

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89488**

This is to certify that: JOSE DITCH CO INC
PO BOX 274
CHALLIS, ID 83226-0274

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
72-4080P	WR/DECREED	12/11/1888	0.430 cfs	N/A	N/A	5.5	SALMON RIVER
72-4080Q	WR/DECREED	12/11/1888	0.400 cfs	12.3 af	N/A	3.5	SALMON RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
72-4080P	NO	NO	YES	NO	NO	NO
72-4080Q	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
72-4080P	72-4080P	0.430 cfs	N/A	5.5	9.0	N/A	N/A	N/A	N/A	N/A
72-4080Q	72-4080Q	0.400 cfs	12.3 af	3.5	9.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.830 cfs	N/A	9.0	9.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 16th day of January, 2025.



Southern Region Manager

SUPPORT DATA
IN FILE # 72-4080P

Transfer No. 89488

WATER RIGHT NO. 72-4080P**As Modified by Transfer No. 89488**

In accordance with the approval of Transfer No. 89488, Water Right No. 72-4080P is now described as follows:

Right Holder: JOSE DITCH CO INC
PO BOX 274
CHALLIS, ID 83226-0274

Priority Date: 12/11/1888

Source: SALMON RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.430 cfs

0.430 cfs

LOCATION OF POINT(S) OF DIVERSION

SALMON RIVER L6 (SWSWSE) Sec 16 Twp 13N Rge 19E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	34													7.5	1.5			9.0

Right Acre Limit: 5.5

POU Total Acres: 9.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 5.5 acres within the authorized place of use in a single irrigation season.
2. 0.17 cfs of this right is limited to use for conveyance losses in delivery of this right.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 170.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

Transfer No. 89488

WATER RIGHT NO. 72-4080P
As Modified by Transfer No. 89488

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 72-4080Q

As Modified by Transfer No. 89488

In accordance with the approval of Transfer No. 89488, Water Right No. 72-4080Q is now described as follows:

Right Holder: JOSE DITCH CO INC
PO BOX 274
CHALLIS, ID 83226-0274

Priority Date: 12/11/1888

Source: SALMON RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.400 cfs	12.3 af
			0.400 cfs	12.3 af

LOCATION OF POINT(S) OF DIVERSION

SALMON RIVER L6 (SWSWSE) Sec 16 Twp 13N Rge 19E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	34													7.5	1.5			9.0

Right Acre Limit: 3.5

POU Total Acres: 9.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.5 acres within the authorized place of use in a single irrigation season.
2. 0.17 cfs of this right is limited to use for conveyance losses in delivery of this right.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 170.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Transfer No. 89488

WATER RIGHT NO. 72-4080Q
As Modified by Transfer No. 89488

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 89488
72-4080P & 72-4080Q

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.045 0.09 0.18 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



RECEIVED**DEC 19 2024**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 89488DEPT. OF WATER RESOURCES
SOUTHERN REGION**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/>.

Name of Applicant(s) JOSE 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 #1-9.

- ☐ ☒ #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/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.
- ☐ ☒ #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

RECEIVED

DEC 19 2024

DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant JOSE DITCH CO INC Phone (208) 879-5696
Mailing Address PO BOX 274, CHALLIS ID 83226-0274 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**.

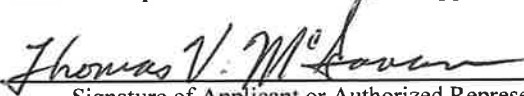
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ 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.

	<u>Thomas V. McGowan</u>	<u>12/11/2024</u>
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
	<u>Jose Ditch Co - president</u>	
_____ Signature of Applicant or Authorized Representative	_____ Print Name and Title if applicable	_____ Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	72-4080P	No	No	Yes	No	No	No
	72-4080Q	No	No	Yes	No	No	No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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**

Transfer application proposes to show the correct location of the irrigation on the property associated with water rights 72-4080P and 72-4080Q

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
72-4080P	0.430 cfs	N/A	5.5	9.0		N/A	N/A	N/A	N/A
72-4080Q	0.400 cfs	12.3 af	3.5	9.0		N/A	N/A	N/A	N/A
COMBINED TOTALS	0.830 cfs	N/A	9.0	9.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.83 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 72-4080P

Current Water Right Owner
JOSE DITCH CO INC
PO BOX 274
CHALLIS, ID 83226-0274

Priority Date: 12/11/1888

Origin: Water Right

Basis: Decreed

Status Active

Source: SALMON RIVER **Tributary:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.430 CFS	
Total Diversion			0.430 CFS	

Source and Point(s) of Diversion:

SALMON RIVER L6(SWSWSE) Sec. 16 Twp 13N Rge 19E CUSTER County

Describe the proposed diversion system

Gini Ditch Diversion

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	34													7.5	1.5			9.0

