



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

June 11, 2009

Junayo Ranch LTD Partnership  
Attn: Owen H. Orndorff  
1087 W River St, Suite 230  
Boise, ID 83702

**COPY**

### **Re: Irrigation of T2S R3W Sect 19 BLM Land Transfer Application Request**

Dear Owen:

The Department received a copy of your recently approved Bureau of Land Management (BLM) Land Use Application and Permit. This permit indicates you are authorized to farm public land in the NE NW Section 19 T2S R3W (Section 19) from May 1, 2009 at least until April 30, 2012. Currently, based on previous information you submitted, this land is irrigated with water from the Tyson Reservoir. Storage and use of water from this reservoir is authorized under 3 water rights; 57-2325, 57-7040, and 57-7400. The place of use for all, one, or any combination of these rights must be changed to authorize irrigation of land in Section 19 from Tyson Reservoir.

Per your previous request, I have enclosed a draft transfer application proposing a change to the place of use of water right 57-7400 to include Section 19 land. This draft, unlike the previous draft transfer application I sent February 3, 2009, proposes right 57-7400 remain in the name of Junayo Ranch LTD Partnership based on your new land use agreement with the BLM. If after 3 years irrigation of the Section 19 land continues, another transfer must be filed to split the right(s) and change the ownership of the portion(s) associated with irrigation of the public land to BLM.

The enclosed transfer application has been drafted for a change to 57-7400 simply because it is the Tyson Reservoir water right with the newest priority date of the three rights. However, the transfer can be drafted to include the other two rights, only one of the other rights, or any combination of the Tyson Reservoir rights. If any other Junayo Ranch LTD Partnership water rights are used for irrigation of the public land from a separate system, i.e. if any of the natural flow right(s) distribution system(s) or other reservoir distribution systems such as Junayo Ranch No. 3 (South) Reservoir are used, an additional/separate transfer application may be required.

Junayo Ranch LTD Partnership  
June 11, 2009  
Page 2 of 2

The Department is concerned injury to existing water rights will occur as a result of the unauthorized use of water for irrigation of the public land within Section 19, specifically because the violation is within the Reynolds Creek Water District. Therefore, the Department strongly urges you to address this issue as soon as possible before further action is necessary. Please complete and submit the requested transfer application required as soon as possible.

IDWR forms and other information are available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please contact me at 208-334-2190 if you have any questions. I appreciate you keeping me informed on your progress with acquiring BLM authorization for irrigation and thank you for your attention to this matter. I look forward to your reply.

Sincerely,

  
Angela M. Grimm  
Water Resource Agent, Sr.

Enclosure(s): Draft Application for Transfer for Water Right 57-7400  
Blank Application for Transfer

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

Transfer No. \_\_\_\_\_

**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 <http://www.idwr.idaho.gov/>.

**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 #1-9.**

- ☐ ☒ #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 transfer 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).
- ☐ ☒ #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 <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☐ #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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Junayo Ranch LTD Partnership Phone (208)343-8880Mailing address 1087 W River St. Ste. 230 Boise, ID 83702 Email \_\_\_\_\_

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

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

☐ No Representative

Name of Representative \_\_\_\_\_ Phone \_\_\_\_\_

Mailing address \_\_\_\_\_ Email \_\_\_\_\_

☐ 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.

\_\_\_\_\_  
Signature of Applicant or Authorized Representative\_\_\_\_\_  
Print Name and Title if applicable\_\_\_\_\_  
Date\_\_\_\_\_  
Signature of Applicant or Authorized Representative\_\_\_\_\_  
Print Name and Title if applicable\_\_\_\_\_  
Date**A. PURPOSE OF TRANSFER**

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**. To correct records error in water right coverage of currently irrigated public land in Section 19 T2S R3W.

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.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use      | Period of Use | Source & Tributary     |
|-----------------------------------------------------------------------------|--------------|-----------------------|--------------------|---------------|------------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 57-7400:     | 4.6 cfs               | Div. to Storage    | 11/15 to 3/15 | Reynolds Cr & Snake Rv |
| <input type="checkbox"/> <input type="checkbox"/>                           |              | 150.0 ac-ft           | Irrigation Storage | 1/1 to 12/31  | Reynolds Cr & Snake Rv |
| <input type="checkbox"/> <input type="checkbox"/>                           |              | 150.0 ac-ft           | Irr. from Storage  | 3/15 to 11/15 | Reynolds Cr & Snake Rv |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                    | to            |                        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                    | to            |                        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                    | to            |                        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                    | to            |                        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                    | to            |                        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                    | to            |                        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |                    | to            |                        |

Total authorized under rights 4.6 cfs and/or 150.0 ac-ft

2. Total amount of water proposed to be transferred or changed 4.6 cubic feet per second and/or 150.0 acre-feet per annum.

