

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84558**

This is to certify that: **HIDDEN VALLEY INVESTMENTS LLC**
7858 RIVER FRONT DR
MARSING, ID 83639-8236

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>
2-10585	WR/DECREED	1/19/1949	0.950 cfs	214.2 af	47.6	68.0	SNAKE RIVER

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>
2-10585	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-10585	2-10585	0.950 cfs	214.2 af	47.6	68.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.950 cfs	214.2 af	47.6	68.0		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 10th day of December, 2020.

for, Patricia Willy
Chief, Water Allocation Bureau

Transfer No. 84558

WATER RIGHT NO. 2-10585**As Modified by Transfer No. 84558**

In accordance with the approval of Transfer No. 84558, Water Right No. 2-10585 is now described as follows:

Right Holder: HIDDEN VALLEY INVESTMENTS LLC
7858 RIVER FRONT DR
MARSING, ID 83639-8236

Priority Date: 1/19/1949

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

0.950 cfs

0.950 cfs

Diversion Volume

214.2 af

214.2 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

NESW

Sec 23 Twp 02N Rge 04W 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	
02N	04W	23									6.5	25.0	13.0	15.7					60.2
02N	04W	26					7.8				L 3	L 3		L 4					7.8
							L 1												

Right Acre Limit: 47.6

POU Total Acres: 68.0

CONDITIONS OF APPROVAL

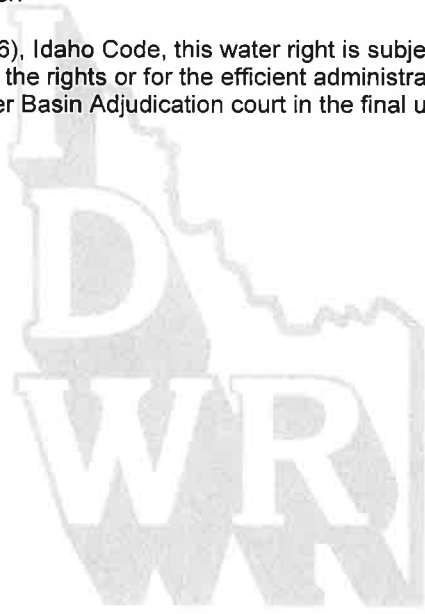
1. This right is limited to the irrigation of 47.6 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. 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 irrigation use and a priority date earlier than 6/23/2009.

