



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

September 13, 2024

WOOD RIVER VALLEY IRRIGATION DISTRICT #45
PO BOX 2223
HAILEY ID 83333-2233

Re: Transfer No(s). 89217 (Flying Squirrel Productions LLC)
Water Right No(s). 37-21863, 37-21880, 37-21897, 37-21914, 37-21931, 37-21976

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization 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, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**on or before October 7, 2024**).

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

RECEIVED

JUL 15 2024

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 89217

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 idwr.idaho.gov.

Name of Applicant(s) Flying Squirrel Productions LLC

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- * 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: _____

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 15 2024
DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Flying Squirrel Productions LLC Phone _____
Mailing address P.O. Box 4938 Ketchum, ID 83340 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 Zach Latham, Hydrologist at Brockway Engineering PLLC Phone 208-736-8543
Mailing address 2016 Washington St N Suite #4 Twin Falls, ID 83301 Email zach.latham@brockwayeng.com

- Send all correspondence for this application to the representative and not to the applicant.
OR
- * Send original correspondence to the applicant and copies to the representative.
- The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that ~~no one will be injured~~ by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative [Signature] Print Name and Title if applicable JONATHAN JEELE Date 7/11/24
Signature of Applicant or Authorized Representative _____ Print Name and Title if applicable _____ Date _____

A. PURPOSE OF TRANSFER

- * 1. Change point of diversion Add diversion point(s) Change place of use
 Change nature of use Change period of use Other _____
- 2. 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.
Applicant seeks to buy 9.0 acres of Bellevue Farms Landowners Association Inc.'s irrigation water rights and transfer them to place of use owned by applicant. See attached consent form executed by Bellevue Farms Landowners Association Inc.'s President.

* Per 8-2-24 Email from Zach Latham.

1/3 OF TOTAL ACRES

Y9103

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:
Burried pressurized irrigation system will provide irrigation water to proposed place of use.

b. Who owns the property at the point(s) of diversion? Applicant.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A.

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: N/A.

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:
The area historically irrigated under these rights will no longer be irrigated.

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:
37-510A, 37-685D, WSB Rental Agreement No.'s 711 and 838.

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:
N/A.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- 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 any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (WaterBalance)

- If you propose to change the nature of use or period of use of all or part of the rights(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.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

Ground water right 37-21976 has been historically diverted to the degree needed considering the low flow rates associated with the surface water rights listed above and priority date cuts in the Big Wood River.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.
 Received by SG Date 7/15/2024 Preliminary check by SG Date 7/15/2024
 Fee paid \$500- Date 7/15/2024 Received by SG Receipt # 5040285
 Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB (copy sent to state office) Lessor Designation form &/or W-9 (originals to state office)

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

Current Water Right No.: 37-21863

Current Owner: BELLEVUE FARMS LANDOWNERS ASSN
 Priority Date: 3/24/1883
 Origin: Water Right
 Status: Water Supply Bank Active
 Basis: Decreed

<u>Source</u>		<u>Tributary</u>	
BIG WOOD RIVER		MALAD RIVER	
<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	10/31	0.138 CFS
	<u>Total Diversion</u>		0.138 CFS
<u>Location of Point(s) of Diversion</u>			
BIG WOOD RIVER		NE1/4SW1/4NW1/4	Sec. 36, Twp 02N, Rge 18E B.M.
BLAINE County			

Place of Use

IRRIGATION Within BLAINE County

T01N R19E S7	Lot 2	SWNW	0.20	T01N R19E S7	Lot 3	NWSW	2.90
T01N R19E S7	Lot 4	SWSW	4.20	T01N R19E S7		SESW	2.50
T01N R19E S7		SWSE	4.40	T01N R19E S18		NWNE	4.80
T01N R19E S18		NENW	3.70	T01N R19E S18	Lot 1	NWNW	5.00

Total Acres: 27.7

Conditions of Approval:

1. This right is a split from former right 37-577.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 9/24/2010

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

Current Water Right No.: 37-21880

Current Owner: BELLEVUE FARMS LANDOWNERS ASSN
 Priority Date: 7/10/1884
 Origin: Water Right
 Status: Water Supply Bank Active
 Basis: Decreed

<u>Source</u>	<u>Tributary</u>		
BIG WOOD RIVER	MALAD RIVER		
<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.002 CFS	
	<u>Total Diversion</u>	0.002 CFS	

