all indebtedness that may be a claim against the estate of the decedent.
4. There shall be no administration of the estate of the decedent.

DATED this 16 day of May, 2017.

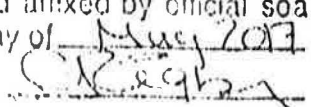

Magistrate Judge

STATE OF IDAHO } ss
County of Blaine

I do hereby certify that the foregoing is a full, true and correct copy of the original thereof, on file in my office.

IN WITNESS THEREOF, I have hereunto set my hand and affixed by official seal this 16 day of May 2017

JOLYNN PAGE
Clerk District Court


Deputy

Webster, Clay

From: Skaggs, Pam
Sent: Wednesday, January 10, 2018 8:23 AM
To: Roxanne Brown
Cc: 'Jim Speck (jim@speckandaanestad.com)'; Webster, Clay; Rauhut, Manuel; Keen, Shelley
Subject: RE: Flying Joseph Ranch transfer

Roxanne,

Thank you for your communication regarding the status of Flying Joseph Ranch LLC, Transfer applications 81962, 81963 and 81964. These transfers will be placed on a 60-day processing hold per your request to allow an opportunity to withdraw or revise them to meet your client's needs.

You haven't addressed the overlap questions in the December 4, 2017, letter to Pahsimeroi River Farms LLC regarding related Transfer application 81861. Please advise me regarding the status of this application and respond to our concerns. Transfer 81861 is an acceptable application that will be advertised the first two weeks of February regardless of our concerns and the possibility the transfer may not be approved. If you intend to withdraw or revise this application, please advise me as soon as possible. Once the application has been advertised the fee will not be refunded if the application is withdrawn and modifications to the application may require re-advertisement with an additional fee.

A status letter with a copy of this email will be sent out to both the applicants regarding the status of their individual applications since they didn't provide email addresses and requested original correspondence be addressed to them.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4951
Fax (208) 287-6700

From: Roxanne Brown [mailto:RBrown@spfwater.com]
Sent: Wednesday, January 10, 2018 6:59 AM
To: Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>
Cc: 'Jim Speck (jim@speckandaanestad.com)' <jim@speckandaanestad.com>
Subject: Flying Joseph Ranch transfer

Pam –

After recent discussions with Idaho Fish & Game and the AG's office, Flying Joseph Ranch has decided to proceed with a different water right strategy. The transfer for the pond (#81962/73-10054) will be withdrawn. One of the other transfer applications will be amended to include the volume of the proposed enlargement of the newer pond.

These actions are being taken in an effort to resolve IDFG protest to permit application 73-12175. At our recent meeting, IDFG indicated they will no longer require breaching the dam retaining water for 73-10054. This was completely unforeseen. Is it possible to request suspending processing of the transfer applications to allow Flying Joseph Ranch to make the necessary withdrawal and amendment?

Thank you for your consideration, and please forward this email to both Clay and Manuel.

Roxanne

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2136

e. rbrown@spfwater.com | c. 208.859.8428



State of Idaho
DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720 0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

COPY

December 4, 2017

PAHSIMEROI RIVER FARMS LLC
PO BOX 971
SUN VALLEY ID 83353

RE: Application for Transfer 81861

Dear Applicant:

On October 26, 2017 we received a response from SPF to our letter dated September 13, 2017 (copy enclosed) requesting additional information regarding your above referenced Application for Transfer.

Based on the information SPF provided we understand that the entire portion of the place of use (POU) (35 acres in the SW of the SE of Section 35 in T14N, R22E) is now under the sole ownership of Ms. Gia Guddat and that there is an existing agreement between Pahsimeroi River Farms (PRF), LLC and Flying Joseph Ranch (FJR).

In the September 13, 2016 letter we also requested additional information on how this transfer will affect the POU associated with water rights 73-189, 73-10041, and 73-12110. SPF included a companion transfer application, submitted by FJR, to clarify how the existing POU will be adjusted to accommodate this transfer. However, this additional information does not sufficiently clarify how the overlapping water rights 73-10041 and 73-12110 will be adjusted. To date we were not provided a Quitclaim Deed from FJR to transfer a portion of those two water rights to PRF.

Please submit a detailed narrative explaining how the overlapping water rights 73-10041 and 73-12110 will be adjusted and provide the associated Quitclaim Deeds from FJR or an agreement to forfeit their portion of those two water rights. Furthermore, to facilitate the processing of this Application for Transfer and the companion transfer(s), please forward the associated ArcMap shapefiles.

