

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

DEC 27 2005

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned

Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-12044</u>	_____	_____	_____	<u>37-7395</u>	_____
_____	<u>37-2211</u>	_____	_____	_____	_____
_____	<u>37-11989</u>	_____	_____	_____	_____
_____	<u>37-12000</u>	_____	_____	_____	_____
_____	<u>37-20568</u>	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See Instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

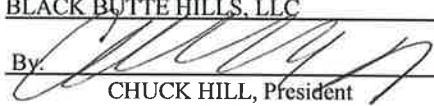
OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former South Cove Ventures, LLC
- Owner/Claimant(s) Post Office Box 1607, Bellevue Washington 98009
4. New Owner/Claimant(s) Black Butte Hills LLC
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address Post Office Box 1607
- City, State and Zip Code Bellevue, Washington 98009
- New Telephone Number (425) 688-9304
5. Date you acquired the property July 11, 2005

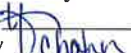
6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. **DESCRIPTION OF YOUR PORTION OF WATER RIGHT**
Signature of New owner(s) or Claimant(s) BLACK BUTTE HILLS, LLC
(include title if applicable)
By: 
CHUCK HILL, President

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use only

Received by  Date 12/27/05 Fee 25.00
 Receipted by D. Chalmers Date 1/9/06 Receipt No. 5028274
 Processed by _____ AJ Date _____ WR _____ Date _____

1040070
RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340

Recorded at the Request of
Camas County Title
at July 13 2005 3:55 P.M.
in Book 35 Page 321
of Deeds
ROLLIE BENNETT
CAMAS COUNTY RECORDER
By Rollee Bennett
Fees \$ 12.00

78639

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, SOUTH COVE VENTURES, L.L.C., a Washington limited liability company, whose address is c/o Chuck Hill, P.O. Box 1607, Bellevue, WA, 98009 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto BLACK BUTTE HILLS LLC, a Washington limited liability company, whose current address is c/o Charles E. Hill, P.O. Box 1607, Bellevue, WA, 98009 ("Grantee", whether one or more), that certain real property situated in Camas County, Idaho and described in Exhibit A attached hereto and incorporated herein by this reference;

TOGETHER WITH the any and all water rights appurtenant thereto including, but not limited to, 37-7395, 37-2211, 37-11989, 37-12000 and 37-12044, and excepting and excluding the following portions of 37-7395 which are the subject of pending applications for transfer of water right: (1) 0.12 cfs for the irrigation of 1 acre on Lot 1, Block 1, Magic Ranch Subdivision #11; (2) 0.25 cfs for the irrigation of 2 acres on Lot 1, Magic Ranch Subdivision #2; (3) 0.37 cfs for the irrigation of 3 acres on Lot 1, Magic Ranch Subdivision #1; (4) 0.025 cfs for the irrigation of 2 acres on Lot 3, Magic Ranch Subdivision #3; and (5) 0.025 cfs for the irrigation of 2 acres on Lot 4, Magic Ranch Subdivision #1;

SUBJECT TO all easements and restrictions of record;

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

This Warranty Deed may be executed in one or more counterparts, all of which together shall constitute one and the same Warranty Deed.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the dates set forth below.

SOUTH COVE VENTURES, L.L.C.

By: Charles E. Hill
Charles E. Hill, President

On this 11th day of July, 2005, before me, the undersigned notary public in and for said state, personally appeared Charles E. Hill, known or identified to me to be president of SOUTH COVE VENTURES, L.L.C., a Washington limited liability company, and the person who executed the foregoing instrument on behalf of said limited liability company and acknowledged to me that said limited liability company executed the same.

KATHY A. ACKERMAN
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JUNE 9, 2008

Kathy A. Ackerman
Notary Public for Washington
Residing at: ISSA Quail
Comm. Expires: 6/9/08

EXHIBIT "A"

PARCEL 1:

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$

SUBJECT TO a road right of way 35 feet in width along the West boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPTING THEREFROM the Northerly 20 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NE $\frac{1}{4}$ NW $\frac{1}{4}$

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the Highway

Lot 3 Block 2 MAGIC RANCH SUBDIVISION No. 11 , filed in the office of the Camas County, Idaho Recorder as Instrument No. 76224.

PARCEL 2:

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 2: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ excepting therefrom that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the Highway;

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Lots 2 and 3 MAGIC RANCH SUBDIVISION No. 1, Camas County, Idaho, according to the official plat filed in the office of the Camas County as Instrument No. 76003.

Lots 1, 2, 4 and 5 MAGIC RANCH SUBDIVISION No. 3, filed in the office of the Camas County, Idaho Recorder as Instrument No. 76005, and replatted as Instrument No. 76784.

Lots 1 and 2 Block 2 MAGIC RANCH SUBDIVISION No. 11, filed in the office of the Camas County, Idaho Recorder as Instrument No. 76224.

PARCEL 3:

Lots 2A, 2B, 3 and 4A Block 1 MAGIC RANCH SUBDIVISION No. 2, Camas County, Idaho, according to the official plat filed in the office of the Camas County as Instrument No. 76004 and replatted as Instrument No. 76797.

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
Post Office Box 987
Ketchum, Idaho 83340

Instrument # 522876

HAILEY, BLAINE, IDAHO

2005-07-12

04:23:00 No. of Pages: 5

Recorded for: SUN VALLEY TITLE

MARSHA NIEMANN

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: WTTGRCORP DEED

04-20381

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, SOUTH COVE VENTURES, L.L.C., a Washington limited liability company, whose address is c/o Chuck Hill, P.O. Box 1607, Bellevue, WA, 98009 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto BLACK BUTTE HILLS LLC, a Washington limited liability company, whose current address is c/o Charles E. Hill, P.O. Box 1607, Bellevue, WA, 98009 ("Grantee", whether one or more), that certain real property situated in Blaine County, Idaho and described in Exhibit A attached hereto and incorporated herein by this reference;

TOGETHER WITH the any and all water rights appurtenant thereto including, but not limited to, 37-7395, 37-2211, 37-11989, 37-12000 and 37-12044, and excepting and excluding the following portions of 37-7395 which are the subject of pending applications for transfer of water right: (1) 0.12 cfs for the irrigation of 1 acre on Lot 1, Block 1, Magic Ranch Subdivision #11; (2) 0.25 cfs for the irrigation of 2 acres on Lot 1, Magic Ranch Subdivision #2; (3) 0.37 cfs for the irrigation of 3 acres on Lot 1, Magic Ranch Subdivision #1; (4) 0.025 cfs for the irrigation of 2 acres on Lot 3, Magic Ranch Subdivision #3; and (5) 0.025 cfs for the irrigation of 2 acres on Lot 4, Magic Ranch Subdivision #1;

SUBJECT TO all easements and restrictions of record;

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

This Warranty Deed may be executed in one or more counterparts, all of which together shall constitute one and the same Warranty Deed.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the dates set forth below.

"GRANTOR"**SOUTH COVE VENTURES, L.L.C.**Date: July 11, 2005By: [Signature]
Charles E. Hill, President

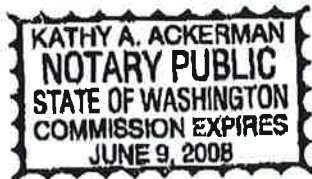
STATE OF WASHINGTON)

County of King)

) ss.

On this 11th day of July, 2005, before me, the undersigned notary public in and for said state, personally appeared Charles E. Hill, known or identified to me to be president of SOUTH COVE VENTURES, L.L.C., a Washington limited liability company, and the person who executed the foregoing instrument on behalf of said limited liability company and acknowledged to me that said limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my and seal the day and year in this certificate first above written.



