

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82572**

This is to certify that: **LOVAS TRUST**
13233 SNOWSHOE THOMPSON CIR
TRUCKEE, CA 96161

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>
37-21463	WR/DECREED	4/1/1984	0.300 cfs	67.9 af	19.4	143.5	GROUND WATER
37-2625A	WR/DECREED	11/13/1959	0.800 cfs	139.7 af	39.9	143.5	GROUND WATER
37-2638	WR/DECREED	8/1/1960	0.400 cfs	149.8 af	42.8	143.5	GROUND WATER
37-2700	WR/DECREED	8/20/1964	0.990 cfs	148.2 af	49.4	143.5	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>
37-21463	NO	YES	NO	NO	NO	NO
37-2625A	NO	YES	NO	NO	NO	NO
37-2638	NO	YES	NO	NO	NO	NO
37-2700	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>
37-21463	37-21463	0.300 cfs	67.9 af	19.4	143.5	N/A	N/A	N/A	N/A	N/A
37-2625A	37-2625A	0.800 cfs	139.7 af	39.9	143.5	N/A	N/A	N/A	N/A	N/A
37-2638	37-2638	0.400 cfs	149.8 af	42.8	143.5	N/A	N/A	N/A	N/A	N/A
37-2700	37-2700	0.990 cfs	148.2 af	49.4	143.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.200 cfs	502.3 af	143.5	143.5		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 21ST day of September, 2018.


Southern Region Manager

SUPPORT DATA

Transfer No. 82572

IN FILE # 37-2625A

WATER RIGHT NO. 37-2625A
As Modified by Transfer No. 82572

In accordance with the approval of Transfer No. 82572, Water Right No. 37-2625A is now described as follows:

Right Holder: LOVAS TRUST
13233 SNOWSHOE THOMPSON CIR
TRUCKEE, CA 96161

Priority Date: 11/13/1959

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	0.800 cfs	139.7 af
			0.800 cfs	139.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 20 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	17							3.0			21.0	40.0	9.0					73.0
01N	19E	20		0.5			30.0	40.0											70.5

Right Acre Limit: 39.9
POU Total Acres: 143.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 39.9 acres within the place of use described above in a single irrigation season.
2. Right Nos. 37-2625A, 37-2638, 37-2700 and 37-21463 are limited to the irrigation of a combined total of 143.5 acres in a single irrigation season.
3. Right Nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463 and 37-22155 are limited to the irrigation of a combined total of 143.5 acres in a single irrigation season.
4. The rights listed below are limited to a total combined diversion rate of 2.2 cfs.
Combined Right Nos.: 37-2625A, 37-2638, 37-2700 and 37-21463.

WATER RIGHT NO. 37-2625A
As Modified by Transfer No. 82572

CONDITIONS OF APPROVAL

5. Total combined delivery at the field headgates (for surface water rights) and diversion at the wellheads (for ground water rights) for this right along with water right nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463, and 37-22155 shall not exceed a total instantaneous rate of 2.9 cfs (which equates to 0.02 cfs per acre over the combined permissible places of use for these water rights totaling 143.5 acres).
6. Total volume of water delivered to the field from this right along with water right nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463, and 37-22155 shall not exceed 502.3 acre-feet per year (which equates to 3.5 acre-feet per acre over the combined permissible places of use for these water rights totaling 143.5 acres).
7. Right No. 37-21463 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
8. 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.
9. Use of water under this right may 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.
10. 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 diversion(s).
11. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), 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.