Transfer No. 84558

WATER RIGHT NO. 2-10585
As Modified by Transfer No. 84558

CONDITIONS OF APPROVAL

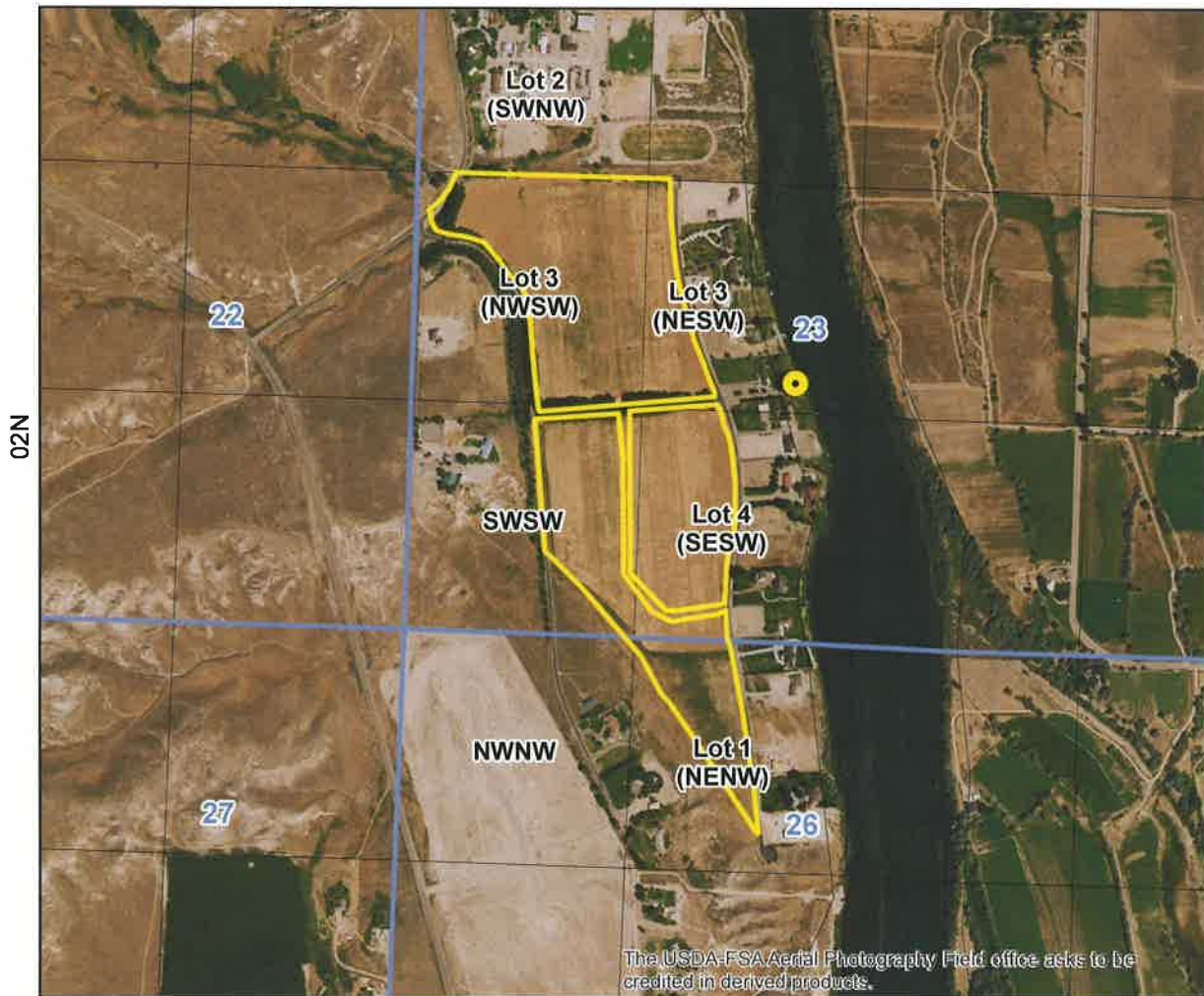
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources
Attachment to Water Right Transfer 84558
2-10585

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.

04W



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

0 0.125 0.25 0.5 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 30 2020
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ (not a change of place of use) Change diversion point(s) ☐ Add diversion point(s) ☒ Ownership change ☐ Ownership split
- ☐ Transfer is for changes pursuant to [Idaho Code § 42-221.0.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Hidden Valley Investments, LLC Phone 208-606-6276
2. MAILING ADDRESS 7858 Liver Front Drive City Marsing
State ID Zip 83639 Email shwarner11@msn.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 2-10585 (and any future splits from this right)

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 950 CFS cubic feet per second and/or 214.2 AF acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No	02A	NE	SW		23	02N	04W	Dwyall	Snake River	23 02N 04W
	(Govt Lot 3)						(04W)			

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

A new pump replaced the original (1948) pump. New pump is housed in an insulated shed building with lock. Measuring device can be easily accommodated & secured.

- b. Who owns the property at the point(s) of diversion? Hidden Valley Investments, LLC
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

Eventually, 38^{residential} lots will be split from this right (2-10585) (Hidden Valley Estates Subdivision Phases IV and V -- as lots are sold, new owners will process split forms. Same POD.

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, [Water Rights](#), [Water Right Transfers](#), [File a Transfer Application](#), [Step 2C](#).

