

RECEIVED**APR 20 2017**DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81599**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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) GINI DITCH CO INC**Check 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 20 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) GINI DITCH CO INC

Phone _____

Mailing address c/o Charles R. Boge, 1452 Three Fountains Dr, Idaho Falls, ID 83404

Email _____

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APR 24 2017

DEPARTMENT OF
WATER RESOURCES

- ☐ 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 RepresentativeName of Representative Andrew J. WalderaPhone (208) 629-7447 ext. 216Mailing address P.O. Box 7985, Boise, ID, 83707Email andy@sawtoothlaw.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.

Charles R. Boge M.D.
Signature of Applicant or Authorized Representative

Charles R. Boge, M.D. Secr./Treasurer
Print Name and Title if applicable

03 Mar 2017
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. 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 purpose of this transfer is to change the place of use (POU) in order to irrigate 4 acres of land at the Land of the Yankee Fork State Park Visitor center, located at the NW corner of ID-75 and US-93 near Challis. SEE PART 1A.2 FOR ADDITIONAL INFORMATION.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	72-10480	120 cfs	Irrigation	04/01 to 10/31	Salmon River/Snake River
☒ ☐	72-10481	67 cfs	Irrigation	04/01 to 10/31	Salmon River/Snake River
☒ ☐	72-10482	25.3 cfs	Irrigation	04/01 to 10/31	Salmon River/Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 212.3 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.35 cubic feet per second and/or NA acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	19E	10						2.1	1.9										4
Total Acres (for irrigation use)																			4

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:
The point of diversion is located in Custer County on the Salmon River at SWSE QQ of Sec. 16|Township 13N|
Range 19E. Lockable headworks and measuring devices already exist. This application will not change the
existing diversion system or distribution.
- b. Who owns the property at the point(s) of diversion? State of Idaho
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Applicant does not own the property at the point of diversion. Right to point of diversion is both prescriptive and
statutory under Idaho Code Section 42-1102.
- 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: Members Preferred Credit Union. Lien secured by deed of trust.
- 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:
Approximately four acres of land now irrigated under the listed water rights will be dried up in order to mitigate for
the addition of the proposed 4 acres to the place of use. The acreage to be dried up is located on the attached
map, and lies in the SWNW QQ of Section 3, T13N, R19E. All other POU will remain unchanged.
- 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:
None. The newly proposed four acres of land for irrigation at the visitor center are currently without water rights
for irrigation.
- 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:

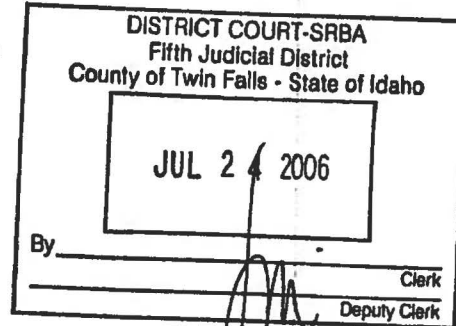
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 72-10480



NAME AND ADDRESS: GINI DITCH COMPANY INC
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 120.00 CFS

PRIORITY DATE: 07/27/1901

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSSE) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	120.00 CFS

PLACE OF USE:

Place of use within the boundary of the service area of the
Gini Ditch Company.

The boundary encompassing the place of use for this water right
is described with a digital boundary as defined by I.C. Section
42-202B(2)(2003) and authorized pursuant to I.C. Section 42-1411
(2)(b)(2003). The data comprising the digital boundary are
incorporated herein by reference and are stored on a cd-rom disk
issued in duplicate originals on file with the SRBA District
Court and the Idaho Department of Water Resources. A map
depicting the place of use is attached hereto to illustrate the
place of use described by the digital boundary.

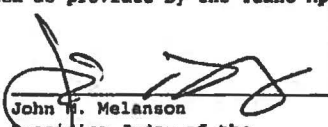
This boundary is also described in the Affidavit Identifying
Location of Real Property, instrument no. 0223257, filed with the
Custer County Recorder on August 8, 2001. The service area is
within T13N and T14N, R19E, Custer County, Idaho. Total
irrigated acres: 2440 acres.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John W. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 72-10481

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 24 2006

By _____ Clerk
_____ Deputy Clerk

NAME AND ADDRESS: GINI DITCH COMPANY INC
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 67.00 CFS

PRIORITY DATE: 04/15/1938

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSWSE) Within Custer County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 67.00 CFS

PLACE OF USE: Irrigation Within Custer County
T13N R19E S16 SWSW

Place of use within the boundary of the service area of the
Gini Ditch Company.

