

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80305

This is to certify that: S3 PROPERTIES LP
PO BOX 4210
MCCALL, ID 83638

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
78-10265	WR/DECREED	5/1/1936	3.850 cfs	N/A	N/A	192.4	GOOSE CREEK
78-135	WR/DECREED	5/1/1903	1.500 cfs	N/A	N/A	222.4	BIG CREEK
78-136	WR/DECREED	9/3/1904	1.280 cfs	N/A	N/A	222.4	BIG CREEK
78-2060	WR/DECREED	6/28/1956	3.000 cfs	525.0 af	N/A	175.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
78-10265	YES	NO	YES	NO	NO	NO
78-135	YES	NO	YES	NO	NO	NO
78-136	NO	NO	YES	NO	NO	NO
78-2060	YES	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
78-10265	78-12437	1.320 cfs	N/A	66.0	96.0	78-10265	2.530 cfs	N/A	N/A	126.4
78-135	78-12431	1.350 cfs	N/A	N/A	96.0	78-135	0.150 cfs	N/A	N/A	126.4
78-136	N/A	N/A	N/A	N/A	N/A	78-136	1.280 cfs	N/A	N/A	126.4
78-2060	78-12436	0.830 cfs	145.8 af	48.6	96.0	78-2060	2.170 cfs	379.2 af	N/A	126.4
COMBINED TOTALS		1.920 cfs	N/A	N/A	96.0		2.530 cfs	N/A	N/A	126.4

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 6th day of April, 2017.


Chief, Water Allocation Bureau

Transfer No. 80305

SUPPORT DATA

IN FILE # 78-135

WATER RIGHT NO. 78-135

As Modified by Transfer No. 80305

In accordance with the approval of Transfer No. 80305, Water Right No. 78-135 is now described as follows:

Right Holder: KILGORE ADVENTURES, LLC
3252 WATERFRONT DR
WHITE BIRD, ID 83554

Priority Date: 5/1/1903

Source: BIG CREEK

Tributary: LITTLE SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.150 cfs

0.150 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG CREEK SENW Sec 8 Twp 18N Rge 02E ADAMS 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	
18N	02E	6		14.0			30.0	2.4											46.4
19N	02E	31		L 2			L 3	L 4			3.0	2.0	35.0	40.0					80.0
											L 3	L 4							

POU Total Acres: 126.4

CONDITIONS OF APPROVAL

1. Rights 78-135, 78-136, 78-2060 and 78-10265 when combined shall not exceed a total diversion rate of 2.53 cfs, and the irrigation of 126.4 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
3. 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. 78A.
4. 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).
5. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 80305

WATER RIGHT NO. 78-135
As Modified by Transfer No. 80305

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.



WATER RIGHT NO. 78-12431

As Modified by Transfer No. 80305

In accordance with the approval of Transfer No. 80305, Water Right No. 78-12431 is now described as follows:

Right Holder: S3 PROPERTIES LP
PO BOX 4210
MCCALL, ID 83638

Priority Date: 5/1/1903

Source: BIG CREEK

Tributary: LITTLE SALMON RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **to** 10/31

Diversion Rate
1.350 cfs
1.350 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG CREEK SENW Sec 8 Twp 18N Rge 02E ADAMS 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	
18N	02E	6					10.0	14.0	28.0	37.0		7.0							96.0

POU Total Acres: 96.0

CONDITIONS OF APPROVAL

1. Rights 78-12431, 78-12436 and 78-12437 when combined shall not exceed a total diversion rate of 1.92 cfs and the irrigation of 96 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
3. 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. 78A.
4. 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).
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 80305

WATER RIGHT NO. 78-12431
As Modified by Transfer No. 80305

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.