Location of Point(s) of Diversion
 BIG WOOD RIVER NE1/4SW1/4NW1/4 Sec. 36, Twp 02N, Rge 18E B.M.
 BLAINE County

Place of Use
IRRIGATION Within BLAINE County

T01N R19E S7	Lot 2	SWNW	0.20	T01N R19E S7	Lot 3	NWSW	2.90
T01N R19E S7	Lot 4	SWSW	4.20	T01N R19E S7		SESW	2.50
T01N R19E S7		SWSE	4.40	T01N R19E S18		NWNE	4.80
T01N R19E S18		NENW	3.70	T01N R19E S18	Lot 1	NWNW	5.00
Total Acres: 27.7							

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right is a split from former right 37-664.

Decreed Date: 9/24/2010

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

Current Water Right No.: 37-21897

Current Owner: BELLEVUE FARMS LANDOWNERS ASSN
 Priority Date: 9/18/1885
 Origin: Water Right
 Status: Water Supply Bank Active
 Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.012 CFS

Annual Volume

Total Diversion

0.012 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER
 BLAINE County

NE1/4SW1/4NW1/4 Sec. 36, Twp 02N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T01N R19E S7	Lot 2	SWNW	0.20	T01N R19E S7	Lot 3	NWSW	2.90
T01N R19E S7	Lot 4	SWSW	4.20	T01N R19E S7		SESW	2.50
T01N R19E S7		SWSE	4.40	T01N R19E S18		NWNE	4.80
T01N R19E S18		NENW	3.70	T01N R19E S18	Lot 1	NWNW	5.00

Total Acres: 27.7

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right is a split from former right 37-298.

Decreed Date: 9/24/2010

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

Current Water Right No.: 37-21914

Current Owner: BELLEVUE FARMS LANDOWNERS ASSN

Priority Date: 6/12/1886

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.002 CFS

Annual Volume

Total Diversion

0.002 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

NE1/4SW1/4NW1/4

Sec. 36, Twp 02N, Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01N R19E S7	Lot 2	SWNW	0.20	T01N R19E S7	Lot 3	NWSW	2.90
T01N R19E S7	Lot 4	SWSW	4.20	T01N R19E S7		SESW	2.50
T01N R19E S7		SWSE	4.40	T01N R19E S18		NWNE	4.80
T01N R19E S18		NENW	3.70	T01N R19E S18	Lot 1	NWNW	5.00

Total Acres: 27.7

Conditions of Approval:

1. This right is a split from former right 37-666.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 9/24/2010

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

Current Water Right No.: 37-21931

Current Owner: BELLEVUE FARMS LANDOWNERS ASSN
 Priority Date: 6/15/1891
 Origin: Water Right
 Status: Water Supply Bank Active
 Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.165 CFS

Annual Volume

Total Diversion

0.165 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

NE1/4SW1/4NW1/4

Sec. 36, Twp 02N, Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T01N R19E S7	Lot 2	SWNW	0.20	T01N R19E S7	Lot 3	NWSW	2.90
T01N R19E S7	Lot 4	SWSW	4.20	T01N R19E S7		SESW	2.50
T01N R19E S7		SWSE	4.40	T01N R19E S18		NWNE	4.80
T01N R19E S18		NENW	3.70	T01N R19E S18	Lot 1	NWNW	5.00

Total Acres: 27.7

Conditions of Approval:

1. This right is a split from former right 37-480 and 37-667.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 9/24/2010

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

Current Water Right No.: 37-21976

Current Owner: BELLEVUE FARMS LANDOWNERS ASSN
 Priority Date: 9/25/1954
 Origin: Water Right
 Status: Water Supply Bank Active
 Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.59 CFS	86.1 AF
	Total Diversion	0.59 CFS	86.1 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SW1/4 Sec. 7, Twp 01N, Rge 19E B.M.
 BLAINE County