Kathy A. Ackerman
Notary Public for Washington
Residing at: Issaquah
Comm. Expires: 6/9/08

EXHIBIT "A"**Parcel I:****TOWNSHIP 2 South, RANGE 17, East, Boise MERIDIAN, BLAINE COUNTY, IDAHO:****SECTION 1: SW¼SW¼****AND**

A parcel of land lying within the NW¼SW¼ being more particularly described as follows:

Commencing at the brass cap marking the W ¼ corner of said Section 1, being the **REAL POINT OF BEGINNING**; thence

South 89°59'00" East 659.90 feet to the 5/8" bar marking the center W 1/16 corner of said **SECTION 1**; thence

South 89°59'00" East 594.90 feet to a point on the Fred Evans Sub boundary, as platted and recorded in the Blaine County Recorder's Office; thence

South 63°13'00" West 327.40 feet along said sub boundary to a point; thence

South 79°18'00" West 90.94 feet to the NW corner of said sub; thence

South 01°47'00" West 246.79 feet to the SW corner of said sub; thence

South 88°13'00" East 88.81 feet along said sub to a point; thence

North 67°14'00" East 140.00 feet along said sub to a point; thence

North 82°55'00" East 240.00 feet to the SE corner of said sub; thence

South 00°18'00" East 987.35 feet to the SW 1/16 corner of said **SECTION 1**; thence

North 89°59'00" West 1,322.64 feet to the South 1/16 corner common to **SECTIONS 1 AND 2**; thence

North 00°10'00" West 1,317.36 feet to the **REAL POINT OF BEGINNING**

Shown as Tax Lot No. 7239 on the Blaine County Assessors Rolls

AND

A parcel of land lying within the SW ¼NW¼ being more particularly described as follows:

Commencing at the brass cap marking the W¼ corner of said **SECTION 1**, being the **REAL POINT OF BEGINNING**; thence

North 00°21'00" West 393.09 feet, more or less, along the W boundary of said **SECTION 1** to a point on the SE boundary of the West Magic Airstrip, as described in Instrument No. 138824, Blaine County Recorder's Office; thence

North 56°58'00" East 783.85 feet, more or less, along said West Magic Airstrip to

a point on the extension of the Westerly boundary of West Side Sub as platted and recorded in the Blaine County Recorder's Office; thence South 00°22'00" East 820.59 feet along said westerly boundary to the 5/8" bar marking the SW corner of said West Side Sub; thence North 89°59'00" West 659.9 feet to the REAL POINT OF BEGINNING

Shown as Tax Lot No. 7240 on the Blaine County Assessors Rolls

Parcel II:

TOWNSHIP 2 South, RANGE 17 East, Boise MERIDIAN, BLAINE COUNTY, IDAHO:

SECTION 12: NW¼;

Parcel III:

TOWNSHIP 2 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

**SECTION 12: SW ¼ NE ¼
NE ¼ SW ¼
SE ¼ SW ¼**

Parcel IV:

TOWNSHIP 2 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

**SECTION 12: NW ¼ SW ¼
SW ¼ SW ¼
NW ¼ SE ¼**

Parcel V:

A parcel of land located in the Northwest Quarter of the Southwest Quarter of Section 1, Township 2 South, Range 17 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:

COMMENCING at the aluminum cap marking the West Quarter corner of said Section 1, corner record #72124, from which the Southwest corner of said Section

1 bears South 00°25'31" East, 2634.29 feet;
THENCE North 89°49'39" East along the North boundary of said NW4 SW4 of said Section 1 for a distance of 480.46 feet to the point of beginning;
THENCE North 89°49'39" East along the North boundary of said NW4 SW4 of said Section 1 for a distance of 178.67 feet to found 5/8 inch bar and being the southwest corner of the West Side Subdivision;
THENCE North 89°49'52" East along the North boundary of said NW4 SW4 of said Section 1 for a distance of 594.71 feet to found 1/2 inch bar on the northerly boundary of the Fred Evans Subdivision;
THENCE the following courses and distances along the subdivision boundary of the Fred Evans Subdivision;
THENCE South 62°55'04" West for a distance of 326.85 feet to a found 1/2 inch bar;
THENCE South 78°54'23" West for a distance of 91.51 feet to a found 5/8 inch bar and plastic cap;
THENCE South 01°44'31" West for a distance of 245.46 feet to a found 1/2 inch bar;
THENCE South 88°14'34" East for a distance of 89.68 feet to a found 1/2 inch bar being an angle point in the southerly boundary of said Fred Evans Subdivision;
THENCE North 67°16'02" East for a distance of 101.64 feet along the southerly boundary of said Fred Evans Subdivision;
THENCE South 01°28'40" West for a distance of 297.26 feet to a point on a nontangential curve;
THENCE northwesterly 42.68 feet along a curve to the left having a radius of 470.00 feet and a central angle of 5°12'12" and having a long chord bearing North 37°46'09" West for a distance of 42.67 feet;
THENCE North 40°22'15" West a distance of 137.90 feet to a point of curve to the left having a radius of 1,293.25 and a central angle of 14°21'22" and having a long chord bearing North 47°32'56" West for a distance of 323.19 feet;
THENCE North 33°27'08" West a distance of 375.37 feet to a POINT OF BEGINNING.

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

December 23, 2005

RECEIVED

DEC 27 2005

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301

Re: South Cove Ventures, LLC/Black Butte Hills LLC

Dear Allen:

Enclosed you will find the following ownership change documents relating to the conveyance of various properties by South Cove Ventures, L.L.C. to Black Butte Hills LLC.

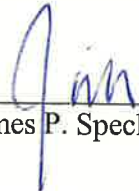
1. Assignment of Permit No. 37-8778;
2. Assignment of Permit No. 37-8779;
3. Assignment of Permit No. 37-8780;
4. Assignment of Permit No. 37-8781;
5. Assignment of Permit No. 37-20550;
6. Assignment of Permit No. 37-20551;
7. Assignment of Permit No. 37-20552;
8. Assignment of Permit No. 37-20553;
9. Assignment of Permit No. 37-20554;
10. Assignment of Permit No. 37-20555;
11. Notice of Change in Water Right Ownership - Damele Ranch;
12. Notice of Change in Water Right Ownership - Magic Ranch;
13. Notice of Change in Water Right Ownership - Scheer 200 Acres;
14. Notice of Change in Water Right Ownership - LeaVell Desert/Options Property.

If after reviewing these documents you want me to file an assignment of the transfer applications I will get one prepared, signed and sent to you as soon as possible.

Please call me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS/jef
Enclosures

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-2211
Date Received: 10/25/1988
Receipt No: C003051
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

SOUTH COVE VENTURES LLC Phone: (425)460-2504
C/O CHUCK HILL
PO BOX 1607
BELLEVUE WA 98009

2. Date of Priority: 05/09/1911

3. Source: SPRING Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	17E	11	NE SE SE	CAMAS	

5. Description of diverting works:

SPRING, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	1/01	12/31	1.7	

7. Total Quantity Appropriated is:
1.7 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	17E	11	NE	SE	IRRIGATION	20
					Section Acres	20
02S	17E	12	NE	SW	IRRIGATION	15
			NW	SW	IRRIGATION	30
			NW	SE	IRRIGATION	20
					Section Acres	65
					Total Acres	85

11. Place of use in counties: CAMAS, BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
SEP 22 2004
 DEPARTMENT OF
 WATER RESOURCES

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
	37-7395	☒			☐
	37-11989	☐			☐
	37-2211	☐			☐
	37-12000	☐			☐
37-12044		☐			☐

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Alonzo B. LeaVell
P.O. Box 54, Gooding, ID, 83330
South Cove Ventures, L.L.C.
4. New Owner/Claimant(s) _____
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address c/o Chuck Hill, P.O. Box 1607
 City, State and ZIP Code Bellevue, WA, 98009
 New Telephone Number (425) 460-2504
5. Date you acquired the property July 6, 2004

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by AJ Date _____ WR _____ Date _____

WARRANTY DEED

For Value Received

ALONZO B. LEAVELL, a married man as his sole and separate property, also shown of record as ALONZO LEAVELL

the grantor(s), do(es) hereby Grant, Bargain Sell, and Convey unto

SOUTH COVE VENTURES L.L.C., a Washington limited liability company

the grantee(s), whose current address is: ~~XXXXXX~~
P.O. BOX 1607, BELLEVUE, WA 98009

the following described real estate, situated in CAMAS County, Idaho, to-wit:

See Attached Exhibit "A"

TOGETHER WITH any and all water rights appurtenant to the above-described property, including without limitation, 37-7395, 37-2211, 37-11989, 37-12000 and 37-12044. Excepting and excluding the following the following portions of 37-7395 which are the subject of pending applications for transfer of water right: (1) 0.012 cfs for the irrigation of 1 acre on Lot 1, Block 1, Magic Ranch Subdivision #11; (2) 0.025 cfs for the irrigation of 2 acres of Lot 1, Magic Ranch Subdivision #2; (3) 0.037 cfs for the irrigation of 3 acres on Lot 1, Magic Ranch Subdivision #1; (4) 0.025 cfs for irrigation of 2.0 acres Lot 3, Magic Ranch Subdivision #3; (5) 0.025 cfs for irrigation of 2.0 acres Lot 4, Magic Ranch Subdivision #1; (6) 0.037 cfs for irrigation of 3.0 acres on East 6th St. property

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/2/2004

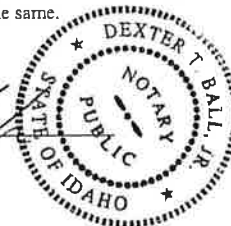
Alonzo B. Leavell
Alonzo B. Leavell

State of IDAHO }
County of TWIN FALLS } ss.