The boundary encompassing the place of use for this water right
is described with a digital boundary as defined by I.C. Section
42-202B(2)(2003) and authorized pursuant to I.C. Section 42-1411
(2)(h)(2003). The data comprising the digital boundary are
incorporated herein by reference and are stored on a cd-rom disk
issued in duplicate originals on file with the SRBA District
Court and the Idaho Department of Water Resources. A map
depicting the place of use is attached hereto to illustrate the
place of use described by the digital boundary.

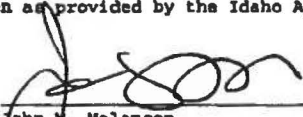
This boundary is also described in the Affidavit Identifying
Location of Real Property, instrument no. 0223257, filed with the
Custer County Recorder on August 8, 2001. The service area is
within T13N and T14N, R19E, Custer County, Idaho. Total
irrigated acres: 2440 acres.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



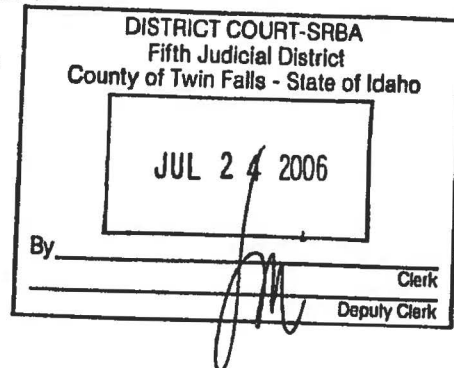
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 72-10482



NAME AND ADDRESS: GINI DITCH COMPANY INC
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 25.30 CFS

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSWE) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	25.30 CFS

PLACE OF USE:

Place of use within the boundary of the service area of the Gini Ditch Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411 (2) (h) (2003). The data comprising the digital boundary are incorporated herein by reference and are stored on a cd-rom disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

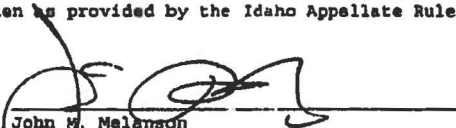
This boundary is also described in the Affidavit Identifying Location of Real Property, instrument no. 0223257, filed with the Custer County Recorder on August 8, 2001. The service area is within T13N and T14N, R19E, Custer County, Idaho. Total irrigated acres: 2440 acres.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Residing Judge of the
Snake River Basin Adjudication

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**
- ☒ 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. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$500 Date 4-20-2017 Received by TF Receipt # 5036086

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

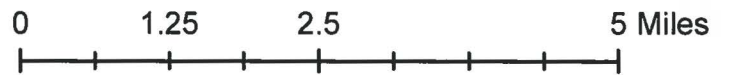
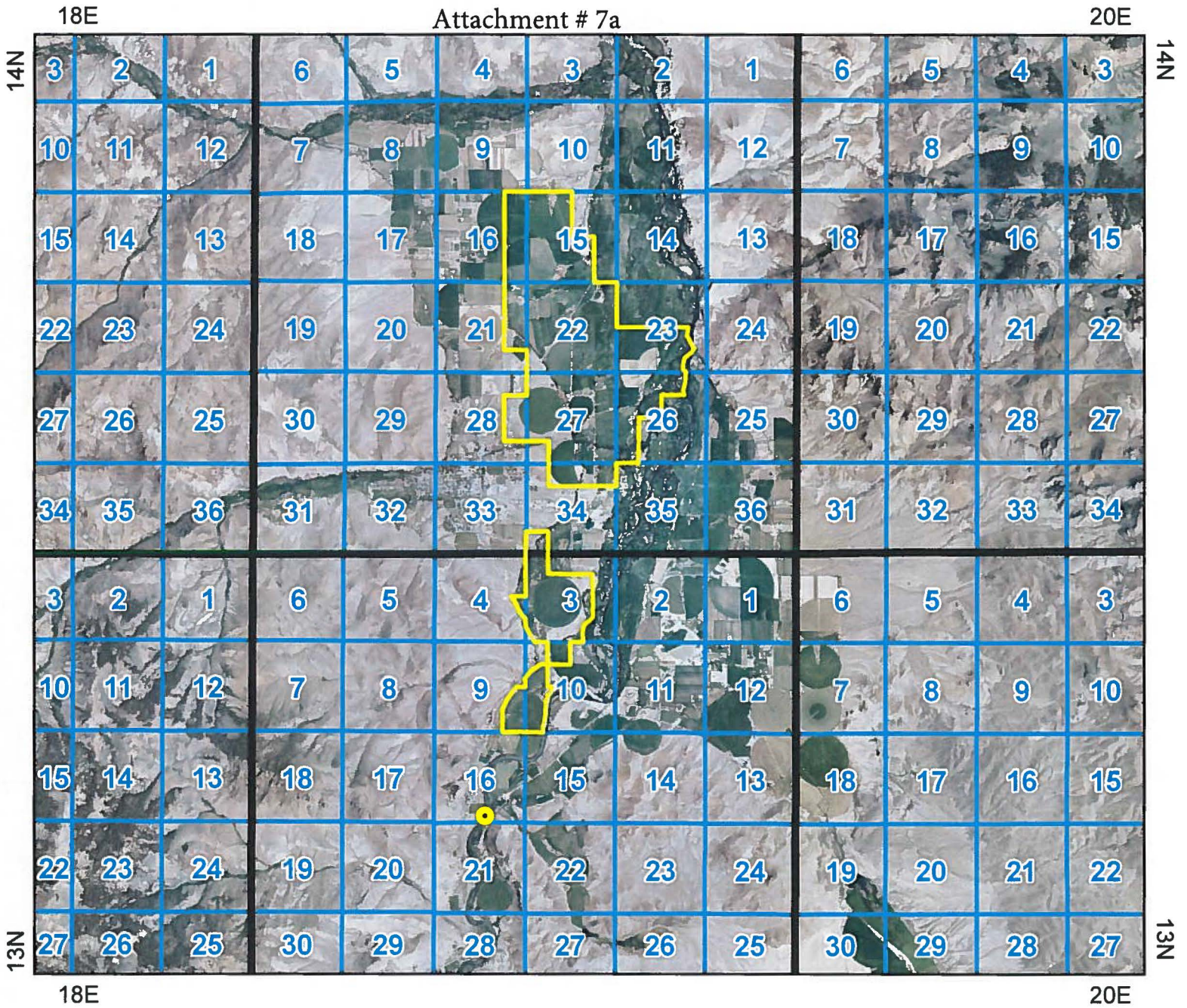
Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Part 1A.2

