

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83142**

This is to certify that: **SILVER SAGE PROPERTIES LLC**
475 E OAK FOREST RD
SALT LAKE CTY, UT 84103-2244

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>
37-22586	WR/DECREED	3/29/1979	5.600 cfs	1200.0 af	N/A	400.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-22586	NO	NO	YES	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>
37-22586	37-22586	5.600 cfs	1200.0 af	N/A	400.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.600 cfs	1200.0 af	N/A	400.0		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 19th day of June, 2019.


Southern Region Manager

WATER RIGHT NO. 37-22586**As Modified by Transfer No. 83142**

In accordance with the approval of Transfer No. 83142, Water Right No. 37-22586 is now described as follows:

Right Holder: SILVER SAGE PROPERTIES LLC
475 E OAK FOREST RD
SALT LAKE CTY, UT 84103-2244

Priority Date: 3/29/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	5,600 cfs	1200.0 af
			5,600 cfs	1200.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSWNE	Sec 20 Twp 01S Rge 20E	BLAINE County	(I)
GROUND WATER	SWNENW	Sec 20 Twp 01S Rge 20E	BLAINE County	
GROUND WATER	NESWSE	Sec 26 Twp 01S Rge 20E	BLAINE County	(R)
GROUND WATER	NENENE	Sec 35 Twp 01S Rge 20E	BLAINE County	(R)
GROUND WATER	SWNWNW	Sec 36 Twp 01S Rge 20E	BLAINE County	(R)
GROUND WATER	SWNWNW	Sec 36 Twp 01S Rge 20E	BLAINE County	(R)
GROUND WATER	SWSENW	Sec 36 Twp 01S Rge 20E	BLAINE County	(R)
GROUND WATER	L3 (NWNENW)	Sec 1 Twp 02S Rge 20E	BLAINE County	(R)

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	
01S	20E	26												2.5			23.5	6.5	32.5
01S	20E	35	19.1	4.1	36.0	18.9				32.0								2.8	112.9
01S	20E	36	0.3	5.1	35.1	13.5	27.7	32.0	18.7	33.4									165.8
02S	20E	1							15.8										15.8
02S	20E	2	41.0			32.0													73.0
			L 1			L 5													

POU Total Acres: 400.0

CONDITIONS OF APPROVAL

1. Rights 37-22583, 37-22584, 37-22585 and 37-22586 when combined shall not exceed a total diversion volume of 1298 af at the field headgate, and the irrigation of 400 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Transfer No. 83142