On this 2ND day of July, in the year 2004, before me, a Notary Public in and for said State, personally appeared Alonzo B. Leavell, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

[Signature]
Notary Public
Residing At: TWIN FALLS
Commission Expires: 3-22-08



077403
Recorded at the Camas County Title
at 3:35
July 10th, 2004
in Book 34 of Deeds
Page 490

By Kore Blagden
Gas \$ 6.00

EXHIBIT A
C040070

PARCEL 1:

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$

SUBJECT TO a road right of way 35 feet in width along the West boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPTING THEREFROM the Northerly 20 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NE $\frac{1}{4}$ NW $\frac{1}{4}$

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the Highway

Lot 3 Block 2 MAGIC RANCH SUBDIVISION No. 11, filed in the office of the Camas County, Idaho Recorder as Instrument No. 76224.

PARCEL 2:

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 2: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ excepting therefrom that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the Highway;

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Lots 2 and 3 MAGIC RANCH SUBDIVISION No. 1, Camas County, Idaho, according to the official plat filed in the office of the Camas County as Instrument No. 76003.

Lots 1, 2, 4 and 5 MAGIC RANCH SUBDIVISION No. 3, filed in the office of the Camas County, Idaho Recorder as Instrument No. 76005, and replatted as Instrument No. 76784.

Lots 1 and 2 Block 2 MAGIC RANCH SUBDIVISION No. 11, filed in the office of the Camas County, Idaho Recorder as Instrument No. 76224.

PARCEL 3:

Lots 2A, 2B, 3 and 4A Block 1 MAGIC RANCH SUBDIVISION No. 2, Camas County, Idaho, according to the official plat filed in the office of the Camas County as Instrument No. 76004 and replatted as Instrument No. 76797.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02211
Date Received: 10/25/1988
Receipt No: C003051
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID 83330

AND/OR

Name: A. B. LEAVELL
Address: P.O. BOX 54
GOODING, ID 83330

2. Date of Priority: MAY 09, 1911

3. Source: SPRING Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	17E	11	NE	SE	SE		CAMAS

5. Description of diverting works:
SPRING, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.700		

7. Total Quantity Appropriated is:
1.700 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	17E	11	NE	SE		IRR	20.0
					Section Acres		20.0
		12	NE	SW		IRR	15.0
			NW	SW		IRR	30.0
			NW	SE		IRR	20.0
					Section Acres		65.0
					Total Acres		85.0

11. Place of use in counties: CAMAS, BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-11989

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 7419

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02211

Date Received: 10/25/1988

Receipt No: C003051

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID

83330

2. Date of Priority: MAY 09, 1911

3. Source: SPRING

Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	17E	11	NE	SE	SE		CAMAS

5. Description of diverting works:
SPRING, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.700		

7. Total Quantity Appropriated is:
1.700 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02S	17E	11	NE	SE		IRR	20.0
Section Acres							20.0

A37-02211

Page 1

Date: 10/25/88

MICROFILMED

FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	17E	12	NE	SW		IRR	15.0
			NW	SW		IRR	30.0
			NW	SE		IRR	20.0
						Section Acres	65.0
						Total Acres	85.0

11. Place of use in counties: CAMAS, BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-11989

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 7419

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): AB Zarnell Date: 10-25-88

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of October 19 88

[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

MEMORANDUM

To: Mr. Lonnie Leavell
Leavell Cattle
From: D. Shaff *[Signature]*
Date: October 26, 1988
Re: Signature(s)

Lonnie, I should not have been swayed by what happened in Gooding as to the proper signature(s), in my opinion, for the claims you submitted yesterday, October 25, 1988. Some change or another signature will be required in one of the following manners:

If the co-tenants are filing as individuals and the names are joined by and, all tenants and claimants must sign the claim(s). If the individuals are joined by or or and/or, only one of the individuals must sign.

If the co-tenants are operating as a business under the claimant name, the authorized agent of the business must sign in the organization block. If Leavell and Leavell is a partnership, I believe the organization block would be appropriate.

As the claims are filed now, short of the well claim A37-07395, the signature on the claim is not proper for the name appearing at the top of the claim. Please make the appropriate change to the claims to correct the deficiency. Of the computer generated claims, new copies have been enclosed if they are needed for the organization block. Thanks for your troubles.

MICROFILMED

FEB 23 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02211
Date Received: 10/25/1988
Receipt No: C003051
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID 83330

AND/OR

Name: A. B. LEAVELL
Address: P.O. BOX 54
GOODING, ID 83330

2. Date of Priority: MAY 09, 1911

3. Source: SPRING Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	17E	11	NE	SE	SE		CAMAS

5. Description of diverting works:
SPRING, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.700		

7. Total Quantity Appropriated is:
1.700 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-02211

Page 1

Date: 01/31/90

MICROFILMED

FEB 23 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02211

Date Received: 10/25/1988

Receipt No: 0003051

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID

83330

2. Date of Priority: MAY 09, 1911

3. Source: SPRING

Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	17E	11	NE	SE	SE		CAMAS

5. Description of diverting works:
SPRING, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.700		

7. Total Quantity Appropriated is:
1.700 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02S	17E	11	NE	SE		IRR	20.0
Section Acres							20.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02S	17E	12	NE		SW		IRR	15.0
			NW		SW		IRR	30.0
			NW		SE		IRR	20.0
							Section Acres	65.0
							Total Acres	85.0

11. Place of use in counties: CAMAS, BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-11989

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 7419

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): AB Zivare Date: 10-25-88

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of October 19 88

[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

MEMORANDUM

To: Mr. Lonnie Leavell
Leavell Cattle
From: D. Shaff *DS*
Date: October 26, 1988
Re: Signature(s)

Lonnie, I should not have been swayed by what happened in Gooding as to the proper signature(s), in my opinion, for the claims you submitted yesterday, October 25, 1988. Some change or another signature will be required in one of the following manners:

If the co-tenants are filing as individuals and the names are joined by and, all tenants and claimants must sign the claim(s). If the individuals are joined by or or and/or, only one of the individuals must sign.

If the co-tenants are operating as a business under the claimant name, the authorized agent of the business must sign in the organization block. If Leavell and Leavell is a partnership, I believe the organization block would be appropriate.

As the claims are filed now, short of the well claim A37-07395, the signature on the claim is not proper for the name appearing at the top of the claim. Please make the appropriate change to the claims to correct the deficiency. Of the computer generated claims, new copies have been enclosed if they are needed for the organization block. Thanks for your troubles.