The purpose of this transfer is to change the place of use (POU) in order to irrigate 4 acres of land at the Land of the Yankee Fork State Park Visitor Center. The visitor center is located at the NW corner of the ID-75 and US-93 intersection near Challis, ID. To mitigate for this addition to the POU, 4 acres currently in the POU will be dried up (see attachment #7b).

The remaining place of use, period of use, point of diversion, and water distribution system associated with these water rights and the Gini Ditch Co will be unchanged by this transfer application.

Attachment # 7a



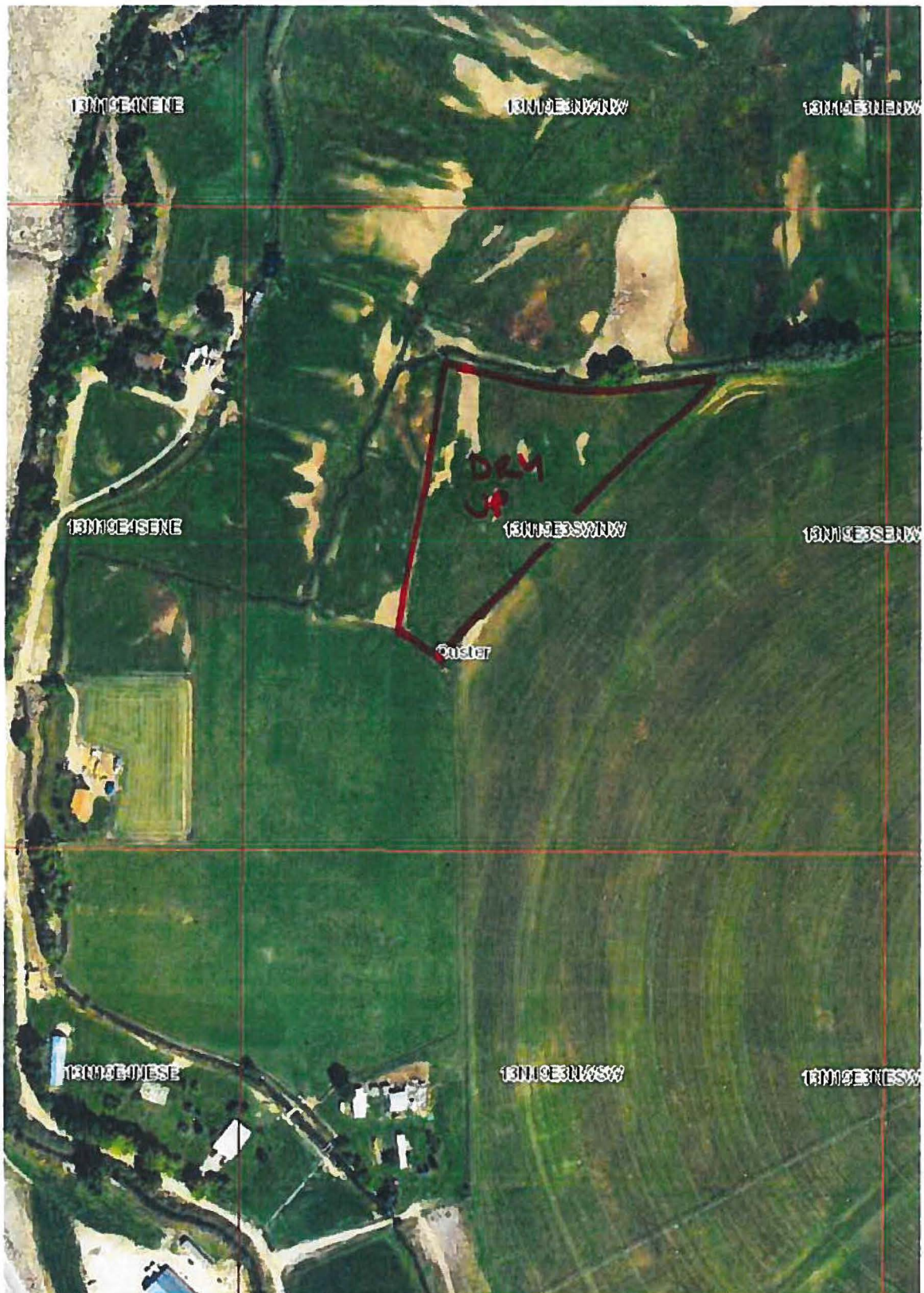
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections



Attachment #7b - Proposed Addition to Place of Use



Attachment #7b - Acreage to be Dried Up



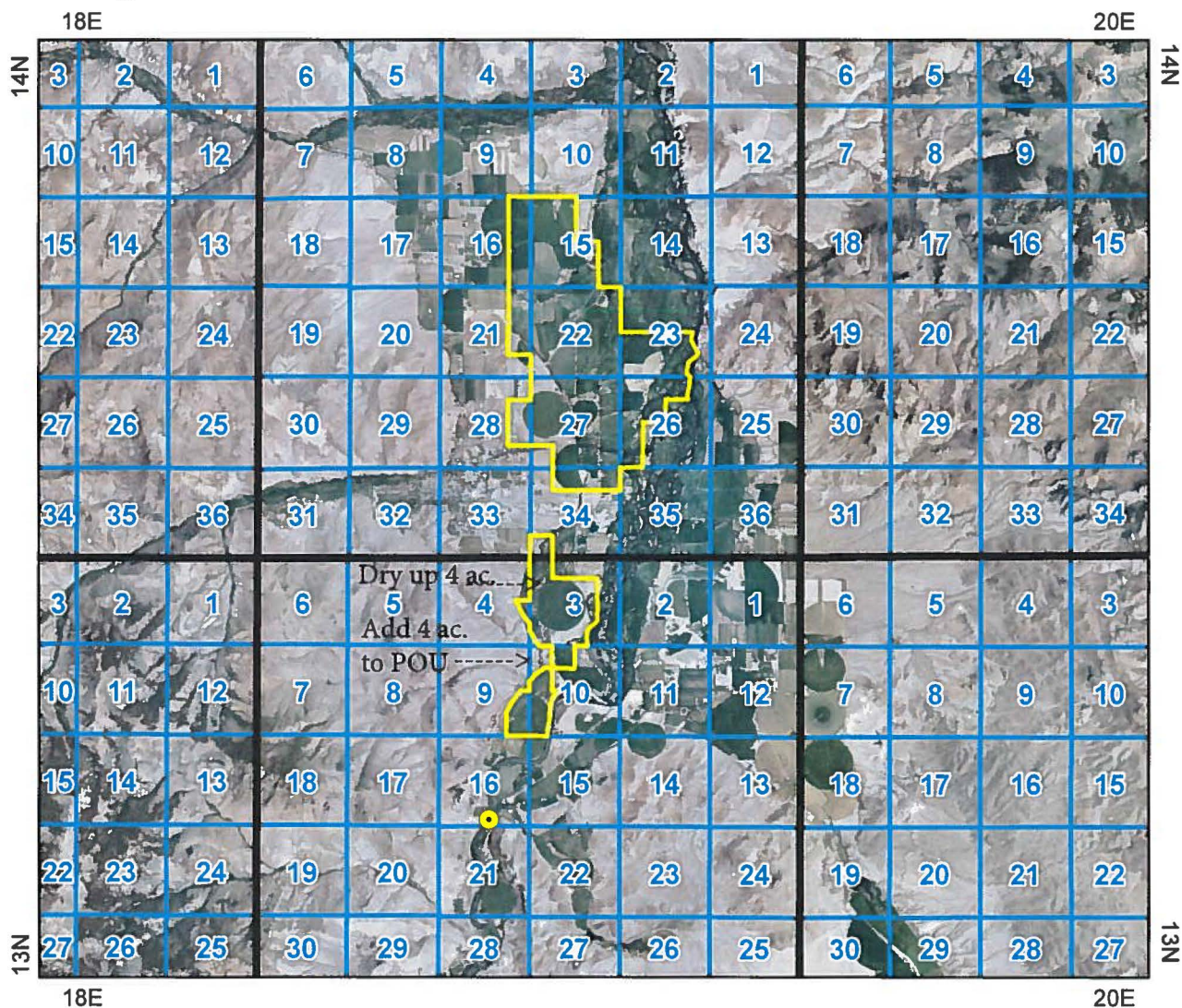
Attachment #7b POU Overview

State of Idaho
Department of Water Resources

Water Right 72-10480

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections



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 9, 2017

GINI DITCH CO INC
C/O CHARLES R BOGE
1452 THREE FOUNTAINS DR
IDAHO FALLS, ID 83404

RE: Transfer No. 81599
Water Right No(s). 72-10480, 72-10481, 72-10482

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 6/15/2017 and 6/22/2017. 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:

ANDREW J WALDERA
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE, ID 83707-7985



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 9, 2017

IDAHO DEPARTMENT OF FISH & GAME
ATTN: JEFF RICHARDS
99 HWY 93 N
SALMON ID 83467

RE: Applications for Permit No. 74-16102
Application for Transfer No. 81599

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application for permit and application for transfer. You can find copies of the applications at:
<http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the applications as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of these applications, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Sincerely,

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

Jean Hersley
Technical Records Specialist II

Enclosure(s)

From: Hersley, Jean
To: [Yenter, Cindy](#); [Clark, Cynthia \(Bridge\)](#)
Subject: RE: Application for permit 74-16102 & Application for Transfer 81599
Date: Friday, June 09, 2017 8:05:00 AM

I'll try again. These applications will be advertised on June 15th and 22nd. Protest end date is 7/3/17.

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

From: Hersley, Jean
Sent: Monday, June 05, 2017 12:19 PM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>; Clark, Cynthia (Bridge) <Cynthia.Clark@idwr.idaho.gov>
Subject: Application for permit 74-16102

This application will be advertised on June 8th and 15th. The file 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

June 9, 2017

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 July 3, 2017. 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. 81599**

GINI DITCH CO INC, C/O CHARLES R BOGE
