

RECEIVED

AUG 15 2017

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81861MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFERDEPARTMENT OF
WATER RESOURCES

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Pahsimeroi River Farms, LLCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☒ ☐ #10 Other. Please describe: Copy of companion transfer application filed by Flying Joseph Ranch, LLC.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Pahsimeroi River Farms, LLC Phone (208) 721-1107
Mailing address P.O. Box 971, Sun Valley, ID 83353 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

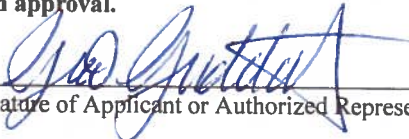
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

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

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 Gia Guddat, Member 8/7/17
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

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

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
The applicant purchased land from Flying Joseph Ranch in 2013, with a portion of water right 73-189. This transfer application seeks to correct the place of use description for the portion of water right 73-189 that is now used to irrigate land owned by the applicant.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Diversion system consists of existing ditches, pipelines and pivot. A measuring device and lockable controlling works is in place as required by Water District 73.

- b. Who owns the property at the point(s) of diversion? Flying Joseph Ranch, LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Flying Joseph Ranch operates the point of diversion and irrigates the place of use pursuant to a lease agreement. The applicant will file an additional transfer to change the point of diversion in the future if necessary

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **If yes,** ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

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

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The place of use currently described by water right 73-189 will be reduced by 35 acres as shown on a companion transfer filed by Flying Joseph Ranch.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
No other water right is used on the land owned by Pahsimeroi River Farms and described by this transfer. Water rights used on the land owned by Flying Joseph Ranch are described on the companion transfer application filed by that entity.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No.: 73-189

Current Owner: FLYING JOSEPH RANCH LLC
Priority Date: 5/19/1909
Origin: Water Right
Status: Active
Basis: Decreed

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

6.4 CFS

6.4 CFS

Annual Volume

Location of Point(s) of Diversion

PAHSIMEROI RIVER

CUSTER County

SW1/4SW1/4SE1/4

Sec. 20, Twp 13N, Rge 23E B.M.

PAHSIMEROI RIVER

CUSTER County

NE1/4SW1/4

Sec. 2, Twp 12N, Rge 23E B.M.