WATER RIGHT NO. 78-2060**As Modified by Transfer No. 80305**

In accordance with the approval of Transfer No. 80305, Water Right No. 78-2060 is now described as follows:

Right Holder: KILGORE ADVENTURES, LLC
3252 WATERFRONT DR
WHITE BIRD, ID 83554

Priority Date: 6/28/1956

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
04/01	to 10/31	2.170 cfs	379.2 af
		2.170 cfs	379.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L2 (NWNE)	Sec 6 Twp 18N Rge 02E ADAMS County
GROUND WATER	NESW	Sec 31 Twp 19N Rge 02E ADAMS County
GROUND WATER	SESW	Sec 31 Twp 19N Rge 02E ADAMS 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	
18N	02E	6		14.0			130.0	2.4											46.4
				L 2			L 3	L 4											
19N	02E	31									3.0	2.0	35.0	40.0					80.0
											L 3	L 4							

POU Total Acres: 126.4

CONDITIONS OF APPROVAL

1. Rights 78-135, 78-136, 78-2060 and 78-10265 when combined shall not exceed a total diversion rate of 2.53 cfs, and the irrigation of 126.4 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 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. This right does not grant any right-of-way or easement across the land of another.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 80305

WATER RIGHT NO. 78-2060
As Modified by Transfer No. 80305

CONDITIONS OF 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.



WATER RIGHT NO. 78-12436
As Modified by Transfer No. 80305

In accordance with the approval of Transfer No. 80305, Water Right No. 78-12436 is now described as follows:

Right Holder: S3 PROPERTIES LP
 PO BOX 4210
 MCCALL, ID 83638

Priority Date: 6/28/1956

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 10/31	0.830 cfs	145.8 af
			0.830 cfs	145.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NWNE) Sec 6 Twp 18N Rge 02E ADAMS 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	
18N	02E	6					10.0	14.0	28.0	37.0		7.0							96.0
							L3	L4	L5			L6							

Right Acre Limit: 48.6

POU Total Acres: 96.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 48.6 acres within the authorized place of use in a single irrigation season.
2. Rights 78-12431, 78-12436 and 78-12437 when combined shall not exceed a total diversion rate of 1.92 cfs and the irrigation of 96 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 80305

WATER RIGHT NO. 78-12436

As Modified by Transfer No. 80305

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.



WATER RIGHT NO. 78-10265
As Modified by Transfer No. 80305

In accordance with the approval of Transfer No. 80305, Water Right No. 78-10265 is now described as follows:

Right Holder: KILLGORE ADVENTURES, LLC
 3252 WATERFRONT DR
 WHITE BIRD, ID 83554

Priority Date: 5/1/1936

Source: GOOSE CREEK

Tributary: LITTLE SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

2.530 cfs

2.530 cfs

LOCATION OF POINT(S) OF DIVERSION

GOOSE CREEK

SWNE

Sec 28 Twp 19N Rge 02E ADAMS 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	
18N	02E	6		14.0			30.0	2.4											46.4
				L 2			L 3	L 4											
19N	02E	31									3.0	2.0	35.0	40.0					80.0
											L 3	L 4							

POU Total Acres: 126.4

CONDITIONS OF APPROVAL

1. Pursuant to a call in times of scarcity, this right is junior to Water Right Nos. 78-2036, 78-2037, 78-2039, 78-2040A, 78-2040B, 78-2042 and 78-2056.
2. Rights 78-135, 78-136, 78-2060 and 78-10265 when combined shall not exceed a total diversion rate of 2.53 cfs, and the irrigation of 126.4 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 78C.
5. 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).

Transfer No. 80305

WATER RIGHT NO. 78-10265
As Modified by Transfer No. 80305

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-14-2(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.