1452 THREE FOUNTAINS DR, IDAHO FALLS, ID 83404; has filed Application No. 81599 for changes to the following water rights within CUSTER County(s): Right No(s). 72-10480, 72-10481, 72-10482; to see a full description of these rights and the proposed transfer 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>

The purpose of the transfer is to change a portion of the above rights as follows:

change the service area boundary of the Gini Ditch Co Inc to include 4 acres at the Yankee Fork State Park Visitor Center located NW of State Hwy 75 where it meets US Hwy 93 in Custer County. 4 other acres within the boundary will not be irrigated to provide water to the park.

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 **07/03/2017**.

The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/15/2017 and 6/22/2017

Hersley, Jean

From: Hersley, Jean
Sent: Friday, June 09, 2017 7:32 AM
To: 'Anna Means'
Subject: Legal Notice

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
June 9, 2017

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 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.

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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

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

Hersley, Jean

From: amean@challismessenger.com on behalf of Anna Means <info@challismessenger.com>
Sent: Monday, June 05, 2017 2:41 PM
To: Hersley, Jean
Subject: Re: Legal Notice

Jean,
We received your e-mail. We won't run the legal notice you sent earlier.
Jim Smirch for Anna Means

On Mon, Jun 5, 2017 at 2:32 PM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Please disregard this legal notice. DO NOT RUN!!

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

[208-287-4942](tel:208-287-4942)

From: amean@challismessenger.com [mailto:amean@challismessenger.com] **On Behalf Of** Anna Means
Sent: Monday, June 05, 2017 1:50 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: Legal Notice

Jean,

We received the notice of change of water right you sent. Thanks.

Jim Smirch for Anna Means

The Challis Messenger

On Mon, Jun 5, 2017 at 1:40 PM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

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

[208-879-5276](tel:208-879-5276) Page 1

June 5, 2017

Legal Notice Department

Challis Messenger

PO Box 405

Challis ID 83226

RE: Legal Ad for your paper

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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.

