

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85379**

This is to certify that: SV RANCH LLC
GREG VIK
PO BOX 1607
BELLEVUE, WA 98009-1607

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
2-2357A	WR/DECREED	9/10/1964	2.000 cfs	N/A	97.0	2178.0	SNAKE RIVER
57-235	WR/DECREED	12/10/1907	1.100 cfs	N/A	57.0	2178.0	CASTLE CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-2357A	NO	NO	NO	NO	YES	YES
57-235	NO	NO	NO	NO	YES	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-2357A	2-2357A	2.000 cfs	N/A	100.0	2178.0	N/A	N/A	N/A	N/A	N/A
57-235	57-235	1.100 cfs	N/A	63.0	2178.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.100 cfs	40.5 af	163.0	2178.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 31st day of May, 2022.


SCOTT STORMS, Water Rights Supervisor

Transfer No. 85379

WATER RIGHT NO. 57-235**As Modified by Transfer No. 85379**

In accordance with the approval of Transfer No. 85379, Water Right No. 57-235 is now described as follows:

Right Holder: SV RANCH LLC
GREG VIK
PO BOX 1607
BELLEVUE, WA 98009-1607

Priority Date: 12/10/1907

Source: CASTLE CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/15

Diversion Rate

1.100 cfs

1.100 cfs

LOCATION OF POINT(S) OF DIVERSION

CASTLE CREEK
CASTLE CREEK

NESE
NESE

Sec 35 Twp 03S Rge 01E OWYHEE County
Sec 13 Twp 04S Rge 01E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	1					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	19.0		358.0
							L 3	L 4											
04S	01E	2	40.0	40.0	40.0	40.0	41.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	601.0
			L 1	L 2			L 3												
04S	01E	11	40.0	40.0	40.0	40.0	40.0								40.0	40.0	40.0	40.0	360.0
04S	01E	12		19.0	19.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0			20.0	20.0		398.0
04S	01E	13		21.0			40.0	40.0	40.0			40.0	40.0						221.0
04S	01E	14	40.0			40.0									40.0			40.0	160.0
04S	01E	23	40.0																40.0
04S	01E	24						40.0											40.0

Right Acre Limit: 63.0

POU Total Acres: 2178.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 85379

WATER RIGHT NO. 57-235

As Modified by Transfer No. 85379

CONDITIONS OF APPROVAL

3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 57C. Diversion of this right from the Snake River may be regulated by a watermaster with responsibility for the distribution of water from that source in the event curtailment is necessary in the future.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department for measuring the flow in Castle Creek at the original point of diversion, at the mouth of Castle Creek, and at the point of diversion from the Snake River.
6. The right holder shall maintain a measuring device and lockable controlling works, at the point of diversion located in NESE, S13, T04S, R01E, with a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. Diversion of water from the Snake River is limited to those times when water is available for diversion under this right and priority from Castle Creek. Availability of water from the Snake River shall be determined based on the lesser of the flow in Castle Creek at the authorized point of diversion or at the mouth of Castle Creek.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/24/2002.
9. This right is limited to the irrigation of 63 acres within the authorized place of use in a single irrigation season.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
11. Rights 57-235, 57-7034A, 57-11666, 57-11667 and 57-11709 when combined shall not exceed the irrigation of 1801 acres within the authorized place of use in a single irrigation season.
12. The following rights are diverted through the point of diversion described above: 57-235, 57-7034A, 57-11666, 57-11667 and 57-11709.

WATER RIGHT NO. 2-2357A
As Modified by Transfer No. 85379

In accordance with the approval of Transfer No. 85379, Water Right No. 2-2357A is now described as follows:

Right Holder: SV RANCH LLC
 GREG VIK
 PO BOX 1607
 BELLEVUE, WA 98009-1607

Priority Date: 9/10/1964

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

2.000 cfs

2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

NESE

Sec 35 Twp 03S Rge 01E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	1					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	19.0		358.0
							L 3	L 4											
04S	01E	2	40.0	40.0	40.0	40.0	41.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	601.0
			L 1	L 2			L 3												
04S	01E	11	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	360.0
04S	01E	12		19.0	19.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		20.0	20.0		398.0
04S	01E	13		21.0			40.0	40.0	40.0			40.0	40.0						221.0
04S	01E	14	40.0			40.0									40.0			40.0	160.0
04S	01E	23	40.0																40.0
04S	01E	24						40.0											40.0

Right Acre Limit: 100.0

POU Total Acres: 2178.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 85379