WATER RIGHT NO. 37-22586
As Modified by Transfer No. 83142

CONDITIONS OF APPROVAL

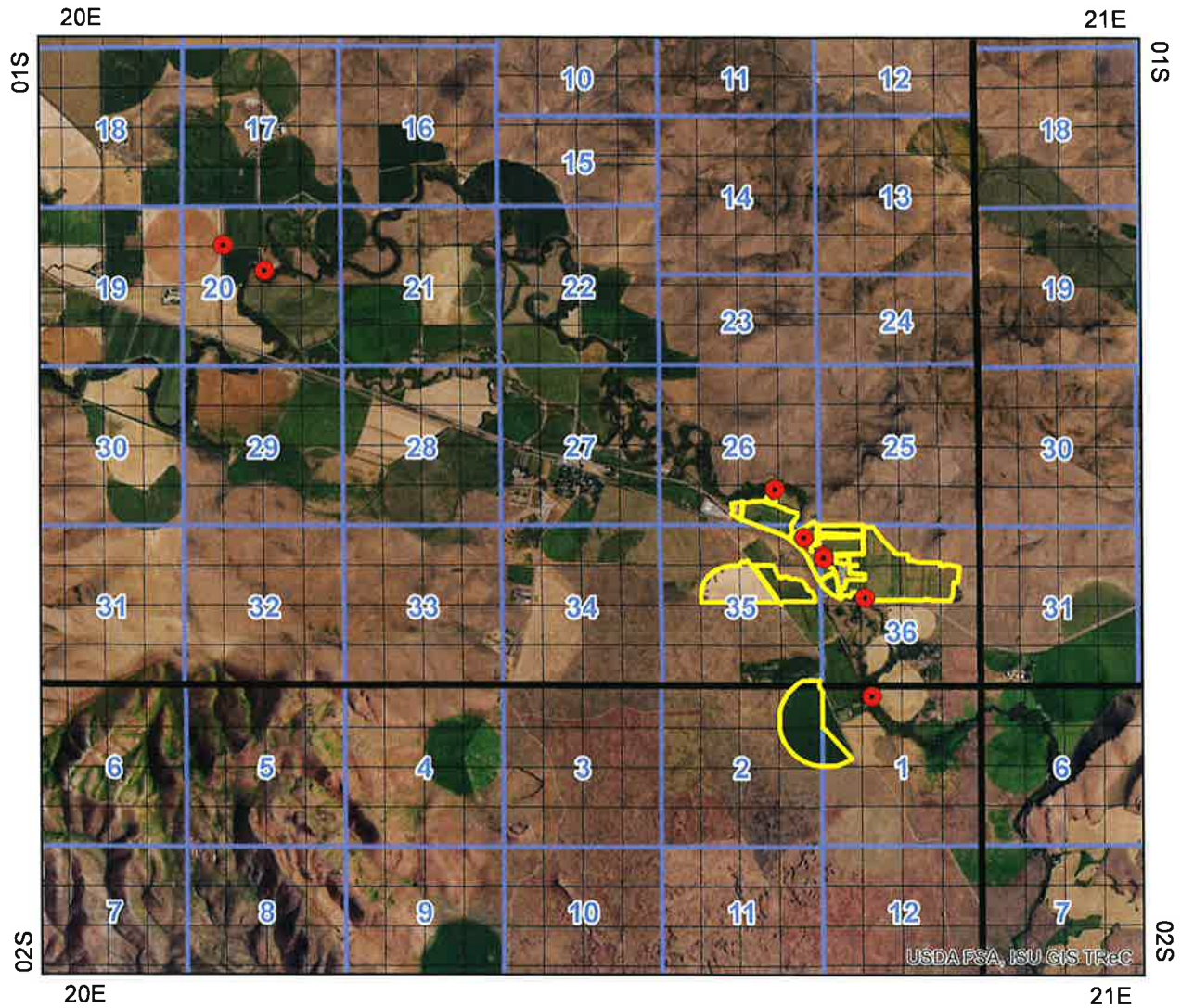
3. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
4. The portion of Right 37-22586 used for conveyance losses is 0.56 cfs.
5. Right No. 37-2739 is also diverted through point of diversion described above.
6. 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. 37.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. Place of use does not include federal public lands.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 Transfer # 83142

37-22586

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.



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

0 0.5 1 2 Miles



RECEIVED

Rev. 07/11

APR 29 2019

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83142

RECEIVED

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

MAY 02 2019

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) SILVER SAGE PROPERTIES LLC

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

Yes N/A *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

MAY 02 2019

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 29 2019

DEPARTMENT OF
WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant SILVER SAGE PROPERTIES LLC Phone (801) 844-7111
 Mailing Address 475 E OAK FOREST RD, SALT LAKE CTY UT 84103-2244 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

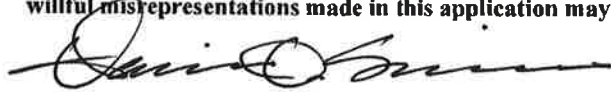
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____
 Mailing Address _____ Email _____

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

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



Signature of Applicant or Authorized Representative

Harris H. Simmons, Mgr. 4/16/19

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. Right Split POD POU Add POD Period of Use Nature of Use
 37-22586 No No Yes No No No
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Transfer Application is seeking to move 6.1 acres from the current POU to adjacent grounds. The former location of the 6.1 acres will no longer be irrigated with this water right. No change to points of diversion.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-22586	5.600 cfs	1200.0 af	N/A	400.0		N/A	N/A	N/A	N/A
COMBINED									
TOTALS	5.600 cfs	1,200.0 af	N/A	400.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.071 cubic feet per second and/or 15.3 acre-feet per annum

3. Points(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 37-22586

Current Water Right Owner

SILVER SAGE
PROPERTIES LLC
475 E OAK FOREST RD
SALT LAKE CTY, UT
84103-2244

Priority Date: 3/29/1979

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	5.600 CFS	1200.0 AFA	
Total Diversion			5.600 CFS	1200.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSWNE	Sec. 20 Twp 01S Rge 20E BLAINE County (I)
GROUND WATER	SWNENW	Sec. 20 Twp 01S Rge 20E BLAINE County
GROUND WATER	NESWSE	Sec. 26 Twp 01S Rge 20E BLAINE County (R)
GROUND WATER	NENENE	Sec. 35 Twp 01S Rge 20E BLAINE County (R)
GROUND WATER	SWNWNW	Sec. 36 Twp 01S Rge 20E BLAINE County (R)
GROUND WATER	SWNWNW	Sec. 36 Twp 01S Rge 20E BLAINE County (R)
GROUND WATER	SWSENW	Sec. 36 Twp 01S Rge 20E BLAINE County (R)
GROUND WATER	L3(NWNENW)	Sec. 1 Twp 02S Rge 20E BLAINE County (R)

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	
01S	20E	28												2.5			23.5	6.5	32.5
01S	20E	35	19.1	4.1	36.0	18.9				32.0									112.9
01S	20E	36	0.3	5.1	35.1	13.5	27.7	32.0	18.7	33.4									165.8
02S	20E	1							15.8										15.8
02S	20E	2	41.0			32.0													73.0
			L 1			L 5													

POU Total Acres: 400.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

- b. Who owns the property at the point(s) of diversion

Idaho Department of Fish & Game

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Easement granted by IDF&G

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☒ If Yes, ☐

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

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

Yes No

☐
☐
☐
☐

☒
☒
☒
☒

undergone a period of five or more consecutive years of non-use,
currently leased to the Water Supply Bank,
currently used in a mitigation plan limiting the use of water under the right, or
currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No. 37-22586

Current Water Right Owner

SILVER SAGE
PROPERTIES LLC
475 E OAK FOREST RD
SALT LAKE CTY, UT
84103-2244

Priority Date: 3/29/1979

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	5.600 CFS	1200.0 AFA	
Total Diversion			5.600 CFS	1200.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSWNE	Sec. 20 Twp 01S Rge 20E BLAINE County (I)
GROUND WATER	SWNENW	Sec. 20 Twp 01S Rge 20E BLAINE County
GROUND WATER	NESWSE	Sec. 26 Twp 01S Rge 20E BLAINE County (R)
GROUND WATER	NENENE	Sec. 35 Twp 01S Rge 20E BLAINE County (R)
GROUND WATER	SWNWNW	Sec. 36 Twp 01S Rge 20E BLAINE County (R)
GROUND WATER	SWNWNW	Sec. 36 Twp 01S Rge 20E BLAINE County (R)
GROUND WATER	SWSENW	Sec. 36 Twp 01S Rge 20E BLAINE County (R)
GROUND WATER	L3(NWNENW)	Sec. 1 Twp 02S Rge 20E BLAINE County (R)

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	
01S	20E	26															23.4	11.6	35.0
01S	20E	35	18.1	4.1	36.0	18.9				32.0								2.8	112.9
01S	20E	36	0.3	5.1	35.1	13.5	27.7	29.5	18.7	33.4									163.3
02S	20E	1							15.8										15.8
02S	20E	2	41.0			32.0													73.0
		L 1				L 5													

POU Total Acres: 400.0

Conditions/Remarks:

1. Rights 37-22583, 37-22584, 37-22585 and 37-22586 when combined shall not exceed a total diversion volume of 1298 af at the field headgate, and the irrigation of 400 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The portion of Right 37-22586 used for conveyance losses is 0.56 cfs.
4. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

Conditions/Remarks:

5. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. Right No. 37-2739 is also diverted through point of diversion described above.
7. 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. 37.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
9. Place of use does not include federal public lands.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**. If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