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 |             |
| 02S | 03W | 18  |      |     |     |      |      |     |    |    | 2.0  | 15.0 | 2.0 |    |      |    |    |    | 19.0        |
|     |     |     |      |     |     |      |      |     |    |    |      | L3   | L4  |    |      |    |    |    |             |
| 02S | 04W | 13  |      |     |     | 9.0  |      |     |    |    |      |      |     |    |      |    |    |    | 9.0         |
| 02S | 04W | 19  |      |     |     |      | 15.0 | 5.0 |    |    |      |      |     |    |      |    |    |    | 20.0        |
|     |     |     |      |     |     |      | L1   |     |    |    |      |      |     |    |      |    |    |    |             |
| 02S | 04W | 24  | 22.0 | 4.0 | 3.0 | 14.0 |      |     |    |    |      |      |     |    |      |    |    |    | 43.0        |
|     |     |     |      |     |     |      |      |     |    |    |      |      |     |    |      |    |    |    |             |

Total Acres (for irrigation use) 91.0

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: Gravity ditch, storage dam and reservoir (Tyson Reservoir), ditches; pump & pipeline
- b. Who owns the property at the point(s) of diversion? John & Catherine Romero  
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Easement to Junayo Ranch LTD Partnership
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: Land currently irrigated will continue to be irrigated. Transfer proposes addition of 20 acres currently irrigated with storage water from Tyson Reservoir. I.C. § 42-222 allows for an increase in the number of acres irrigated in no other water rights are injured.
- e. 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: Several other water rights of Junayo Ranch LTD Partnership for the current place of use, point of diversion, and use on file with the Department. No existing water rights for irrigation of the additional 20 acres in Section 19 T2S R4W proposed for addition to the current place of use.
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
- Yes    No
- ☐ ☒ undergone a period of five or more consecutive years of non-use,
- ☐ ☒ currently leased to the Water Supply Bank,
- ☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
- ☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

**Current Water Right No.: 57-7400**

Current Owner: JUNAYO RANCH LTD PARTNERSHIP  
Priority Date: 1/13/1984  
Origin: Water Right  
Status: Active  
Basis: License

|                                          |                 |           |                       |                      |          |              |
|------------------------------------------|-----------------|-----------|-----------------------|----------------------|----------|--------------|
| <b>Source</b>                            |                 |           | <b>Tributary</b>      |                      |          |              |
| REYNOLDS CREEK                           |                 |           | SNAKE RIVER           |                      |          |              |
| <b>Beneficial Use</b>                    | <b>From</b>     | <b>To</b> | <b>Diversion Rate</b> | <b>Annual Volume</b> |          |              |
| IRRIGATION FROM STORAGE                  | 03/15 to 11/15  |           |                       | 150 AF               |          |              |
| DIVERSION TO STORAGE                     | 11/15 to 03/15  |           | 4.6 CFS               |                      |          |              |
| IRRIGATION STORAGE                       | 01/01 to 12/31  |           |                       | 150 AF               |          |              |
|                                          | Total Diversion |           | 4.6 CFS               | 150 AF               |          |              |
| <b>Location of Point(s) of Diversion</b> |                 |           |                       |                      |          |              |
| REYNOLDS CREEK                           |                 |           | NE1/4NE1/4            | Sec. 25,             | Twp 02S, | Rge 04W B.M. |
| OWYHEE County                            |                 |           |                       |                      |          |              |

**Place of Use**

IRRIGATION FROM STORAGE Within OWYHEE County

|               |       |      |       |               |       |      |       |
|---------------|-------|------|-------|---------------|-------|------|-------|
| T02S R03W S18 |       | NESW | 2.00  | T02S R03W S18 | Lot 3 | NWSW | 15.00 |
| T02S R03W S18 | Lot 4 | SWSW | 2.00  | T02S R04W S13 |       | SENE | 9.00  |
| T02S R04W S24 |       | NENE | 22.00 | T02S R04W S24 |       | NWNE | 4.00  |
| T02S R04W S24 |       | SWNE | 3.00  | T02S R04W S24 |       | SENE | 14.00 |

Total Acres: 71

Place of Use: IRRIGATION STORAGE same as IRRIGATION FROM STORAGE

Place of Use: DIVERSION TO STORAGE same as IRRIGATION FROM STORAGE

Conditions of Approval:

1. Storage facility known as Tyson West.
2. X36 Rights 57-00252, 57-01070, 57-02325, 57-07040, 57-07472 and 57-07532 are also diverted through the point of diversion described above.
3. X35 Rights 57-00249, 57-01073, 57-07040, 57-00252, 57-01070, 57-02296, 57-02325, 57-07472, 57-07532 and 57-07400 when combined shall not exceed the irrigation of 160 acres.
4. R40 The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Rights 57-02325, 57-07040, and 57-07400 are limited to a total annual combined storage capacity of 160 af.
7. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 57R.
8. Rights 57-00252, 57-01070, 57-02325, 57-07040, 57-07472, 57-07532 and 57-07400 when combined shall not exceed a total diversion rate of 4.6 cfs.

Total Acres (for irrigation use)

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

- ☒ 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 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**.

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

1. 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]

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

Received by \_\_\_\_\_ Date \_\_\_\_\_ Prelim. Check by \_\_\_\_\_ Date \_\_\_\_\_

Fee Paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

Add'l Fee Paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_



57\_7400\_POD

Additional Acres 57 7400\_POU

57\_7400\_Existing\_POU

Township/Range

## Sections

QQ

