

RECEIVED

APR 17 2024

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 88900

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

WITHDRAWN

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 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 #1-10.

- ☐ ☐ #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 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☐ #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 <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☐ #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. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☐ #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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☐ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

WITHDRAWN

RECEIVED
APR 17 2024
DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) 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.

Thomas V. McGowan
Signature of Applicant or Authorized Representative

President of Jose Ditch Co.
Thomas V. McGowan
Print Name and Title if applicable

4/12/2024
Date

Pick K. Kuzinger
Signature of Applicant or Authorized Representative

V. Pres
Pick K. Kuzinger
Print Name and Title if applicable

4-12-24
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. Is this a transfer for changes pursuant to Idaho Code §42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. 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.3**.

These particular water rights have been in use for industrial purpose for many years prior to current ownership of operation. We would like to transfer the use of these rights with IDWR for proper use.

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 (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or Part	72-4080P	0.43	Industrial	04/01 to 10/31	Salmon River
☒	72-4080Q	0.40	Industrial	04/01 to 10/31	Salmon River
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 0.83 cfs and/or _____ acre-feet.

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

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	
14	19E	34													I	I			
Total Acres (for irrigation use)																			

88900

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:

Diversion from Salmon River, no change

- b. Who owns the property at the point(s) of diversion? N/A

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

No change to point of Diversion

- 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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank? If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No change from historical use

- f. 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:

None

- g. 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 Owner: JOSE DITCH CO INC
Priority Date: 12/11/1888
Origin: Water Right
Status: Active
Basis: Decreed

Source

SALMON RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

0.43 CFS

0.43 CFS

Annual Volume

Location of Point(s) of Diversion

SALMON RIVER

CUSTER County

L6(SW1/4SW1/4SE1/4)

Sec. 16, Twp 13N, Rge 19E B.M.

Place of Use

IRRIGATION Within CUSTER County

T14N R19E S34

NESE

1.00

T14N R19E S34

NWSE

4.50

Total Acres: 5.5

Page _____ of _____

Conditions of Approval:

1. 029 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.
2. 01M 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. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. T19 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.
5. X36 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.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 0.17 cfs of this right is limited to use for conveyance losses in delivery of this right.

Decreed Date: 11/17/2000

Page _____ of _____

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

Current Water Right No.: 72-4080Q

Current Owner: JOSE DITCH CO INC

Priority Date: 12/11/1888

Origin: Water Right

Status: Active

Basis: Decreed

Source

SALMON RIVER

Tributary

SNAKE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

04/01 to 10/31

0.4 CFS

12.3 AF

Total Diversion

0.4 CFS

12.3 AF

Location of Point(s) of Diversion

SALMON RIVER

L6(SW1/4SW1/4SE1/4)

Sec. 16, Twp 13N, Rge 19E B.M.

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R19E S34

NWSE

3.50

Total Acres: 3.5

Conditions of Approval:

1. 0.17 cfs of this right is limited to use for conveyance losses in delivery of this right.
2. X36 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.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. T19 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.
5. R59 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. 01M 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.
8. 029 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.

Decreed Date: 10/12/2001



SWNE

SENE

INDUSTRIAL
PLACE
OF
USE

NWSE

34

14N19E

NESE

SWSE

SESE

88900



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

B0869-1989 01/03/2024 8:15 AM Received by Office of the Idaho Secretary of State

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



THE JEFFERSON
STAR

THE CHALLIS
Messenger

ADVERTISING INVOICE

APG West Payment
Processing
PO Box 1570
Pocatello, ID 83204
Ph. (208) 542-6712

BILLING DATE:	ACCOUNT NO:
04/24/24	12622

Denise Maline
IDWR SOUTHERN REGION TWIN FALLS
650 ADDISON AVE W STE 500
TWIN FALLS, ID 83301

Challis Messenger

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
507449	The following applic	05/02/24	05/09/24	4	\$178.85

App. for Permit No. 72-17036
App. for Transfer No. 88900

Proof of legal notice received from Challis Messenger 4/24/2024 (2 pgs)

✓ SM
4-24-2024

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Discount: \$0.00
Surcharge: \$0.00
Credits: \$0.00

Gross: \$178.85
Paid Amount: \$0.00

Amount Due: \$178.85

We Appreciate Your Business!

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

72-17036

3BW LLC

PO BOX 401 CHALLIS, ID 83226-0401

Point of Diversion NWSE S34 T14N R19E CUSTER County

Source GROUND WATER Tributary

Point of Diversion NWSE S34 T14N R19E CUSTER County

Source GROUND WATER Tributary

Point of Diversion NESE S34 T14N R19E CUSTER County

Source GROUND WATER Tributary

Use: INDUSTRIAL STORAGE 01/01 to 12/31 454.4 AF

Use: INDUSTRIAL 01/01 to 12/31 0.22 CFS

Total Diversion: 0.22 CFS

Date Filed: 04-11-2024

Place Of Use: INDUSTRIAL, INDUSTRIAL STORAGE

T14N R19E S34 NESE, NWSE

Application proposes to appropriate water for industrial storage in excavated ponds and for industrial use for washing gravel and equipment on property located approximately 1.6 miles north and 0.5 miles east of the Highway 75 and 93 intersection south of Challis. This application proposes the diversion and use of water from ground water tributary to the Salmon River 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 industrial storage water use proposed in this application will benefit from the subordination provision because it is for storage purposes and the industrial water use proposed in this application will benefit from the subordination provision because the 0.22 cfs diversion rate will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88900**