WATER RIGHT NO. 78-12437

As Modified by Transfer No. 80305

In accordance with the approval of Transfer No. 80305, Water Right No. 78-12437 is now described as follows:

Right Holder: S3 PROPERTIES LP
PO BOX 4210
MCCALL, ID 83638

Priority Date: 5/1/1936

Source: GOOSE CREEK

Tributary: LITTLE SALMON RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
1.320 cfs
1.320 cfs

LOCATION OF POINT(S) OF DIVERSION

GOOSE CREEK SWNE Sec 28 Twp 19N Rge 02E ADAMS 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	
18N	02E	6					10.0	14.0	28.0	37.0		7.0							96.0
							L3	L4	L5			L6							

Right Acre Limit: 66.0

POU Total Acres: 96.0

CONDITIONS OF APPROVAL

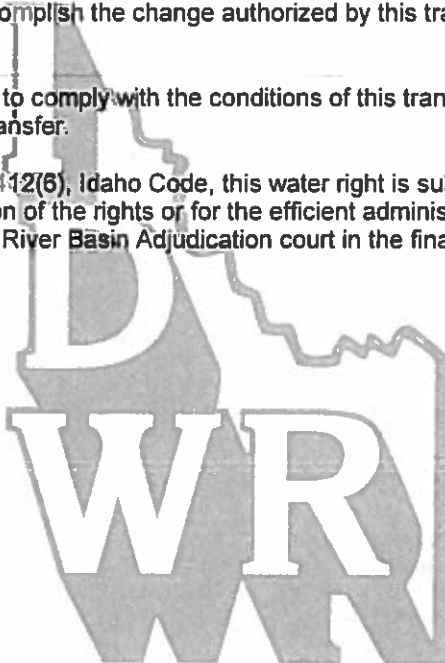
1. This right is limited to the irrigation of 66 acres within the authorized place of use in a single irrigation season.
2. Pursuant to a call in times of scarcity, this right is junior to Water Right Nos. 78-2036, 78-2037, 78-2039, 78-2040A, 78-2040B, 78-2042 and 78-2056.
3. Rights 78-12431, 78-12436 and 78-12437 when combined shall not exceed a total diversion rate of 1.92 cfs and the irrigation of 96 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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. 78C.

Transfer No. 80305

WATER RIGHT NO. 78-12437
As Modified by Transfer No. 80305

CONDITIONS OF APPROVAL

6. 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).
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.



WATER RIGHT NO. 78-136**As Modified by Transfer No. 80305**

In accordance with the approval of Transfer No. 80305, Water Right No. 78-136 is now described as follows:

Right Holder: KILLGORE ADVENTURES, LLC
3252 WATERFRONT DR
WHITE BIRD, ID 83554

Priority Date: 9/3/1904

Source: BIG CREEK

Tributary: LITTLE SALMON RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

1.280 cfs

1.280 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG CREEK SENW Sec 8 Twp 18N Rge 02E ADAMS 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	
18N	02E	6		14.0			30.0	2.4											46.4
				L 2			L 3	L 4											
19N	02E	31									3.0	2.0	35.0	40.0					80.0
											L 3	L 4							

POU Total Acres: 126.4

CONDITIONS OF APPROVAL

1. Rights 78-135, 78-136, 78-2060 and 78-10265 when combined shall not exceed a total diversion rate of 2.53 cfs, and the irrigation of 126.4 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
3. 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. 78A.
4. 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).
5. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 80305