MICROFILMED

FEB 23 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-2211
Date Received: 10/25/1988
Receipt No: C003051
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SOUTH COVE VENTURES LLC Phone: (425)460-2504
C/O CHUCK HILL
PO BOX 1607
BELLEVUE WA 98009

2. Date of Priority: 05/09/1911

3. Source: SPRING Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	17E	11	NE SE SE	CAMAS	

5. Description of diverting works:

SPRING, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	1/01	12/31	1.7	

7. Total Quantity Appropriated is:

1.7 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	17E	11	NE	SE	IRRIGATION	20
					Section Acres	20
02S	17E	12	NE	SW	IRRIGATION	15
			NW	SW	IRRIGATION	30
			NW	SE	IRRIGATION	20
					Section Acres	65
					Total Acres	85

11. Place of use in counties: CAMAS, BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
SEP 22 2004
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-7395	☒			☐
	37-11989	☐			☐
	37-2211	☐			☐
	37-12000	☐			☐
37-12044		☐			☐

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)	Alonzo B. LeaVell P.O. Box 54, Gooding, ID, 83330 South Cove Ventures, L.L.C.
4. New Owner/Claimant(s)	Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address	c/o Chuck Hill, P.O. Box 1607
City, State and ZIP Code	Bellevue, WA, 98009
New Telephone Number	(425) 460-2504
5. Date you acquired the property	July 6, 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-7395</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>9.8 cfs</u>	<u>799 acres</u>
Stock		
Domestic		
Other		
Total	<u>9.8 cfs/799 acres</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)
- SOUTH COVE VENTURES, L.L.C.
- By: Chuck Hill, president

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>HAWORTH</u>	Date <u>9/29/04</u>	Fee <u>25.00</u>
Received by <u>HAWORTH</u>	Date <u>9/29/04</u>	Receipt No. <u>5027084</u>
Processed by _____	AJ Date _____	WR _____ Date _____

WARRANTY DEED

For Value Received

ALONZO B. LEAVELL, a married man as his sole and separate property, also shown of record as **ALONZO LEAVELL**

the grantor(s), do(es) hereby Grant, Bargain Sell, and Convey unto

SOUTH COVE VENTURES L.L.C., a Washington limited liability company

the grantee(s), whose current address is: ~~XXXXXX XXXX XXXX XXXX XXXX XXXX~~
P.O. BOX 1607, BELLEVUE, WA 98009

the following described real estate, situated in **CAMAS** County, Idaho, to-wit:

See Attached Exhibit "A"

TOGETHER WITH any and all water rights appurtenant to the above-described property, including without limitation, 37-7395, 37-2211, 37-11989, 37-12000 and 37-12044. Excepting and excluding the following the following portions of 37-7395 which are the subject of pending applications for transfer of water right: (1) 0.012 cfs for the irrigation of 1 acre on Lot 1, Block 1, Magic Ranch Subdivision #11; (2) 0.025 cfs for the irrigation of 2 acres of Lot 1, Magic Ranch Subdivision #2; (3) 0.037 cfs for the irrigation of 3 acres on Lot 1, Magic Ranch Subdivision #1; (4) 0.025 cfs for irrigation of 2.0 acres Lot 3, Magic Ranch Subdivision #3; (5) 0.025 cfs for irrigation of 2.0 acres Lot 4, Magic Ranch Subdivision #1; (6) 0.037 cfs for irrigation of 3.0 acres on East 6th St. property

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/2/2004

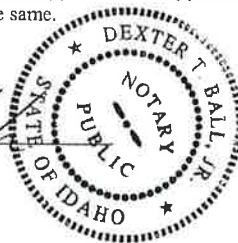
Alonzo B. LeaVell
Alonzo B. LeaVell

State of IDAHO }
 } ss.
County of TWIN FALLS }

On this 2ND day of July, in the year 2004, before me, a Notary Public in and for said State, personally appeared Alonzo B. LeaVell, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Notary Public
Residing At: *TWIN FALLS*
Commission Expires: *3-22-08*



077403
Recorded at the Recorder's Office
CUMAS County Title
at 3:35 P
July 16th, 2004
in Book 34, Page 490
of Deeds
By KOREN BLODGETT
Fees \$ 6.00

EXHIBIT A
C040070

PARCEL 1:

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$

SUBJECT TO a road right of way 35 feet in width along the West boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPTING THEREFROM the Northerly 20 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NE $\frac{1}{4}$ NW $\frac{1}{4}$

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the Highway

Lot 3 Block 2 MAGIC RANCH SUBDIVISION No. 11 , filed in the office of the Camas County, Idaho Recorder as Instrument No. 76224.

PARCEL 2:

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 2: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ excepting therefrom that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the Highway;

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Lots 2 and 3 MAGIC RANCH SUBDIVISION No. 1, Camas County, Idaho, according to the official plat filed in the office of the Camas County as Instrument No. 76003.

Lots 1, 2, 4 and 5 MAGIC RANCH SUBDIVISION No. 3 , filed in the office of the Camas County, Idaho Recorder as Instrument No. 76005, and replatted as Instrument No. 76784.

Lots 1 and 2 Block 2 MAGIC RANCH SUBDIVISION No. 11 , filed in the office of the Camas County, Idaho Recorder as Instrument No. 76224.

PARCEL 3:

Lots 2A, 2B, 3 and 4A Block 1 MAGIC RANCH SUBDIVISION No. 2, Camas County, Idaho, according to the official plat filed in the office of the Camas County as Instrument No. 76004 and replatted as Instrument No. 76797.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02211
Date Received: 10/25/1988
Receipt No: C003051
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID

83330

AND/OR

Name: A. B. LEAVELL
Address: P.O. BOX 54
GOODING, ID

83330

2. Date of Priority: MAY 09, 1911

3. Source: SPRING

Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	17E	11	NE	SE	SE		CAMAS

5. Description of diverting works:
SPRING, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.700		

7. Total Quantity Appropriated is:
1.700 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-02211

Page 1

Date: 01/31/90

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	17E	11	NE	SE		IRR	20.0
						Section Acres	20.0
		12	NE	SW		IRR	15.0
			NW	SW		IRR	30.0
			NW	SE		IRR	20.0
						Section Acres	65.0
						Total Acres	85.0

11. Place of use in counties: CAMAS, BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-11989

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 7419

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02211

Date Received: 10/25/1988

Receipt No: 0003051

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEAVELL AND ^{AKA} LEAVELL
Address: C/O LEAVELL CATTLE
BOX 54
GOODING, ID

83330

2. Date of Priority: MAY 09, 1911

3. Source: SPRING

Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	17E	11	NE	SE	SE		CAMAS

5. Description of diverting works:
SPRING, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.700		

7. Total Quantity Appropriated is:
1.700 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02S	17E	11	NE	SE		IRR	20.0
Section Acres							20.0

A37-02211

Page

1

Date: 10/25/88

MICROFILMED

FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	17E	12	NE	SW	IRR	15.0
			NW	SW	IRR	30.0
			NW	SE	IRR	20.0
					Section Acres	65.0
					Total Acres	85.0

11. Place of use in counties: CAMAS, BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-11989

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 7419

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): AB Jarama Date: 10-25-88
 _____ Date: _____
 State of Fla: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of October 19 88

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

MEMORANDUM

To: Mr. Lonnie Leavell
Leavell Cattle
From: D. Shaff *[Signature]*
Date: October 26, 1988
Re: Signature(s)

Lonnie, I should not have been swayed by what happened in Gooding as to the proper signature(s), in my opinion, for the claims you submitted yesterday, October 25, 1988. Some change or another signature will be required in one of the following manners:

If the co-tenants are filing as individuals and the names are joined by and, all tenants and claimants must sign the claim(s). If the individuals are joined by or or and/or, only one of the individuals must sign.

If the co-tenants are operating as a business under the claimant name, the authorized agent of the business must sign in the organization block. If Leavell and Leavell is a partnership, I believe the organization block would be appropriate.

As the claims are filed now, short of the well claim A37-07395, the signature on the claim is not proper for the name appearing at the top of the claim. Please make the appropriate change to the claims to correct the deficiency. Of the computer generated claims, new copies have been enclosed if they are needed for the organization block. Thanks for your troubles.

MICROFILMED

FEB 23 1993

MAR 21 2002

Department of Water Resources
Southern Region

REPORT OF ENGINEER

1. State name of applicant and number of permit: George B. Starcher- Permit 7419
2. State source of water supply: Two Springs - 3.2 sec. ft.
3. Location of point of diversion: Spg. No. 1 in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11 and Spring No. 2 in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 2 S., R. 17 E. B. M.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:

Remedies made to catch all water from springs, ditches from reservoirs to reach all land irrigable.

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 2 ft ditches from both reservoirs
- (b) Width at water line: 3 ft or more
- (c) Depth of water: 12 inches
- (d) Grade per mile: 8 ft
- (e) Capacity of ditch: ditches from the reservoirs 9.5 to 10 second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent:

In 1914 both springs and reservoirs used for irrigation. In 1915 spring No. 2 dry. Spring No. 1 running 20 minutes a week.