JOSE DITCH CO INC, PO BOX 274, CHALLIS, ID 83226-0274 has filed Application No. 88900 for changes to the following water rights within CUSTER County(s): Right No(s). 72-4080P, 72-4080Q. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to change the nature of use of two Salmon River irrigation water rights totaling 0.83 cfs to industrial use on property located approximately 1.6 miles north and 0.5 miles east of the Highway 75 and 93 intersection south of Challis. The application also proposes to change the place of use of one of the water rights to allow for use on the entire designated industrial site.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **May 20, 2024**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER
Director

Published: May 2, 9, 2024 (CM12622-507449)

✓ DM 4-24-2024



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

April 24, 2024

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

RE: Transfer No. 88900
Water Right No(s). 72-4080P, 72-4080Q

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 in the **CHALLIS MESSENGER on 5/2/2024 and 5/9/2024**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **May 20, 2024**.

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,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Wednesday, April 24, 2024 3:28 PM
To: Graybill, David
Subject: Comment Letters for App for Permit 72-17036 & App for Transfer 88900
Attachments: Comment letter to WD170 for 72-17036 & 88900.docx; App for Permit 72-17036 (3BW LLC).pdf; App for Transfer 88900 (Jose Ditch Co Inc).pdf

Good afternoon David,

Attached is an application for permit & an application transfer within WD170, currently being processed by the department. Please review the applications and provide any necessary comments within 21 days.

If you have any questions regarding this information, please feel free to contact Tyler Wallace or Corey Skinner at our office.

Thank you in advance,

Denise @ Southern



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

April 24, 2024

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

RE: Application for Permit No. 72-17036 (3BW LLC)
RE: Application for Transfer No. 88900 (Jose Ditch Co Inc)

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 21 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)

Maline, Denise

From: Maline, Denise
Sent: Wednesday, April 24, 2024 12:48 PM
To: Challis Messenger
Subject: LEGAL NOTICE - Challis Messenger
Attachments: Challis Messenger cover letter.docx; Challis Messenger ad.docx

Good afternoon,

Attached please find **(1)** legal notice being submitted for publication in the *Challis Messenger* on May 2nd & 9th, 2024. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls, Idaho



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

April 24, 2024

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226-0405

RE: Application for Permit No. 72-17036

RE: Transfer No. 88900
Water Right No(s). 72-4080P, 72-4080Q

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 **May 20, 2024**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

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

72-17036

3BW LLC

PO BOX 401

CHALLIS, ID 83226-0401

Point of Diversion NWSE S34 T14N R19E CUSTER County Source GROUND WATER Tributary

Point of Diversion NWSE S34 T14N R19E CUSTER County Source GROUND WATER Tributary

Point of Diversion NESE S34 T14N R19E CUSTER County Source GROUND WATER Tributary

Use: INDUSTRIAL STORAGE 01/01 to 12/31 454.4 AF

Use: INDUSTRIAL 01/01 to 12/31 0.22 CFS

Total Diversion: 0.22 CFS

Date Filed: 04-11-2024

Place Of Use: INDUSTRIAL, INDUSTRIAL STORAGE

T14N R19E S34 NESE, NWSE

Application proposes to appropriate water for industrial storage in excavated ponds and for industrial use for washing gravel and equipment on property located approximately 1.6 miles north and 0.5 miles east of the Highway 75 and 93 intersection south of Challis. This application proposes the diversion and use of water from ground water tributary to the Salmon River 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 industrial storage water use proposed in this application will benefit from the subordination provision because it is for storage purposes and the industrial water use proposed in this application will benefit from the subordination provision because the 0.22 cfs diversion rate will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 88900

JOSE DITCH CO INC, PO BOX 274, CHALLIS, ID 83226-0274 has filed Application No. 88900 for changes to the following water rights within CUSTER County(s): Right No(s). 72-4080P, 72-4080Q. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to change the nature of use of two Salmon River irrigation water rights totaling 0.83 cfs to industrial use on property located approximately 1.6 miles north and 0.5 miles east of the Highway 75 and 93 intersection south of Challis. The application also proposes to change the place of use of one of the water rights to allow for use on the entire designated industrial site.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **May 20, 2024**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on May 2nd & 9th, 2024

TRANSFER Summary

Date: April 22, 2024
To: Transfer #88900, Jose Ditch Co, Inc
From: Tyler Wallace
Re: Summary of Transfer

Application for transfer proposes to change the nature of use for two irrigation water rights with a combined flow rate of 0.83 cfs to Industrial use. The Place of use (POU) will also be updated so that either water right may be used on the entire designated industrial site.

The location of the industry is approximately 1.6 miles north and 0.5 miles east of the Highway 75 and 93 intersection south of Challis.

The transfer is in Water District 170 so Watermaster comments will be solicited. Advertising will be necessary because of the change in the nature of use and place of use.

FEE MEMORANDUM

Date: April 22, 2024
To: Transfer #88900, Jose Ditch Co, Inc
From: Tyler Wallace
Re: Receipting of fees paid

This transfer was filed on April 17, 2024. The intent of this transfer is to change the nature of use for two irrigation rights with a combined flow rate of 0.83 cfs to industrial use. Therefore, the total fee would be \$750 broken down into \$500 for the combined flow rate plus an additional \$250 for the change in nature of use. The \$750 fee was paid by Challis Redi-Mix with check #1711 at the time of filing. The IDWR receipt number is S040183.