

From: [Baily, Jonie](#)
To: [Kristin Moore](#)
Subject: EVR LLC and EVR II LLC Ownership Change
Date: Monday, January 29, 2024 9:58:00 AM
Attachments: [Place of Use 74-179C, 74-15520, 74-15521, 74-15891.pdf](#)
[POU Maps 74-4028, 74-4029, 74-4031.pdf](#)
[Proof Reports for 74-4028, 74-4029 and 74-4031.pdf](#)
[Idaho Code Ownership Changes code highlighted.pdf](#)
[74-16245.pdf](#)

Kristin (Rocky Mountain Environmental):

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

As we previously discussed 74-16212, which is a permit so we can add it to ownership change we just need the additional filing fee of \$25.00.

During my review I found another Permit I did not see listed on the application 74-16245. The department can update the ownership for this permit in the ownership change process, however the filing fee for this permit will be required. I have attached the Proof Report for your review.

Water rights 74-4028, 74-4029, and 74-4031 these water rights were deeded to Eagle Valley Ranch in 2008, the were deeded the water rights only, property was not sold. The new addition to the Idaho code for ownership changes for water rights on someone else's property requires notice to the property owners. I have attached a copy of the code for your convenience. Please supply notice to the property owners for this ownership change. I have attached maps showing the place of use of the water rights and the proof reports which does have parcel numbers the water rights were originally decreed to for your convenience. Please note some of these parcels have been sold and broken into smaller parcels, so the parcel numbers have been changed. There maybe additional work involved to determine where the original parcel was or just mail to all the property owners within the place of use.

Water rights 74-179C, 74-15520, 74-15521, 74-15891 according to the legal description there are some parcels that were not deeded to EVR LLC and EVR II LLC and a split may be required. Please review the map attached. If a split for these water rights is required, an additional filing fee of \$300.00 is required. If these lots were sold without water rights, we will need copies of the deeds withholding the water rights, then as mentioned above notice to the property owner is required.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. **If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.**

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file

a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions.