WATER RIGHT NO. 78-136
As Modified by Transfer No. 80305

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

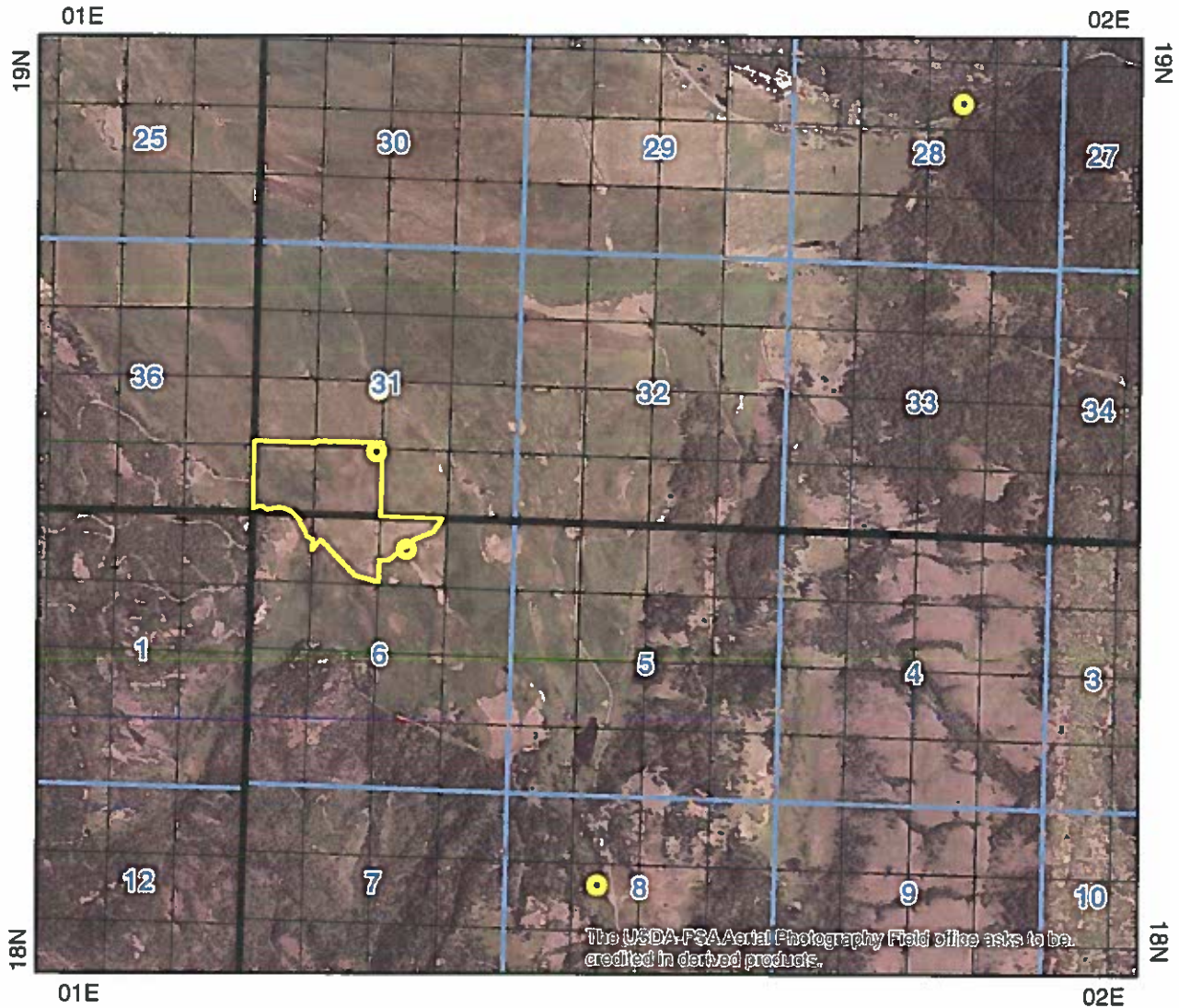


State of Idaho
Department of Water Resources

Attachment to Application for Transfer 80305

78-135, 78-136, 78-2060 & 78-10265

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



0 0.425 0.85 1.7 Miles

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

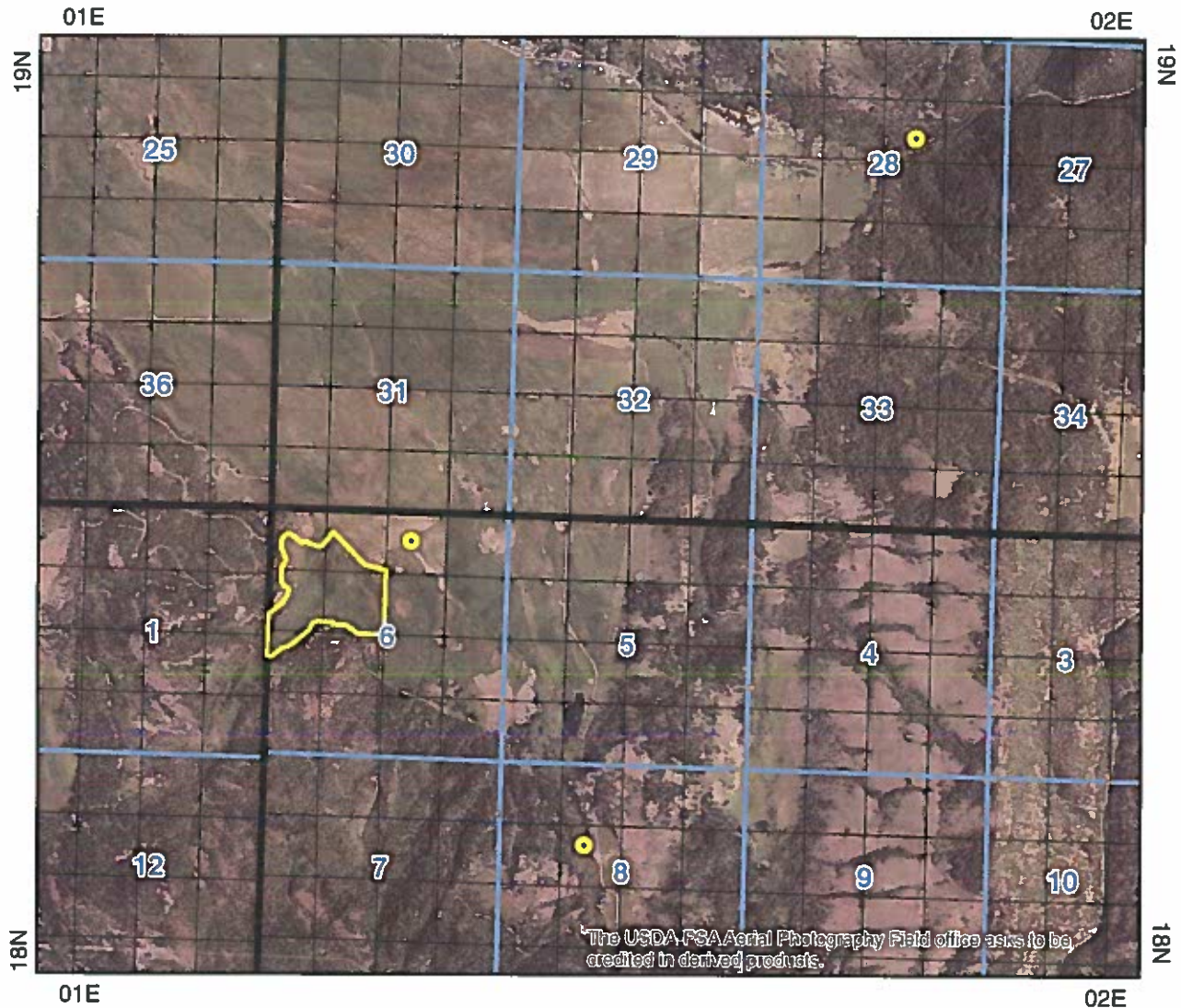


State of Idaho
Department of Water Resources

Attachment to Application for Transfer 80305

78-12431, 78-12436 & 78-12437

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
-  Townships
-  PLS Sections

0 0.45 0.9 1.8 Miles



RECEIVED

JUL 20 2015

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80305MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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 www.idwr.idaho.gov.

Name of Applicant(s) S3 Properties, LPCheck 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 #1-10.

- ☐ ☒ #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 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 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. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT JUL 20 2015
PART 1WATER RESOURCES
WESTERN REGION

Name of Applicant(s) S3 Properties, LP Phone 208-630-8822
 Mailing address PO Box 4210, McCall, ID 83638 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 SPF Water Engineering, LLC Phone 208-383-4140
 Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.com

- ☐ 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.

