



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

March 10, 2016

FLYING M PROPERTIES LLC
PO BOX 7
HOMEDALE ID 83628

RE: Notice of Change in Water Right Ownership No(s). 57-7242

Dear Property Owner(s):

The Department of Water Resources received a Notice of Change in Water Right Ownership from you on January 22, 2015. You met with Shelley Keen on January 26, 2015 to discuss this ownership request. Mr. Keen explained to you that water right 57-7242 appears to be appurtenant to lots you have sold to others. Mr. Keen suggested that among your options would be to seek quitclaim deeds from the lot owners, relinquishing their interest in the water right. The additional information you provided does not address the water right issue.

Water right 57-7242 is an irrigation right for 0.8 acres, 0.02 cfs and 4.0 af. At the time the partial decree was issued, there were only three (3) lots that were using the water. These are Lot 2, owned by Kelly Vance, Lot 19, owned by Harold and Susan Schmierer and Lot 25, owned by Jennifer Stutheit. These are the lots owners you would need to get quitclaim deeds from.

Please send the requested document to the address above, fax it to (208) 287-6700 or email to jean.hersley@idwr.idaho.gov.

The Department has had a back log of ownership changes to process. Because of this backlog and the fact the Department cannot process the ownership change without proper information, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed. We apologize for the delay.

Please feel free to contact me at (208) 287-4942 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II

June 25, 2015

Jean Hersley
Technical Records Specialist
Department of Water Resources
322 East Front St.
Boise, Idaho

Dear Jean:

In regards to letter dated May 26, 2015, you referred to a change of ownership to Marion L. & or Barbara L. Vance water right # 57-7242 for the Briar Hills Subdivision. This change of ownership from Marion and Barbara Vance to Flying M Properties, LLC was done for estate planning only, and is still owned and controlled by the principal parties, Marion L. Vance, and Barbara L. Vance.

Our water right, #57-7242, was applied for and approved on June 20, 1979, with easements and pump location in Succor Creek. After the water right was proved, Gem State Irrigation came to us and suggested that we change our point of diversion upstream and that they would deliver water to us through the patch canal which adjoins the Eastern border of Briar Hills Subdivision. We agreed to this diversion and their board approved the change and changed the point of diversion at that time.

When we applied for our water permit, we were told that we could increase our right when the second phase of the subdivision was developed. We are in the final stages of completion of the second phase of Briar Hills Subdivision at this time. We also have some minor Lot Line adjustments which improved the street design and some lot configurations for aesthetic improvements and also to reduce the slope of the road to access the second phase lots. These changes are in the process of being changed by the engineering firm Mason & Stanfield P.E., Inc. in Nampa, Idaho. We will supply the plat changes when they are finished, which the engineering firm has told us that it would be completed in about Sixty days.

I've included a copy of the certificate of incorporation of the Briar Hills Subdivision Lateral Ditch Water User's Association, Inc., and the certificate of incorporation of Flying M Properties, LLC. I have also included copies of various other documents which might shed further light upon this water right increase request.

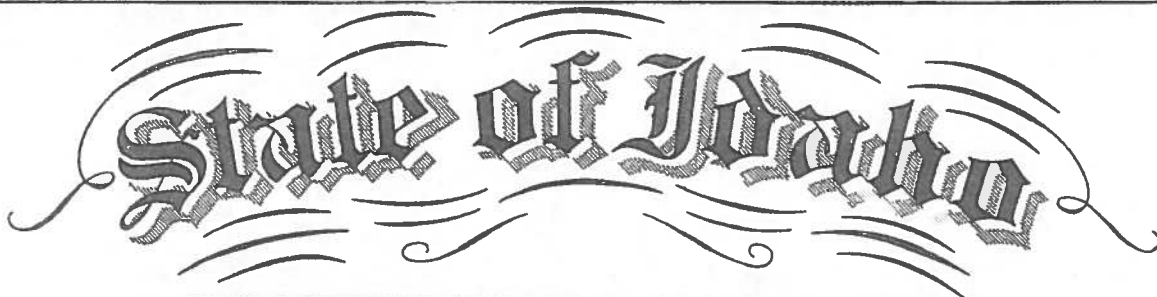
I appreciate your consideration of this request.