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Susan H. Warner
Signature of applicant or authorized agent

Susan H. Warner, Member
Print name and title if applicable
Hidden Valley Investments, LLC

11/25/2020
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8, require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, [Water Right Transfers](#), [Step 4](#) and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes 11 pages of attachments. Received by CS Date 11/30/2020

Fee paid \$50.00 Date 11/30/2020 Receipted by CS Receipt # W048917

Preliminary review by TS Date 12/9/20 Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☒ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

**IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 2-10585**

Owner Type
Current Owner

Name and Address
HIDDEN VALLEY INVESTMENTS LLC
7858 RIVER FRONT DR
MARSING, ID 83639-8236
(206) 606-6276

Priority Date: 1/19/1949

Basis: Decreed

Status: Active

Source
SNAKE RIVER

Tributary
COLUMBIA RIVER

Beneficial Use
IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
03/15	11/15	0.950 CFS	214.2 AF
Total Diversion		0.950 CFS	214.2 AF

Source and Point(s) of Diversion

SNAKE RIVER

L4(NESESW)

Sec. 23, Twp 02N, Rge 04W, OWYHEE County

Place Of Use

IRRIGATION within OWYHEE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	04W	23									6.5	25.0	13.0	15.7					60.2
											L3	L3		L4					
02N	04W	26					7.8												7.8
							L1												

Right Acre Limit: 47.6

POU Total Acres: 88.0

Conditions of Approval:

1. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. K06 This right is limited to the irrigation of 47.6 acres within the place of use described above in a single irrigation season.
3. X61 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 6/23/2009.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates and Other Information

no mention of
the point of Div.
(is the pump on
right # 2-7463?)

State of Idaho
Department of Water Resources

**Water Right
2-10585**

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

04W



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

0 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. **02-7463**

Priority: March 07, 1995

Maximum Diversion Rate: 0.40 CFS

It is hereby certified that HIDDEN VALLEY ESTATES LTD PARTNERSHIP
JESS VAN HALL
146 W CUB

Former owner of lots/parcels on
Hillcrest Drive, Marsing, ID

MERIDIAN ID 83642

has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated March 07, 1995; and has submitted Proof of
Beneficial Use on April 15, 1998. An examination confirms water is diverted from:

SOURCE: SNAKE RIVER **Tributary:** COLUMBIA RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/01 to 11/15	0.40 CFS

LOCATION OF POINT OF DIVERSION:

SNAKE RIVER NE1/4SW1/4 Sec. 23, Twp 02N, Rge 04W, B.M., OWYHEE County

PLACE OF USE: IRRIGATION

see appl.

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 04W 23										7.0	9.0						16.0
02N 04W 26					2.0	2.0				L 3							4.0
Total Acres: 20					L 1												

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. The following rights are diverted through point of diversion described above: ~~02-2073A, 02-10246, 02-10259, 02-10260, 02-10330, 02-10340, 02-10340, 02-10351, 02-10411, 02-10412, 02-10413, 02-10414, 02-10415, 02-10458, 02-10459 and 02-7463~~ ^{no} ~~and 2-10585~~ ^{no} ~~(originally 2-10257 & 2-10245)~~ ^{no} ~~& 2-10458~~ ^{no}
4. Water shall not be diverted, under this right, when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5,000 cfs; Lime Point 13,000 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