WATER RIGHT NO. 2-2357A
As Modified by Transfer No. 85379

CONDITIONS OF APPROVAL

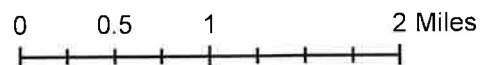
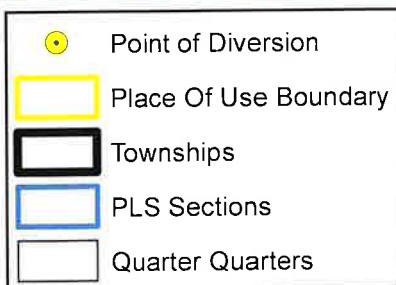
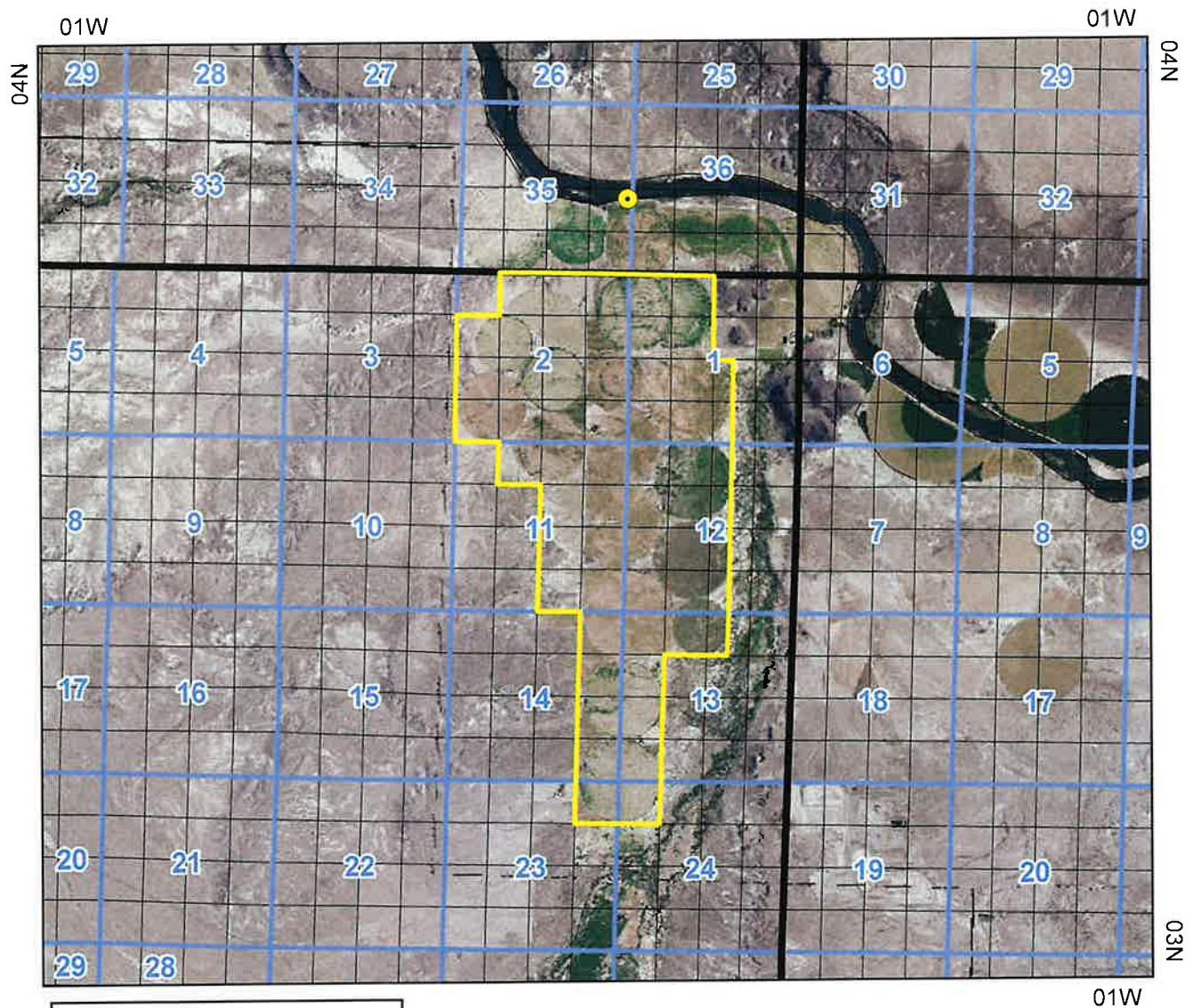
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/11/2009.
7. Rights 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396 and 2-10469 when combined shall not exceed the irrigation of 2016.4 acres in a single irrigation season.
8. Use of this right with Rights 57-235 and 57-11709 is limited to a total combined annual diversion volume of 500 af.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
10. The following rights are diverted through point of diversion described above: 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396, and 2-10469.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 85379