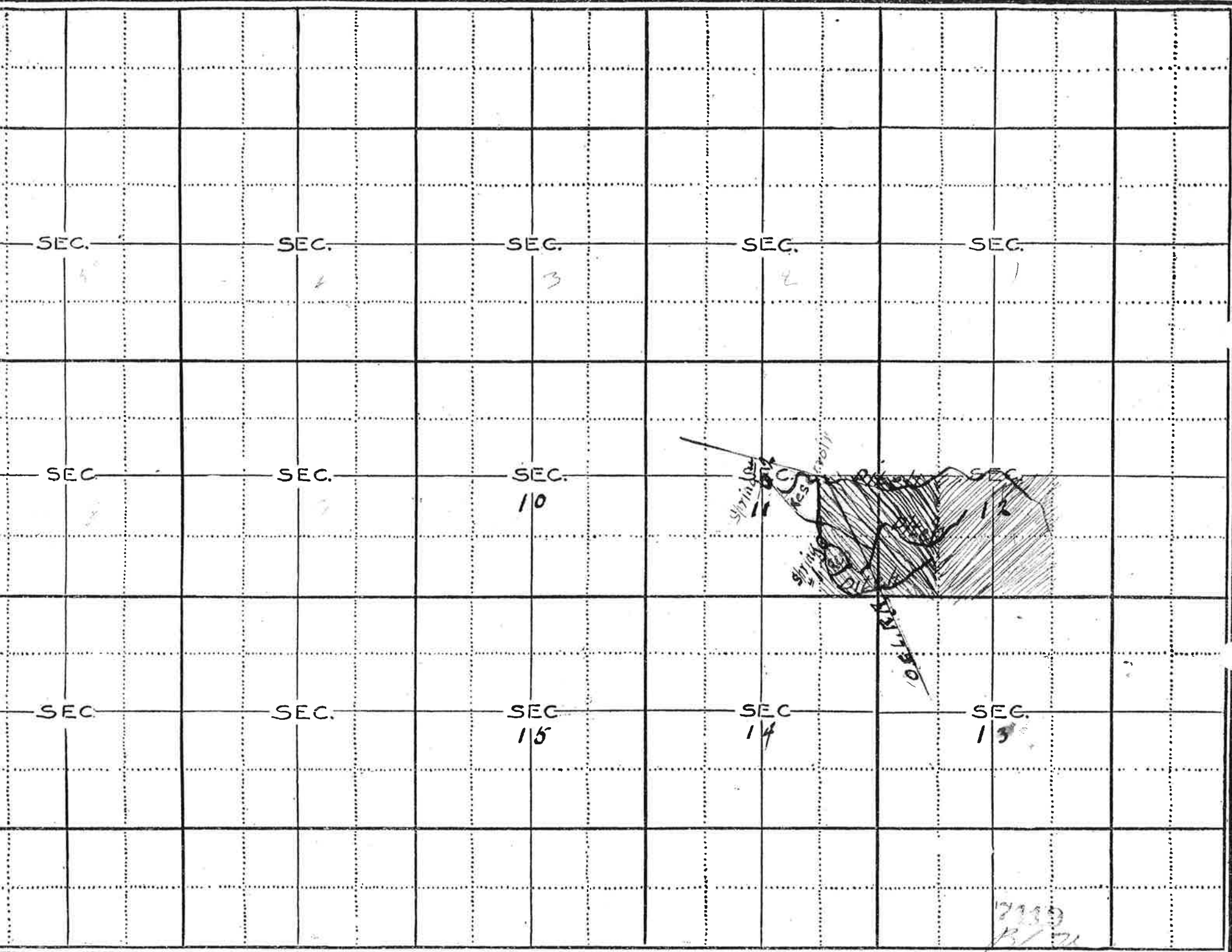
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, SW $\frac{1}{4}$ and W $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, T. 2 S., R. 17 E. B. M.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 20 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 10 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 30 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 10 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 15 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 20 acres. This is in reserve, alfalfa and wild hay.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: The land as shown is in cultivation and all of the water from these springs used on land described. Spring No. 2 is dry this year, but reservoir and ditches show water has been used for irrigation since to this year. Spring No. 1 running 20 minutes a week.
Aug 18th 1915

John E. Badley



SCALE: 2 INCHES=1 MILE DRAW PLAN IN INK.

ty: Blaine
um: Spring
unt: 1.7 sec.ft.
Irrigation
ity: 5-9-1911

STATE OF IDAHO

Water License No. 7419

WHEREAS, On the 9th day of May, A. D. 1911, Zachariah T. Spellman,

Richfield, County of Lincoln, State of Idaho, duly made application
10715) to me for a permit to use 6.4 cubic feet per second of the waters of Springs
. 1 & 2,

ity of Blaine, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 10th day of June, A. D. 1911, Permit No. 7419 was issued
aid applicant for the diversion of said water and providing for the completion of the works of diversion
sin described on or before the 10th day of June, A. D. 1914, and for the application to ben-
al use of said water on or before the 10th day of June, A. D. 1918, and,

WHEREAS, On the 12th day of September, A. D. 1913, Zachariah T. Spellman
sterred all his right, title and interest in and to three and two-tenths (3.2)
e feet per second of said water to George B. Starcher, and,

WHEREAS, On the 1st day of January, A. D. 1915, George B. Starcher,

holder of said permit, duly made proof of the completion of adequate works for the diversion of
3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 7419,
d January 22, 1915, confirming the completion of works of sufficient capacity for diverting and
veying to the place of intended use 3.2 cubic feet per second of said water,
date of priority of May 9, 1911, and

WHEREAS, On the 8th day of July, A. D. 1915, George B. Starcher,

holder of said permit, duly made proof of the application to beneficial use of 1.7 cubic
per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
aby grant and confirm to

George B. Starcher

Magic, County of Blaine, State of Idaho, the holder and owner
aid Permit No. 7419, a perpetual right, dating from May 9, 1911,
he use of 1.7 cubic feet per second of the waters of Spring No. 1

rein described on or before the 10th day of June, A. D. 1918, and, the beneficial use of said water on or before the 10th day of June, A. D. 1918, and,

WHEREAS, On the 12th day of September, A. D. 1913, Zachariah T. Spellman transferred all his right, title and interest in and to three and two-tenths (3.2) cubic feet per second of said water to George B. Starcher, and,

WHEREAS, On the 1st day of January, A. D. 1915, George B. Starcher,

holder of said permit, duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 7419, dated January 22, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of said water, the date of priority of May 9, 1911, and

WHEREAS, On the 8th day of July, A. D. 1915, George B. Starcher,

holder of said permit, duly made proof of the application to beneficial use of 1.7 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

George B. Starcher

Magic, County of Blaine, State of Idaho, the holder and owner of said Permit No. 7419, a perpetual right, dating from May 9, 1911, for the use of 1.7 cubic feet per second of the waters of Spring No. 1,

in the County of Blaine and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 250' south of N.W. corner of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 11, T. 2 S., R. 17 E.B.M.

and conducted to and upon 85 acres, as follows: 20 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 11; 10 acres in NE $\frac{1}{4}$ of SW $\frac{1}{4}$, 30 acres in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and 20 acres in NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 12, T. 2 S., R. 17 E.B.M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by the majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 8th day of September, A. D. nineteen hundred and fifteen.

J. H. Smith,

State Engineer:

37-2211

No. 10715.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of Applicant: Zachari T. Spellman.

Postoffice address: Richfield.

County: Lincoln State: Idaho.

2. The quantity of water claimed is six and two-fifths, See remark #3, cubic feet per second.

3. Source of water supply: See remark #1.

4. Location of point of diversion: See remark #2.

County of Blaine.

5. To be used for Irrigation & domestic .

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 320 acres.

(b) In the following legal subdivisions: E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 11 and SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 12- all in T. 2 S. R. 17 E. B. M.

6. Estimated cost of works: \$1000.

7. Description of works for diversion:

I. Kind of works: Reservoir and Ditches.

II. Dimensions of works:

(a) Height of dam 15 feet, length of dam at top 600 feet, length of dam at bottom 100 feet. Material used in construction: earth and rock.

(b) Capacity of reservoir: 280 acre feet.

(c) Size of headgate: Width 1 foot, height 1 foot.

(d) Conduit ditch, width at bottom 2 feet, width at water line 4 feet, depth of water 1 foot. Average grade per mile is 5 feet. Length of conduit is 1 $\frac{1}{2}$ miles and it crosses the following quarter sections: SE $\frac{1}{4}$ of Sec. 11 and SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of sec. 12.

8. The time required for the completion of the construction of such work is 5 years.

9. Time required for the complete application of the water to the proposed use is 4 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Zachari T. Spellman,

Applicant.