Sincerely,



IDAHO DEPARTMENT OF
WATER RESOURCES

Jonie Baily | Technical Records Specialist

900 N Skyline Drive Ste. A, Idaho Falls, ID 83402

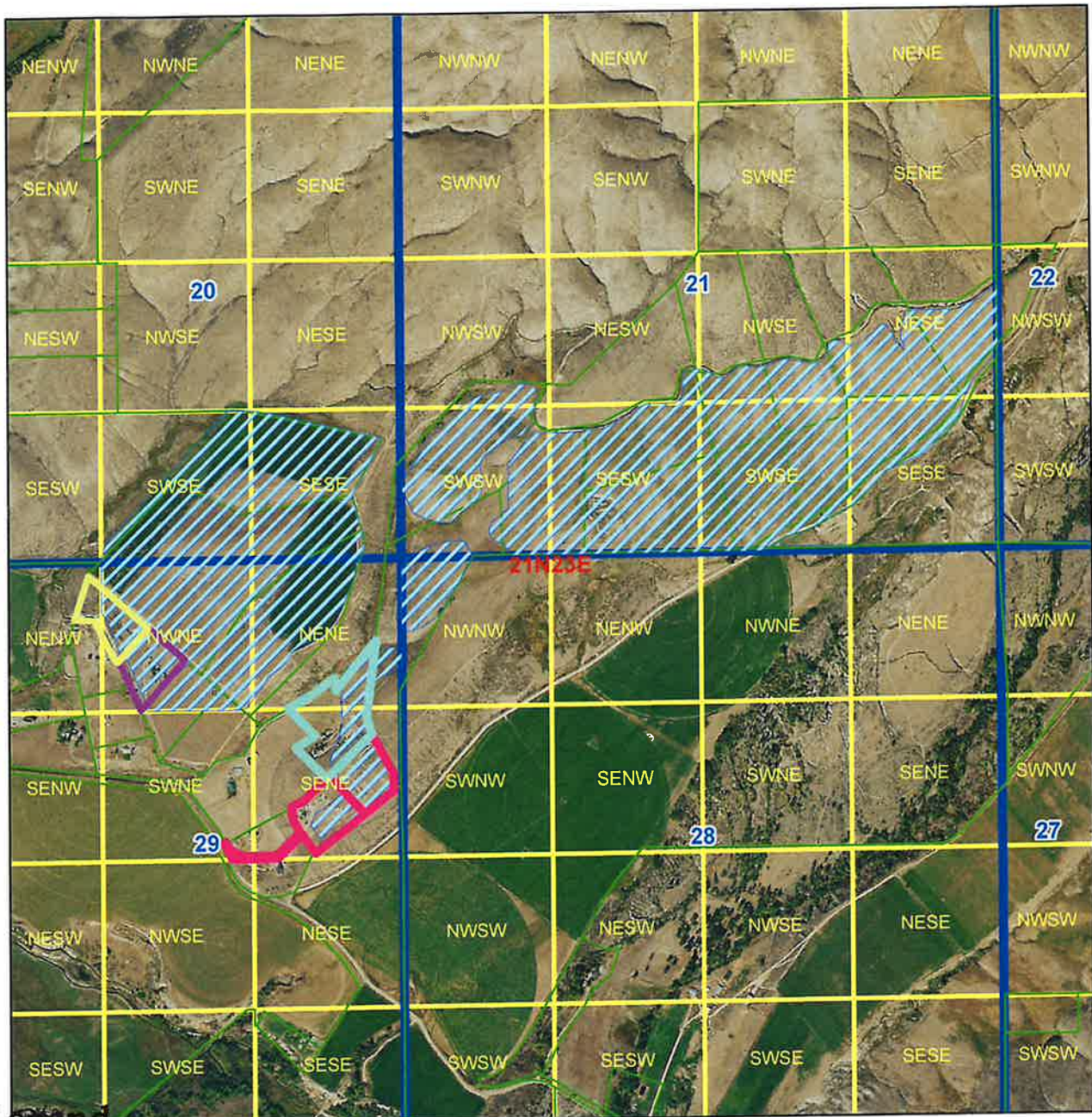
Phone number: (208) 525-7161

Fax number: (208) 525-7177

Email: jonie.baily@idwr.idaho.gov

