

JUN 05 2013

Department of Water Resources Eastern Region

73-12220

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

Ident. No.

AMENDED

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Circle Pi LLC Phone (208) 876-4467

Name connector (check one): [] and [] or [] and/or

Mailing address: HC 62, Box 2295 City May

State Idaho Zip 83253 Email:

2. Source of water supply groundwater which is a tributary of

3. Location of point(s) of diversion:

Table with columns: Twp, Rge, Sec, Govt Lot, 1/4, 1/4, 1/4, County, Source, Local name or tag #

4. Water will be used for the following purposes:

Amount 3.05* for irrigation purposes from 4/1 to 10/31 (both dates inclusive)

Amount for purposes from to (both dates inclusive)

Amount for purposes from to (both dates inclusive)

Amount for purposes from to (both dates inclusive)

* this application and water right 73-7025 provide 0.02 cfs per acre on 258.4 acres in combination

5. Total quantity to be appropriated is (a) 3.05 cubic feet per second (cfs) and/or (b) acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. existing irrigation well; pump, mainline to pivots; no Well Driller's Report available

b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity n/a acre-feet.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? [] Yes [] No

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

d. Is ground water with a temperature of greater than 85°F being sought? [] Yes [x] No

e. If well is already drilled, when? unknown; drilling firm unknown; Well was drilled for (well owner) unknown; Drilling Permit No. unknown

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW.

b. Stockwatering; list number and kind of livestock.

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider.

d. Domestic; show number of households

e. Other; describe fully.

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	21E	1										6.5	40	6.9					53.4
		2													2.5			32	34.5
		11	19																19.0
		12		1.5	9.7			25	38	23	40	12	2.3						151.5

Total number of acres to be irrigated: 258.4

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Water right 73-7025 is diverted from the same ground water well and delivered through the same delivery facilities to two existing pivots. Surface water from multiple sources will be left undiverted instream to mitigate for ground water use. See Attachment A.
10. a. Who owns the property at the point of diversion? applicant
- b. Who owns the land to be irrigated or place of use? applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: not applicable
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. An existing well will be used to provide irrigation water to two existing pivots using this new appropriation and water right 73-7025 in a combined delivery system. An associated transfer will be submitted for water right 73-7025.
An additional transfer of overlapping surface water rights will propose use of those rights for mitigation of the groundwater use proposed by this application, and groundwater use under water right 73-7025. Surface water rights are as follows: 73-6, 73-12, 73-105, 73-107, 73-114, 73-115, 73-2015, 73-2037, 73-10037, 73-10063, 73-108, 73-2053.
12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