Right Acre Limit: 5.5

POU Total Acres: 9.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 72-4080Q

Current Water Right Owner
JOSE DITCH CO INC
PO BOX 274
CHALLIS, ID 83226-0274

Priority Date: 12/11/1888

Origin: Water Right

Basis: Decreed

Status Active

Source: SALMON RIVER **Tributary:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.400 CFS	12.3 AFA	
Total Diversion			0.400 CFS	12.3 AFA	

Source and Point(s) of Diversion:

SALMON RIVER L6(SWSWSE) Sec. 16 Twp 13N Rge 19E CUSTER County

Describe the proposed diversion system

Gini Ditch Diversion

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	34													7.5	1.5			9.0

Right Acre Limit: 3.5

POU Total Acres: 9.0

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
Ditch from Salmon River to property. Measuring device is located on ditch ~~to~~ ^{from} Salmon River.

- b. Who owns the property at the point(s) of diversion
No change in point of diversion proposed
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☐ 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:
Application will reflect where irrigation actually occurs on the property.

- e. Describe the use of any other water right(s) for the same purpose or land, or 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

- 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. 72-4080P

Current Water Right Owner
JOSE DITCH CO INC
PO BOX 274
CHALLIS, ID 83226-0274

Priority Date: 12/11/1888

Origin: Water Right

Basis: Decreed

Status: Active

Source: SALMON RIVER **Tributary:** SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Subuse Code
IRRIGATION	04/01	10/31	0.430 CFS	
Total Diversion			0.430 CFS	

Source and Point(s) of Diversion:
SALMON RIVER L6(SWSWSE) Sec. 16 Twp 13N Rge 19E CUSTER County

Describe the proposed diversion system

Gini Ditch Diversion

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	34													1.0	4.5			5.5

POU Total Acres: 5.5

Conditions/Remarks:

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Rights 72-4055A, 72-4080B, 72-4080C, 72-4080E, 72-4080G, 72-4080J, 72-4080K, 72-4080L, 72-4080M, 72-4080N, 72-4080AB, 72-4080Q, 72-4080S, 72-4080T, 72-4080V, 72-4080X, 72-16279A, 72-16279B, 72-16611, 72-16612, 72-16613, 72-16615, and 72-16616 are also diverted through the point of diversion described above and delivered through the Gini Ditch to the Jose Ditch Company delivery system.
7. 0.17 cfs of this right is limited to use for conveyance losses in delivery of this right.

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

Current Water Right No. 72-4080Q

Current Water Right Owner
JOSE DITCH CO INC
PO BOX 274
CHALLIS, ID 83226-0274

Priority Date: 12/11/1888

Origin: Water Right

Basis: Decreed

Status: Active

Source: SALMON RIVER **Tributary:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.400 CFS	12.3 AFA	
Total Diversion			0.400 CFS	12.3 AFA	

Source and Point(s) of Diversion:

SALMON RIVER L6(SWSWSE) Sec. 16 Twp 13N Rge 19E CUSTER County

Describe the proposed diversion system

Gini Ditch Diversion

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	34															3.5		3.5

POU Total Acres: 3.5

Conditions/Remarks:

1. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. Rights 72-4055A, 72-4080B, 72-4080C, 72-4080E, 72-4080G, 72-4080J, 72-4080K, 72-4080L, 72-4080M, 72-4080N, 72-4080P, 72-4080AB, 72-4080S, 72-4080T, 72-4080V, 72-4080X, 72-16279A, 72-16279B, 72-16611, 72-16612, 72-16613, 72-16615, and 72-16616 are also diverted through the point of diversion described above and delivered through the Gini Ditch to the Jose Ditch Company delivery system.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

8. 0.17 cfs of this right is limited to use for conveyance losses in delivery of this right.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☐ 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 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**

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slightly textured appearance and is set against a dark background.

Transfer Contains 10 pages and attachments.
 Received By DM Date 12-19-2024 Prelim. Check By SG Date 12-20-2024
 Fee Paid \$500- Date 12-20-2024 Received By SG Receipt # 5040455
 Add'l Fee Paid Date Received By Receipt #





0005534961

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0005534961

Date Filed: 1/3/2024 8:15:18 AM

Entity Name and Mailing Address:

Entity Name:

JOSE DITCH COMPANY, INC., AN IDAHO NONPROFIT CORPORATION

The file number of this entity on the records of the Idaho
Secretary of State is:

0000390050

Address

PO BOX 274
CHALLIS, ID 83226-0274

Entity Details:

Entity Status

Active-Good Standing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of
the Idaho Secretary of State was:

C127416

The registered agent on record is:

Registered Agent

Jenna L McGowan
Registered Agent

Physical Address

41 MALLARD DR
CHALLIS, ID 83226

Mailing Address

PO BOX 274
CHALLIS, ID 83226-0274

Corporate Officers and Directors:

Name	Title	Business Address
Thomas McGowan	President	PO BOX 1040 CHALLIS, ID 83226
Rick Leuzinger	Director	327 PIVA RD CHALLIS, ID 83226
Walt Taylor	Vice President	411 ROUND VALLEY RD CHALLIS, ID 83226

The annual report must be signed by an authorized signer of the entity.