Place of Use

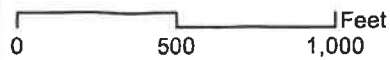
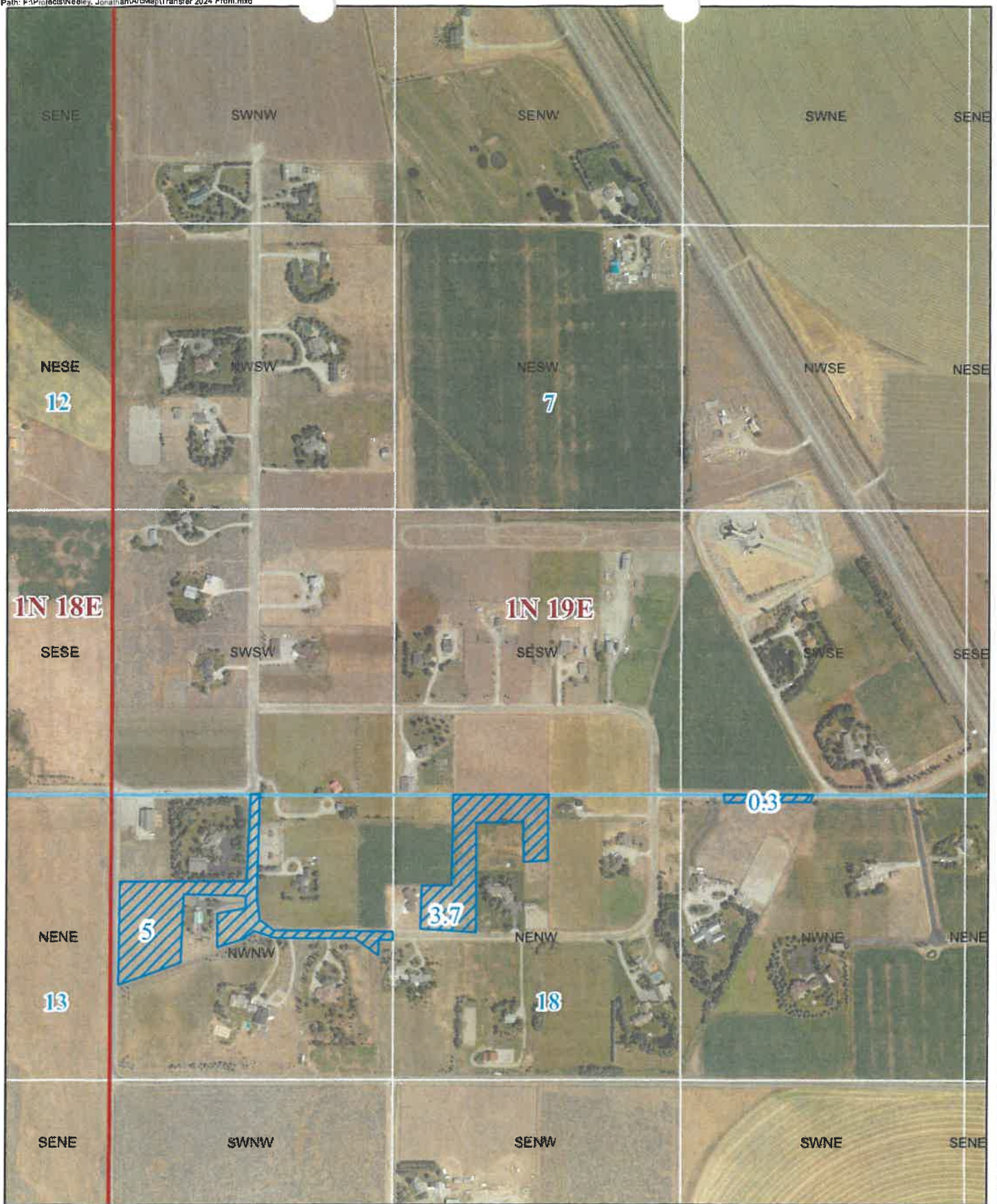
IRRIGATION Within BLAINE County

T01N R19E S7	Lot 4	SWSW	4.20	T01N R19E S7	SESW	2.50
T01N R19E S7		SWSE	4.40	T01N R19E S18	NWNE	4.80
T01N R19E S18		NENW	3.70	T01N R19E S18	Lot 1 NWNW	5.00
Total Acres: 24.6						

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right is a split from former right 37-2557.