Place of Use

IRRIGATION Within CUSTER County

T13N R22E S1		SWNW	19.00	T13N R22E S1		NWSW	35.00
T13N R22E S1		SWSW	41.00	T13N R22E S2	Lot 1	NENE	31.00
T13N R22E S2	Lot 2	NWNE	9.60	T13N R22E S2		SWNE	8.30
T13N R22E S2		SENE	40.00	T13N R22E S2		NESE	40.00
T13N R22E S2		SESE	40.00	T13N R22E S11		NENE	37.00
T13N R22E S11		SENE	33.00	T13N R22E S11		NESE	27.00
T13N R22E S11		SESE	29.00	T13N R22E S12		NWNE	0.50
T13N R22E S12		SWNE	23.00	T13N R22E S12		NENW	2.60
T13N R22E S12		NWNW	41.00	T13N R22E S12		SWNW	40.00
T13N R22E S12		SENE	1.10	T13N R22E S12		NESW	41.00
T13N R22E S12		NWSW	31.00	T13N R22E S12		SWSW	30.00
T13N R22E S12		SESW	37.00	T13N R22E S12		NWSE	41.00
T13N R22E S12		SWSE	39.00	T13N R22E S13		NWNE	23.00
T13N R22E S13		SWNE	12.00	T13N R22E S13		NENW	15.00
T13N R22E S13		NWNW	37.00	T13N R22E S13		SWNW	9.90
T13N R22E S13		SENE	16.00	T13N R22E S13		NESW	0.20
T13N R22E S13		SWSW	9.80	T13N R22E S13		NWSE	23.00
T13N R22E S13		SESE	34.00	T13N R22E S14		NENE	17.00
T13N R22E S14		SENE	21.00	T13N R22E S14		NESE	36.00
T13N R22E S14		NWSE	20.00	T13N R22E S14		SWSE	31.00
T13N R22E S14		SESE	37.00	T13N R22E S23		NENE	40.00
T13N R22E S23		NWNE	37.00	T13N R22E S23		SWNE	23.00
T13N R22E S23		SENE	40.00	T13N R22E S23		NESE	12.00
T13N R22E S24		NENE	8.00	T13N R22E S24		NWNE	0.50
T13N R22E S24		SWNE	30.00	T13N R22E S24		SENE	12.00
T13N R22E S24		NENW	19.00	T13N R22E S24		NWNW	40.00
T13N R22E S24		SWNW	40.00	T13N R22E S24		SENE	40.00
T13N R22E S24		NESW	37.00	T13N R22E S24		NWSW	28.00
T13N R22E S24		NESE	39.00	T13N R22E S24		NWSE	39.00
T13N R23E S18	Lot 4	SWSW	18.00	T13N R23E S19		NWNE	25.00
T13N R23E S19		SWNE	39.00	T13N R23E S19		SENE	25.50
T13N R23E S19		NENW	27.60	T13N R23E S19	Lot 1	NWNW	32.40
T13N R23E S19	Lot 2	SWNW	7.80	T13N R23E S19		SENE	38.00
T13N R23E S19		NESW	27.80	T13N R23E S19	Lot 3	NWSW	29.00
T13N R23E S19	Lot 4	SWSW	25.00	T13N R23E S19		SESW	40.00
T13N R23E S19		NESE	32.50	T13N R23E S19		NWSE	29.50
T13N R23E S19		SWSE	40.00	T13N R23E S19		SESE	28.00
T13N R23E S20		NWSW	27.00	T13N R23E S29		NWNW	37.00
T13N R23E S29		SWNW	40.00	T13N R23E S29		NWSW	28.00
T13N R23E S30		NENE	40.00	T13N R23E S30		NWNE	40.00
T13N R23E S30		SWNE	40.00	T13N R23E S30		SENE	40.00
T13N R23E S30		NENW	40.00	T13N R23E S30	Lot 1	NWNW	25.00

Total Acres: 2365.6

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. X35 Rights 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040, 73-10041 and 73-12110 when combined shall not exceed the irrigation of 2365.6 acres.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. X27 This right is limited to the irrigation of 320.0 acres within the authorized place of use in a single irrigation season.
5. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. U42 Place of use does not include federal public lands.
7. 029 Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.
9. D09 The appropriator is entitled to the quantity of water described above at the following points of measurement:
T13N, R22E, S13, SWNW
T13N, R23E, S19, SWSE
T13N, R23E, S19, SESE
T13N, R23E, S20, SWSW
10. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. F05 Right Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the point of diversion described above. Right Nos. 73-10041 and 73-12110 are rediverted from the Pahsimeroi River through the point of diversion described above in T13N, R23E, S20, SWSWSE.