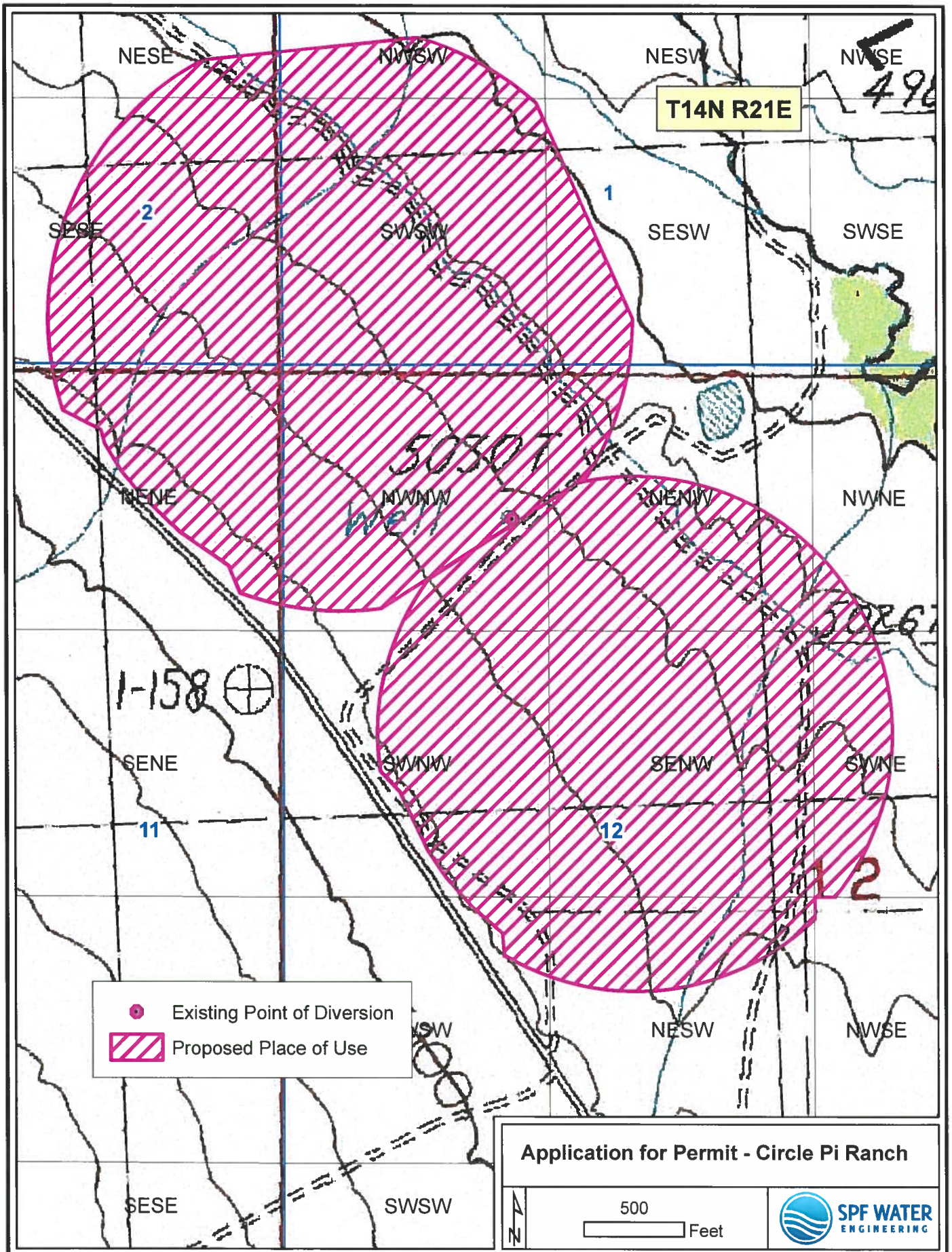
Ben H Yates
 Signature of Applicant
BEN H. YATES
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ 370 Received by Bluk Receipt No. E038523 Date 3/25/2013



73-12220

Attachment A – Mitigation Plan

Background

Water right 73-7025 was developed by a prior owner of this property as part of a Desert Land Entry (DLE) transaction with the federal government. Two triangle-shaped parcels were developed, and a water right license was issued in 1989 for irrigation of 106 acres. The authorized diversion rate is 2.12 cfs.

A claim to water right 73-7025 was submitted in the Snake River Basin adjudication in 1990, and a partial decree was entered by the court in 2009. The partial decree describes the right as licensed in 1989. The decree also notes as a condition of the place of use that water right 73-7025 overlaps water right nos. 73-6, 73-12, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-2015, and 73-2053. The sources of the overlapping rights are surface water from the Pahsimeroi River, Patterson Creek, Sulphur Creek, springs, and an unnamed stream. The overlapping rights have been delivered in a combined delivery system for many years.

Several state and federal agencies have an interest in surface water flows in the various streams that are the source of supply for the overlapping water rights (most notably Sulphur Creek and the Pahsimeroi River). These agencies are actively working in the Pahsimeroi Valley to increase flows in the subject streams to protect and enhance habitat for threatened and/or endangered-species fish. To further this goal, Circle Pi wishes to use ground water on 263.5 acres which were previously irrigated primarily with a surface water supply.

Proposal

Circle Pi proposes developing two new groundwater rights to irrigate 263.5 acres: one right for 258.4 acres using the existing well for 73-7025, and one right for 5.1 acres using an existing domestic well. An *Application for Transfer* for water right 73-7025 will be filed concurrently to describe the 258.4-acre combined place of use.

Circle Pi recognizes the interconnection of groundwater and surface water in the Pahsimeroi Valley, and proposes that portions of water right nos. 73-6, 73-12, 73-105, 73-107, 73-108, 73-114, 73-115, 73-2015, 73-2037, 73-10037, 73-10063, 73-2053 be dedicated to mitigation of groundwater use under water right 73-7025 and the proposed permits, and be left undiverted from the various sources for the groundwater rights described above. An *Application for Transfer* for the surface water rights will be filed concurrently with the groundwater-right applications. The surface-water transfer application will describe the proposed mitigation use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. RECEIVED
MAR 20 2013
Department of Water Resources
Eastern Region

1. Name of applicant(s) Circle Pi LLC Phone (208) 876-4467
Name connector (check one): and or and/or
Mailing address: HC 62, Box 2295 City May
State Idaho Zip 83253 Email: _____

2. Source of water supply groundwater which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
14N	21E	12			NW	NW	Custer	groundwater	

4. Water will be used for the following purposes:

Amount 3.05* for irrigation purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)

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

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

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) * this application and water right 73-7025 provide 0.02 cfs per acre on 258.4 acres in combination

5. Total quantity to be appropriated is (a) 3.05 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. existing irrigation well; pump, mainline to pivots;
no Well Driller's Report available

b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity n/a acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.
For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? Yes No

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

d. Is ground water with a temperature of greater than 85°F being sought? Yes No

e. If well is already drilled, when? unknown; drilling firm unknown;
Well was drilled for (well owner) unknown; Drilling Permit No. unknown

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

SUPERCEDED

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14N	21E	1											6.5	40	6.9					53.4
		2														2.5			32	34.5
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		12		1.5	9.7			25	38	23	40	12	2.3							151.5

Total number of acres to be irrigated: 258.4

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Water right 73-7025 is diverted from the same ground water well and delivered through the same delivery facilities to two existing pivots. Surface water from multiple sources will be left undiverted instream to mitigate for ground water use. See Attachment A.
10. a. Who owns the property at the point of diversion? applicant
 b. Who owns the land to be irrigated or place of use? applicant
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: not applicable
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. An existing well will be used to provide irrigation water to two existing pivots using this new appropriation and water right 73-7025 in a combined delivery system. Overlapping surface water rights (Water right nos. 73-6, 73-12, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-2015, 73-2037, 73-2053) are the subject of a related transfer application which will clarify the place of use for those rights. An associated transfer will also be submitted for water right 73-7025.
12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

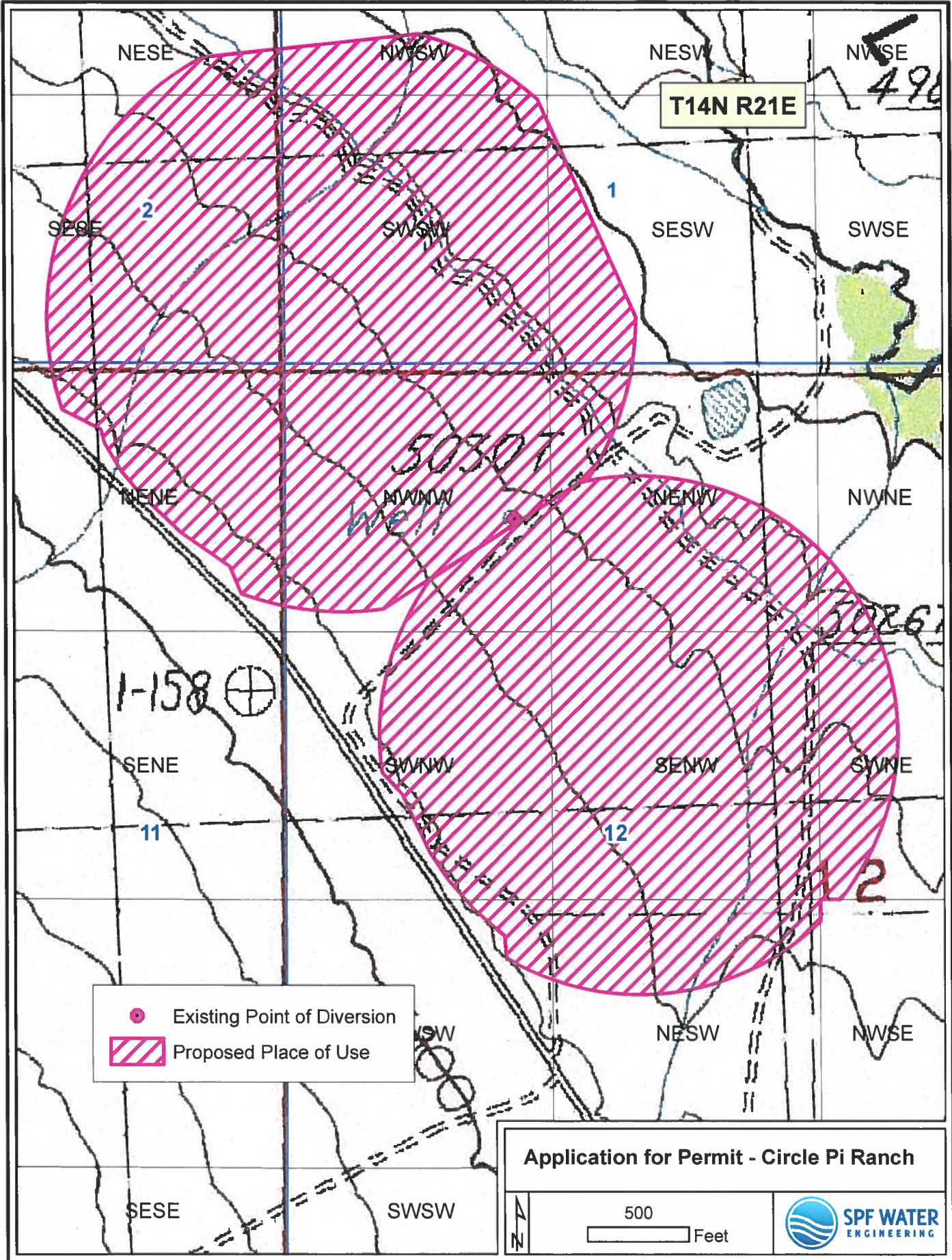
B. H. Fates
 Signature of Applicant
Ben H Fates
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ 370 Received by BH Receipt No. E038523 Date 3/25/2013



Attachment A – Mitigation Plan

Background

Water right 73-7025 was developed by a prior owner of this property as part of a Desert Land Entry (DLE) transaction with the federal government. Two triangle-shaped parcels were developed, and a water right license was issued in 1989 for irrigation of 106 acres. The authorized diversion rate is 2.12 cfs.

A claim to water right 73-7025 was submitted in the Snake River Basin adjudication in 1990, and a partial decree was entered by the court in 2009. The partial decree describes the right as licensed in 2009. The decree also notes as a condition of the place of use that water right 73-7025 overlaps water right nos. 73-6, 73-12, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-2015, and 73-2053. The sources of the overlapping rights are surface water from the Pahsimeroi River, Patterson Creek, Sulphur Creek, springs, and an unnamed stream. The overlapping rights have been delivered in a combined delivery system for many years.

Several state and federal agencies have an interest in surface water flows in the various streams that are the source of supply for the overlapping water rights (most notably Sulphur Creek and the Pahsimeroi River). These agencies are actively working in the Pahsimeroi Valley to increase flows in the subject streams to protect and enhance habitat for threatened and/or endangered-species fish. To further this goal, Circle Pi wishes to use ground water on approximately 258 acres which were previously irrigated primarily with a surface water supply.

Proposal

Circle Pi proposes developing a new ground water right to irrigate approximately 258 acres using the existing well, as described in this *Application for Permit*. Water right 73-7025 will also be used in the same delivery system to two full pivots on Circle Pi. The combined place of use will be approximately 258 acres (106 acres under water right 73-7025, and 152.4 additional acres). The permit application describes all 258.4 acres to allow for the proposed mitigation plan. An *Application for Transfer* for water right 73-7025 will be filed concurrently with this application to describe the new place.

Circle Pi recognizes the interconnection of ground water and surface water in the Pahsimeroi Valley, and proposes that the portions of water right nos. 73-6, 73-12, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-2015, and 73-2053 which are found to overlap the proposed place of use under this application be dedicated to mitigation of groundwater use under the subsequent permit and be left undiverted from the various sources for the rights listed above.



RECEIVED

JUN 05 2013

Department of Water Resources
Eastern Region

June 4, 2013

Blake Jordan
IDWR Eastern Region Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402

*Subject: Applications for Transfer (3); Applications for Permit (2)
SPF Project No.: 580.0010*

Dear James,

Enclosed on behalf of Circle Pi, LLC (Circle Pi) are five amended water right applications. The original applications were submitted March 18, 2013. You may recall our lengthy discussion concerning these applications, and our agreement that amended claims should be submitted (1) to clarify the mitigation plan for the groundwater permit applications, and (2) more precisely describe portions of the rights to be used for each purpose (irrigation, mitigation). You also asked that maps submitted with the applications be amended to show the natural channel of Sulphur Creek.

As reported previously, Circle Pi is cooperating in conservation projects with several state and federal agencies to provide additional flow in Sulphur Creek and the Pahsimeroi River near the ranch. The results of the proposed applications are summarized below:

Diversion P-12 Place of Use Transfer:

1. The existing P-12 diversion will remain in place.
2. A portion of each surface water right is designated for the irrigation of 97.7 acres using P-12. (We have enclosed a copy of the spreadsheet used to calculate the allocation of the various rights.)

Diversion P-13 Replacement and Place of Use Transfer:

1. The existing P-13 diversion will be replaced by a single pump station in the Pahsimeroi River.
2. Other points of diversion/diversion from the Pahsimeroi River will be abandoned.
3. The point of diversion from Sulphur Creek will no longer be used. Sulphur Creek water will remain in stream and flow into the Pahsimeroi River. Sulphur Creek water will then be diverted through the new pump station in the river.
4. All other points of diversion from Patterson Creek, springs, and an unnamed stream will remain the same. The point of injection into the Pahsimeroi River for these sources will remain the same.

Ground Water Transfer:

1. The existing well will remain in place.
2. All of water right 73-7025 (106 acres) is proposed for transfer to a new 258.4-acre place of use within the boundary of the surface water permissible place of use.
3. Additional ground water appropriation is accomplished with the permit applications detailed below.
4. Mitigation of the ground water use by non-use of surface water within the permissible place of use is proposed to protect the junior-priority ground water right from curtailment in the future, and to prevent enlargement of the original water rights.

Ground Water Permit for Irrigation:

1. The existing well will be used.
2. A total of 258.4 acres will be irrigated with ground water using two existing pivots.
3. Water right 73-7025 and this new appropriation are used in combination, and limited to the irrigation of 258.4 acres.
4. Mitigation of the ground water use by non-use of surface water within the permissible place of use is proposed to protect the junior-priority ground water right from curtailment in the future, and to prevent enlargement of the original water rights.

Ground Water Permit for Domestic Use and Irrigation:

1. An existing domestic well will be used.
2. Irrigation (5.1 acres) is proposed around an existing home.
3. Domestic and stockwater uses are also proposed.
4. Mitigation of the ground water use for irrigation by non-use of surface water within the permissible place of use is proposed to protect the junior-priority ground water right from curtailment in the future, and to prevent enlargement of the original water rights.

Circle Pi previously submitted filing fees associated with these applications. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,



Roxanne Brown
Sr. Water Rights Specialist

Cc: Circle Pi, LLC
Enclosures

Water Right No.	Priority Date	Source	BEFORE			AFTER (P12)			AFTER (New POD)			AFTER (Mitigation)			AFTER (IWSB)			AFTER (P-13 Total)		
			Diversion Rate (cfs)	Place of Use (acres)	Combined POU (acres)	Diversion Rate (cfs)	Place of Use (acres)	Combined POU (acres)	Diversion Rate (cfs)	Place of Use (acres)	Combined POU (acres)	Diversion Rate (cfs)	Place of Use (acres)	Combined POU (acres)	Diversion Rate (cfs)	Place of Use (acres)	Combined POU (acres)	Water Right No.	Irrigation Diversion Rate (cfs)	POU Irrigation (acres)
73-6	1/20/1910	Pahsimeroi River	1.80	90.0		0.24	12.1		0.76	37.8		0.66	32.8		0.15	7.3		73-6	1.56	77.9
73-12	4/28/1913	Pahsimeroi River	1.20	60.0		0.16	8.1		0.50	25.2		0.44	21.8		0.10	4.9		73-12	1.04	51.9
73-105	11/30/1907	Patterson Creek	0.20	10.0		0.03	1.3		0.08	4.2		0.07	3.6		0.02	0.8		73-105	0.17	8.7
73-107	5/1/1906	Pahsimeroi River	1.20	60.0		0.16	8.1		0.50	25.2		0.44	21.8		0.10	4.9		73-107	1.04	51.9
73-114	6/20/1908	Patterson Creek	1.60	80.0		0.22	10.8		0.67	33.6		0.58	29.1		0.13	6.5		73-114	1.38	69.2
73-115	4/25/1904	Patterson Creek	2.80	140.0		0.38	18.9		1.17	58.7		1.02	51.0		0.23	11.4		73-115	2.42	121.1
73-2015	12/25/1904	Sulphur Creek	2.20	106.0		0.30	14.3		0.92	44.5		0.80	38.6	263.5	0.18	8.6		73-2015	1.90	91.7
73-2037	3/8/1908	Pahsimeroi River	1.00	50.0	723.8	0.13	6.7	97.7	0.42	21.0	303.6	0.36	18.2		0.08	4.1		73-2037	0.87	43.3
73-10037	3/21/1905	Pahsimeroi River	1.60	80.0		0.22	10.8		0.67	33.6		0.58	29.1		0.13	6.5		73-10037	1.38	69.2
73-10063	5/1/1906	Patterson Creek	2.00	100.0		0.27	13.5		0.84	41.9		0.73	36.4		0.16	8.2		73-10063	0.00	0.0
73-108	11/28/1904	unnamed stream	1.20	60.0		0.16	8.1		0.50	25.2		0.44	21.8		0.10	4.9		73-108	1.73	86.5
73-2053	10/4/1909	spring	0.40	20.0		0.05	2.7		0.17	8.4		0.15	7.3		0.03	1.6		73-2053	0.00	0.0
TOTAL			17.20	856.0	723.8	2.32	115.5	97.7	7.21	359.1	303.6	6.26	311.6	263.5	1.40	69.8	59.0	TOTAL	14.88	740.5

TOTAL AFTER		
Rate	Acres	Combined
17.20	856.0	723.8



March 18, 2013

James Cephalo
IDWR Eastern Region Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402

Subject: Applications for Transfer (3); Applications for Permit (2)

Dear James,

Enclosed on behalf of Circle Pi, LLC (Circle Pi) are five related water right applications. Circle Pi is cooperating in conservation projects with several state and federal agencies to provide additional flow in Sulphur Creek and the Pahsimeroi River near the ranch. The results of the proposed applications are summarized below:

Diversion P-12 Place of Use Transfer:

1. The existing P-12 diversion remains in place.
2. Two water rights (all of 73-10037, and a portion of 73-10063) are designated for the irrigation of 97.7 acres using P-12.

Diversion P-13 Replacement and Place of Use Transfer:

1. The existing P-13 diversion is replaced by a single pump station in the Pahsimeroi River.
2. Other points of diversion/rediversion from the Pahsimeroi River are abandoned.
3. The point of diversion from Sulphur Creek is no longer used. Sulphur Creek water is allowed to remain Instream, flows into the Pahsimeroi River, and then is diverted through the new pump station.
4. All other points of diversion from Patterson Creek, springs, and an unnamed stream remain the same. The point of injection into the Pahsimeroi River for these sources remains the same.
5. There is a new permissible place of use boundary, and a designated place of use is defined.
6. Additional water rights within the permissible place of use will either be placed in the Idaho Water Supply Bank, or used for the mitigation of ground water use proposed below.

RECEIVED

MAR 20 2013

Department of Water Resources
Eastern Region

Ground Water Transfer:

1. The existing well remains in place.
2. All of water right 73-7025 (106 acres) is transferred to a new 258.4-acre place of use within the boundary of the surface water permissible place of use.
3. Additional ground water appropriation is accomplished with the permit detailed below.
4. Mitigation of the ground water use by non-use of surface water within the permissible place of use is suggested to protect the junior-priority ground water right from curtailment in the future, and to prevent enlargement of the original water rights.

Ground Water Permit for Irrigation:

1. The existing well is used.
2. A total of 258.4 acres is irrigated with ground water using two existing pivots.
3. Water right 73-7025 and this new appropriation are used in combination, and limited to the irrigation of 258.4 acres.
4. Mitigation of the ground water use by non-use of surface water within the permissible place of use is suggested to protect the junior-priority ground water right from curtailment in the future, and to prevent enlargement of the original water rights.

Ground Water Permit for Domestic Use and Irrigation:

1. An existing domestic well is used.
2. Irrigation (5.1 acres) is proposed around an existing home.
3. Domestic and stockwater uses are also proposed.
4. Mitigation of the ground water use for irrigation by non-use of surface water within the permissible place of use is suggested to protect the junior-priority ground water right from curtailment in the future, and to prevent enlargement of the original water rights.

We have estimated the filing fees based on diversion rates as follows:

Application	Diversion Rate (cfs)	Fee
P-12 Transfer	1.95	\$580.00
Pump Station Transfer	15.25	\$1,700.00
73-7025 Transfer	2.12	\$660.00
Irrigation Permit	3.05	\$370.00
Domestic/Irrigation Permit	0.10	\$100.00
TOTAL FEE		\$3,410.00

We realize this is a complicated set of applications, and have made every effort to provide the needed information. We can provide GIS data for the proposed points of diversion and various places of use upon request. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,



Roxanne Brown
Sr. Water Rights Specialist

Cc: Circle Pi, LLC

Enclosures

SPF file number: 580.0010



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 27, 2013

CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

RE: Transfer No. 78650, 78653 and 78654
Applications for Permit No. 73-12219 and 73-12220

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 for Transfer No. 78650 and Applications for Permit No. 73-12219 and 73-12220 will be in the CHALLIS MESSENGER on July 3 and 11, 2013 and Transfer No. 78654 will be in the CHALLIS MESSENGER AND RECORDER HERALD on July 3 and 11, 2013 and Transfer No. 78653 will be in the CHALLIS MESSENGER, RECORDER HERALD on July 3 and 11, 2013 and the IDAHO STATESMAN, LEWISTON TRIBUNE, POST REGISTER, TIMES NEWS on July 4 and 11, 2013. 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,

Sharla Cox
Administrative Assistant

CC: SPF WATER ENGINEERING LLC, C/O ROXANNE BROWN



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

April 26, 2012

C.L. "BUTCH" OTTER
Governor

Circle PI LLC
HC 62 Box 2295
May ID 83253

GARY SPACKMAN
Director

RE: Application to Appropriate Water in the Upper Salmon River Basin 73-12219 and 73-12220

Dear Water Right Applicant:

The Department of Water Resources' (IDWR) records show you filed an application to establish a new use of water in the upper Salmon River basin. Idaho Code § 42-203A(5) requires IDWR to determine whether each water right application satisfies all the criteria necessary for appropriating water in Idaho. One statutory criterion requires IDWR to determine the local public interest relative to the proposed water use. Idaho Code § 42-202B(3) defines the local public interest as "the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource." The local public interest has many facets, including the effects of a proposed water use on aquatic habitat for fish and wildlife resources.

The upper Salmon River basin is home to stocks of chinook salmon, sockeye salmon, steelhead trout, and bull trout, all of which are listed as threatened or endangered under the Endangered Species Act (ESA). Since the early 1990s, local water users, conservation districts, and federal and state agencies have cooperated to implement conservation measures intended to protect and restore habitat for ESA-listed species in the upper Salmon River watershed. For example, at the request of local water users the Idaho Legislature directed the Idaho Water Resource Board (IWRB) to establish a minimum stream flow in the lower Lemhi River for fish passage. The minimum stream flow is maintained through a water supply bank and temporary or permanent acquisition of additional water supplies by willing buyers from willing sellers.

Pursuant to the Snake River Water Rights Agreement of 2004, Idaho has been developing a long term conservation plan for the benefit of ESA-listed species in the Lemhi River basin. Improving conditions in flow-limited river reaches and streams is a fundamental component of the Lemhi plan. In addition to IDWR, numerous state agencies, including the Office of Species Conservation, Idaho Department of Fish and Game, Idaho Department of Environmental Quality, Idaho Soil and Water Conservation Commission, and Idaho Department of Lands, have committed and continue to commit significant resources toward this objective under the following programs:

- Columbia Basin Water Transactions Program
- National Marine Fisheries Service Pacific Coastal Salmon Recovery Fund
- U. S. Fish & Wildlife Service Aquatic Species Conservation Fund
- Salmon and Clearwater River Basins Habitat Fund
- 2008 Columbia Basin Fish Accords

A myriad of habitat restoration projects are being constructed/implemented in other parts of the upper Salmon River basin. These projects have been coordinated with the local communities and water users through the Upper Salmon River Basin Watershed Program and predecessor programs, including the model watersheds. Furthermore, the Snake River Water Rights Agreement of 2004 contemplates the development of additional conservation plans for other upper Salmon River basin watersheds. Accordingly, the draft Comprehensive State Water Plan under revision by the IWRB contains policies for the Salmon River basin that focus on the protection and restoration of instream habitat for ESA-listed species through voluntary participation in conservation programs.

Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

Pursuant to Rule 40.04.c of the Water Appropriation Rules (IDAPA 37.03.08.040.04.c), the applicant has the ultimate burden of persuasion regarding the items that must be evaluated in connection with each water right application. Before proceeding further with your application, IDWR requests you submit additional information about how your proposal invokes any local public interest concerns for ESA species recovery. Within 30 days, please submit any additional information you believe IDWR may need to evaluate and determine the local public interest in the water you propose to divert and use. If IDWR has not received a response from you within 30 days, IDWR will assume you have no comment regarding the local public interest, and processing of your application will resume with the information currently on file. Processing will include public notice and the potential for formal protests by other interested parties. Applications that are not in the local public interest will be denied. If you wish to withdraw your application before it is processed, please notify IDWR in writing.

If you have any questions, please call me at 208-525-7161, or email me at james.cefalo@idwr.idaho.gov.

Sincerely,



James Cefalo
Water Resources Program Manager

Enclosure

JC:sc



State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 26, 2013

Water Resource Board
PO Box 83720
Boise ID 83720

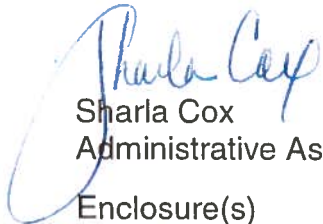
Application to Permit No. 73-12219 and 73-12220

Water Resource Board:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

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

Sincerely,


Sharla Cox
Administrative Assistance
Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 27, 2013

Idaho Department of Fish & Game
Attn: Tom Bassista
4279 Commerce Way
Idaho Falls ID 83401

Application to Permit No. 73-12219 and 73-12220

IDF&G:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

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

Sincerely,



Sharla Cox
Administrative Assistance

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, June 27, 2013 11:52 AM
To: 'Challis Messenger (ameans@challismessenger.com) '
Subject: Legal Notice for your paper
Attachments: Challis Messenger E-Mail.doc

Contacts: Challis Messenger

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

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

CIRCLE PI LLC
HC 62 BOX 2295
MAY, ID 83253

73-12219

Point of Diversion
NENW S12 T14N R21E
CUSTER County
Source GROUND WATER Tributary
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
04/01 to 10/31 0.1 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.1 CFS

Date Filed: 3/20/2013

Place Of Use: DOMESTIC

T14N R21E S1 SESW
T14N R21E S12 NENW
Place Of Use: STOCKWATER

T14N R21E S1 SESW
T14N R21E S12 NENW
Place Of Use: IRRIGATION

T14N R21E S1 SESW
T14N R21E S12 NENW

Total Acres: 5.1

This application proposes the diversion and use of water from ground water tributary to 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 the diversion rate 0.10 cfs for 5.1 acres, along with domestic and stockwater use will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

73-12220

Point of Diversion
NWNW S12 T14N R21E
CUSTER County
Source GROUND WATER Tributary
Use: IRRIGATION
04/01 to 10/31 3.05 CFS
Total Diversion: 3.05 CFS

Date Filed: 3/20/2013

Place Of Use: IRRIGATION

T14N R21E S1 NWSW SWSW SESW
T14N R21E S2 NESE SESE
T14N R21E S11 NENE
T14N R21E S12 NWNE SWNE NENW NWNW SWNW SENW NESW NWSW

Total Acres: 258.4

This application proposes the diversion and use of water from ground water tributary to 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 the diversion rate of 3.05 cfs for 258.4 acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before July 22, 2013. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78650

CIRCLE PI LLC, HC 62 BOX 2295, MAY, ID 83253; has filed Application No. 78650 for changes to the following water rights within CUSTER County(s): Right No(s). 73-7025; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: The applicant proposes to change the place of use. The point of diversion remains the same for 2.12 cfs from ground water. The place of use is within Sec 1, 2, 11 and 12 T14N R21E for 106 acres within the 258.4 acre place of use.

TRANSFER NO. 78653

CIRCLE PI LLC, HC 62 BOX 2295, MAY, ID 83253; has filed Application No. 78653 for changes to the following water rights within CUSTER, LEMHI County(s): Right No(s). 73-10037, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-115, 73-12, 73-2015, 73-2037,

73-2053, 73-6; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: The applicant proposes to change the point of diversion and to change the place of use. The points of diversion are in the SWNW Sec 1 T14N R21E from Pahsimeroi River, Sulpher Creek, Patterson Creek, unnamed stream and springs, also in the NENE from Patterson Creek and springs, in the SWNE from spring and unnamed stream, in the SENW from Patterson Creek, unnamed stream and springs within Sec 7 T14N R22E for 14.88 cfs. The place of use is within Sec 1, 2, 3, 11 and 12 T14N R21E for 626.1 acres.

TRANSFER NO. 78654

CIRCLE PI LLC, HC 62 BOX 2295, MAY, ID 83253; has filed Application No. 78654 for changes to the following water rights within CUSTER, LEMHI County(s): Right No(s). 73-10037, 73-10063, 73-105, 73-107, 73-108, 73-114, 73-115, 73-12, 73-2015, 73-2037, 73-2053, 73-6; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: The applicant proposes to change the point of diversion and to change the place of use. The points of diversion are in the SESW Sec 1 T14N R21E from Pahsimeroi River, Patterson Creek, Sulpher Creek, unnamed stream and springs and in the NENE from Patterson Creek and Spring, the SWNE from spring and unnamed stream, the SENW from Patterson Creek, springs and unnamed stream Sec 7 T14N R22E for 2.32 cfs. The place of use is within Sec 2 and 3 T14N R21E for 97.7 acres. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before July 22, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 3 and 11, 2013