Sincerely,

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

Marion Vance

PETE T. CENARRUSA
SECRETARY OF STATE
STATE CAPITAL
BOISE, IDAHO



CERTIFICATE OF INCORPORATION
OF

BRIAR HILLS SUBDIVISION LATERAL DITCH WATER USERS' ASSOCIATION, INC.

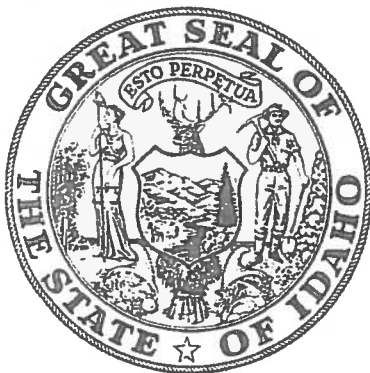
I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of Incorporation for the incorporation of _____

BRIAR HILLS SUBDIVISION LATERAL DITCH WATER USERS' ASSOCIATION, INC.

duly signed pursuant to the provisions of the Idaho Nonprofit Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

Dated April 5th, 19 82.



SECRETARY OF STATE

Gnn Fisk
Corporation Clerk

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

JUNE 20, 1979
APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Marion L. &/or Barbara L. Vance Phone 337-3563

Post office address Box 487, Homedale, ID 83628

2. Source of water supply Succor Creek which is a tributary of Snake River

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5 Township 3N

Range 5W B.M. Owyhee County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .28 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .28 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pumping plant and sprinkler system.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years). Estimated cost \$12,000.

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

BLAKLEY ENGINEERS, INC.
(Chartered)HOME OFFICE:
BOX 579 - 621 SO. 4TH AVE. - TEL. 489-1516
CALDWELL, IDAHO 83605826 CENTER AVENUE - TEL. 642-2822
PAYETTE, IDAHO 836611115 WASHINGTON AVENUE - TEL. 366-5751
EMMETT, IDAHO 83617ROUTE NO. 2, BOX 100 - TEL. 889-9283
ONTARIO, OREGON 97014

DESCRIPTION FOR

MARION VANCE

IRRIGATION LINE EASEMENT

Job No. SC093280

BOOK 262

October 24, 1980

This easement is a 10.00 foot wide parcel situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8 all in Township 3 North, Range 5 West of the Boise Meridian, the centerline of which is more particularly described as follows:

COMMENCING at the Southeast corner of Lot 19 of Briar Hills Subdivision;

Thence South 4° 33' 32" East, a distance of 82.65 feet to a point on the Southerly right-of-way boundary of State Highway 19 which point is the TRUE POINT OF BEGINNING;

Thence continuing South 4° 33' 32" East, a distance of 45.73 feet;

Thence South 4° 21' 48" West, a distance of 243.20 feet;

Thence South 28° 17' 12" East, a distance of 96.38 feet;

Thence South 36° 45' 02" East, a distance of 97.00 feet to a point on the centerline of Succor Creek which is also the POINT OF TERMINATION.

This parcel is subject to all easements and rights-of-way existing or of record.

This parcel contains 0.11 acre.

E. Reed Frye
E. Reed Frye, Owner

Betty Frye
Betty Frye, Owner

STATE OF IDAHO)

) ss

COUNTY OF OWYHEE)