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Sincerely

Jean Hersley

Idaho Department of Water Resources

320 E Front St

PO Box 83720

Boise ID 83720-0098

[208-287-4942](tel:208-287-4942) – telephone

[208-287-6700](tel:208-287-6700) – Fax

jean.hersley@idwr.idaho.gov

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81599

GINI DITCH CO INC, C/O CHARLES R BOGE

1452 THREE FOUNTAINS DR, IDAHO FALLS, ID 83404; has filed Application No. 81599 for changes to the following water rights within CUSTER County(s): Right No(s). 72-10480, 72-10481, 72-10482; to see a full description of these rights and the proposed transfer For additional information concerning the property location, contact IDWR State office at [\(208\) 287-4800](tel:2082874800); or for a full description of the transfer, please see

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

The purpose of the transfer is to change a portion of the above rights as follows:

change the service area boundary of the Gini Ditch Co Inc to include 4 acres at the Yankee Fork State Park Visitor Center located NW of State Hwy 75 where it meets US Hwy 93 in Custer County. 4 other acres within the boundary will not be irrigated to provide water to the park.

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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 **06/26/2017**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/8/2017 and 6/15/2017

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

[208-287-4942](tel:2082874942)

June 5, 2017

Legal Notice Department

Challis Messenger
PO Box 405
Challis ID 83226

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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

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The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/8/2017 and 6/15/2017
15 **22nd**

Hersley, Jean

From: Hersley, Jean
Sent: Monday, June 05, 2017 12:08 PM
To: rhlegals@custertel.net
Subject: Legal Notice

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
June 5, 2017

208-756-2222 Page 1

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

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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

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

74-16102

PRATT CREEK RANCH LP
178 PRATT CREEK RD
SALMON, ID 83467

Point of Diversion NESW S35 T21N R23E LEMHI County
Source WARM SPRINGS CREEK Tributary WIMPEY CREEK

Use: STOCKWATER

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 4/3/2017

This application proposes the diversion and use of water from a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for de minimis stockwater purposes.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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 6/26/2017. The protestant must also send a copy of the protest to the applicant.

Hersley, Jean

From: Hersley, Jean
Sent: Monday, June 05, 2017 2:32 PM
To: 'Anna Means'
Subject: RE: Legal Notice

Please disregard this legal notice. DO NOT RUN!!

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

From: amean@challismessenger.com [mailto:amean@challismessenger.com] **On Behalf Of** Anna Means
Sent: Monday, June 05, 2017 1:50 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Re: Legal Notice

Jean,
We received the notice of change of water right you sent. Thanks.
Jim Smirch for Anna Means
The Challis Messenger

On Mon, Jun 5, 2017 at 1:40 PM, Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean [208-879-5276](tel:208-879-5276) Page 1

June 5, 2017

Legal Notice Department

Challis Messenger

PO Box 405

Challis ID 83226

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Jean Hersley

Idaho Department of Water Resources

320 E Front St

PO Box 83720

Boise ID 83720-0098

[208-287-4942](tel:208-287-4942) – telephone

[208-287-6700](tel:208-287-6700) – Fax

jean.hersley@idwr.idaho.gov

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

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GARY SPACKMAN, Director

Published on 6/8/2017 and 6/15/2017

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

[208-287-4942](tel:208-287-4942)

Hersley, Jean

From: Hersley, Jean
Sent: Monday, June 05, 2017 1:41 PM
To: 'info@challismessenger.com'
Subject: Legal Notice

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208-879-5276 Page 1

June 5, 2017

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320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 – telephone
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GARY SPACKMAN, Director

Published on 6/8/2017 and 6/15/2017

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

MEMORANDUM

Date: June 1, 2017
To: Transfer 81599
From: Clay Webster
Re: Review & Evaluation of Sufficiency of Information

Authority to File:

This application was submitted by Charles R. Boge. He is listed as the Secretary/Treasurer of the Gini Ditch Co. They are listed as the current water right owner. The property proposed to be added to the POU is owned by the Idaho Parks and Recreation. The applicant provided a letter from the Idaho Parks and Rec with a point of contact in regards to questions about this application.

I did contact Dr. Boge for clarification on their attorney. The firm of Holden Kidwell Hahn and Crapo were listed on the water right. I found a change of address form in the file which indicated that they should be removed. Dr. Boge informed me that the intent was to remove them from their water rights.

Water Right Validity:

These water rights were decreed in 2004. No validity concerns are noted.

Injury to Other Water Rights:

This proposal will not increase the amount of water diverted, nor the acres to be irrigated. Review staff has no other injury concerns.

Enlargement of Use:

The applicant identified acres which will be dried up as a result of this transfer. According to current tax-lot data, those acres are owned by Charles R. and Janeice Boge. Charles R. Boge signed the application on behalf of Gini Ditch Co. Inc. providing his agreement to dry up this acreage. There will be no increase in authorized irrigated acres. This transfer does not change the amount of water authorized for diversion nor acres authorized to be irrigated. I have no other enlargement concerns at this time.