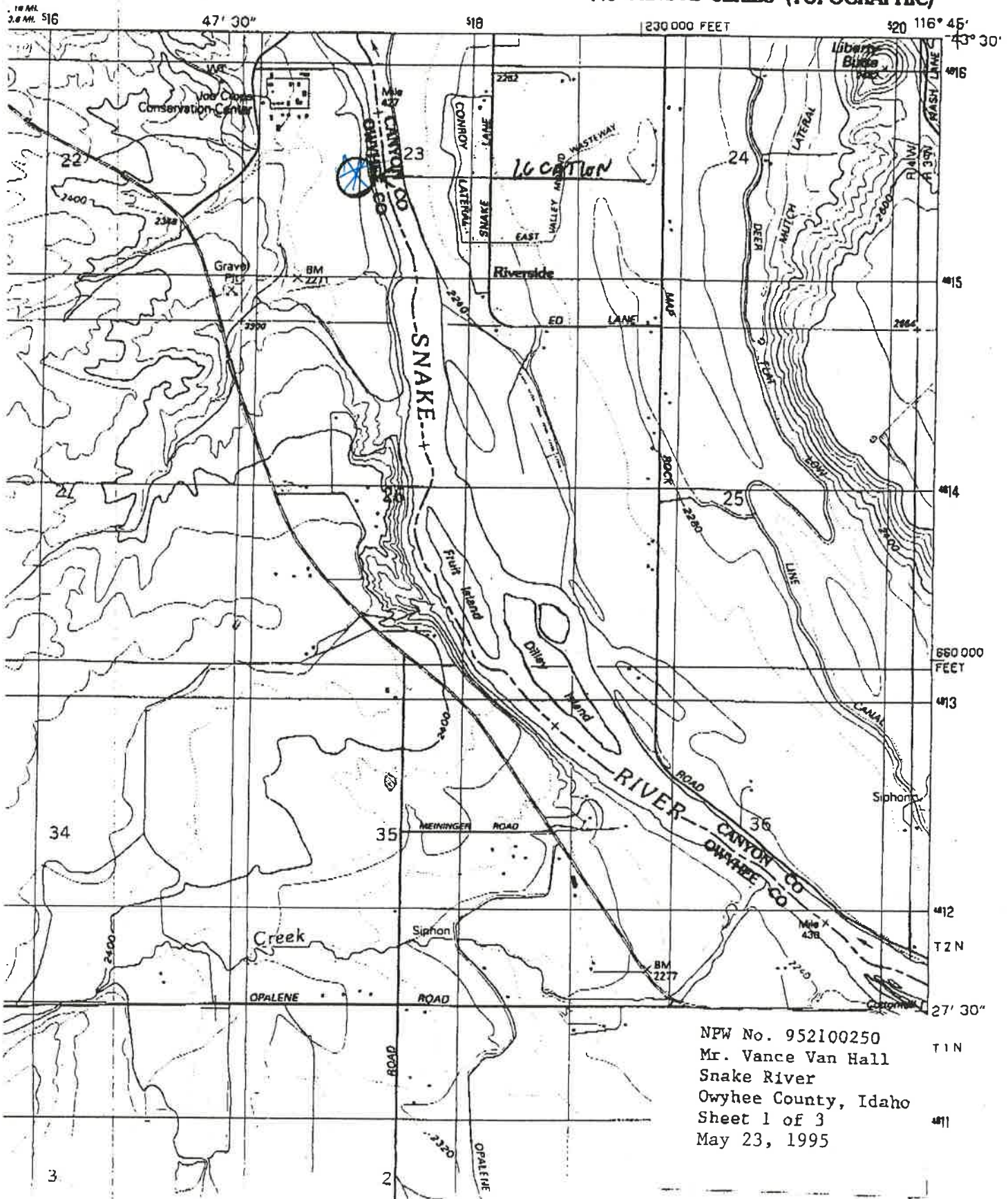
Signed this 24th day of September, 2013.


JOHN WESTRA
Western Regional Manager

84558

Hidden Valley Investments, LLC

OPALENE GULCH QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)



* please see updates, shown below

Page 2

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 02-7463

RECEIVED

SEP 23 2013

WATER RESOURCES
WESTERN REGION

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = 100 Received by JR # W041531 Date 9/23/13

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, JOHN WESTRA, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 02-7463 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. The following rights are diverted through point of diversion described above: ~~02-2073A, 02-10246, 02-10255, 02-10266, 02-10336, 02-10348, 02-10349, 02-10351, 02-10411, 02-10412, 02-10413, 02-10414, 02-10415, 02-10458, 02-10459 and 02-7463.~~ ^{no} ~~02-10257 and 2-10245~~ ^{no} and 2-10585 (originally 2-10257 and 2-10245) ^{no} 2-10458
4. Water shall not be diverted, under this right, when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5,000 cfs; Lime Point 13,000 cfs.

Witness my hand this 24th day of September, 2013.

John Westra
JOHN WESTRA
Western Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Fee is \$100 per § 42-221C, Idaho Code

State 1D Zip 83639 Email: shwarner11@msn.com

I am the owner of Water Appropriation Permit No. 2-10585 and request that the permit be amended as follows:

- ☐ Change point of diversion ☒ Add point of diversion ☐ Change period of use
☐ Change nature of use ☐ Change place of use ☒ Other Remove incorrect rights from

1. Point of diversion: ☐ No changes to point(s) of diversion. Skip item #1 and proceed to #2.
☐ Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion affecting the ESPA.