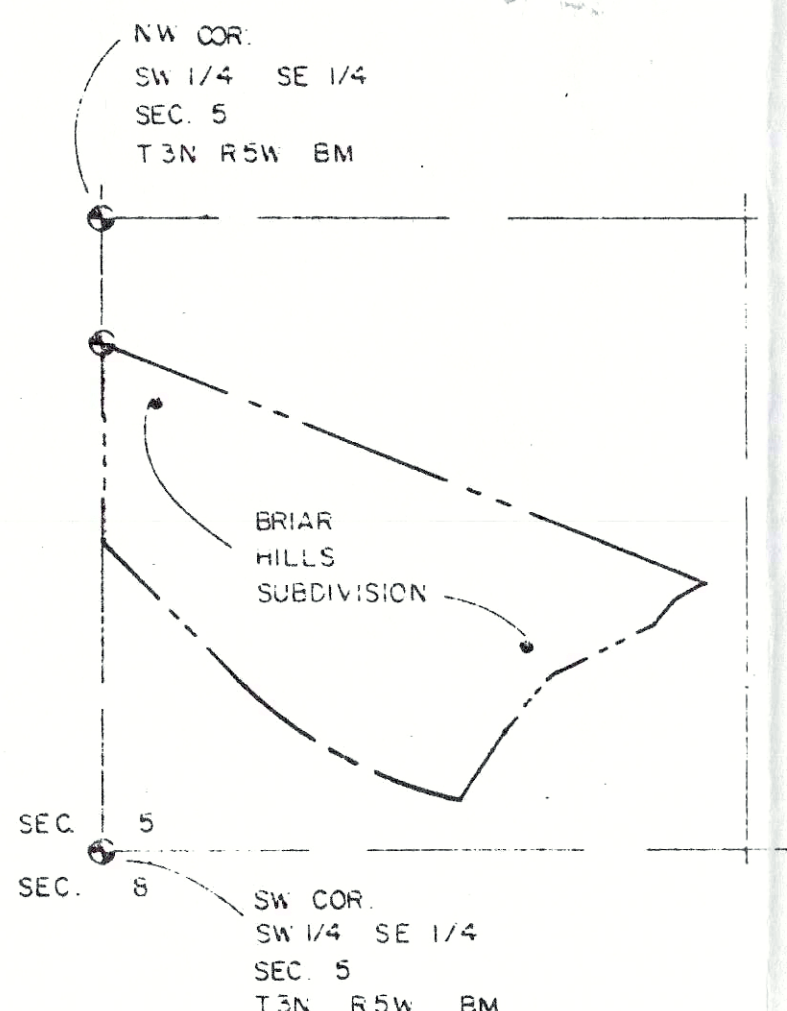
On this 30th day of October A.D. 1980, before me, Mary H. Inouye
Notary Public in and for said County and State, personally appeared the above
named persons, whose names are subscribed to the foregoing instrument and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day
of October A.D. 1980.

Mary H. Inouye
Notary Public
Residing at Homedale, Idaho

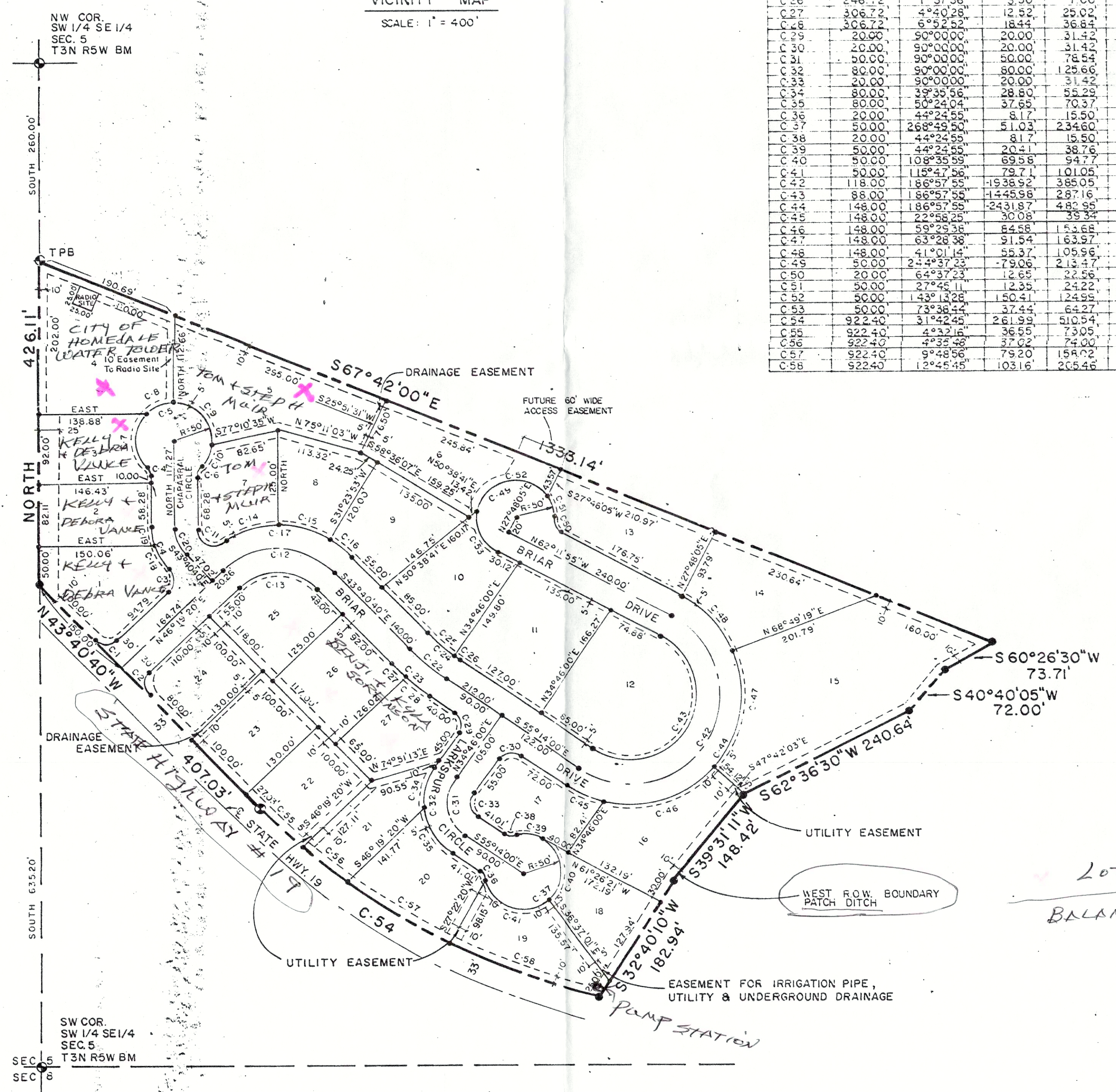
BRIAR HILLS SUBDIVISION

HOMEDALE OWYHEE COUNTY IDAHO



VICINITY MAP
SCALE: 1" = 400'