Water Right(s): 2-2357A

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

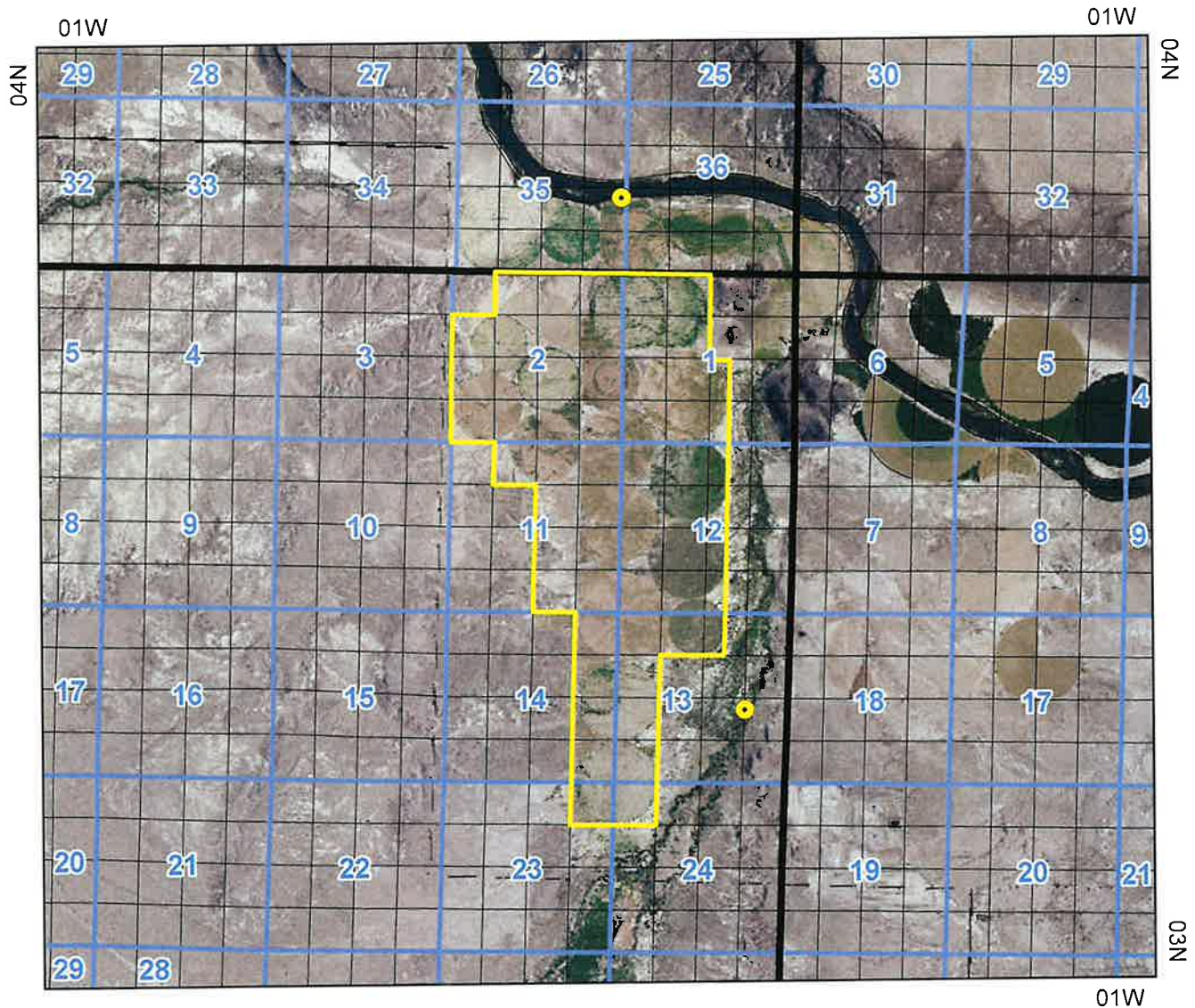


State of Idaho
Department of Water Resources

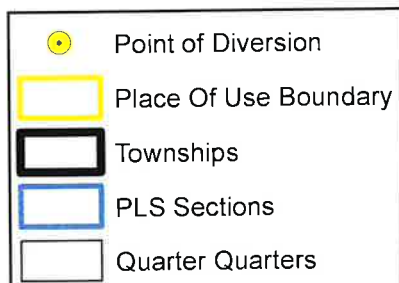
Attachment to Transfer No. 85379

Water Right(s): 57-235

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



0 0.5 1 2 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 31, 2022

SV RANCH LLC
GREG VIK
PO BOX 1607
BELLEVUE WA 98009-1607

Re: Transfer No: 85379
Water Right No(s): 2-2357A , 57-235
Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of

the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,



Scott Storms
Water Rights Supervisor

Enclosure

CC:

GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85379
Water Right No(s): 2-2357A , 57-235

SV RANCH LLC
GREG VIK
PO BOX 1607
BELLEVUE WA 98009-1607

GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301



Scott Storms
Water Rights Supervisor

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 85379

FROM: Allen Bradbury

DATE: 3/4/2022

RE: Evaluation of Application for Transfer of Water Right

The purpose of the transfer is to change a portion of water right numbers 2-2357A and 57-235. The transfer proposes to revert 6 acres of right 57-235 and 3 acres of right 2-2357A back into irrigation. The acres and associated rates were transferred to wildlife storage and diversion to storage in 2011 to mitigate for two new permits for wildlife storage. The permits were never developed, and use was never established. This transfer seeks to return the storage volume and diversion to storage rate back to irrigation.

Water will be used at the current place of use off Weese Rd., approximately 0.5 miles south of the Snake River.

Summary of Information Submitted

Authority to File: The application was filed in the name of SV Ranch LLC, PO Box 1607, Bellevue, WA 98009. SV Ranch LLC is managed by a manager as provided in the companies Limited Liability Company Agreement. The officers are listed as Greg Vik, president, and Chris J. Pollak, vice president. The application is signed by Chris J. Pollak. The representative is Greg Sullivan, Brockway Engineering, 2016 N Washington St., Suite 4, Twin Falls, ID 83301. The current water right holder of record for water rights 2-2357A and 57-235 is SV Ranch LLC C/O Gregory Vik. Tax parcel information obtained by the Department and dated 6/21/2021 verifies that all parcels are owned by SV Ranch LLC C/O Gregory Vik. The applicant owns all property associated with the points of diversion and the places of use in this application.

Water Right Validity/Historical Beneficial Use: Water right 2-2357A has a decreed date of 5/11/2009 for irrigation of 100 acres and a rate of 2.0 cfs on the original partial decree. Water right 57-235 has a decreed date of 1/24/2002 for irrigation of 63 acres and rate of 1.1 cfs on the original partial decree. In 2011, transfer 76739 combined water rights 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396 and 2-10469 consolidated eight different rights into a single point of diversion and a combined total acres of 2,178 acres and acre limit of 2016.4 acres. Also, the nature of use for 3 acres were changed from irrigation to wildlife storage with a diversion to storage of 0.06 cfs. This transfer limited right 2-2357A to the irrigation of 97 acres within the authorized place of use in a single irrigation season as mitigation for the evaporative losses caused by use of water under permit 2-10452.

Also in 2011, transfer 76740 combined water rights 57-235, 57-7034A, 57-11666, 57-11667 and 57-11709. This transfer limited right 57-235 to the irrigation of 57 acres within the authorized place of use in a single irrigation season as mitigation for the evaporative losses anticipated by use of water under permit 57-11794. This transfer will restore the 6 acres of right 57-235 and 3 acres of right 2-2357A back into irrigation.

Injury to Other Water Rights: The SV Ranch diversion for water right 57-235 is 1.5 miles downstream from the Highway 78 crossing or about 2.6 miles from Castle Creeks confluence with the Snake River. The diversion headgate is shared with water right 57-11710 (Ihli) with a 1970 priority date. The Nettleton diversion is the only other diversion between 57-235 and the confluence. The Nettleton diversion has ten

water rights with a total rate of 2.66 cfs and with 0.86 cfs having a priority date before the 12/10/1907 priority of 57-234. All of the major early priority water rights are located upstream of Highway 78; therefore the two diversions below Hwy 78 receive what is left after the upstream users are satisfied. Information provided by Brockway Engineering (June 28, 2011) concerning the original Castle Creek transfer #76740 indicates that Castle Creek gains in the reach below Hwy 78 and that both diversions receive water. Water District 57 C watermaster, Michael Ihli also shares the diversion point with SV Ranch, he responded to the Department's watermaster recommendation form without opposition. Based on this evidence there is not a concern with other users making a call or being injured.

Enlargement of Use: The transfer does not propose any change to the diversion rate or volume nor any unsubordinated change to the season of use. The number of irrigated acres will be restored to the original decreed acres. Although a portion of the rights were changed to diversion to storage and storage and a reduction to overall volume was included to prevent enlargement, the permits were never developed, and no historical use was established. Additionally, since the changes of use were part of a mitigation plan for the permits and 42-223 (10) explains that non-use as part of a mitigation plan is not subject to forfeiture. Therefore, since the use was never actually established and the right was protected from forfeiture, the full amount of the original acres can be restored without constituting an enlargement. With the withdrawal of permit 57-11794, the acre limit of water right 57-235 will be restored from 57 to 63 acres of irrigation. With the withdrawal of permit 2-10452 the acre limit of water right 2-2357A will be restored from 97 to 100 acres of irrigation. As for the nature of use for rights 57-235 and 2-2357A wildlife storage and diversion to storage will be removed from these rights and restored back to irrigation. There is little evidence to indicate an enlargement due to the change in the nature of use. For these reasons, an enlargement of use is not anticipated as a result of this transfer.

Local Public Interest: Since the original wildlife project was never developed, there are no anticipated negative impacts to recreation, fish, or wildlife as a result of this transfer. There is no indication that any applicable water or hazardous substance standards designed to protect water resources would be violated. This transfer is compatible with the objectives and policies of the State Water Plan. It is within the local public interest to allow private properties to develop their property and fully use their water rights which in turn benefits the public at large. None of the available information suggests a conflict with the local public interest. Comments received from the watermaster did not offer any opposition to the transfer.

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

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

Additional Information/Analysis

Overlap Analysis: Water right 57-235 (SV Ranch) shares a point of diversion with water right 57-11710 (Ihli). Transfer 76739 combined water rights 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396 and 2-10469 consolidated eight different rights into a single point of diversion and a combined total acres of 2,178 acres and acre limit of 2016.4 acres.

Discussion

There is a difference 0.1 cfs that was taken away from the irrigation rate at some point and dedicated to mitigation. There is no historical evidence recorded on the right that documents this rate discrepancy. The prior transfer #76740 allocates 0.1 cfs of the total 1.1 cfs to diversion to storage and left 1.0 cfs as irrigation. Since there is no evidence to support the 0.1 cfs being dedicated to mitigation, this will be converted back to irrigation through this transfer.

Condition 9 of water right 2-2357A gives a combined use volume limit of 500 af when combine with 57-235 and 57-11709. It is unclear where this volume limit originates. The only other combined use limits are acre limits such as found on 57-11710 which states "Rights 57-235, 57-11708, 57-11709 and 57-

11710 when combined shall not exceed the irrigation of 1716 acres.” Another water right, 57-11708, which was relinquished did include a volume limit for 57-235, 57-11709 and 57-11710 to not exceed a combined annual maximum diversion volume of 7720.0 af at the field headgate. Also of note are the allocation rates, 2-2357A is 0.02 cfs/acre, 57-235 is 0.017 cfs/acre and 57-11709 is 0.019 cfs/acre. In any case it remains unclear why this volume limit appears on 57-2357A and not 57-11709. The limit was not removed.

Conditions: If approved the following changes should be made to the conditions of water rights.

Water right 57-235: Condition number 9, X27, should be modified from 57 acres to 63 acres to revert 6 acres back to irrigation. Condition number 11, X35, the combined right condition remains at 1,801 acres as calculated in the transfer review memo for transfer 76739. Condition number 13 concerning mitigation for evaporation is remove, since it is no longer relevant.

Water right 2-2357A: Condition number 5, X27, should be modified from 97 acres to 100 acres to revert 3 acres back to irrigation. Condition number 6 concerning mitigation for evaporation is remove, since it is no longer relevant. Condition number 8, X35, the combined right condition remains at 2016.4 acres as calculated in the transfer review memo for transfer 76739.

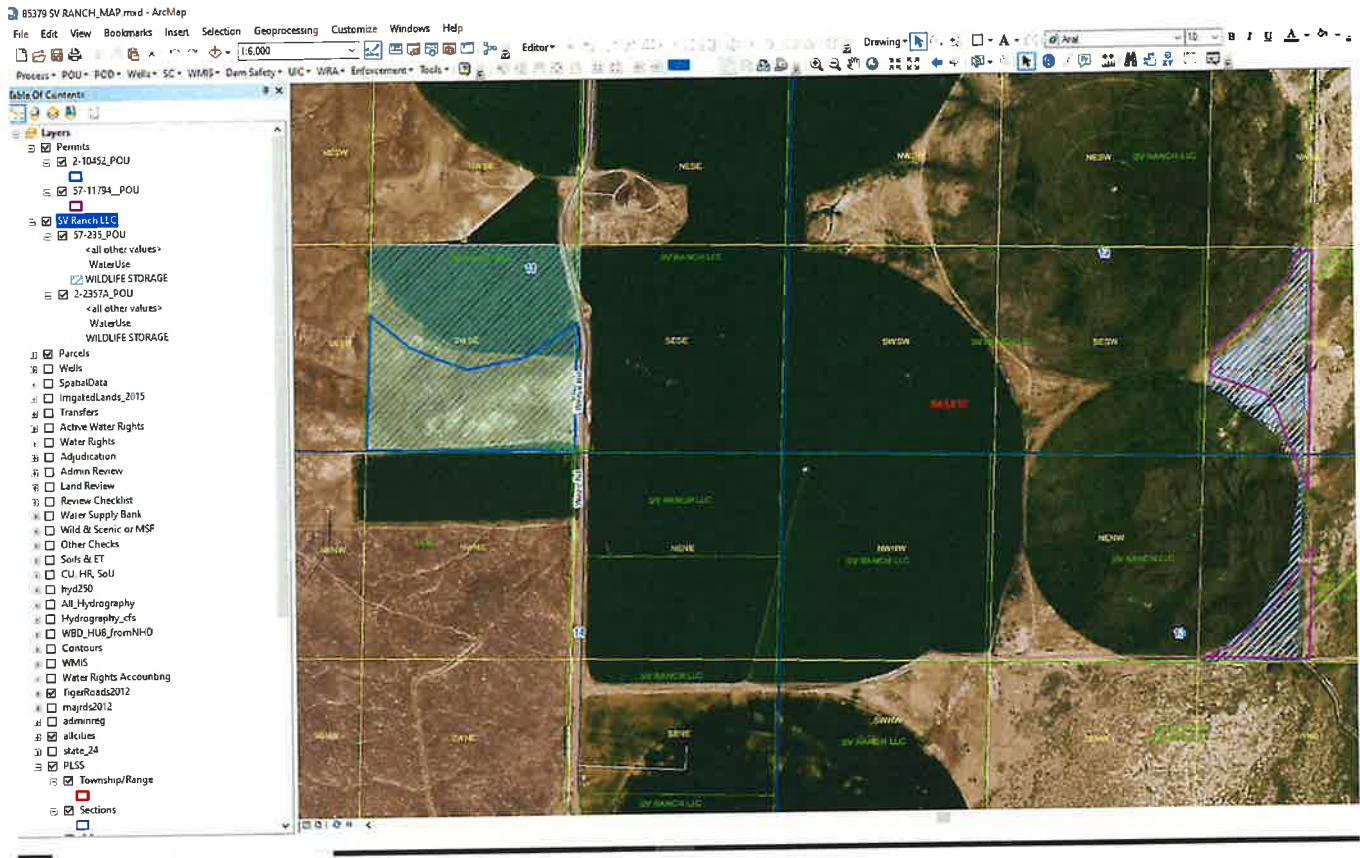
Summary

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

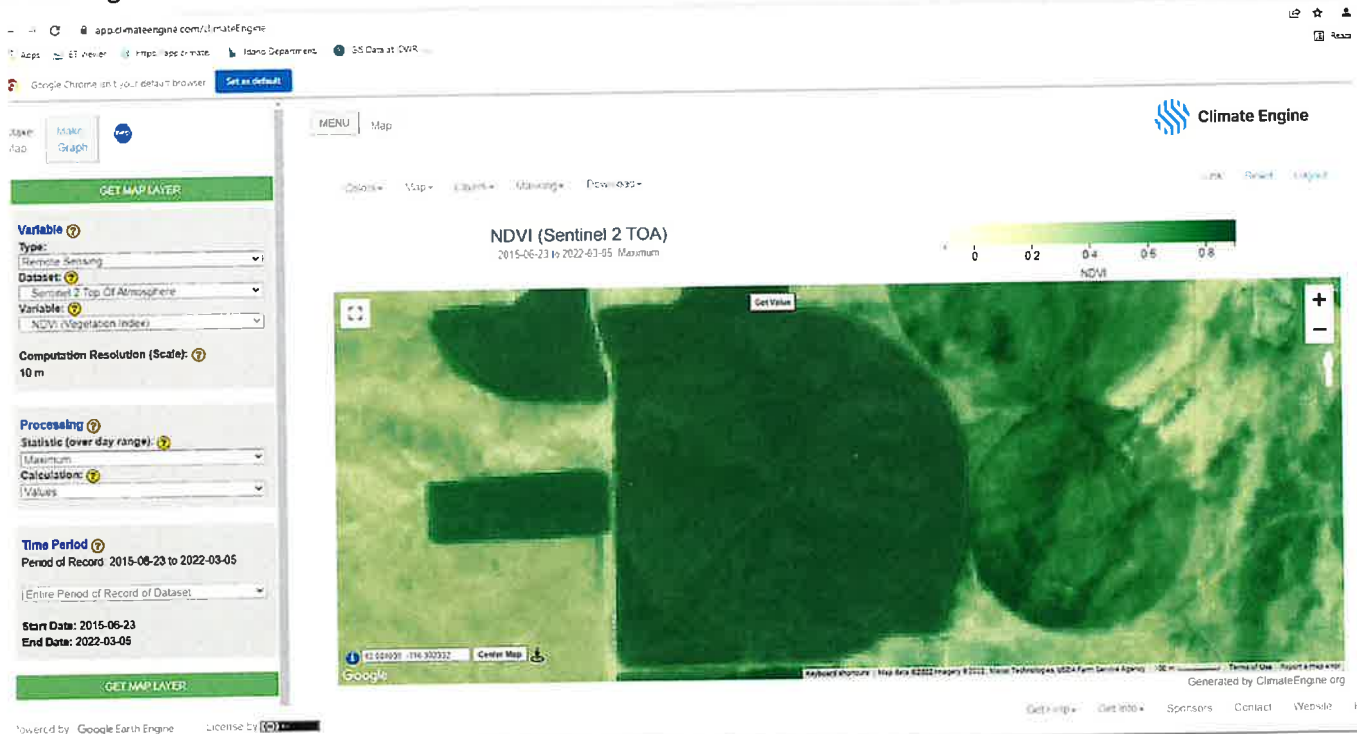
85379

85739 SV Ranch LLC – Climate Engine Map

Transfer Portions of water rights 57-235 and 57-2357A from wildlife storage to irrigation.



Climate Engine Data for 2015-2022



The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, IDAHO 83628

208 / 337-4681
EMAIL: OFFICE@OWYHEE.COM

AFFIDAVIT OF PUBLICATION

RECEIVED

JAN 14 2022

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a copy of said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper

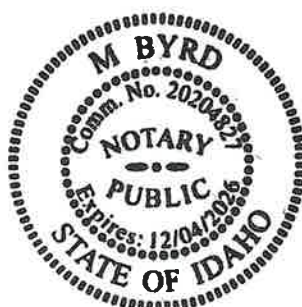
in TWO
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

January 5 and 12, 2022

SIGNED: _____

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 12th day of January in the year 2022, before me, a Notary Public, personally appeared JOE E. AMAN, known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



M. Byrd
Notary Public of Idaho
Residing at Homedale ID
My commission expires: 12, 04, 2026

JAN 14 2022

WATER RESOURCES
WESTERN REGION

Public notices

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT

TRANSFER NO. 85379
SV RANCH LLC, GREG
VIK
PO BOX 1607, BELLEVUE,
WA 98009-1607 has filed
Application No. 85379 for
changes to the following water
rights within Owyhee
County(s): Right No(s). 2-2357A,
57-235; to see a full description
of these rights and the proposed
transfer, please see https://
research.idwr.idaho.gov/apps/
waterrights/querynewtransfers.
The purpose of the transfer is to
change a portion of the above
rights as follows:

The purpose of the transfer is
to revert 6 acres of right 57-235
and 3 acres of right 2-2357A
back to irrigation. The acres and
associated rates were transferred
to wildlife storage and diversion to
storage in 2011 to mitigate for two
new permits for wildlife storage.
The permits were never developed
and use was never established.
This transfer seeks to return the
storage volume and diversion to
storage rate back to irrigation.
Water will be used at the
current place of use off Weese
Rd., approximately 0.5 miles
south of the Snake River.

For additional information
concerning the property location,
contact Western Region office at
(208) 334-2190. Protests may be
submitted based on the criteria
of Idaho Code Sec. 42-222. Any
protest against the proposed change
must be filed with the Department
of Water Resources, Western
Region, 2735 W AIRPORT WAY,
BOISE ID 83705-5082 together
with a protest fee of \$25.00 for
each application on or before
1/24/2022. The protestant must
also send a copy of the protest to
the applicant.

GARY SPACKMAN, Director
01/05/22/2022

**SUMMONS FOR
PUBLICATION
IN THE DISTRICT COURT
OF THE THIRD JUDICIAL
DISTRICT
OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF
OWYHEE**

Case No. CV37-21-00382
DARCY GEARY and NORINE
GEARY
Plaintiffs,

v.
TERRY L. MAHLER, II,
NATHAN E. MAHLER,
JESUS MATA a.k.a. JESUS
MATA LAMAS and ALMA
DELIA LAMAS, husband and
wife, ANGSTMAN JOHNSON
CHRISTENSEN & MAY, PLLC,
an Idaho professional limited
liability company, BOARD OF
COUNTY COMMISSIONERS
OF OWYHEE COUNTY, IDAHO
DEPARTMENT OF HEALTH
AND WELFARE, OFFICE OF
THE ATTORNEY GENERAL,
and DOES I-V, whose true names
are unknown, claiming any right,
title, estate lien or interest in and
to the real property adverse to
Plaintiff's interests in land legally
described on Exhibit A to the
Complaint on file in this matter,
Defendants.

TO: DEFENDANTS, DOES
I-V whose true names are
unknown.

Find out
What's happening
Read Calendar each week
in the Avalanche

**NOTICE: YOU HAVE
BEEN SUED BY THE ABOVE-
NAMED PLAINTIFFS IN
THE DISTRICT COURT
OF THE THIRD JUDICIAL
DISTRICT OF THE STATE
OF IDAHO, IN AND FOR
OWYHEE COUNTY CASE
NO. CV37-21-00382.**

The nature of the action
against you is to quiet title on
and partition property located
in Owyhee County, Idaho, and
legally described as:

PARCEL I:

A parcel of land in Lot 6, Section
14, Township 3 North, Range 5
West, Boise Meridian, Owyhee
County, Idaho, more particularly
described as follows:

BEGINNING at a point 934
feet North of the Quarter corner
of Sections 14 and 15, Township
3 North, Range 5 West, Boise
Meridian; thence South 89°29'00"
East a distance of 981.00 feet;
thence North 12°46'20" East a
distance of 149.01 feet to a point
on the Southwesterly Right of
Way line of the Union Pacific
Rail Road Company; thence
North 52°23'27" West (formerly
North 52°37'00" West) a distance
of 1279.93 feet, to a point on the
West line of said Section 14;
thence South 0°00'14" East, a
distance of 917.61 feet (formerly
South 0°09' East, 921 feet) to the
POINT OF BEGINNING.

EXCLUDING therefrom the
following parcel, more particularly
described as follows:

COMMENCING at the
Southwest corner of the Southwest
Quarter Northwest Quarter (Lot 6)
of Section 14, Township 3 North,
Range 5 West, Boise Meridian;
thence North along the
Westerly boundary of said
Southwest Quarter Northwest
Quarter (formerly a distance of
936.50 feet) a distance of 934
feet to the TRUE POINT OF
BEGINNING;

thence continuing North along
the Westerly boundary of said
Southwest Quarter Northwest
Quarter (Lot 6), a distance of
181.50 feet;

thence South 89°30'24" East
(formerly South 89°30'10" East),
a distance of 240.00 feet;
thence South parallel to the
westerly boundary of said
Southwest Quarter
Northwest Quarter (Lot 6), a
distance of 181.50 feet;
thence North 89°30'24" West
(formerly North 89°30'10"
West), a distance of 240.00
feet to the TRUE POINT OF
BEGINNING.

EXCLUDING therefrom the
following parcel, more particularly
described as follows:

A parcel of land in Lot 6, Section
14, Township 3 North, Range 5
West, Boise Meridian, Owyhee
County, Idaho, more particularly
described as follows:

COMMENCING at the Quarter
corner common to Sections 14
and 15, Township 3 North, Range
5 West, Boise Meridian;
thence North along the Westerly
boundary of said Lot 6, a distance
of 1450.12 feet to the TRUE
POINT OF BEGINNING;

thence continuing North along
the Westerly boundary of said Lot
6, a distance of 403.96 feet to a
point on the Southwesterly Right
of Way line of the Union Pacific
Rail Road Company;
thence South 52°23'27" East,
a distance of 808.5 feet to a
point; thence South 37°36'33"
West a distance of 320.0 feet to
a point; thence South 37°36'33"
West a distance of 320.0 feet to
a point; thence North 52°23'27"

West a distance of 561.95
feet to the TRUE POINT OF
BEGINNING.

PARCEL II:

A parcel of land in Lot 6, Section
14, Township 3 North, Range 5
West, Boise Meridian, Owyhee
County, Idaho, more particularly
described as follows:

COMMENCING at the Quarter
corner common to sections 14 and
15, Township 3 North, Range 5
West, Boise Meridian;
thence North along the Westerly
boundary of said Lot 6, a distance
of 1450.12 feet to the TRUE
POINT OF BEGINNING;

thence continuing North along
the Westerly boundary of said Lot
6, a distance of 403.96 feet to a
point on the Southwesterly Right
of Way line of the Union Pacific
Rail Road Company; thence

South 52°23'27" East, a
distance of 808.5 feet to a point;
thence

South 37°36'33" West, a
distance of 320.0 feet to a point;
thence

North 52°23'27" West a distance
of 561.95 feet to the TRUE POINT
OF BEGINNING.

YOU ARE HEREBY NOTIFIED
any time after 21 days following the
last publication of this summons,
the court may enter judgment
against you without further notice,
unless prior to that time you have
filed a written response in the
proper form, including the Case
Number, and paid any required
filing fee to the Clerk of the Court
at Owyhee County Courthouse,
20381 ID-78, Murphy, ID 83650
(208) 495-2806, and served a copy
of your responses on the
Plaintiffs' counsel, Brandon
Hueckstep, JOHNSON MAY, 199
N. Capitol Blvd., Ste 200, Boise,
ID 83702 and telephone number
208-384-8588.

A copy of the Summons and
Complaint can be obtained by
contacting either the Clerk of
the Court, or the attorney for
Plaintiffs. If you wish to seek
the advice of, or representation by
an attorney in this matter, you
should do so promptly so that your
written response, if any, may be
filed in time and other legal rights
protected.

Dated Dec. 13, 2021.

Angela Barkell
CLERK of the District Court
By: /s/ Lena Johnson, Deputy
Clerk

12/29/2021-01/05/22/2022

**SUMMONS
IN THE DISTRICT COURT
OF THE THIRD JUDICIAL
DISTRICT
OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF
OWYHEE**

CASE NO. CV37-21-00426
CAPZ HOLDINGS, LLC, an
Idaho limited liability company,
Plaintiff,

vs.
MICHAEL G. RICE and
JENELL A. RICE, husband and
wife, and all other persons or
parties unknown claiming any
right, title, lien, or interest adverse
to the Plaintiff in the property
described as follows:

A part of the Southwest
Quarter of the Southwest
Quarter, Section 34,
Township 3 North, Range
4 West, Boise Meridian,
Owyhee County, Idaho,
more particularly
described to-wit:

Commencing at the
Southwest corner of the
Southwest Quarter of

the Southwest Quarter
of Section 34, Township
3 North, Range 4 West,
Boise Meridian; thence
North 90°00'00" East
25.00 feet along the South
boundary of the said
Southwest Quarter of the
Southwest Quarter; thence
leaving the said South
boundary,

North 0°49'20" West
(formerly of record North)
186.00 feet to a 1/2" inch
rebar in the East right of
way of Eighth Avenue
West, the INITIAL POINT
of this description; thence
leaving the said right of
way line North 90°00'00"
East 100.00 feet to a 1/2"
inch rebar; thence

North 0°49'20" West
(formerly of record North)
139.5 feet to a 1/2" rebar;
thence

North 56°14'12" West
121.45 feet (formerly of
record Northwesterly 121
feet) to a 1/2" inch rebar in
the said East right of way
line; thence

South 0°49'20" East 207.00
feet along the said East right
of way to the INITIAL POINT OF
THIS DESCRIPTION.

Defendants.

**NOTICE: YOU HAVE
BEEN SUED BY THE ABOVE-
NAMED PLAINTIFF(S).
THE COURT MAY ENTER
JUDGMENT AGAINST YOU
WITHOUT FURTHER NOTICE
UNLESS YOU RESPOND
WITHIN 21 DAYS. READ THE
INFORMATION BELOW.**

TO: ALL OTHER PERSONS
OR PARTIES UNKNOWN
CLAIMING ANY RIGHT,
TITLE, LIEN, OR
INTEREST ADVERSE TO
THE PLAINTIFF IN THE
PROPERTY DESCRIBED
AS FOLLOWS: A PART
OF THE SOUTHWEST
QUARTER OF THE
SOUTHWEST QUARTER,
SECTION 34, TOWNSHIP
3 NORTH, RANGE 4
WEST, BOISE MERIDIAN,
OWYHEE COUNTY, IDAHO,
MORE PARTICULARLY
DESCRIBED TO-WIT:

COMMENCING AT THE
SOUTHWEST CORNER OF
THE SOUTHWEST QUARTER
OF THE SOUTHWEST
QUARTER OF SECTION
34, TOWNSHIP 3 NORTH,
RANGE 4 WEST, BOISE
MERIDIAN; THENCE

NORTH 90°00'00" EAST
25.00 FEET ALONG THE
SOUTH BOUNDARY OF
THE SAID SOUTHWEST
QUARTER OF THE
SOUTHWEST QUARTER;
THENCE LEAVING THE
SAID SOUTH BOUNDARY,
NORTH 0°49'20" WEST
(FORMERLY OF RECORD
NORTH) 186.00 FEET TO A
1/2" INCH REBAR IN THE
EAST RIGHT OF WAY OF
EIGHTH AVENUE WEST,
THE INITIAL POINT OF
THIS DESCRIPTION;
THENCE LEAVING THE
SAID RIGHT OF WAY LINE
NORTH 90°00'00" EAST
100.00 FEET TO A 1/2" INCH
REBAR; THENCE

NORTH 0°49'20" WEST
(FORMERLY OF RECORD
NORTH) 139.5 FEET TO A
1/2" REBAR; THENCE
NORTH 56°14'12" WEST
121.45 FEET (FORMERLY OF
RECORD NORTHWESTERLY
121 FEET) TO A 1/2" INCH

REBAR IN THE SAID EAST
RIGHT OF WAY LINE;
THENCE
SOUTH 0°49'20" EAST
207.00 FEET ALONG THE
SAID EAST RIGHT OF WAY
TO THE INITIAL POINT OF
THIS DESCRIPTION.

You have been sued by the
Plaintiff Capz Holdings, LLC
in the District Court in and for
Owyhee County, Idaho, Case No.
CV37-21-00426.

The nature of the claim against
you is an action for quiet title;
wherein Plaintiff seeks a judgment
to quiet title the following
described real property:

A part of the Southwest
Quarter of the Southwest
Quarter, Section 34,
Township 3 North, Range
4 West, Boise Meridian,
Owyhee County, Idaho,
more particularly
described to-wit:

Commencing at the
Southwest corner of the
Southwest Quarter of the
Southwest Quarter of
Section 34, Township
3 North, Range 4 West,
Boise Meridian; thence
North 90°00'00" East
25.00 feet along the South
boundary of the said
Southwest Quarter of the
Southwest Quarter; thence
leaving the said South
boundary,

North 0°49'20" West
(formerly of record North)
186.00 feet to a 1/2" inch
rebar in the East right of
way of Eighth Avenue
West, the INITIAL POINT
of this description; thence
leaving the said right of
way line North 90°00'00"
East 100.00 feet to a 1/2"
inch rebar; thence

North 0°49'20" West
(formerly of record North)
139.5 feet to a 1/2" rebar;
thence
North 56°14'12" West
121.45 feet (formerly of
record Northwesterly 121
feet) to a 1/2" inch rebar in
the said East right of way
line; thence

South 0°49'20" East
207.00 feet along the
said East right of way to
the INITIAL POINT OF
THIS DESCRIPTION.
Any time after 21 days
following the last publication
of this summons, the court may
enter a judgment against you
without further notice, unless
prior to that time you have filed
a written response in the proper
form, including the case number,
and paid any required filing
fee to the Clerk of the Court at
20381 State Highway 78, Murphy,
Idaho 83650; Telephone (208)
495-2806 and served a copy of
your response on the Plaintiff's
attorney at WHITE, PETERSON,
GIGRAY & NICHOLS, P.A.,
5700 East Franklin Road, Suite
200, Nampa, Idaho 83687-7901;
Telephone (208) 466-9272.

A copy of the Summons and
Complaint can be obtained by
contacting either the Clerk of the
Court or the attorney for Plaintiff.
If you wish legal assistance, you
should immediately retain an
attorney to advise you in this
matter.

DATED: Dec. 28, 2021

Angela Barkell
CLERK OF THE DISTRICT
COURT

By: Lena Johnson

Deputy

01/05/22/2022