Local Public Interest:

This transfer will occur within the Wild and Scenic Watersheds of the Upper Salmon River Basin. While new appropriations are subordinated in this area, these rights have priority dates senior to the Wild and Scenic Agreement. There are no apparent issues identified and the application will be advertised for public comment.

Beneficial Use/Conservation of Water Resources:

The beneficial use will not change with this transfer. The transfer appears 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:

The proposal will dry-up 4 acres of irrigated agricultural land to irrigate 4 acres of park.

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: Andy Waldera <andy@sawtoothlaw.com>
Sent: Thursday, June 01, 2017 9:22 AM
To: Webster, Clay
Cc: Charles Boge
Subject: RE: Transfer application 81599 for Gini Ditch Co.
Attachments: WaterRight72-10480.pdf

Thank you for the note, Clay. As you can see from the files, there's been quite a bit of wrangling over the years regarding the Company footprint. And, I believe there is more work to be done (but I am tracking down more information on that at present—none of which impacts the current application you are reviewing).

Thank you for the current update.

Regards,
Andy

Andrew J. Waldera

SAWTOOTH LAW OFFICES, PLLC

andy@sawtoothlaw.com

www.sawtoothlaw.com

Telephone: (208) 629-7447 ext. 216

Facsimile: (208) 629-7559

P.O. Box 7985, Boise, Idaho, 83707



SAWTOOTH LAW
OFFICES, PLLC

NOTICE: This e-mail, including attachments, constitutes a confidential attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail or by calling (208) 629-7447, so that our address record can be corrected. Thank you.

From: Webster, Clay [mailto:Clay.Webster@idwr.idaho.gov]
Sent: Thursday, June 01, 2017 9:18 AM
To: Andy Waldera
Subject: Transfer application 81599 for Gini Ditch Co.

Andy,

I am currently reviewing the application for transfer for the Gini Ditch Co. During my initial review I found that there was an error being reflected in our system. The shape being displayed for the Place of Use (POU) was from the decree and not the amended decree. We have corrected that problem in our system and the water rights now reflect the corrected POU. This propagated to the maps Attachments 7a and 7b that were sent in with the application. I'm including a new map of the Gini Ditch Co.s POU to help clarify my explanation and avoid any future confusion.

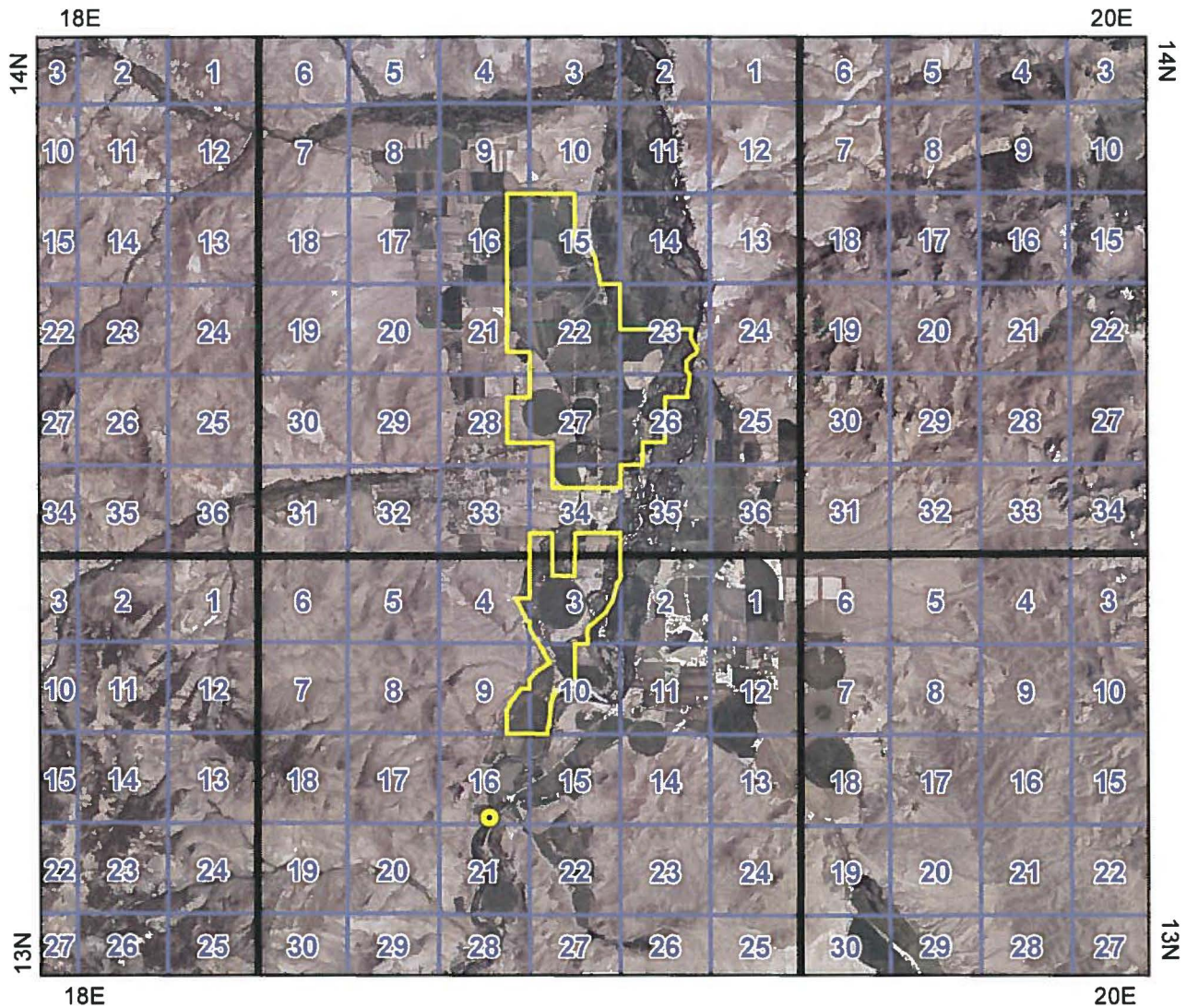
Sincerely,
Clay Webster
Water Resource Agent Sr.
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)