WATER RIGHT NO. 37-21463
As Modified by Transfer No. 82572

In accordance with the approval of Transfer No. 82572, Water Right No. 37-21463 is now described as follows:

Right Holder: LOVAS TRUST
 13233 SNOWSHOE THOMPSON CIR
 TRUCKEE, CA 96161

Priority Date: 4/1/1984

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.300 cfs	67.9 af
			0.300 cfs	67.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 20 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	17							3.0			21.0	40.0	9.0					73.0
01N	19E	20		0.5			30.0	40.0											70.5

Right Acre Limit: 19.4
 POU Total Acres: 143.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 19.4 acres within the place of use described above in a single irrigation season.
2. Right Nos. 37-2625A, 37-2638, 37-2700 and 37-21463 are limited to the irrigation of a combined total of 143.5 acres in a single irrigation season.
3. Right Nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463 and 37-22155 are limited to the irrigation of a combined total of 143.5 acres in a single irrigation season.
4. The rights listed below are limited to a total combined diversion rate of 2.2 cfs.
 Combined Right Nos.: 37-2625A, 37-2638, 37-2700 and 37-21463.
5. The rights listed below are limited to a total combined diversion rate of 0.8 cfs.
 Combined Right Nos.: 37-2625A and 37-21463.

Transfer No. 82572

WATER RIGHT NO. 37-21463
As Modified by Transfer No. 82572

CONDITIONS OF APPROVAL

6. Total combined delivery at the field headgates (for surface water rights) and diversion at the wellheads (for ground water rights) for this right along with water right nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463, and 37-22155 shall not exceed a total instantaneous rate of 2.9 cfs (which equates to 0.02 cfs per acre over the combined permissible places of use for these water rights totaling 143.5 acres).
7. Total volume of water delivered to the field from this right along with water right nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463, and 37-22155 shall not exceed 502.3 acre-feet per year (which equates to 3.5 acre-feet per acre over the combined permissible places of use for these water rights totaling 143.5 acres).
8. This right is an enlargement of Right 37-2625A, 37-2638 & 37-2700 pursuant to Section 42-1426, Idaho Code.
9. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10. 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.
11. Use of water under this right may 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.
12. 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 diversion(s).
13. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 37-21463
As Modified by Transfer No. 82572

CONDITIONS OF APPROVAL

16. Pursuant to Idaho Code § 42-1412(6), 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.



WATER RIGHT NO. 37-2638

As Modified by Transfer No. 82572

In accordance with the approval of Transfer No. 82572, Water Right No. 37-2638 is now described as follows:

Right Holder: LOVAS TRUST
13233 SNOWSHOE THOMPSON CIR
TRUCKEE, CA 96161

Priority Date: 8/1/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.400 cfs	149.8 af
			0.400 cfs	149.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 20 Twp 01N Rge 19E BLAINE 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	
01N	19E	17							3.0			21.0	40.0	9.0					73.0
01N	19E	20		0.5			30.0	40.0											70.5

Right Acre Limit: 42.8
POU Total Acres: 143.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 42.8 acres within the place of use described above in a single irrigation season.
2. Right Nos. 37-2625A, 37-2638, 37-2700 and 37-21463 are limited to the irrigation of a combined total of 143.5 acres in a single irrigation season.
3. Right Nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463 and 37-22155 are limited to the irrigation of a combined total of 143.5 acres in a single irrigation season.
4. The rights listed below are limited to a total combined diversion rate of 2.2 cfs.
Combined Right Nos.: 37-2625A, 37-2638, 37-2700 and 37-21463.

Transfer No. 82572

WATER RIGHT NO. 37-2638

As Modified by Transfer No. 82572

CONDITIONS OF APPROVAL

5. Total combined delivery at the field headgates (for surface water rights) and diversion at the wellheads (for ground water rights) for this right along with water right nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463, and 37-22155 shall not exceed a total instantaneous rate of 2.9 cfs (which equates to 0.02 cfs per acre over the combined permissible places of use for these water rights totaling 143.5 acres).
6. Total volume of water delivered to the field from this right along with water right nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463, and 37-22155 shall not exceed 502.3 acre-feet per year (which equates to 3.5 acre-feet per acre over the combined permissible places of use for these water rights totaling 143.5 acres).
7. Right Nos. 37-2638 and 37-2700 are limited to the irrigation of a combined total of 84.2 acres in a single irrigation season.
8. 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.
9. Use of water under this right may 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.
10. 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 diversion(s).
11. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), 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.