[illegible]

- 2. Period and nature of use:** ☐ No changes to period and/or nature of use. Skip item #2 and proceed to #3.

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (month/day) (month/day)

3. Place of use or land to be irrigated: ☒ No changes to place of use. Skip item #3 and proceed to #4. *but some parcels should be removed*

Water Right #	Twp	Rge	Sec	NE				NW				SW				SE				TOTALS				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
10585	02N	04W	23											6.5	25.0	13.0	15.7					60.2	hidden Valley Investments	
7463	02N	04W	23					7.8															7.8	} misc Owners on Philorist Drive
7463	02N	04W	23							7.0						9.0							16.0	
7463	02N	04W	26		2.0				2.0														4.0	
10458	02N	04W	23			17.1													12.7				29.8	Van Hall
10458	02N	04W	26		12.7														~~12.7~~				12.7	Van Hall
10411	02N	04W	~~26~~																0.1				0.1	Peer
10412	02N	04W	~~26~~					1.7															1.7	-Lark
10413	02N	04W	26					3.4															3.4	-Lanning/Burlingame
10414	02N	04W	26					3.1															3.1	Hagedorn
10415	02N	04W	26					1.4															1.4	HVE 122

Total number of acres to be irrigated 34

84558

~~Total number of acres to be irrigated~~

POD $\rightarrow$ Total

140.5

4. Property ownership: ☐ No changes to point of diversion and/or place of use. Skip item #4 and proceed to #5.

- a. Who owns the property at the point of diversion? Hidden Valley Investments, LLC
b. Who owns the land to be irrigated or place of use? Hidden Valley Investments, LLC, Van Hall, Hidden Valley Estates, LTD, Peer, Lark, Lanning, Hagedorn, Hidden Valley Estates, LTD
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

Misc. New Owners - 19 lots in Hidden Valley Estates Phase IV, currently under right 2-10585, will be applying for splits when new deeds received. The remainder of 2-10585 will stay with Hidden Valley Investments until future lots are developed and rights split from 2-10585.

The following lots assoc. w/ these rights use the POD owned by Hidden Valley Investments, LLC - via main line system:
2-7463 (on Hillcrest Drive, Marsing), 2-10458 (V. Van Hall orig. owner - new owner is Nelson), 2-10411 - Gary Peer,
2-10412 - Kelly Lark, 2-10413 - Lanning, 2-10414 - Hagedorn, 2-10415 - Hidden Valley Estates, LTD Jess Van Hall.

5. Describe the proposed change in narrative form:

I do not find in the notes for this water right (2-10585) where the POD is mentioned - it has always been the pump located on Owyhee Ctry parcel # PPO840001000B in the Snake River at NE 1/4 SW 1/4 23 02N 04W, which parcel and pump and all diversion facilities are now owned by Hidden Valley Investments, LLC. This POD has been identified with this right through its original rights (2-10257 and 2-10245 before that). Also, incorrectly, this pump/POD appears to be defined in right # 2-7463, which appurtenant property is no longer owned by Hidden Valley Estates, LTD (Jess Van Hall), who also originally owned the property that is currently owned by Hidden Valley Investments, LLC. The pump is 100% owned and operated by Hidden Valley Investments and is located on a parcel owned by Hidden Valley Investments, LLC (# PPO840001000B). The rights that should be attached to this POD are: 2-10585, 2-7463, 2-10411, 2-10412, 2-10413, 2-10414, 2-10415, and 2-10458. There are lots shown as being diverted by this pump, which are not (so are incorrect): 2-2073A, 2-10246, 2-10259, 2-10260, 2-10330, 2-10348, 2-10349, 2-10351, 2-10459.

6. Map: ☒ The point(s) of diversion and/or the place of use are not amended, therefore a map is not attached.

Attach a map showing the proposed point(s) of diversion and/or place(s) of use. Clearly label the map with township, range, section, and 1/4 1/4 of section information. A photocopy of a USGS 7.5 minute topographic quadrangle is commonly used, or the Map Tool available on the Department website provides a satisfactory template for creating the required map (<http://maps.idwr.idaho.gov/TransferApplicationLayouts/Map>).

7. Signature:

The information in this application is true to the best of my knowledge. I understand that any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Susan H. Warner

Signature of applicant or authorized agent

Susan H Warner

Print name (and title, if applicable)

member - Hidden Valley Investments, LLC

Date

11/4/2020

Signature of applicant or authorized agent

Print name (and title, if applicable)

Date

FOR DEPARTMENT USE ONLY

Received by LE

Date 11/09/2020

Received by LE

Date 11/09/2020

Receipt No. W048667

Reviewed by _____

Date _____

Hidden Val Investments, LLC
Water Right # 2-10585

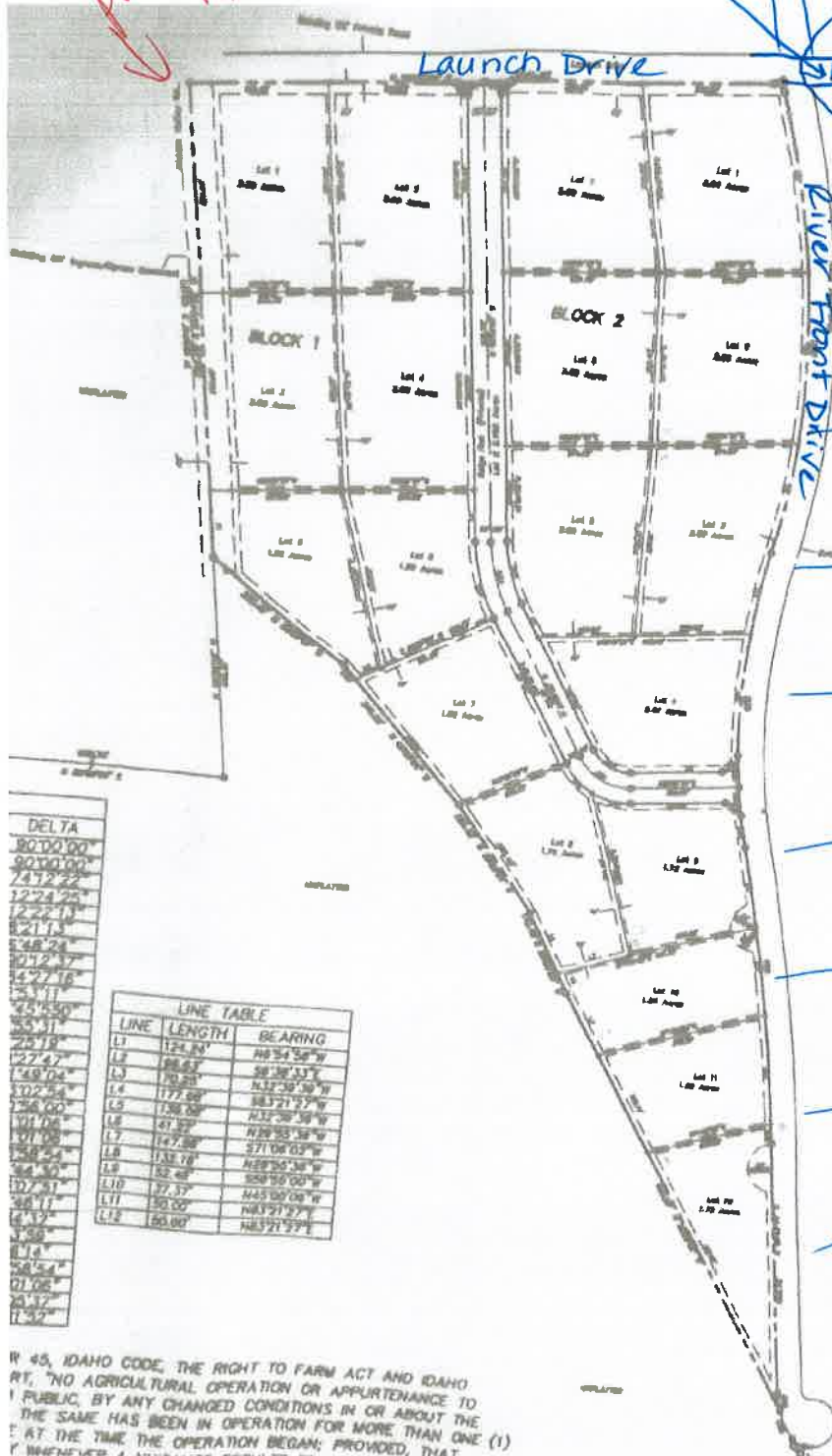
phase IV
19 lots

Lot 7A

Owner Parcel # R0008400000068
Pump location
Pump intake

Product Page

Rolls Royce



W 45, IDAHO CODE, THE RIGHT TO FARM ACT AND IDAHO
RT, "NO AGRICULTURAL OPERATION OR APPURTENANCE TO
PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE
SAME HAS BEEN IN OPERATION FOR MORE THAN ONE
AT THE TIME THE OPERATION BEGAN; PROVIDED, THAT
WHenever a change of ownership occurs, the new owner shall be deemed to be the owner at the time the operation began; provided, that

84558



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

December 10, 2020

HIDDEN VALLEY INVESTMENTS LLC
7858 RIVER FRONT DR
MARSING ID 83639-8236

RE: Transfer No: 84558
Water Right No(s): 2-10585

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 concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lynne Evans".

Lynne Evans

For: Patrick Kelly
Water Rights Supervisor

Enclosure(s)

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.

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2020 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.: 84558

Water Right No(s): 2-10585

HIDDEN VALLEY INVESTMENTS LLC
7858 RIVER FRONT DR
MARSING ID 83639-8236



Lynne Evans
Office Specialist II

MEMORANDUM

TO: Transfer No. 84558
FROM: Tyler Smith
DATE: December 9, 2020
RE: Evaluation of Application

Summary of Information Submitted

Hidden Valley Investments, LLC is a company and property owner in northwest Owyhee County along the Snake River. The company filed transfer no. 84558 to change the point of diversion of water right 2-10585 to reflect the actual pump location on the Snake River just north of its current designation. No physical changes to the diversion system are proposed.

Authority to File

