



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

June 29, 2011

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

LYLE SWANK  
WATER DISTRICT 01  
900 N SKYLINE DR STE A  
IDAHO FALLS, ID 83402-1718

RE: Application for Transfer 77231  
Water Right Number(s) 1-10058

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Sincerely,

Kerrie Mathews  
Water Resources Agent

Enclosure(s)

KM:sc



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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June 29, 2011

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

Smith-Maxwell Ditch Co,  
839 W Riverton Rd, Blackfoot  
ID 83221

RE: Application for Transfer No. 77231

Dear Applicant(s):

The Department of Water Resources has received your water right transfer applications. Please refer to the transfer number referenced above in all future correspondence regarding these transfers.

A legal notice of the application has been prepared and is scheduled for publication in the Morning News, Post Register, Times News, Idaho Statesman and the Recorder Herald on July 7 and 14, 2011. Protests to this application may be submitted for a period ending ten (1) days after the second publication.

If the application is protested, you will be sent a copy of the protest(s). 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.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Sharla Cox  
Administrative Assistant

NOTICE OF PROPOSED  
CHANGE OF WATER RIGHT  
TRANSFER NO. 77231

Smith-Maxwell Ditch Co,  
839 W Riverton Rd, Blackfoot  
ID 83221, has filed Application  
No. 77231 for changes to the  
following water rights within  
BINGHAM County(s): Right  
No(s). 01-10058; to see a full  
description of these rights and  
the proposed transfer, please  
see [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

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.  
The points of diversion are in  
the NENESE Sec 8 T2S R36E,  
SESESE Sec 10 T3S R35E and  
the SWSWSW Sec 23 T3S R34E  
for 10.58 cfs. The place of use  
remains the same for 695 acres.  
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 25, 2011. The  
protestant must also send a copy  
of the protest to the applicant.

The following application(s)  
have been filed to appropriate the  
public waters of the State of Idaho:  
35-14144

RYAN YANCEY

367 W 150 N  
BLACKFOOT ID 83221

Point of Diversion: NWNESW  
T02S R35E SEC 28 BINGHAM  
County Source GROUND WATER  
Use: DOMESTIC 01/01 to 12/31  
0.04 CFS

Total Diversion 0.04 CFS

Date Filed: 06/07/2011

Place Of Use: DOMESTIC

T02S R35E S28 NESW

Permits will be subject to all prior  
water rights. 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 25, 2011. The protestant  
must also send a copy of the protest  
to the applicant

GARY SPACKMAN,

Interim Director

Published July 7 & 14, 2011

NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 77231

Smith-Maxwell Ditch Co, 839 W Riverton Rd, Blackfoot, ID 83221, has filed Application No. 77231 for changes to the following water rights within BINGHAM County(s): Right No(s). 01-10058; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

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. The points of diversion are in the NENESE Sec 8 T2S R36E, SESESE Sec 10 T3S R35E and the SWSWSW Sec 23 T3S R34E for 10.58 cfs. The place of use remains the same for 695 acres.

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 25, 2011. The protestant must also send a copy of the protest to the applicant. The following application has been filed to appropriate the public waters of the State of Idaho.

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

73-12175

FLYING JOSEPH RANCH LLC  
C/O JOSEPH CLARK  
7213 PERMIETER RD S  
SEATTLE WA 98108

Point of Diversion: NESESW AND NWSWSW T13N R23E SEC 20 CUSTER County  
Source PASHIMEROI RIVER tributary SALMON RIVER

|                 |                |          |
|-----------------|----------------|----------|
| Use: AESTHETICS | 01/01 to 12/31 | 20.0 CFS |
| Use: RECREATION | 01/01 to 12/31 | 20.0 CFS |
| Use: WILDLIFE   | 01/01 to 12/31 | 20.0 CF  |

|                 |          |
|-----------------|----------|
| Total Diversion | 20.0 CFS |
|-----------------|----------|

Date Filed: 09/17/2010

Place Of Use: AESTHETICS, RECREATION and WILDLIFE  
T13N R23E S19 NESE SESE

This application proposes the diversion and use of water from Pashimeroi River 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 20.0 cfs for aesthetics, recreation and wildlife will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

GARY SPACKMAN  
Interim Director

Published July 7 and 14, 2011

## Cox, Sharla

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**From:** Cox, Sharla  
**Sent:** Wednesday, June 29, 2011 2:04 PM  
**To:** 'legals@cableone.net'  
**Subject:** Legal ad for your paper  
**Attachments:** Morning News E-Mail.doc  
  
**Contacts:** Morning News

*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](mailto:sharla.cox@idwr.idaho.gov)

Cox, Sharla

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**From:** Cox, Sharla  
**Sent:** Wednesday, June 29, 2011 2:08 PM  
**To:** 'klewis@lmtribune.com'  
**Subject:** Legal ad for your paper

**Contacts:** Lewiston Morning Tribune

June 29, 2011

**Legal Notice Department**  
LEWISTON MORNING TRIBUNE  
505 C ST PO BOX 957  
LEWISTON ID 83501

RE: Legal Ad

**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 25, 2011. Your cooperation is appreciated.

Sincerely

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

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NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
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Point of Diversion: NESESW AND NWSWSW T13N R23E SEC 20 CUSTER County  
Source PASHIMEROI RIVER tributary SALMON RIVER

|                 |                |          |
|-----------------|----------------|----------|
| Use: AESTHETICS | 01/01 to 12/31 | 20.0 CFS |
| Use: RECREATION | 01/01 to 12/31 | 20.0 CFS |
| Use: WILDLIFE   | 01/01 to 12/31 | 20.0 CF  |
| Total Diversion |                | 20.0 CFS |

Date Filed: 09/17/2010

Place Of Use: AESTHETICS, RECREATION and WILDLIFE  
T13N R23E S19 NESE SESE

This application proposes the diversion and use of water from Pashimeroi River 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 20.0 cfs for aesthetics, recreation and wildlife will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

GARY SPACKMAN  
Interim Director

Published July 7 and 14, 2011

*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](mailto:sharla.cox@idwr.idaho.gov)

## Cox, Sharla

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**From:** Cox, Sharla  
**Sent:** Wednesday, June 29, 2011 2:06 PM  
**To:** 'legals@magicvalley.com'  
**Subject:** Legal ad for your paper  
**Attachments:** Times News E-Mail.doc

**Contacts:** Times News

*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](mailto:sharla.cox@idwr.idaho.gov)

## Cox, Sharla

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**From:** Cox, Sharla  
**Sent:** Wednesday, June 29, 2011 2:06 PM  
**To:** 'Post Register (legalnotices@postregister.com)'  
**Subject:** Legal Ad for your paper  
**Attachments:** Post Register E-Mail.doc

**Contacts:** Post Register

*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](mailto:sharla.cox@idwr.idaho.gov)

## Cox, Sharla

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**From:** Cox, Sharla  
**Sent:** Wednesday, June 29, 2011 2:06 PM  
**To:** 'legals@idahostatesman.com'  
**Subject:** Legal Ad for your paper  
**Attachments:** Idaho Statesman 1.RTF

**Contacts:** Idaho Statesman

*Sharla*

Sharla Cox  
Administrative Assistant  
Idaho Department of Water Resources  
900 N. Skyline Dr. Ste. A  
Idaho Falls ID 83402  
208-525-7161 - telephone  
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[sharla.cox@idwr.idaho.gov](mailto:sharla.cox@idwr.idaho.gov)