Please respond to this letter with the requested information by December 29, 2017, or your application may be rejected. If you have questions, you may reach me at 208-287-4800.

Thank you,


Manuel Rauhut, PE
Staff Engineer, Water Rights Section

Cc: Roxanne Brown, SPF Water Engineering
Flying Joseph Ranch, LLC



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 13, 2017

PAHSIMEROI RIVER FARMS LLC
PO BOX 971
SUN VALLEY ID 83353

RE: Application for Transfer 81861

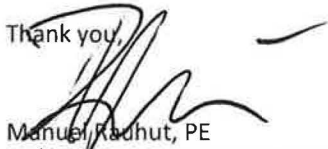
Dear Applicant:

I have performed an initial review of your water right transfer application and proposal. In order to process your application, we need some additional information described below.

- In the transfer application (application) SPF references a companion transfer filed by Flying Joseph Ranch (FJR), which describes the proposed changed place of use under water right 73-189 that will be reduced by 35 acres identified in this transfer. IDWR has not received an application from FJR that addresses this to date. Please include a map with a signed statement by an authorized representative of FJR that identifies the specific 35 acres of their land within the currently authorized place of use for water right 73-189, or supplemental water rights 73-10041 and 73-12110, that will no longer be irrigated should this application be approved.
- Along with your transfer application you submitted a Notice of Water Right Change of Ownership including a Quitclaim Deed, dated March 8, 2013, which assigns 0.7 cfs of water right 73-189 from Flying Joseph Ranch, LLC to Pahsimeroi River Farms (PRF), LLC. In Section 5.b. of the Application for Transfer of Water Right please clarify the arrangement enabling you to access FJR property for the point of diversion and diversion system and include supporting documentation.
- Based on our taxlot information for Custer County, the proposed 35 acre place of use shown in the application for an existing pivot is divided into two separate parcels and ownership. The southern half is in the name of PRF and Gia Guddat and the northern half is in the name of Scott Kartermann. Based on the Secretary of State website, Gia Guddat and Scott Kartermann are members of PRF. Please explain the arrangement that allows access to Mr. Kartermann's property and provide supporting documentation or include Mr. Kartermann as a co-applicant. Should Ms. Guddat also be listed as a co-applicant if she has an individual interest along with PRF in the southern portion?
- Also clarify if the ownership of the water right following the transfer should include PRF, Mr. Kartermann and Ms. Guddat, or provide an agreement from the parties that clarifies that PRF has sole ownership of the water right proposed located on parcels of land with individual ownership.

Please respond to this letter with the requested information by November 12, 2017, or your application may be rejected. If you have questions, you may reach me at 208-287-4800.

Thank you,


Manuel Radhut, PE
Staff Engineer, Water Rights Section

Cc: Roxanne Brown, SPF Water Engineering



SPF WATER
ENGINEERING

October 18, 2017

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

RECEIVED

OCT 18 2017

DEPARTMENT OF
WATER RESOURCES

Via hand-delivery

Re: Applications for Transfer (3) – Flying Joseph Ranch

Dear Pam,

On behalf of Joe Clark and Flying Joseph Ranch, we are pleased to submit the enclosed applications.

The first application (water right 73-10054) describes the proposed move of a reservoir upstream to a new location. Both locations are owned by Flying Joseph Ranch; there are no intervening water right diversions other than those owned by the applicant. The second application (water right 73-2159, et al.) seeks to correctly describe the place of use for the listed water rights after installation of several pivots. The transfer describes land irrigated from a single delivery system. Application 3 (water right 73-32, et al) also seeks to correctly describe the place of use for the listed water rights after installation of several pivots. The transfer describes land irrigated from a single delivery system.

The filing fees for these applications have been calculated as follows:

Application	Quantity Transferred		Base Fee	Additional Fee	Total
	cfs	afa			
73-10054		160	\$ 580.00		\$ 580.00
73-2159, et al.	46.85		\$ 2,020.00	\$ 1,080.00	\$ 3,100.00
73-32, et al.	80.57		\$ 2,020.00	\$ 2,440.00	\$ 4,460.00
TOTAL					\$ 8,140.00

A check for the total amount is attached.

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.

Best Regards,

Roxanne Brown
Sr. Water Rights Specialist

CC: Jim Speck
Flying Joseph Ranch

SPF Job No. 1327.0010