CURVE DATA					
CURVE	R	Δ	T	L	LC
C-1	20.00	90°00'00"	20.00	31.42	28.28
C-2	20.00	90°00'00"	20.00	31.42	28.28
C-3	20.00	88°17'36"	19.41	30.82	27.66
C-4	20.00	44°24'55"	8.17	15.50	15.12
C-5	50.00	268°49'50"	51.03	234.60	71.43
C-6	20.00	44°24'55"	8.17	15.50	15.12
C-7	50.00	88°44'29"	46.42	74.82	68.03
C-8	50.00	48°40'26"	22.61	42.48	41.21
C-9	50.00	38°56'35"	18.19	31.29	28.28
C-10	50.00	38°56'35"	18.19	31.29	28.28
C-11	20.00	22°14'28"	36.26	42.61	35.03
C-12	100.00	90°00'00"	100.00	157.08	141.42
C-13	70.00	90°00'00"	70.00	109.96	98.99
C-14	130.00	32°14'28"	37.57	73.15	72.19
C-15	130.00	32°14'28"	37.57	73.15	72.19
C-16	130.00	18°55'27"	17.03	33.86	33.86
C-17	130.00	18°55'27"	17.03	33.86	33.86
C-18	80.00	24°38'44"	17.48	34.41	34.15
C-19	80.00	17°19'32"	12.19	24.19	24.10
C-20	50.00	43°40'40"	20.04	38.12	37.20
C-21	80.00	41°58'16"	30.69	58.60	57.30
C-22	276.72	11°33'20"	28.00	55.81	55.71
C-23	306.72	11°33'20"	31.04	61.86	61.76
C-24	246.72	11°33'20"	24.96	49.67	49.67
C-25	246.72	11°33'20"	24.96	49.67	49.67
C-26	246.72	11°33'20"	24.96	49.67	49.67
C-27	206.72	4°40'28"	12.52	25.02	25.02
C-28	206.72	6°52'52"	18.44	36.84	36.81
C-29	20.00	50°00'00"	20.00	31.42	28.28
C-30	20.00	90°00'00"	20.00	31.42	28.28
C-31	50.00	90°00'00"	50.00	78.54	70.71
C-32	80.00	90°00'00"	80.00	125.66	113.14
C-33	20.00	90°00'00"	20.00	31.42	28.28
C-34	80.00	39°35'58"	28.80	55.29	54.20
C-35	80.00	50°24'04"	37.55	70.37	68.13
C-36	20.00	44°24'55"	8.17	15.50	15.12
C-37	50.00	268°49'50"	51.03	234.60	71.43
C-38	20.00	44°24'55"	8.17	15.50	15.12
C-39	80.00	44°24'55"	20.41	38.76	37.80
C-40	50.00	108°35'59"	69.58	94.77	81.21
C-41	50.00	115°47'56"	79.71	101.05	84.71
C-42	118.00	86°57'55"	193.92	385.05	235.56
C-43	88.00	86°57'55"	144.98	287.16	175.68
C-44	148.00	86°57'55"	243.87	485.95	295.45
C-45	148.00	22°58'25"	30.08	39.34	38.35
C-46	148.00	58°58'35"	64.58	83.68	83.68
C-47	148.00	63°28'38"	71.54	93.57	93.57
C-48	148.00	41°01'14"	55.37	70.96	70.96
C-49	50.00	24°37'23"	12.52	25.02	25.02
C-50	20.00	64°37'23"	12.52	25.02	25.02
C-51	50.00	27°45'11"	12.35	24.22	23.98
C-52	50.00	43°13'28"	15.04	29.95	29.95
C-53	50.00	73°38'44"	37.44	64.27	64.27
C-54	922.40	31°42'45"	261.99	510.94	504.04
C-55	922.40	4°33'48"	37.02	74.00	73.98
C-56	922.40	9°48'56"	79.20	154.02	157.83
C-57	922.40	12°45'45"	103.16	205.04	205.04
C-58	922.40	12°45'45"	103.16	205.04	205.04