Decreed Date: 9/30/2010

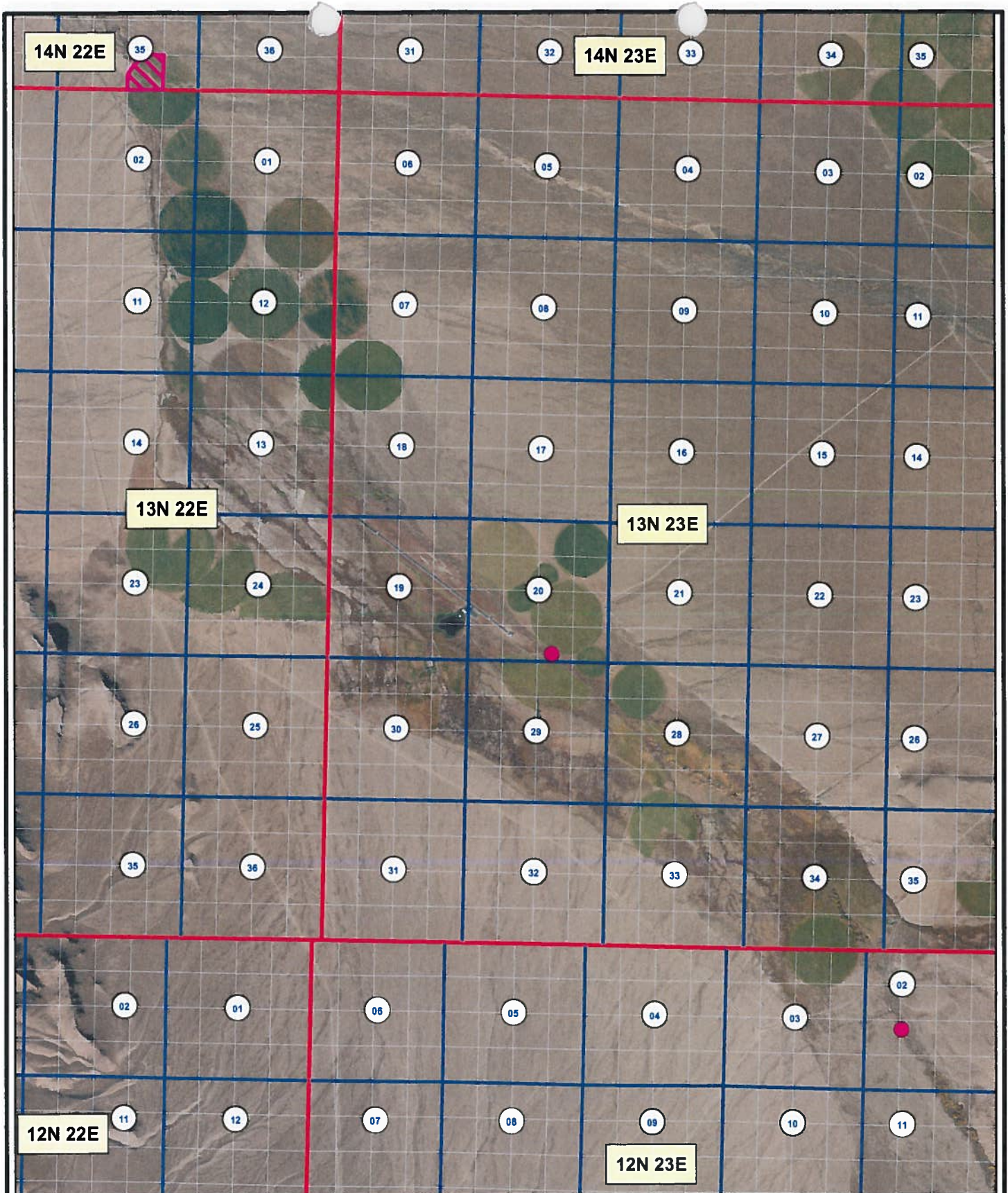
A. DESCRIPTION OF RIGHT(S) AS RECORDED

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

[illegible]

81841



- Existing Point of Diversion
- Place of Use Proposed by Transfer

Attachment 7a/7b
Pasimeroi River Farms Transfer Application



5,000

Feet



Hersley, Jean

From: Hersley, Jean
Sent: Friday, January 26, 2018 10:17 AM
To: 'info@challismessenger.com'
Subject: corrected legal notice

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a **CORRECTED** 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 February 20, 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. 81861

PAHSIMEROI RIVER FARMS LLC, PO BOX 971, SUN VALLEY, ID 83353; has filed Application No. 81861 for changes to the following water rights within CUSTER County(s): Right No(s). 73-189; 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 of 35 acres of irrigation for part of a pivot located on applicant's land in the SWSE, S35, T14N, R22E, where Big Creek flows into the Pahsimeroi River.

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 **2/20/2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/1/2018 and 2/8/2018

Hersley, Jean

From: Hersley, Jean
Sent: Friday, January 26, 2018 9:45 AM
To: 'info@challismessenger.com'
Subject: Legal Notice

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

208-879-5276 Page 1

January 26, 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 February 19, 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. 81861

PAHSIMEROI RIVER FARMS LLC, PO BOX 971, SUN VALLEY, ID 83353; has filed Application No. 81861 for changes to the following water rights within CUSTER County(s): Right No(s). 73-189; 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 of 35 acres of irrigation for part of a pivot located on applicant's land in the SWSE, S35, T14N, R22E, where Big Creek flows into the Pahsimeroi River.

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 **2/19/2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/1/2018 and 2/8/2018



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

January 26, 2018

PAHSIMEROI RIVER FARMS LLC
PO BOX 971
SUN VALLEY, ID 83353

RE: Transfer No. 81861
Water Right No(s). 73-189

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 on 2/1/2018 and 2/8/2018. 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: SPF WATER ENGINEERING 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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 26, 2018

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

RE: Application for Transfer: 81861

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 untested 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

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 26, 2018

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

RE: Applications for Permit No. 74-16165
Transfer 81861 & 82018

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

Sincerely,

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

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Friday, January 26, 2018 10:35 AM
To: Clark, Cynthia Bridge
Subject: Application for Permit and Transfers

Application for Permit No. 74-16165

Applications for Transfer No. 81861 & 82018

These applications will be advertised on February 1 & 8. Protest end date is the 20th of February. The files will be scanned by the end of the day. Please let me know if you have any comments or concerns. Thank you.

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

Hersley, Jean

From: Hersley, Jean
Sent: Friday, January 26, 2018 10:32 AM
To: Yenter, Cindy
Subject: Watermaster recommendation form
Attachments: Watermaster recommendation form.docx

Application for Permit 74-16165 and Transfer 81816 & 82018 will be advertised on February 1 & 8. The protest end date is February 20, 2018. Please let me know if you have any comments or concerns. Documents will be scanned by the end of the day. I have attached a watermaster comment form for transfer 81861.

Jean



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

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 to explain the current status of your application.

Transfer 81861 is an acceptable application and is expected to be advertised during the first and second week of February. You will receive more specific information about advertising when we submit the legal notice to the local paper.

We have not received information addressing the overlapping right concern identified in our December 4, 2017, letter and there is a possibility the transfer may not be approved as currently proposed. We can place the application on a processing hold if the application requires revision to address the overlap concern. I recommend you advise us prior to advertising to avoid additional delay and fees if you require additional time to resolve this issue.

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

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

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

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



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,

A handwritten signature in black ink, appearing to read "Roxanne", is written over a horizontal line.

Roxanne Brown
Sr. Water Rights Specialist

CC: Jim Speck
Flying Joseph Ranch

SPF Job No. 1327.0010

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.

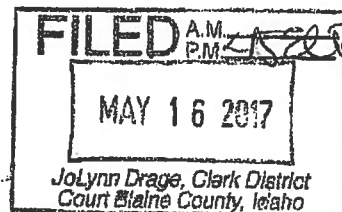
Thank you for your consideration of this matter.

A handwritten signature in black ink, appearing to read 'Gia Guddat', with a long horizontal line extending from the end of the signature.

Gia 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@lwfrlaw.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.

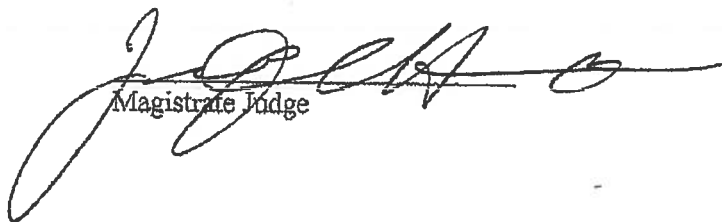
DECREE VESTING ESTATE IN SURVIVING SPOUSE/I

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

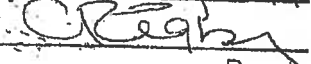
STATE OF IDAHO } ss
County of Blaine

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 DRAGE

Clerk District Court


Deputy



SPF WATER
ENGINEERING

RECEIVED

OCT 26 2017

DEPARTMENT OF
WATER RESOURCES

October 26, 2017

Manuel Rauhut, P.E.
Idaho Department of Water Resources
State Office
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

Re: Pahsimeroi River Farms, LLC

Dear Manuel,

This letter is a response to your correspondence dated September 13, 2017. We are sorry for the delayed response, but Ms. Guddat was unavailable while traveling in Alaska. We have answered your questions in the order in which they were presented in your letter.

Flying Joseph Ranch (FJR) sold an approximate 40-acre land parcel and a 0.7 cfs portion of water right 73-189 to Pahsimeroi River Farms (PRF). FJR was irrigating 35 acres of the PRF land at the time of the sale with an existing pivot. FJR continues to irrigate the PRF property to date under an existing agreement to do so. A transfer application submitted by FJR (copy attached) will clarify the place of use for water rights owned by FJR and the portion of water right 73-189 owned by PRF.

As noted above, the PRF land is irrigated by FJR under an existing agreement. It is currently unnecessary for PRF to operate the irrigation system maintained and operated by FJR. If the current irrigation agreement changes in the future, PRF will either (1) enter into an agreement with FJR or its successor to access the described point of diversion, or (2) file an application to transfer the point of diversion authorized by PRF's portion of water right 73-189.

As you note, the PRF land was purchased under separate ownerships. Mr. Kartermann is deceased and Gia Guddat is the heir of his estate, as indicated on the attached copy of the decree settling the estate. Ownership of the water right should be recorded in the name of Pahsimeroi River Farms.

Please contact me if you have additional questions.

Best Regards,

Roxanne Brown
Sr. Water Rights Specialist

SPF Job No. 1363.0010



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

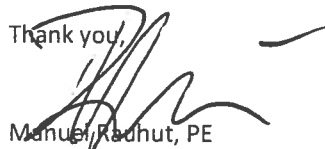
Dear Applicant:

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 Karterman. Based on the Secretary of State website, Gia Guddat and Scott Karterman are members of PRF. Please explain the arrangement that allows access to Mr. Karterman's property and provide supporting documentation or include Mr. Karterman 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. Karterman 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

No. W 45791	Due no later than Dec 31, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			SCOTT M KARTERMAN 110 CLOVER CIRCLE THE HEATHERLANDS HAILEY ID 83333 3. <u>New</u> Registered Agent Signature:*
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.			
Office Held	Name	Street or PO Address	City State Country Postal Code
MEMBER	SCOTT M KARTERMAN	PO BOX 971	SUN VALLEY ID 83353
MEMBER	GIA M GUDDAT	PO BOX 1812	SUN VALLEY ID 83353
5. Organized Under the Laws of: ID W 45791	6. Annual Report must be signed.* Signature: Scott M. Karterman Name (type or print): Scott M. Karterman Date: 11/14/2016 Title: President		
Processed 11/14/2016	* Electronically provided signatures are accepted as original signatures.		



RECEIVED

AUG 15 2017

DEPARTMENT OF
WATER RESOURCES

August 15, 2017

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

Re: Change in Ownership and Place of Use Transfer – Water Right No. 73-189

Dear Pam,

On behalf of Pahsimeroi River Farms and Gia Guddat, we are pleased to submit the enclosed *Notice of Change in Water Right Ownership and Application for Transfer*. The application seeks authorization to move a portion of Water Right No. 73-189 from within an existing permissible place of use to a specific 35-acre place of use owned by Pahsimeroi River Farms. The points of diversion for this right do not change.

We understand the filing fee for this application is \$500.00 and the filing fee for the ownership change is \$100.00. You will find two checks for a total of \$600.00 attached. Please contact me with any questions.

Best Regards,

A handwritten signature in blue ink, appearing to read "Roxanne", is written over a light blue circular stamp.

Roxanne Brown
Sr. Water Rights Specialist

CC: Jim Speck
Flying Joseph Ranch

Enclosures

SPF Job No. 1363.0010