Job Title: Secretary

Jenna McGowan

Sign Here

01/03/2024

Date

DU0007-1209 UT/03/2024 0:10 AM RECEIVED BY OFFICE OF THE IDAHO SECRETARY OF STATE



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

January 17, 2025

JOSE DITCH CO INC
PO BOX 274
CHALLIS ID 83226-0274

Re: Transfer No: 89488
Water Right No(s): 72-4080P, 72-4080Q

Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

c:

WATER DISTRICT 170
DAVID GRAYBILL
1301 MAIN ST STE 10
SALMON ID 83467-4435

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2025 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 89488
Water Right No(s): 72-4080P, 72-4080Q

JOSE DITCH CO INC
PO BOX 274
CHALLIS ID 83226-0274

WATER DISTRICT 170
DAVID GRAYBILL
1301 MAIN ST STE 10
SALMON ID 83467-4435



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Maline, Denise

From: Maline, Denise
Sent: Monday, December 23, 2024 5:45 PM
To: Graybill, David
Subject: Comments for Transfer No. 89488 (Jose Ditch)
Attachments: Transfer No. 89488 Jose Ditch Co.pdf

Hi David,

Attached is an application for transfer within WD170, currently being processed by our office. Please review the application and provide any necessary comments within 14 days. If you have any questions, you can contact Kent Aasa, as he is the agent working on this transfer.

Thank you & Happy Holidays to you & your family!

Denise



Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

December 23, 2024

DAVID GRAYBILL
WATER DISTRICT 170
1301 MAIN ST STE 10
SALMON ID 83467-4435

Re: Application for Transfer No. 89488 (Jose Ditch Co Inc)
Water Right No(s). 72-4080P & 72-4080Q

Dear David:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 14 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered. 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.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

MEMORANDUM

Date: December 23, 2024
To: Transfer 89488
From: Kent Aasa
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes to change the place of use (POU) description for 9 acres of irrigation (0.83 cfs) from surface water to reflect current irrigation practices. There are no proposed point of diversion changes. The POU is located approximately 0.5 miles south and 1.3 miles east of the Main St/ Highway 93 intersection in Challis. Watermaster comments were solicited and there were no objections.

- **Authority to File:** The applicant is the current owner of water rights 72-4080P and 72-4080Q.
- **Water Right Validity:** Water Rights 72-4080P and 72-4080Q were decreed in the SRBA on 11/17/2000 and 10/12/2001 respectively. Recent aerial and satellite imagery indicate that the property involved with this transfer appears to be irrigated.
- **Injury to Other Water Rights:** None anticipated.
- **Enlargement of Use:** None anticipated.
- **Local Public Interest:** No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:** Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:** None Anticipated
- **Effect of the Agricultural Base of the Area:** None Anticipated

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.

MEMORANDUM

Date: December 23, 2024
To: Transfer 89488
From: Kent Aasa
Re: Legal Notice Not Required

Legal Notice Not Required
12/23/2024

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

This is a paper change only to correct the place of use location description.

MEMORANDUM

Date: December 23, 2024

To: Transfer
89488

From: Kent Aasa

Re: Synopsis Memo

Synopsis Memo
12/23/2024

Transfer proposes to change the place of use (POU) description for 9 acres of irrigation (0.83 cfs) from surface water to reflect current irrigation practices. There are no proposed point of diversion changes. The POU is located approximately 0.5 miles south and 1.3 miles east of the Main St/ Highway 93 intersection in Challis. The proposed transfer is in Water District 170 so water master comments will be solicited.

FEE MEMORANDUM

Date: December 23, 2024
To: Jose Ditch Co Inc. Transfer 89488 File
From: Kent Aasa
Re: Receipting/disposition of fees paid

This transfer was filed on December 20, 2024, to change the place of use (POU) description to reflect the current location of irrigated acres associated with water rights 72-4080P and 72-4080Q. There are no point of diversion changes. The filing fee for this transfer is based on the current fee schedule of \$500.00 for the 0.83 cfs associated with the change in POU. The fee was paid by check # 2056 from Challis Redi-Mix, IDWR receipt # S040455.