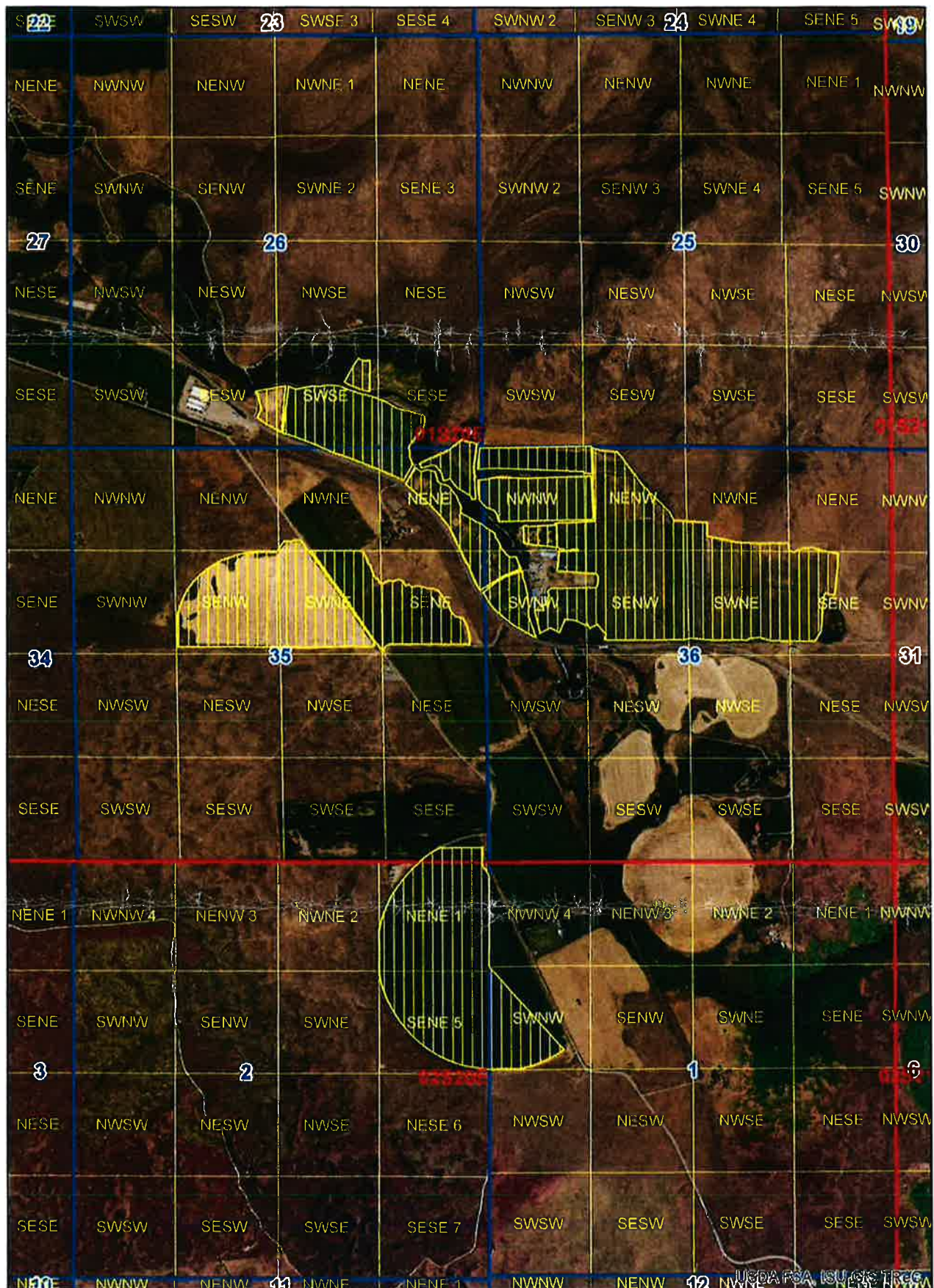
☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