LOT OWNERS & NAMES
BALANCE LOTS OWNER FLYING M PROPERTIES LLC
MARION + BARBARA VANCE

ALL COUNTY, STATE APPROVALS + PLAT RECORDINGS 3-12-1979 AT OWYHEE COUNTY COURT HOUSE,

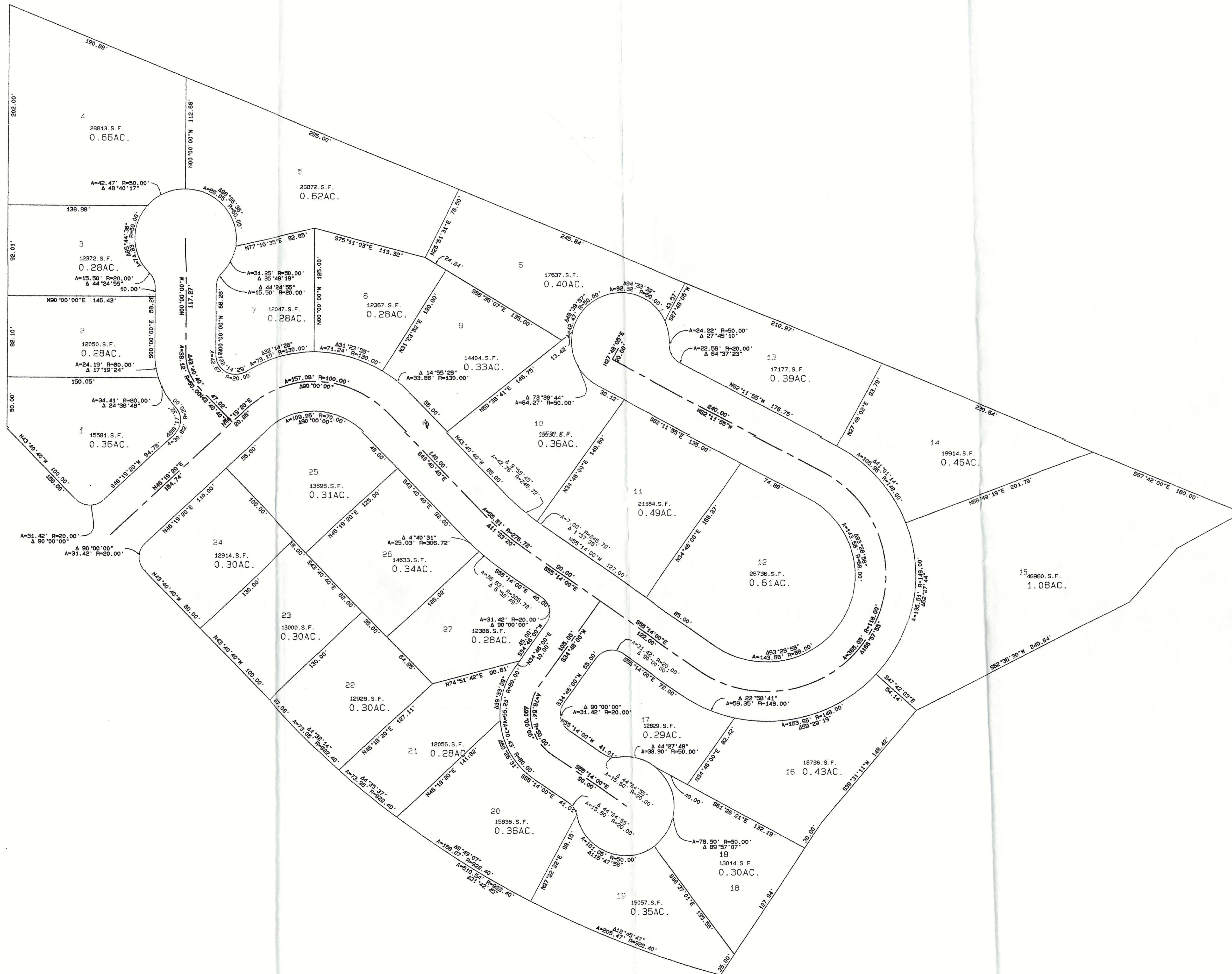
BLAKLEY ENGINEERS INC.

CALDWELL PAYETTE EMMETT ONTARIO

Blakley
2-51-79

INDEX OF SHEETS

SHEET	DESCRIPTION
2	STREET DESIGN - BRIAR DRIVE
3	STREET DESIGN - BRIAR DRIVE
4	STREET DESIGN - CHAPARRAL CIRCLE, LARKSPUR CIRCLE
5	STANDARD DETAILS - CURB, STREET & FENCE
6	STORM DRAIN
7	WATER & IRRIGATION PLAN
8	IRRIGATION DISTRIBUTION SYSTEM - BRIAR DRIVE, CHAPARRAL CIRCLE
9	IRRIGATION DISTRIBUTION SYSTEM - BRIAR DRIVE, LARKSPUR CIRCLE
10	STANDARD DETAILS - WATER & IRRIGATION
11	PUMP HOUSE PLAN
12	PUMP HOUSE PROFILE
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14	IRRIGATION PUMP STATION
15	LOT GRADING PLAN
16	INDIVIDUAL DRAIN FIELDS





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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

May 26, 2015

FLYING M PROPERTIES LLC
PO BOX 7
HOMEDALE ID 83628

RE: Notice of Change in Water Right Ownership for water right 57-7242

Dear Interested Party:

On January 22, 2015, the Department of Water Resources received a request for a change of ownership of water right 57-7242. On January 26, 2015 when you visited with Shelley Keen of our Department, he explained to you the water right appears to be appurtenant to subdivision lots you had sold to others. He suggested among your options would be to seek quitclaim deeds for the water right from the lot owners.

The Department is seeking an update to your progress on this situation. Please let the Department know your progress. You can contact me at (208) 287-4942. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jean Hersley'.

Jean Hersley

Technical Records Specialist II