By.....A. H. Wright.....Agent.

Remarks: Remark #1. Spring #1--250' S. of NW cor. of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 11 and Spring #2--2400' S. 84 deg W. of $\frac{1}{4}$ cor. common to secs. 11 and 12, all in T. 2 S. R. 17 E. B. M. County of Blaine.

Remark #2 Spring #1--250' S. of NW cor. of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 11 and Dam 1440' S. 78 deg 40' W. of $\frac{1}{4}$ cor common to Secs. 11 and 12 T. 2 S. R. 17 E. B. M.

Remark #3--3 1/5 (three and one fifth) cu. ft. Per sec. is claimed from each of the two springs designated in remark #1.

Time asked for in section 8 above is hereby reduced to three years.

A. E. Robinson,

State Engineer.

CB.

APPROVAL OF STATE ENGINEER.

The number of this permit is 7419.

Date of first receipt at office of State Engineer. 9.00 a.m. May 9, 1911.

Returned to application for correction: May 11, 1911.

Corrected application received: June 2, 1911.

Recorded in Book 23 Page 7419 Approved June 10, 1911.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before August 9, 1911, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 10, 1912.

The whole of said work to be completed on or before June 10, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before June 10, 1918.

Witness my hand this tenth day of June, 1911.

A. E. Robinson,

State Engineer.

THIS INDENTURE, Made this Twelfth day of September, in the year of our Lord one thousand nine hundred and Thirteen, between Zackariah T. Spellman and Helen Spellman, Husband and Wife, of Richfield, County of Lincoln, State of Idaho, the parties of the first part, and George B. Starcher and Estella B. Starcher, of Boise, County of Ada, State of Idaho, the parties of the second part;

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations, in lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUIT CLAIM unto the said parties of the second part, and to their heirs and assigns, all that certain lot, piece or parcel of land situate, lying and being in the County of Blaine, State of Idaho bounded and particularly described as follows, to-wit: The North East Quarter (NE $\frac{1}{4}$) of the South East Quarter (SE $\frac{1}{4}$) of Section Eleven (11) and the North Half (N $\frac{1}{2}$) of the South-West quarter (SW $\frac{1}{4}$) of Section Twelve (12) and the North West Quarter (NW $\frac{1}{4}$) of the South-East Quarter (SE $\frac{1}{4}$) of Section Twelve (12), all in Township Two (2) South, Range Seventeen (17) East of Boise Meridian, together with all water right, ditches and canals thereunto belonging or in any wise appertaining.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To Have and To Hold All and singular the said premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever.

In Witness Whereof, The said Parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Zackariah T. Spellman (SEAL)
Helen Spellman (SEAL)

H. L. Childs.

STATE OF IDAHO,)
)ss.
County of Blaine.)

On this 16th day of September, in the year 1913, before me, H. L. Childs, a Notary Public in and for said County, personally appeared Zackariah T. Spellman and Helen Spellman, Husband and Wife, known to me to be the persons whose name are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

H. L. Childs,
Notary Public.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9.00 a.m. Jan. 19, 1915.

Herbert Wing, Acting State Engineer.

7419
Proof of completion of works made January 1, 1915.

Certificate of completion issued January 22, 1915.

Permit No. 7419

CERTIFICATE OF COMPLETION OF WORKS .

To All Whom It May Concern:

This is to certify that George B. Starcher and Estelle B. Starcher, of Magic, County of Blaine and State of Idaho, the holders of Permit No. 7419, issued upon Application No. 10715, bearing date of priority of May 9, 1911, authorizing the diversion of 6.4 second feet of the waters of two unnamed springs, County of Blaine, State of Idaho, for irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.2 second feet of the waters of two unnamed springs; that the points of diversion of said waters are as follows: from Spring No. 1- 250' S. of NW Cor. of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 11; from Spring No. 2- 2400' S. 84° W. of $\frac{1}{4}$ Cor. common to Secs. 11 & 12, T. 2 S., R. 17 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 12, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 11, all in T. 2 S., R. 17 E.B.M.

- Witness my hand this 22nd day of January, A. D. 1915.

Herbert Wing,

Acting State Engineer of the State of Idaho

License issued for 1.7 second feet
Pay 1861
EXTENSION OF TIME.

Upon proper request of George B. Starcher, holder of Permit No. 7419, I have this 26th day of January, 1918, extended the time for beneficial use of water thereunder to the 10th day of June, 1920.

J. H. SMITH,

State Engineer.

Clelland, Steve

Do Not FILE

From: Charles G. Brockway [charles.g.brockway@brockwayeng.com]
Sent: Monday, August 03, 2009 9:33 AM
To: Clelland, Steve
Cc: Kelly, Vicki; Jim Speck
Subject: RE: Black Butte 37-11898 et al.

Hi Steve,

It seems to me that the PODs on 37-12000 should just be the two springheads – the same as on 37-11989.

The POU description for 37-12000 looks OK. There is a small stock pond in the SESW of 12. You can see it on the 1957 aerial and on current aerials.

If we can resolve these small points, it seems we are ready for SF-5s on 37-2711, 37-11989, and 37-12000?

Thanks,
 Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
 2016 Washington Street North, Suite 4
 Twin Falls, Idaho 83301
 (208) 736-8543
charles.g.brockway@brockwayeng.com

From: Clelland, Steve [mailto:Steve.Clelland@idwr.idaho.gov]
Sent: Tuesday, July 14, 2009 12:00 PM
To: Charles G. Brockway
Cc: Kelly, Vicki
Subject: RE: Black Butte 37-11898 et al.

Hi Chuck,

I have changed the Volume for 37-12000 for a De Minimis stock use... as per our IDWR memo 1000 head of range stock has a beneficial use of 14.0 afa.

I have some questions on the POD locations. We matched the POD's as claimed with ponds near the POD. After looking at your pond locations, the POD's claimed and rec'd don't match. Perhaps you can send some examples of the 3 POD's in relation to the ponds you gave me earlier.

There is also a conflict with one of the 3 POU's described. Section 12 listed SESW as a POU. Looking at your supporting 1957 aerial and your shapes, this appears to be an incorrect POU.

I am attaching the current SF5 draft with the questionable parts in bold.

call me if this is confusing.
 steve

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Tuesday, July 14, 2009 8:18 AM
To: Clelland, Steve

8/3/2009

Cc: Kelly, Vicki; Jim Speck
Subject: RE: Black Butte 37-11898 et al.

Steve,

This looks good. Should 37-12000 also have the 20.5 ac-ft volume on it?

Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

From: Clelland, Steve [mailto:Steve.Clelland@idwr.idaho.gov]
Sent: Monday, July 13, 2009 3:01 PM
To: Charles G. Brockway
Cc: Kelly, Vicki; Jim Speck
Subject: RE: Black Butte 37-11898 et al.

I revised the rec'd for this right based on info from C. Brockway, Jr. Hopefully this will resolve the issues on the SF5.

Steve

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Wednesday, July 08, 2009 12:00 PM
To: Clelland, Steve
Cc: Jim Speck
Subject: Black Butte 37-11898 et al.

Steve,

I finally was able to do the field work and make some estimates of pond volume. The north pond was surveyed and I calculated a volume of 12.1 acre-feet with the water at the high water mark (see attached map).

The ponds fed by the south spring could not be surveyed since they were nearly full. I estimated the volume of those based on an average depth of 2 feet for the pond at the springhead (3' at the embankment, 1' at the west end), and an average depth of 4 feet for the pond against the old railroad grade. This pond appears to be quite deep and may have been deeper based on high water marks. Total estimated volume for these two ponds is 8.4 ac-ft.

The total volume from the two springs would be 20.5 ac-ft based on this analysis.

Let me know what you think. There is a status conference at 2:00, so hopefully we can report some progress!

Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

8/3/2009

NWNWSE
S. 11

(11)

NWSESE

(12)

POU

POU

POU

POU shapes
for 37-12000
are undefined
due to changes
in pond shapes
& sizes over
time.

(14)

Do Not FILE

(13)

8/6/09
SCL
DRAFT
MAP

37-11898
37-12000

NAIP 2006

SF5 - DRAFT

04/07/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2211

NAME AND ADDRESS: SPECK & AANESTAD
JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

out = Atty

(ALSO HAVE
STRIKE OUT)

SF5 signed
SCL 9/4/09

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 1.700 CFS

Right Nos. 37-2211 and 37-11989 are limited to a total combined diversion rate of 1.70 cfs.