WATER RIGHT NO. 37-2700**As Modified by Transfer No. 82572**

In accordance with the approval of Transfer No. 82572, Water Right No. 37-2700 is now described as follows:

Right Holder: LOVAS TRUST
13233 SNOWSHOE THOMPSON CIR
TRUCKEE, CA 96161

Priority Date: 8/20/1964

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	0.990 cfs	148.2 af
			0.990 cfs	148.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 20 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	19E	17							3.0			21.0	40.0	9.0					73.0
01N	19E	20		0.5			30.0	40.0											70.5

Right Acre Limit: 49.4

POU Total Acres: 143.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 49.4 acres within the place of use described above in a single irrigation season.
2. Right Nos. 37-2625A, 37-2638, 37-2700 and 37-21463 are limited to the irrigation of a combined total of 143.5 acres in a single irrigation season.
3. Right Nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463 and 37-22155 are limited to the irrigation of a combined total of 143.5 acres in a single irrigation season.
4. The rights listed below are limited to a total combined diversion rate of 2.2 cfs.
Combined Right Nos.: 37-2625A, 37-2638, 37-2700 and 37-21463.

WATER RIGHT NO. 37-2700

As Modified by Transfer No. 82572

CONDITIONS OF APPROVAL

5. Total combined delivery at the field headgates (for surface water rights) and diversion at the wellheads (for ground water rights) for this right along with water right nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463, and 37-22155 shall not exceed a total instantaneous rate of 2.9 cfs (which equates to 0.02 cfs per acre over the combined permissible places of use for these water rights totaling 143.5 acres).
6. Total volume of water delivered to the field from this right along with water right nos. 37-481B, 37-482G, 37-483B, 37-665K, 37-666J, 37-667N, 37-2625A, 37-2638, 37-2700, 37-21463, and 37-22155 shall not exceed 502.3 acre-feet per year (which equates to 3.5 acre-feet per acre over the combined permissible places of use for these water rights totaling 143.5 acres).
7. Right Nos. 37-2638 and 2700 are limited to the irrigation of a combined total of 84.2 acres in a single irrigation season.
8. 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.
9. Use of water under this right may 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.
10. 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 diversion(s).
11. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), 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 # 82572
37-2625A, 37-2638, 37-2700 and 37-21463.

This map depicts the IRRIGATION place of use boundary for these water rights 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

0 0.15 0.3 0.6 Miles





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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 24, 2018

LOVAS TRUST
13233 SNOWSHOE THOMPSON CIR
TRUCKEE CA 96161

Re: Transfer No: 82572
Water Right No(s): 37-2625A, 37-2638, 37-2700, 37-21463

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 black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" and last name "Skinner" clearly distinguishable.

Corey Skinner
Southern Regional Manager

Enclosure

cc:

MICHAEL LOVAS, TRUSTEE
13233 SNOWSHOE THOMPSON CIR
TRUCKEE CA 96161

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

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

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2018 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.: 82572

Water Right No(s): 37-2625A, 37-2638, 37-2700, 37-21463

LOVAS TRUST
13233 SNOWSHOE THOMPSON CIR
TRUCKEE CA 96161

MICHAEL LOVAS, TRUSTEE
13233 SNOWSHOE THOMPSON CIR
TRUCKEE CA 96161

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

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



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

TO: Transfer # 82572 File

FROM: Corey Skinner

DATE: September 21, 2018

SUBJECT: Point(s) of Diversion

Transfer # 82572 involves four groundwater rights that currently (pre-transfer) list three points of diversion. Transfer # 82572 was processed and advertised as an addition of a point of diversion (going from three to four points of diversion). The top of the application form indicates that the "Add diversion point(s)" box is checked. However, the cover letter and map that accompanied the application indicate that perhaps only the new point of diversion is desired for the system described by the application. In addition, item # 5 on the application only lists the new proposed well as points of diversion after the proposed change. To clarify the intent of the application, I contacted Lori Graves with SPF Water Engineering, the consultant who prepared the application. Lori indicated that the applicant desires to have just the new well for their system and that the "Change diversion point(s)" box rather than the "Add diversion point(s)" box should have been checked (see 9/20/2018 e-mail in file). The transfer will be approved as a "change in point of diversion" with only one point of diversion (the new well) authorized upon approval.

Skinner, Corey

From: Lori Graves <LGraves@spfwater.com>
Sent: Thursday, September 20, 2018 12:43 PM
To: Skinner, Corey
Subject: Lovas Trust Transfer Intent

Corey,

Thank you for the opportunity to clarify the purpose of the transfer application. As you pointed out, the "Change diversion point" box should have been checked rather than the "Add diversion point" box on the transfer application. Lovas Trust seeks authorization to develop a separate, private irrigation well on property they retained as stated in the application cover letter, indicated on transfer item 5 and shown on the map included with the application.

Thank you for processing the application Corey. Please let me know if you need any additional information.

Regards,
Lori Graves

Lori Graves | Water Rights Specialist

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2148

e. lgraves@spfwater.com | w. www.spfwater.com



MEMORANDUM

Date: September 17, 2018
To: 82572 Lovas Trust File
From: C Barnes
Re: Sufficiency of Information Submitted

Applicant proposed adding a new point of diversion for 2.2 cfs of groundwater for irrigation from a well to be drilled approximately 3.9 miles south and 1.8 miles east of the city center of Bellevue. The application involves four water rights.

The farm appears to be within Water District 37. An overlap analysis shows that the four water rights listed in the transfer are the only groundwater rights associated with the POU. Big Wood surface water rights also cover the POU and the farm lies within the Upper Wood River Users Association, Inc. service area.

A change of ownership was received and processed for Lovas Trust, for the four water rights associated with this transfer, as well for other surface water rights (11 rights total).

This transfer was advertised and was subject to public comment and protest. No protests were received.

- **Authority to File:** Michael J Lovas is a Trustee for Lovas Trust and authorized to sign water rights transfer documents.
- **Water Right Validity:** Department files indicate that the water right involved in the transfer is active and valid. Aerial imagery indicates that POU has been irrigated recently.
- **Injury to Other Water Rights:** No injury to other water users has been found in regards to this transfer.
- **Enlargement of Use:** Changing the POD of the four water rights involved in this transfer will not enlarge the use of the right.
- **Local Public Interest:** This transfer (82572) has been subject to public comment and protest. No protests were filed.
- **Beneficial Use/Conservation of Water Resources:** After transferred, the water rights will resume use for the purpose of irrigating crops. This is a beneficial use according to the department.
- **Effect on the Economy of the Local Area:** No negative effect on the local economy is anticipated as a result of the completion of this transfer.
- **Effect on Agricultural Base of the Local Economy:** No negative effect on the agriculture base of the local economy is anticipated as a result of the completion of this transfer.

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

RECEIVED

AUG 27 2018

COPY OF NOTICE

DEPT OF WATER RESOURCES
SOUTHERN REGION

AFFIDAVIT of PUBLICATION

State of Idaho

County of Blaine

PAM MORRIS, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

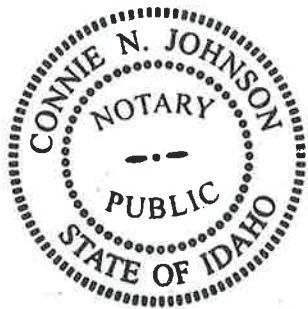
each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 15th day of August, 20 18, and the date of the last publication was on the 22nd day of August, 20 18

Subscribed and sworn to before me this 22 day of

August, 20 18.

Connie N. Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2024

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 111

Number of Insertions 2

 Lines tabular at 9.0 cents/pica

111 Lines straight at \$102.12 8.0 cents/pica

111 Subsequent lines at \$89.36 7.0 cents/pica

TOTAL COST \$191.48

Legal Notice

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT

TRANSFER NO. 82556

LAKE CREEK MEADOWS HOMEOWNERS ASSN INC, PO BOX 3144, KETCHUM, ID 83340; has filed Application No. 82556 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22663. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a point of diversion (POD) to water right 37-22663 which allows for the diversion of 1.1 cfs out of Lake Creek for irrigation of 55 acres. The proposed POD is located downstream of the existing PODs authorized for this water right and is approximately 3 miles north of Ketchum east of Highway 75 in the Lake Creek Meadows Subdivision.

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT

TRANSFER NO. 82572

LOVAS TRUST, 13233 SNOWSHOE THOMPSON CIR, TRUCKEE, CA 96161; has filed Application No. 82572 for changes to the following water rights within BLAINE County(s): Right No(s). 37-21463, 37-2625A, 37-2638, 37-2700. The purpose of the transfer is to change a portion of the above rights as follows: Applicant proposes adding a new point of diversion for 2.2 cfs of groundwater for irrigation from a well to be drilled approximately 3.9 miles south and 1.8 miles east of the city center of Bellevue.

✓ OK Am 9-4-2018

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT**

TRANSFER NO. 82082

✓
WESTERN MORTGAGE & REALTY
CO, PO BOX 3110, PASCO, WA 99301;
has filed Application No. 82082 for
changes to the following water rights
within BLAINE, MINIDOKA County(s):
Right No(s). 36-10515, 36-10850A,
36-10863A, 36-10863B, 36-15217,
36-15264A, 36-15264B, 36-16042,
36-16309, 36-16473, 36-16816, 36-2069,
36-2090B, 36-2092, 36-2097, 36-2259,
36-2433, 36-2434, 36-2435, 36-2582A,
36-2582B, 36-2618, 36-7209, 36-7246A,
36-7246B, 36-7356C, 36-7627, 36-8227.
The purpose of the transfer is to change
a portion of the above rights as follows:
Application proposes creating a 7,037.5
acre permissible place of use (PPU) on
a farm located approximately 10.0 to 16.7
miles east and 7.6 to 13.2 miles north of
Rupert for 25 rights totaling 62.97 cfs and
4,953.5 acres currently diverted from 17
wells on the farm. The application also
proposes moving a 0.46 cfs and 59 acre
portion of an additional right from a farm
located approximately 9.7 to 10.1 miles
east and 10.0 to 10.6 miles north to the
17 wells and proposed PPU. In addition,
a portion of two water rights totaling 1.15
cfs and 96 acres are also proposed to be
moved from a farm located 16.5 to 17.0
miles east and 8.1 to 8.7 miles north to
the 17 wells and proposed PPU. In total
the 28 rights will allow for the diversion of
64.58 cfs from 17 wells for the irrigation
of 5,108.5 acres within the 7,037.5 acre
PPU. Published in the Idaho Mountain
Express on August 15th & 22nd, 2018.

For additional information concerning
the property location, contact Southern
Region office at (208) 736-3033; or to see
a full description of these rights and/or the
proposed transfers, please see [www.idwr.
idaho.gov/apps/wr/QueryNewTransfers/
QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). Protests
may be submitted based on the crite-
ria of Idaho Code Sec. 42-222. Any
protest against the proposed change
must be filed with the Department of
Water Resources, Southern Region,
650 ADDISON AVE W, STE 500, TWIN
FALLS, ID 83301-5858 together with a
protest fee of \$25.00 for each application
on or before **September 4, 2018**. The
protestant must also send a copy of the
protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH
IDAHO MOUNTAIN EXPRESS
AUG. 15 & 22, 2018**

→ And Times News on
Aug. 16 & 23, 2018

No need to republish

✓ OK sm 9-4-2018