



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

February 7, 2018

PAHSIMEROI RIVER FARMS LLC
PO BOX 971
SUN VALLEY ID 83353

RE: Application for Transfer 81861

Dear Applicant:

I have enclosed email correspondence between your representative Roxanne Brown of SPF Engineering (SPF) and myself regarding your transfer application. On your application 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 with the attached email strings to inform you of interactions with your representative related to your application.

Transfer 81861 completes advertising today followed by a 10-day protest period ending 2-20-2018. Roxanne initially proposed to amend your application to include the overlapping right(s) and I explained how to accomplish the change. Subsequently she submitted a copy of the special warranty deed between Flying Joseph Ranch LLC and Pahsimeroi River Farms LLC for the property subject to the transfer noting nothing further would be submitted and to complete processing.

We will proceed with final processing of your application as submitted following the end of the protest period and receipt of affidavit of publication from the paper.

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,

A handwritten signature in blue ink that reads "Pamela S. Skaggs".

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, February 07, 2018 2:03 PM
To: Skaggs, Pam
Cc: Rauhut, Manuel; 'Jim Speck (jim@speckandaanestad.com)'; 'Judy Galfano' (jgalfano@winglets.com); Joe Clark (jclark@winglets.com)
Subject: RE: Transfer 81861 Pahsimeroi River Farms LLC
Attachments: copier@valleyofficesystems.com_20180207_133035.pdf

Manuel –

Flying Joseph Ranch (FJR) has requested I submit a copy of the original deed conveying land from Flying Joseph to Pahsimeroi River Farms (attached). The deed specifically withholds water rights from the sale. FJR has informed me the only water right conveyed to Pahsimeroi River Farms was a portion of 73-189, as indicated on the quitclaim deed submitted with transfer application 81861.

Please proceed with processing the transfer as submitted.

Please contact me if you have additional questions.

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

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Brian Barsotti
Attorney at Law
P O Box 370
Ketchum, Idaho 83340

233353
Custer County Req. of
PAHSIMEROI RIVER FARMS LLC
Time 10:02 AM Date 2/10/2018
Ethel M. Peck, Clerk
Lurt Brunkes
Deputy

(Space above this line for Recorder's use)

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, FLYING JOSEPH RANCH, L.L.C., an Idaho limited liability company ("Grantor"), does hereby grant, bargain, sell and convey to PAHSIMEROI RIVER FARMS, L.L.C., an Idaho limited liability company ("Grantee"), whose address is P O Box 971, Sun Valley, Idaho, 83353, the real property located in Custer County, Idaho, more particularly described as follows:

The SW1/4 of the SE1/4 in Section 35 TWN. 14N.,
R. 22 EWM, located in Lemhi and Custer County,
Idaho,

(the "Property").

EXCEPTING AND RESERVING THEREFROM any and all water rights appurtenant thereto other than such water rights as may be conveyed hereafter by separate Quitclaim Deed from Grantor to Grantee.

TO HAVE AND TO HOLD the Property with all hereditaments and appurtenances thereto (except water rights which are conveyed under separate deed) unto the Grantee and Grantee's successors and assigns forever.

SUBJECT TO taxes for the year 2006, and thereafter, easements established or of record, particularly an Access Easement between Grantor and Grantee, and a Use Restriction Agreement between Grantor and Grantee, and such other restrictions and encumbrances of record, rights reserved in patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

Grantor shall warrant and defend the title against only the acts of Grantor and those claiming by or through Grantor and none other, subject to the matters set forth above.

(end of text)

233353

30 IN WITNESS WHEREOF, the Grantor has executed this instrument this
day of January, 2006.

FLYING JOSEPH RANCH, L.L.C.