PRIORITY DATE: 05/09/1911

POINT OF DIVERSION:

T02S R17E S11 NESESE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.700 CFS

PLACE OF USE:

IRRIGATION in BLAINE County and CAMAS County

T02S R17E S01	SWNW	9.00	T02S R17E S01	NWSW	34.00
T02S R17E S01	SWSW	39.00	T02S R17E S02	SENE	0.40
T02S R17E S02	SWSW	1.50	T02S R17E S02	SESW	30.00
T02S R17E S02	NESE	33.00	T02S R17E S02	NWSE	3.10
T02S R17E S02	SWSE	37.00	T02S R17E S02	SESE	40.00
T02S R17E S11	NENE	40.00	T02S R17E S11	NWNE	34.00
T02S R17E S11	SWNE	28.00	T02S R17E S11	SENE	33.00
T02S R17E S11	NENW	34.00	T02S R17E S11	SENW	15.00
T02S R17E S11	NESE	20.00	T02S R17E S11	NWSE	12.00
T02S R17E S11	SWSE	19.00	T02S R17E S11	SESE	27.00
T02S R17E S12	SWNE	20.00	T02S R17E S12	NENW	19.00
T02S R17E S12	NWNW	40.00	T02S R17E S12	SWNW	40.00
T02S R17E S12	SENW	38.00	T02S R17E S12	NESW	38.00
T02S R17E S12	NWSW	40.00	T02S R17E S12	SWSW	28.00
T02S R17E S12	SESW	11.00	T02S R17E S12	NWSE	24.00

787 ACRES TOTAL

04/07/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

This right is limited to the irrigation of 85 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 787 acres in a single irrigation season. Combined Right Nos.: 37-2211, 37-11989, 37-20556, 37-20563, & 37-20568.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

SLC

10/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2211
NAME AND ADDRESS: BLACK BUTTE HILLS LLC
PO BOX 1607
BELLEVUE WA 98009

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 1.700 CFS

PRIORITY DATE: 05/09/1911

POINT OF DIVERSION:

T02S R17E S11 NESESE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
1.700 CFS

PLACE OF USE:

IRRIGATION Within BLAINE County

T02S R17E S01	SWNW	9.00	T02S R17E S01	NWSW	34.00
T02S R17E S01	SWSW	39.00	T02S R17E S02	SENE	0.40
T02S R17E S02	SWSW	1.50	T02S R17E S02	SESW	30.00
T02S R17E S02	NESE	33.00	T02S R17E S02	NWSE	3.10
T02S R17E S02	SWSE	37.00	T02S R17E S02	SESE	40.00
T02S R17E S11	NENE	40.00	T02S R17E S11	NWNE	34.00
T02S R17E S11	SWNE	28.00	T02S R17E S11	SENE	33.00
T02S R17E S11	NENW	34.00	T02S R17E S11	SENW	15.00
T02S R17E S11	NESE	20.00	T02S R17E S11	NWSE	12.00
T02S R17E S11	SWSE	19.00	T02S R17E S11	SESE	27.00
T02S R17E S12	SWNE	20.00	T02S R17E S12	NENW	19.00
T02S R17E S12	NWNW	40.00	T02S R17E S12	SWNW	40.00
T02S R17E S12	SENW	38.00	T02S R17E S12	NESW	38.00
T02S R17E S12	NWSW	40.00	T02S R17E S12	SWSW	28.00
T02S R17E S12	SESW	11.00	T02S R17E S12	NWSE	24.00

787 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 787 acres in a single irrigation season. Combined Right Nos.: 37-2211, 37-11989, 37-20556, 37-20563, & 37-20568.

This right is limited to the irrigation of 85 acres within the place of use described above in a single irrigation season.

.....IONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

No
OBJ
overlaps
w/37-11989

NEEDS
Q Limit w/-11989

SINKS

STRIKE (V2)
-OUT
4-7-09
update changes
Send DRAFT
To: CB-Speck

GIS updated

10/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

4/7/2009
(strike out
copy)

RIGHT NUMBER: 37-2211

NAME AND ADDRESS:

BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009
SPECK & AANESTAD
JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

COPY

SOURCE:

Source:
SPRING

Tributary:

SINKS

~~UNNAMED STREAM~~

QUANTITY:

1.700 CFS

0.000 AFY

Right Nos. 37-2211 and 37-11989 are limited to a total combined diversion rate of 1.70 cfs.

PRIORITY DATE:

05/09/1911

POINT OF DIVERSION:

T02S R17E S11 NESESE
Within CAMAS County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

1.700 CFS

PLACE OF USE:

IRRIGATION

within BLAINE County

T02S R17E S01 SWNW 9.0

T02S R17E S01 NWSW 34.0

T02S R17E S01 SWSW 39.0

T02S R17E S02 SENE 0.4

DRAFT: 37-2211

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

T02S R17E S02 SWSW 1.5
T02S R17E S02 SESW 30.0
T02S R17E S02 NESE 33.0
T02S R17E S02 NWSE 3.1
T02S R17E S02 SWSE 37.0
T02S R17E S02 SESE 40.0
T02S R17E S11 NENE 40.0
T02S R17E S11 NWNE 34.0
T02S R17E S11 SWNE 28.0
T02S R17E S11 SENE 33.0
T02S R17E S11 NENW 34.0
T02S R17E S11 SENW 15.0
T02S R17E S11 NESE 20.0
T02S R17E S11 NWSE 12.0
T02S R17E S11 SWSE 19.0
T02S R17E S11 SESE 27.0
T02S R17E S12 SWNE 20.0
T02S R17E S12 NENW 19.0
T02S R17E S12 NWNW 40.0
T02S R17E S12 SWNW 40.0
T02S R17E S12 SENW 38.0
T02S R17E S12 NESW 38.0
T02S R17E S12 NWSW 40.0
T02S R17E S12 SWSW 28.0
T02S R17E S12 SESW 11.0
T02S R17E S12 NWSE 24.0

787 ACRES TOTAL

This right is limited to the irrigation of 85 acres within the place of use described above a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 787 acres in single irrigation season. Combined Right Nos.: 37-2211, 37-11989, 37-20556, 37-20563, & 37-20568.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

SRBA Recommendation:

37-2211

37-11989

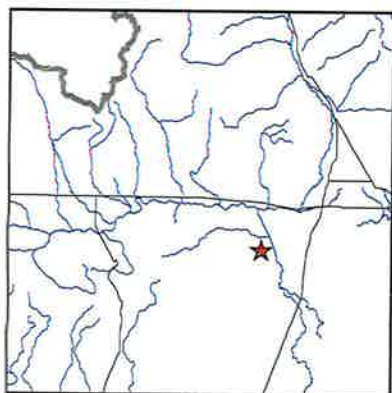
37-20556

37-20563

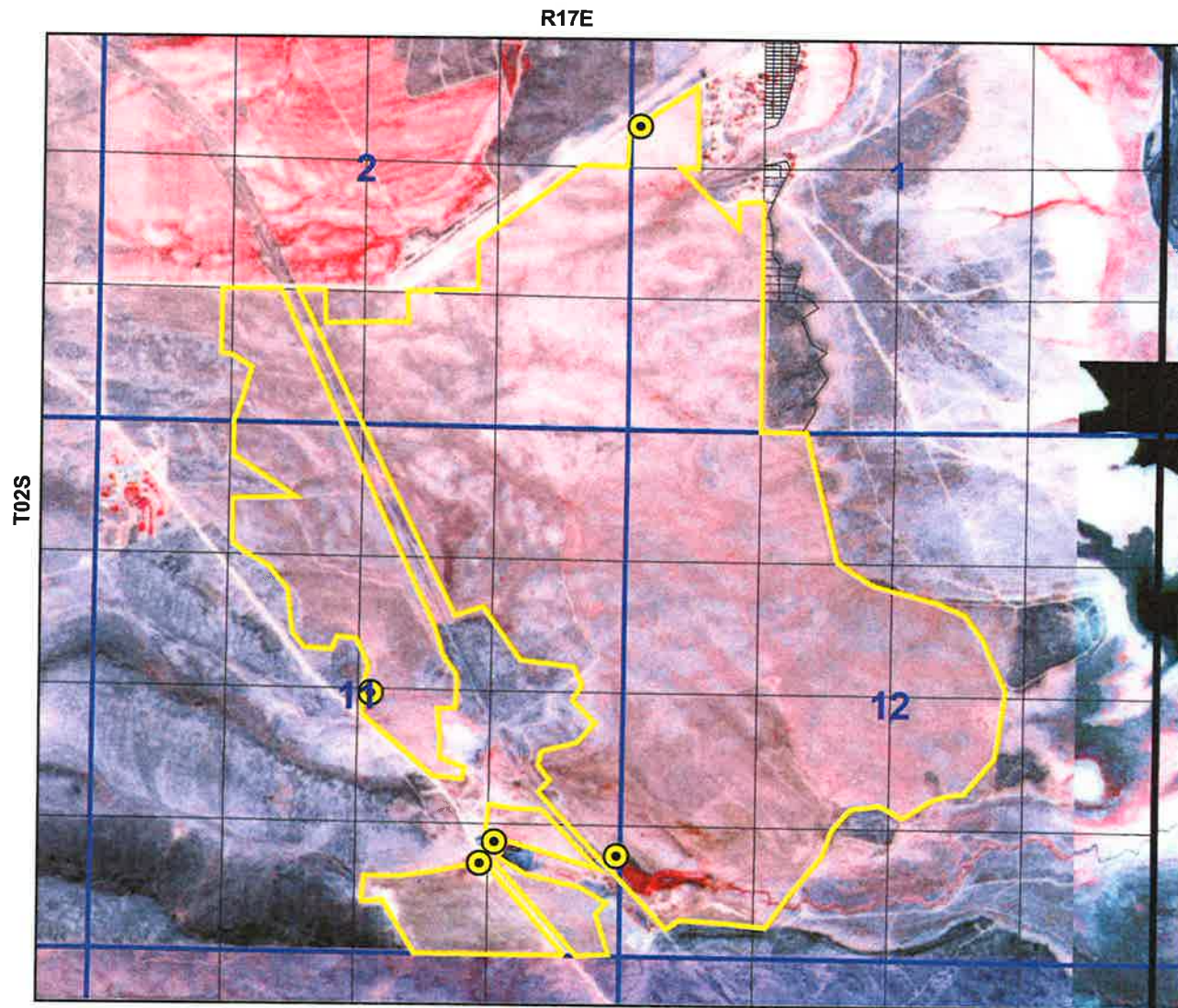
37-20568

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Camas, Blaine Counties
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Tuesday, October 3, 2006
1987/88 Aerial Photography

County: Blaine
Stream: Spring
Amount: 1.7 sec.ft.
Use: Irrigation
Priority: 5-9-1911

STATE OF IDAHO

Water License No. 7419

WHEREAS, On the 9th day of May, A. D. 1911, Zachariah T. Spellman, of Richfield, County of Lincoln, State of Idaho, duly made application (No. 10715) to me for a permit to use 6.4 cubic feet per second of the waters of Springs Nos. 1 & 2,

County of Blaine, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 10th day of June, A. D. 1911, Permit No. 7419 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 10th day of June, A. D. 1914, and for the application to beneficial use of said water on or before the 10th day of June, A. D. 1918, and,

WHEREAS, On the 12th day of September, A. D. 1913, Zachariah T. Spellman transferred all his right, title and interest in and to three and two-tenths (3.2) cubic feet per second of said water to George B. Starcher, and,

WHEREAS, On the 1st day of January, A. D. 1915, George B. Starcher, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 7419, dated January 22, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of said water with date of priority of May 9, 1911, and

WHEREAS, On the 8th day of July, A. D. 1915, George B. Starcher, the holder of said permit, duly made proof of the application to beneficial use of 1.7 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

George B. Starcher

of Magic, County of Blaine, State of Idaho, the holder and owner of said Permit No. 7419, a perpetual right, dating from May 9, 1911, to the use of 1.7 cubic feet per second of the waters of Spring No. 1

in the County of Blaine and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 250' south of N.W. corner of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 11, T. 2 S., R. 17 E. B. M.

and conducted to and upon 85 acres, as follows: 20 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 11; 15 acres in NE $\frac{1}{4}$ of SW $\frac{1}{4}$, 30 acres in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and 20 acres in NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 12, T. 2 S., R. 17 E. B. M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 8th day of September, A. D. nineteen hundred and fifteen.

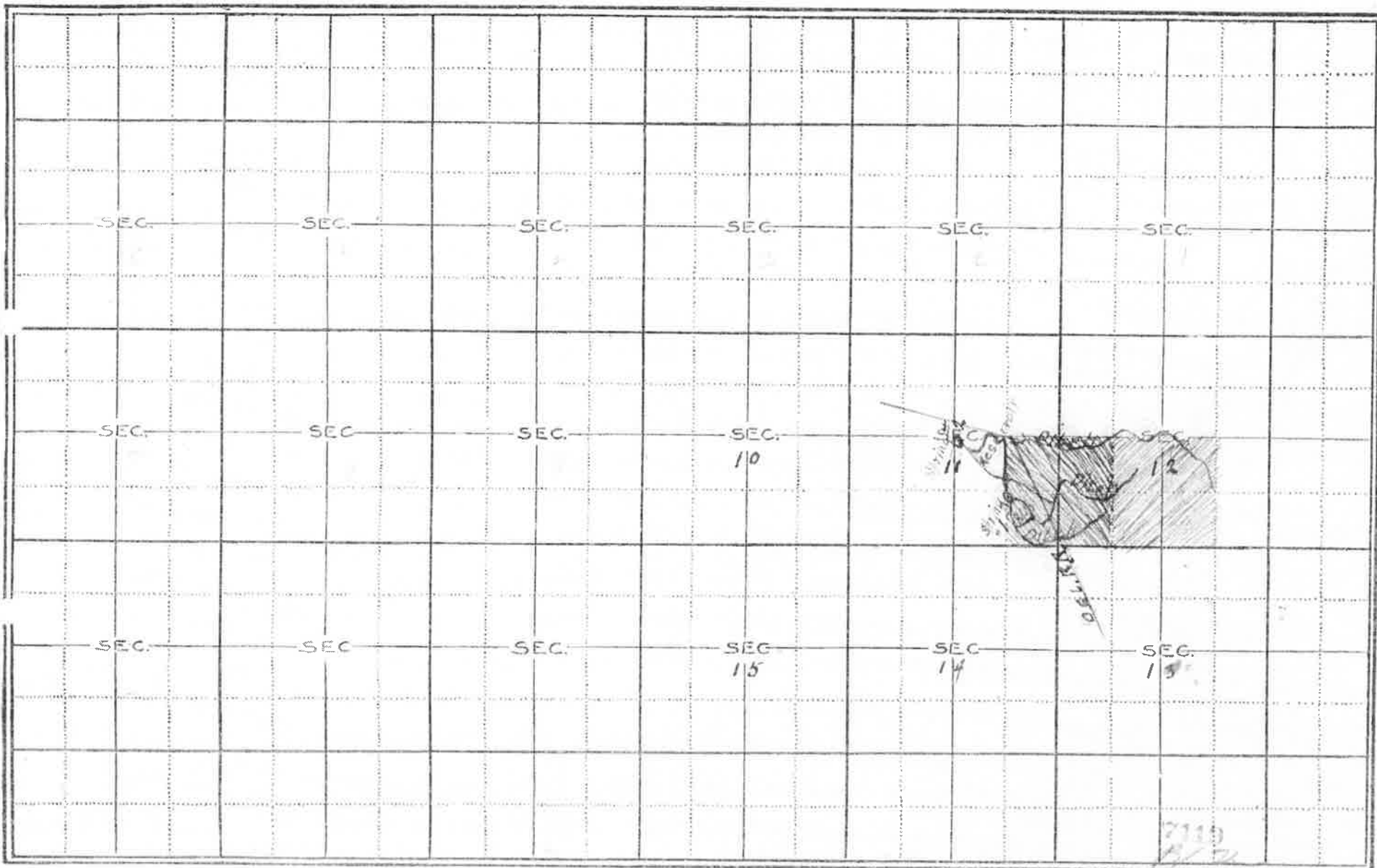
J. H. Smith,

(Seal)

State Engineer

37-2211

Name of Applicant *Geo. B. Starnes*



SCALE: 2 INCHES=1 MILE DRAW PLAN IN INK.