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

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

Transfer Contains 8 pages and _____ attachments.
 Received By AS Date 4/29/19 Prelim. Check By _____ Date _____
 Fee Paid 200 Date 4/29/19 Received By AS Receipt # C106706
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

Attachment 7A: Proposed POU for 37-22586



TRANSFER 83142

TRANSFER 83142

An aerial photograph overlaid with a blue grid of numbered cells (1-36). The map shows various land features including fields, roads, and water bodies. A yellow dot labeled 'POD' is located in cell 19. Blue dots representing 'Rediversions' are scattered across several cells, notably in 20, 27, 35, and 36. A red dot representing an 'Injection' point is visible in cell 22. A legend in the bottom-left corner defines these symbols. The map also includes some red text labels like '0152ME' and '0252ME'. A red horizontal line runs through the lower half of the grid.



FOREIGN REGISTRATION STATEMENT

Title 30, Chapter 21, Idaho Code

Filing fee: \$100 typed, \$120 not typed

Complete and submit the form in duplicate.

FILED EFFECTIVE

2018 AUG 17 AM 8:40

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the entity is: Silver Sage Properties LLC
2. The name which it shall use in Idaho is: Susie Q Ranch
(Enter a name here, only if you are required to adopt an alternate name)
3. Select the type of entity you wish to register:

☐ Business Corporation	☐ General Partnership
☐ Nonprofit Corporation	☐ General Cooperative Association
☐ Limited Liability Partnership	☐ Limited Partnership (Including a limited liability limited partnership)
☒ Limited Liability Company	☐ Statutory Trust, Business Trust, or Common-law Business Trust
☐ Other: _____ (Use "Other" only if your foreign entity type is not listed above, and enter the type here.)	
4. Jurisdiction of formation: Utah
(Provide the domestic jurisdiction where the entity was formed)
5. The address of its principal office is:
475 Oak Forest Rd, Salt Lake City, UT 84103
(Street Address)

(Mailing Address, if different)
6. The address of its domestic principal office (if required by the laws of the jurisdiction of formation) is:
475 Oak Forest Rd, Salt Lake City, UT 84103
(Street Address)

(Mailing Address, if different)
7. The mailing address to which correspondence should be addressed, if different from item 5, is:

(Address)
8. Name and street address of registered agent in Idaho:
Peggy Peterson 19100 U.S. Highway 20, Picabo, ID 83348
(Name) (Address)
9. The name, capacity, and mailing address of at least one governor:

<u>Harris H. Simmons</u>	<u>Manager</u>	<u>475 Oak Forest Rd, Salt Lake City, UT 84103</u>
(Name)	(Capacity)	(Address)
_____ (Name)	_____ (Capacity)	_____ (Address)

Typed Name: Harris H. Simmons

Signature: _____

Capacity: Manager

Secretary of State use only

IDAHO SECRETARY OF STATE

08/17/2018 05:00

CK:1028 CT:362063 BH:1659384

1@ 100.00 = 100.00 FOR REG ST #2

W208219



Utah Department of Commerce
Division of Corporations & Commercial Code
160 East 300 South, 2nd Floor, PO Box 146705
Salt Lake City, UT 84114-6705
Service Center: (801) 530-4849
Toll Free: (877) 526-3994 Utah Residents
Fax: (801) 530-6438
Web Site: <http://www.commerce.utah.gov>

08/14/2018
10750205-016008142018-1196557

CERTIFICATE OF EXISTENCE

Registration Number: 10750205-0160
Business Name: SILVER SAGE PROPERTIES LLC
Registered Date: March 09, 2018
Entity Type: LLC - Domestic
Status: Current

The Division of Corporations and Commercial Code of the State of Utah, custodian of the records of business registrations, certifies that the business entity on this certificate is authorized to transact business and was duly registered under the laws of the State of Utah. The Division also certifies that this entity has paid all fees and penalties owed to this state; its most recent annual report has been filed by the Division (unless Delinquent); and, that Articles of Dissolution have not been filed.