The application was filed in the name of Hidden Valley Investments, LLC. The application indicated a need for a change in ownership, however Hidden Valley Investments, LLC is already the owner of 2-10585 as a result of a split from 2-10458 on 6/17/2020. Susan Warner signed the transfer application. According to the Idaho Secretary of State, Susan is a governor for the company and therefore has the authority to sign.

Water Right Validity

The right is presumed to be valid since beneficial use has occurred within the last five years. 2015 – 2019 imagery shows that the user has irrigated approximately 64 acres, exceeding the limits of the license. Beneficial use confirmed by department google climate engine, aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Overlap Analysis

The new point of diversion proposed in this transfer overlaps water right 2-7463 owned by Hidden Valley Estates LTD Partnership, a separate entity. According to the narrative submitted with the transfer application, the property, pump and distribution system is owned by Hidden Valley Investments, LLC and is used by them and other users who have split water rights from the original parent rights and have their permission. Current tax lot data confirms that Hidden Valley Investments, LLC is the property owner at the pump location and consequently advertisement is not required. Since Hidden Valley Investments is not the owner of the other rights mentioned in the narrative and they are not listed in the transfer application, so the points of diversion for the other rights will not be changed as a result of this transfer.

Injury to Other Water Rights

None anticipated as water is already diverted through the pump and diversion system.

Enlargement of Use

None anticipated since no physical changes will be made to the right. The irrigation use has historically exceeded the water right limit. Since the land is now being subdivided and developed, using condition #206 or requesting another application for permit for the additional use will not be appropriate.

Local Public Interest

No information has been made available to suggest a conflict with public interest.

Beneficial Use/Conservation of Water Resources

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.

Summary

The transfer proposes to transfer 0.95 cfs, however the changes proposed are pursuant to Idaho Code 42-221.O.8 and therefore the \$50 fee submitted is sufficient. Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate.

The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights.

Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration. Assuming other information not yet discovered does not contradict the above analysis, the application can be approved as reflected by the draft approval.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

RECEIVED

NOV 30 2020

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 20, 2020

HIDDEN VALLEY INVESTMENTS LLC
7858 RIVER FRONT DRIVE
MARSING, ID 83639

Re: Application for Amendment of a Permit

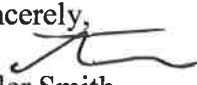
Dear Applicant,

The Department of Water Resources ("Department") received your *Application for Amendment of a Permit* on November 9, 2020. As per our conversation on November 19, 2020 the application cannot be processed because the water rights proposed to be amended in the application are water rights, not permits. As we discussed, the appropriate course of action to achieve your desired outcome for your water right(s) is to file an *Application for Transfer of Water Right – Point(s) of Diversion* (enclosed). This will allow you to change the point of diversion for your water right 2-10585 to reflect its actual location. Since this transfer will not involve any physical changes to the water right, the changes are pursuant to *Idaho Code 42-332.O.8*, and therefore only requires a \$50 fee.

Furthermore, other rights mentioned in your application for amendment of permit are not under the ownership of Hidden Valley Investments LLC. Changes to a water right can only be made by the owner of the right, and therefore if the other rights are to be changed, the owners of those rights must file their own applications.

A full refund of \$100 for your *Application for Amendment of a Permit* will be issued. The original application is included. Additional information and guidance is available on our website at www.idwr.idaho.gov. If you have any additional questions or concerns, you can reach me at (208)334-2190 or tyler.smith@idwr.idaho.gov.

Sincerely,


Tyler Smith
Water Resource Agent
Western Region, IDWR

Enclosure: Original Application for Amendment of a Permit
Application for Transfer of Water Right – Point(s) of Diversion
Instructions for Filing and Application for Transfer of a Water Right

TO:
11/27/20 - Tyler Smith - \$50 enclosed
check 1040
Tyler,
Attached please find the form
you provided for me to complete.
I hope it's correctly done...
the instructions are confusing.
Please call me or email w/
any questions. Ty. Susan Warner

84558

NOV 09 2020

WATER RESOURCES
WESTERN REGION

4 November 2020

Attention: Water Rights (Lynne Evans?)
Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Hidden Valley Estates Subdivision, Point of Diversion – Corrections of Associated Water Rights

Dear Lynne:

You have been most helpful in the past with the split of our water right for Hidden Valley Investments, LLC – Water Right 2-10585. I'm hoping you can help with this next effort—I am trying to figure out where the POD is designated for our water right (2-10585) and also identify which water rights should be associated with our common point of diversion/pump (and which should be removed).

The pump in the Snake River belongs to Hidden Valley Investments, LLC, as does the parcel (Owyhee County #RP00840001006B) on which it is located and all of the main line distribution system to the lots/parcels in Hidden Valley Estates who are/will be using this pump and system.

The only reference I could find to the common POD is on one of the other water rights originally recorded under Hidden Valley Estates, LTD, Right #2-7463 (we purchased all of the property from Hidden Valley Estates, LTD – Jess Van Hall). Under water right 2-7463, there are a number of incorrect associated rights regarding POD (listed on the attached forms). Also, there are a number of water rights that are not shown but are using the POD (also listed on the attached forms).

The bottom line: The POD on Owyhee Parcel RP00840001006B owned by Hidden Valley Investments, LLC for irrigation water distribution to some lots and parcels in Hidden Valley Estates Subdivision – should be associated with the main Hidden Valley Investments water right, 2-10585. The only water rights that should be linked with this point of diversion are: 2-10585, 2-7463, 2-10458, 2-10411, 2-10412, 2-10413, 2-10414, and 2-10415. In the near future, the 19 lots of Phase IV (just sold) will be applying for splits from 2-10585, once their deeds are received (I'll coach them and provide the attachments).

Please call me on 208-606-6276 if I need to do something different or with any questions...it has been extremely hard work, deciphering all of this—I truly hope I'm headed in the right direction. I have enclosed the \$100.00 fee (not sure that's correct).

Sincerely,



Susan Warner, Member
Hidden Valley Investments, LLC
7858 River Front Drive
Marsing, ID 83639
208-606-6276
Shwarner11@msn.com