Decreed Date: 9/24/2010



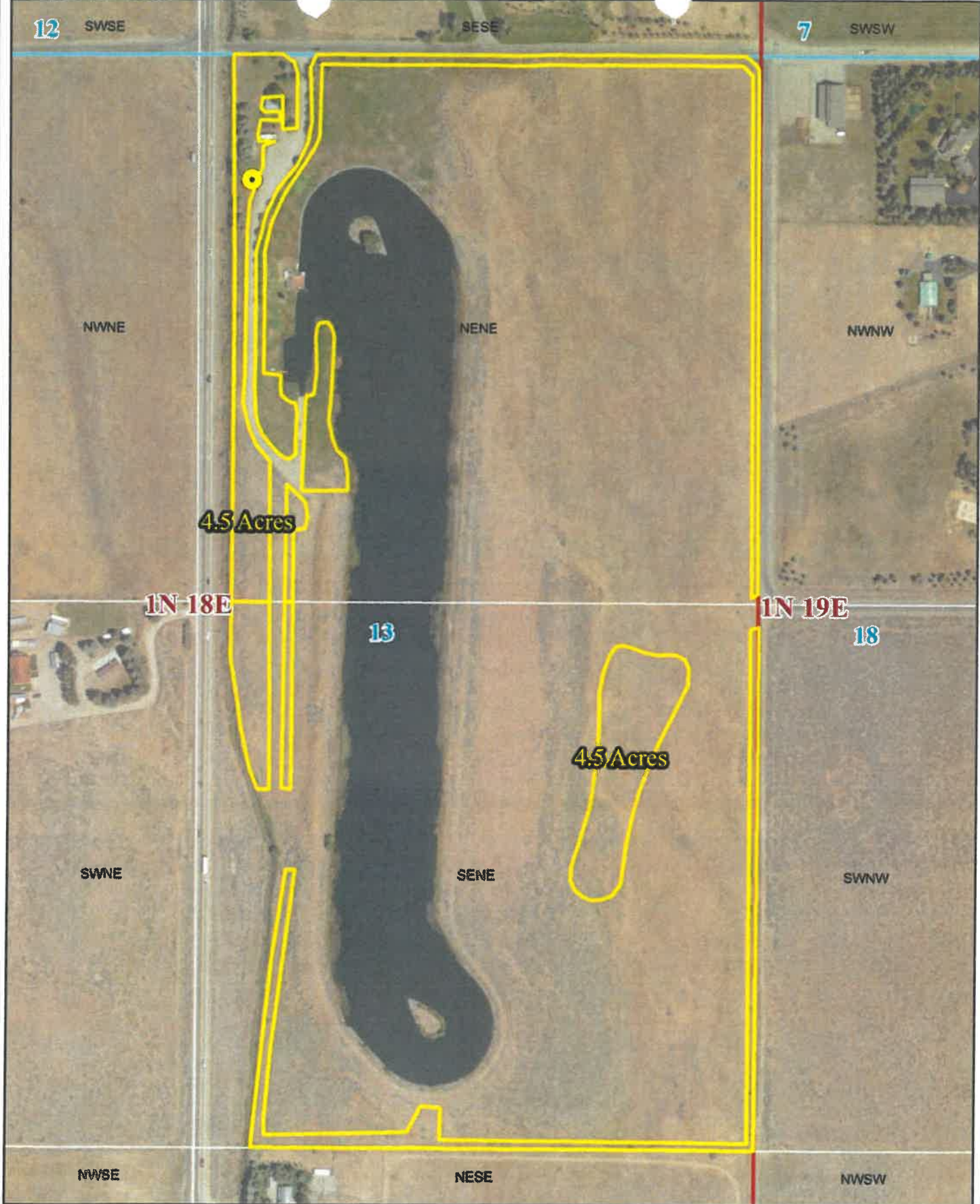
BROCKWAY ENGINEERING, PLLC.
GWS - Date: 7/12/2024

FLYING SQUIRREL PRODUCTIONS LLC
WATER RIGHT TRANSFER
9.0 ACRES

NAIP 2023 AERIAL

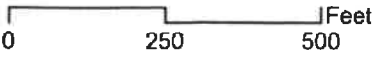
Legend
 FROM Acres







FLYING SQUIRREL PRODUCTIONS LLC
WATER RIGHT TRANSFER
9.0 ACRES

NAIP 2023 AERIAL



BROCKWAY ENGINEERING, PLLC.
 GWS - Date: 6/28/2024

- Legend**
-  POD- Well
 -  9.0_POU