Website: www.idwr.idaho.gov

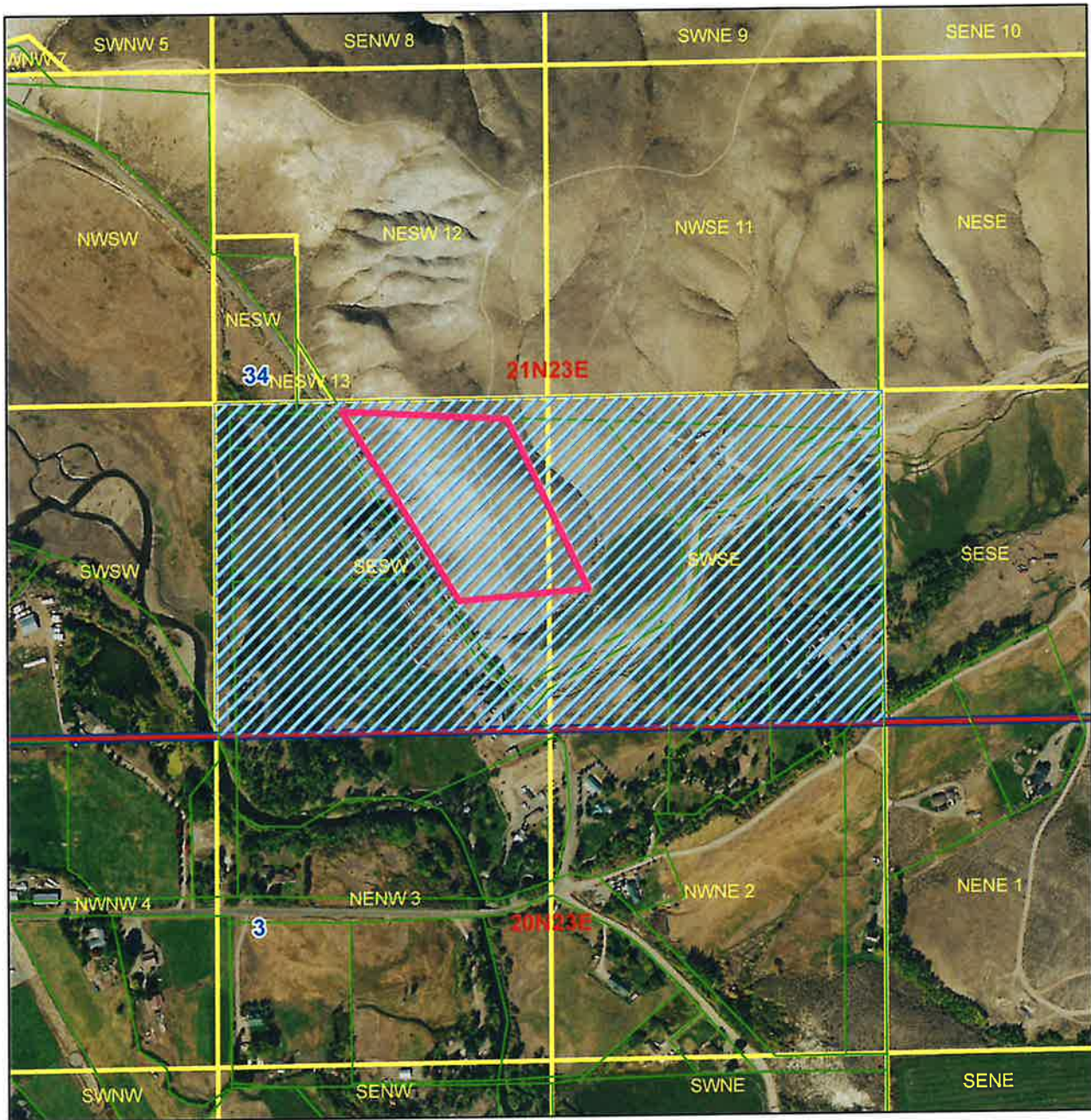
Idaho Department of Water Resources



Legend

- Sidney Cook Property
- Kenneth Robers Property
- David Hershberger Property
- Jodi Pickering Property
- POU 74-179C, 74-15520, 74-15521, 74-15891
- Parcels
- Township/Range
- Sections
- QQ

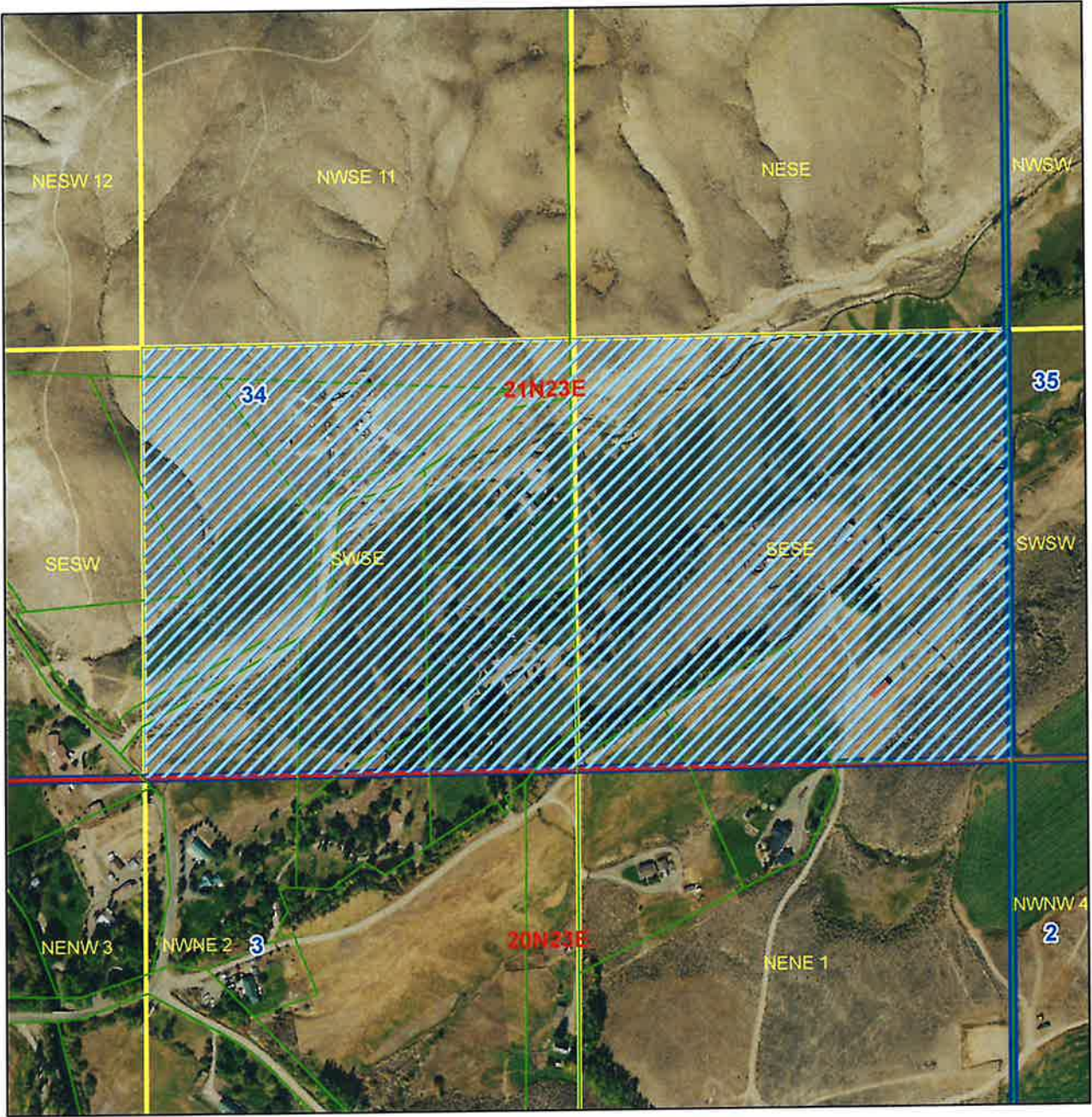
Idaho Department of Water Resources



Legend

-  Edwin Gibson Property Per water right actual Place of use RP21N23E346600
-  POU 74-4028
-  Parcels
-  Township/Range
-  Sections
-  QQ

Idaho Department of Water Resources



Legend

-  POU 74-4031
-  Parcels
-  Township/Range
-  Sections
-  QQ

Idaho Department of Water Resources



Legend

-  EVR LLC and EVR II LLC Property
-  POU 74-4029
-  Parcels
-  Township/Range
-  Sections
-  QQ

1/26/2024

Water Right 74-4028

Previous Owner GORDEN R KIRSCHENMANN
PO BOX 551
RIRIE, ID 83467-5147
(208) 538-7900

Status: Active

Tributary
LEMHI RIVER

Diversion Rate
0.015 CFS
0.015 CFS

SESE

Sec. 34, Twp 21N, Rge 23E, LEMHI County

Place of Use:
STOCKWATER within LEMHI County

STOCKWATER within LEMHI County																			
			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
21N	23E	34												x				x	

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | N13 | THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY. |
| 2. | N11 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. |
| 3. | | PARCEL NO. 21N23E346600 STOCKWATER, 66 CATTLE |

1/26/2024

Water Right 74-4029

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EAGLE VALLEY RANCH LLC 446 BOHANNON CREEK RD SALMON, ID 83467-5045 (208) 756-1733
Previous Owner	GORDEN R KIRSCHENMANN PO BOX 551 RIRIE, ID 83467-5147 (208) 538-7900

Priority Date: 5/24/1902
Basis: Deceased
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.015 CFS	
	Total Diversion		0.015 CFS	

Source and Point(s) of Diversion:
SPRINGS SESE Sec. 28, Twp 21N, Rge 23E, LEMHI County

Place Of Use:
STOCKWATER within LEMHI County

STOCKWATER within ELMH County																			
			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
21N	23E	33					X												

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. 21N23E332404 STOCKWATER, 66 CATTLE

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/26/2024

Water Right 74-4031

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EAGLE VALLEY RANCH LLC 446 BOHANNON CREEK RD SALMON, ID 83467-5045 (208) 756-1733
Previous Owner	GORDEN R KIRSCHENMANN PO BOX 551 RIRIE, ID 83467-5147 (208) 538-7900

Priority Date: 5/1/1900

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WIMPEY CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.015 CFS	
	<u>Total Diversion</u>		0.015 CFS	

Source and Point(s) of Diversion:

WIMPEY CREEK	NWSW	Sec. 35, Twp 21N, Rge 23E, LEMHI County
WIMPEY CREEK	NESW	Sec. 35, Twp 21N, Rge 23E, LEMHI County

Place Of Use:

STOCKWATER within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	34															X	X	

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. 21N23E347200 STOCKWATER, 66, CATTLE

1/26/2024

74-16245

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/26/2024

4. X35 Rights 74-173, 74-215, 74-745, 74-778, 74-779, 74-2348, 74-15740, 74-16244, and 74-16245 when combined shall not exceed a total irrigation of 214.5 acres.
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 place of use.
6. 01H Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
7. 198 When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
8. 215 Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to employ an alternative method to determine and record the amount of water diverted.
9. R05 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. 74C.
10. 029 Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
11. 020 The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.