State of Idaho
Department of Water Resources

Water Right 72-10480

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 1.25 2.5 5 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections





1515 Hoopes Ave.
P.O. Box 2200
Idaho Falls, ID 83403
208-523-0090

September 30, 2016

To Whom It May Concern:

Members Preferred Credit Union gives authorization to Charles Boge to give the Land of the Yankee Fork State Park Visitor Center 0.08 cubic feet per second of water for the purpose of irrigating 4 acres of land at the Yankee Fork State Park Visitor Center.

There is a lien attached to the property. The lien is secured by a deed of trust. Members Preferred Credit Union does not oppose the application for transfer.

If you have any questions you can contact me at 208-346-7923. Thank you.

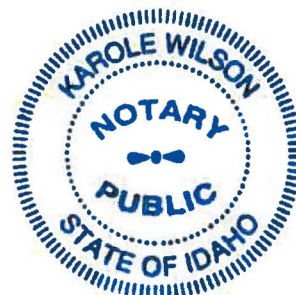
Sincerely,

Josh Johnson
Senior Loan Officer
Members Preferred Credit Union
208-346-7923

State of Idaho)
County of Blaineville) S.S.

Subscribed and sworn before me this 30 day of September, 2016

Notary Public official signature
Residing at Idaho Falls, Idaho
My commission expires 7/11/2017





C. L. "Butch" Otter
Governor

David R. Langhorst
Director

.....
**IDAHO PARK AND
RECREATION BOARD**
.....

Tom Crimmins
District One

Randy Doman
District Two

Michael Boren
District Three

Gordon Hansen
District Four

Pete J. Black
Board Chair
District Five

Robert Hansen
District Six

.....
DIRECTOR'S OFFICE
.....

5657 Warm Springs Avenue
P.O. Box 83720
Boise, Idaho 83720-0065

Phone (208) 334-4199

www.parksandrecreation.idaho.gov

RECEIVED

APR 24 2017

DEPARTMENT OF
WATER RESOURCES

April 17, 2017

IDWR Southern Region
650 Addison Ave W., Suite 500
Twin Falls, ID 83301-5858

Subject: Application for Transfer of Water Right

The Gini Ditch Co., in coordination with Idaho Department of Parks and Recreation (IDPR), is applying for a transfer of water rights to change to place of use for the Gini Ditch Co. water rights. This transfer will add a 4 acre parcel to the total 2,440 acres under the Gini Ditch Co. water rights 72-10480, 72-10481 and 72-10482. To mitigate for these additional acres, four acres currently included in the place of use will be dried up, as indicated in the attached application.

The acreage to be added to the place of use are located at the Land of the Yankee Fork State Park Visitor Center on the NW corner of the ID-75 and US-93 junction south of Challis. This transfer is not a conveyance of part of the Gini Ditch Co. rights to IDPR.

Please see the attached application and application fee.

If you have any questions for our agency regarding the filing of this application, please contact me at (208) 514-2457 or adam.straubinger@idpr.idaho.gov.

Thank you,

Adam Straubinger
Park Planner

RECEIVED

APR 20 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION