

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89477**

This is to certify that: **FLYING THUNDERBOLT RANCH LLC**
5713 W FOUNDERS DR
EAGLE, ID 83616-0107

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>
65-24310	WR/DECREED	4/1/1901	2.220 cfs	N/A	N/A	111.0	WASTE WATER

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>
65-24310	NO	NO	NO	YES	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>
65-24310	65-24310	2.220 cfs	N/A	N/A	111.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.220 cfs	N/A	N/A	N/A		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 28th day of April, 2025.


SCOTT STORMS, Water Resources Supervisor

WATER RIGHT NO. 65-24310
As Modified by Transfer No. 89477

In accordance with the approval of Transfer No. 89477, Water Right No. 65-24310 is now described as follows:

Right Holder: FLYING THUNDERBOLT RANCH LLC
 5713 W FOUNDERS DR
 EAGLE, ID 83616-0107

Priority Date: 4/1/1901

Source: WASTE WATER

Tributary: PAYETTE RIVER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	3/15	to 11/15	2.220 cfs
STOCKWATER	1/01	to 12/31	0.040 cfs
			2.220 cfs

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER	SESW	Sec 28 Twp 07N Rge 03W GEM County
WASTE WATER	NWSWNW	Sec 34 Twp 07N Rge 03W GEM 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	
07N	03W	28								33.0	40.0			38.0					111.0

POU Total Acres: 111.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	03W	28								X	X			X					

CONDITIONS OF APPROVAL

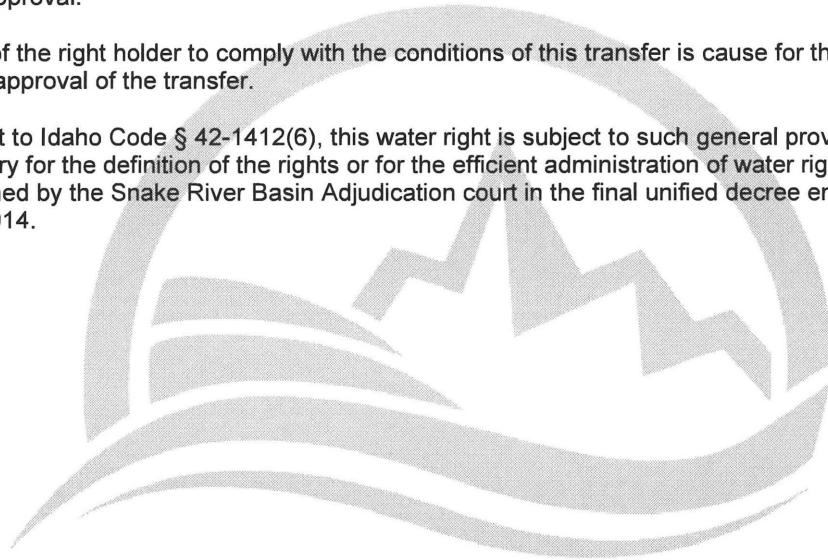
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3. The quantity of water under this right and right 65-11268a for stockwater use shall not exceed 13,000 gallons per day.
4. Use of this right is combined with water from Stewart Ditch Co.

Transfer No. 89477

WATER RIGHT NO. 65-24310
As Modified by Transfer No. 89477

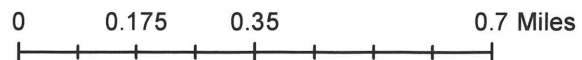
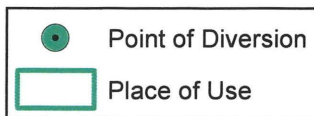
CONDITIONS OF APPROVAL

5. Use of this right is combined with water from the Enterprise Ditch Co.
6. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. The right holder shall accomplish the change authorized by this transfer within one 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 No. 89477
Water Right(s): 65-24310

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





April 28, 2025

FLYING THUNDERBOLT RANCH LLC
5713 W FOUNDERS DR
EAGLE ID 83616-0107

RE: Transfer No: 89477
Water Right No(s): 65-24310

Transfer Approval Notice

Dear Water Right Holder:

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) 334-2190.

Sincerely,

A handwritten signature in blue ink that reads "Marina Bozdog". The signature is written in a cursive, flowing style.

Marina Bozdog
Technical Records Specialist I

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 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.: 89477
Water Right No(s): 65-24310

FLYING THUNDERBOLT RANCH LLC
5713 W FOUNDERS DR
EAGLE ID 83616-0107



Marina Bozdog
Technical Records Specialist I

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.

MEMORANDUM

TO: Transfer No. 89477 Flying Thunderbolt Ranch LLC

FROM: Allen Bradbury

DATE: 04/10/2025

RE: Evaluation of Application for Transfer of Water Right

The purpose of this transfer is to add a point of diversion. The current point of diversion for water rights 65-24310 is approximately 3/4th of a mile upstream from the applicant's property. The applicant desires to pump water directly out of the same wastewater ditch which also goes through the south end of their property. Water will be used at the current place of use from a wastewater ditch near the intersection of County Line Rd and Brill Rd, Emmett, Idaho 83617, in Gem County.

Summary of Information Submitted

Authority to File: The application was filed in the name of Flying Thunderbolt Ranch and signed by Jay Labrum and Andy Labrum. According to the Idaho Secretary of State business search, Jay Labrum and Andrew Labrum are members of Flying Thunderbolt Ranch LLC. The applicant owns all property associated with the place of use and the new point of diversion in this application.

Water Right Validity/Historical Beneficial Use: Water right 65-24310 was decreed on 7/18/2002. The water right is presumed to be valid since beneficial use is evident within the last five years as confirmed by Department aerial imagery and Google Earth imagery. Therefore, a defense of forfeiture is not needed.

Injury to Other Water Rights: This transfer will allow water to be diverted by a pump on the applicants property without changing access to the current point of diversion located 0.75 miles upstream on the same wastewater ditch. There are no other points of diversion between the two locations. No comments were received from the water master or from comment letters sent to other potentially affected parties. No protests were received at advertising. Based on this evidence there is not a concern with other users making a call or being injured.

Enlargement of Use: The transfer does not propose any change to the diversion rate or volume nor any unsubordinated change to the season of use or a change in the nature of use. The number of irrigated acres will remain at original decreed acres. For these reasons, an enlargement of use is not anticipated as a result of this transfer.

Local Public Interest: There are no anticipated negative impacts to recreation, fish, or wildlife as a result of this transfer. There is no indication that any applicable water or hazardous substance standards designed to protect water resources would be violated. This transfer is compatible with the objectives and policies of the State Water Plan. It is within the local public interest to allow private properties to develop their property and fully use their water rights which in turn benefits the public at large. None of the available information suggests a conflict with the local public interest. Comments received from the watermaster did not offer any opposition to the transfer.

Beneficial Use/Conservation of Water Resources: No issues were identified. The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Additional Information/Analysis

Overlap Analysis:

The applicant acknowledges that there are 65 shares from Enterprise Ditch and 55 shares from the Stewart ditch overlapping the property. The ditch company boundaries bisect the property from north and south. Water rights 65-11268A and 65-23645 share the existing point of diversion with 65-24310.

Discussion

If approved the following changes should be made to the conditions of water right nos. 65-24310. Add R65 and O1M. Add standard transfer conditions T07 and T08, replace C18 with T19.

Summary

Assuming no other information contradicts the above analysis, the application can be approved as reflected by the draft approval.