By [Signature]
Joe Clark,
Its MEMBER

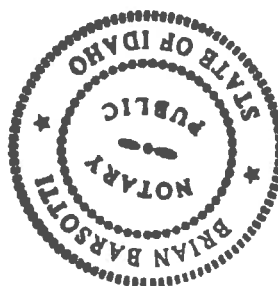
STATE OF IDAHO)
) ss.:
County of Blaine)

On this 30 day of January, 2006, before me, the undersigned, a Notary Public in and for said state, personally appeared JOE CLARK, known or identified to me to be one of the Members/Managers of FLYING JOSEPH RANCH, L.L.C., the limited liability company that executed the within instrument, or the person who executed the within instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

WITNESS My hand and seal the day and year in this certificate first above written.

[Signature]
Notary Public for Idaho
Residing at Ketchikan
Commission expires: 7/13/06

realest\flyingjoseph.wtydeed



Skaggs, Pam

From: Skaggs, Pam
Sent: Wednesday, February 07, 2018 11:39 AM
To: 'Roxanne Brown'
Cc: Rauhut, Manuel
Subject: RE: Transfer 81861 Pahsimeroi River Farms LLC

Roxanne,

The addition of the 2nd right will need to be identified on the application. You could resubmit page 3 of the application with the modification initialed & dated by the applicant if no other portions of the application should be modified. You should review the application to make sure no other changes are necessary for the transfer of both rights. If additional pages should be modified, I recommend that you submit a whole new application with new signature & date.

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, February 07, 2018 11:25 AM
To: Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>
Cc: Rauhut, Manuel <Manuel.Rauhut@idwr.idaho.gov>
Subject: RE: Transfer 81861 Pahsimeroi River Farms LLC

Pam – Do we also need to amend the Flying Joseph Ranch transfer application? Or can IDWR process the application accounting for the change in ownership of the overlapping water rights 73-10041 and 73-12110?

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: Roxanne Brown
Sent: Wednesday, February 7, 2018 11:17 AM
To: 'Skaggs, Pam' <Pam.Skaggs@idwr.idaho.gov>
Cc: Rauhut, Manuel <Manuel.Rauhut@idwr.idaho.gov>
Subject: RE: Transfer 81861 Pahsimeroi River Farms LLC

Thanks, Pam. This confirms my understanding of the process.

Roxanne Brown | Sr. Water Right Specialist

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e. rbrown@spfwater.com | c. 208.859.8428

From: Skaggs, Pam [<mailto:Pam.Skaggs@idwr.idaho.gov>]
Sent: Wednesday, February 7, 2018 11:15 AM
To: Roxanne Brown <RBrown@spfwater.com>
Cc: Rauhut, Manuel <Manuel.Rauhut@idwr.idaho.gov>
Subject: Transfer 81861 Pahsimeroi River Farms LLC

Roxanne,

Transfer 81861 was advertised and is currently in the protest period that will end date of 2-20-2018. Your proposal to amend the application to include the overlapping right will require:

1. submittal of a signed amended application
2. supporting ownership documentation for the overlapping right
3. ownership change form for the portion of the overlapping right
4. a \$100 fee for the ownership change split
5. a \$50 fee for readvertising the amended application.

Please submit these items to Manuel Rauhut for review as soon as you are able.

Application for Transfer 81861 will be on hold from final processing for **30 days** to allow you to submit the amended application, documentation and fee for readvertising. We will place the application on call-up for **March 9th**. If the amended application is not submitted, the Department will take final action on the advertised application.

Let me or Manuel know if you have any further questions.

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, February 07, 2018 9:26 AM
To: Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>
Cc: 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

Pam – Flying Joseph Ranch has made the decision that Pahsimeroi River Farms' transfer application should go forward to include the overlapping water rights. I assume the application must be amended. Has it been advertised?

Also, the deed from Flying Joseph to Pahsimeroi River Farms specifies conveyance of a specific portion of water right 73-189. The deed does not mention the overlapping rights. Do we need a quit claim for portions of the overlapping rights from Flying Joseph to proceed?

Please advise.

Roxanne

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC

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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

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

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