Jason Sterzer
Director
Division of Corporations and Commercial Code

State of Idaho

Office of the Secretary of State

CERTIFICATE OF REGISTRATION

OF

SILVER SAGE PROPERTIES LLC

dba SUSIE Q RANCH

File Number W 208219

I, LAWRENCE DENNEY, Secretary of State of the State of Idaho, hereby certify that an application for Foreign Registration Statement, duly executed pursuant to the provisions of the Idaho Uniform Business Organization Code, has been received in this office and is found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Registration to transact business in this State and attach hereto a duplicate of the application for such certificate.

Dated: August 17, 2018



Lawrence Denney
SECRETARY OF STATE

By _____

[Signature]



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 20, 2019

SILVER SAGE PROPERTIES LLC
475 E OAK FOREST RD
SALT LAKE CTY UT 84103-2244

Re: Transfer No: 83142
Water Right No(s): 37-22586

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) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

c:

STEVEN J CHRISTIANSEN
PARR BROWN GEE & LOVELESS
101 S 200 E STE 700
SALT LAKE CTY UT 84111-3105

WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2019 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.: 83142
Water Right No(s): 37-22586

SILVER SAGE PROPERTIES LLC
475 E OAK FOREST RD
SALT LAKE CTY UT 84103-2244

STEVEN J CHRISTIANSEN
PARR BROWN GEE & LOVELESS
101 S 200 E STE 700
SALT LAKE CTY UT 84111-3105

WATER DISTRICT 37
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352

A handwritten signature in blue ink, reading "Denise Maline", is written over a horizontal line.

Denise Maline
Administrative Assistant

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

Date: June 3, 2019
To: Transfer 83142
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

5.1 AS.
Acres

Application proposes rearranging 2.6 acres within the currently authorized place of use (POU) and moving 2.5 acres to new ground adjacent to the current POU for ground water right 37-22586 (portion transferred 0.071 cfs; 15.3 af; 6.1 acres). This right is injected into and rediverted from Silver Creek and is typically combined with Silver Creek water rights 37-22583, 37-22584 and 37-22585 within the 400 acre POU. The three Silver Creek rights when combined are limited to 196 acres of irrigation and this right, 37-22586 is authorized for use on all 400 acres within the POU. Therefore, there are 206 acres of primary ground within the 400 acre POU that are irrigated only with this ground water right and can be potentially moved to new ground without impacting the overlap with the three Silver Creek rights.

The PODs and POU for this right are located in Water District 37 and Watermaster comments were solicited.

This application only shifts acres to contiguous lands to the original POU and there is no actual hydrologic change. Therefore, pursuant to Section 42-222, Idaho Code, this transfer can be processed and approved without advertising.

- **Authority to File:** Applicant is listed as the current owner of the water right. IDWR records indicate that the applicant owns all properties involved in this transfer.
- **Water Right Validity:** Water right 37-22586 was decreed in the SRBA on 11/12/2009.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing

Maline, Denise

From: Maline, Denise
Sent: Friday, May 10, 2019 11:14 AM
To: Kevin Lakey (WD37); Cyndi WD37
Subject: Comment Letter - transfer 83142
Attachments: Comment letter to WD37 for 83142.docx; Transfer 83142 Silver Sage Properties.pdf

Good morning,

Attached is an application for transfer currently being processed within your Water District. Please review the information and provide any necessary comments within 21 days.

Feel free to contact our office if you have any questions regarding this application.

Thank you in advance,

Denise



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 10, 2019

WATER DISTRICT #37 *via e-mail*
KEVIN LAKEY
107 W 1ST ST
SHOSHONE ID 83352

RE: Transfer No. 83142
Water Right No(s). 37-22586

Dear Kevin:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: May 8, 2019
To: Transfer 83142
From: William Mills
Re: Legal Notice Not Required

This application only modifies the place of use and there is no actual hydrologic change. Therefore, pursuant to Section 42-222, Idaho Code, this transfer can be processed and approved without advertising.

Legal Notice Not Required
7/26/2018

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.

MEMORANDUM

Date: May 8, 2019
To: Transfer 83142
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #83142 were based on the on the current transfer fee schedule and included \$200.00 for the 0.071 cfs being transferred in the application (Receipt No.C106706).