Kirk G. Smith, Mgr. KIRK G. SMITH, MGR. 6-8-15
 Signature of Applicant or Authorized Representative 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. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

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**.

Change the place of use for portions of the water rights listed in Transfer Part 1.B. that have been retained by the applicant as indicated in Transfer Attachment 2b. None of the flow rate under water right 78-136 was retained, however 26 acres under the right are currently applicable to applicant's property. This right has been included to

OCT 28 2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

AMENDED

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	78-135	1.35 cfs	Irrigation	4/1 to 10/31	Big Cr./Little Salmon R.
☐ ☒	*78-136	n/a	change pou only	to	
☐ ☒	78-2060	0.83/145.8	Irrigation	4/1 to 10/31	Ground Water
☐ ☒	78-10265	1.32 cfs	Irrigation	4/1 to 10/31	Goose Cr./Little Salmon R.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.5 cfs and/or 145.8 acre-feet.2. Total amount of water proposed to be transferred or changed 3.5 cubic feet per second and/or 145.8 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5. ** ONLY POD TO BE LISTED ON APPLICANT'S PORTION OF WATER RIGHT 78-2060*

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
	2		NW	NE	6	18N	2E	ADAMS	GROUND WATER	*

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	2E	6					10	14	28	37		7							96
							L3	L4	L5			L6							
Total Acres (for irrigation use)																			96

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, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	78-135	1.35 cfs	Irrigation	4/1 to 10/31	Big Cr./Little Salmon R.
☐ ☒	*78-136	n/a	change pou only	to	
☐ ☒	78-2060	0.83/145.8	Irrigation	4/1 to 10/31	Ground Water
☐ ☒	78-10265	1.32 cfs	Irrigation	4/1 to 10/31	Goose Cr./Little Salmon R.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.5 cfs and/or 145.8 acre-feet.

2. Total amount of water proposed to be transferred or changed 3.5 cubic feet per second and/or 145.8 acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	2E	6					10	14	28	37		7							96
							L3	L4	L5			L6							
Total Acres (for irrigation use)																			96

* THIS PAGE SUPERCEDED BY AMENDED PAGE 3
RECIEVED 10-28-2014

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:

Existing gravity ditch irrigation system. Measuring devices and lockable controlling works will be accomidated upon Department's request.

- b. Who owns the property at the point(s) of diversion? n/a

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
No changes proposed for existing points of diversion

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

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

Applications in the name of Killgore Adventures, LLC are being proposed to replace the water subject for transfer.

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

An accompanying transfer application in the name of Brundage Water Users Assoc. (BWUA) proposes expanding the BWUA service area to include the proposed 96 acres for irrigation to be irrigated with BWUA surface water.

- g. 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:

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

Current Water Right No.: 78-135

Current Owner: S3 PROPERTIES LP

Priority Date: 5/1/1903

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG CREEK

Tributary

LITTLE SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

1.5 CFS

Annual Volume

Total Diversion

1.5 CFS

Location of Point(s) of Diversion

BIG CREEK

SE1/4NW1/4

Sec. 8, Twp 18N, Rge 02E B.M.

ADAMS County

Place of Use

IRRIGATION Within ADAMS County

T18N R02E S6	Lot 2	NWNE	14.00	T18N R02E S6	Lot 3	NENW	33.00
T18N R02E S6	Lot 4	NWNW	2.40	T18N R02E S6		SENEW	23.00
T19N R02E S31		NESW	39.00	T19N R02E S31	Lot 3	NWSW	36.00
T19N R02E S31	Lot 4	SWSW	35.00	T19N R02E S31		SESW	40.00

Total Acres: 222.4

Conditions of Approval:

1. E55 Right Nos. 78-135, 78-136, 78-2060 and 78-10265 are limited to the irrigation of a combined total of 222.4 acres in a single irrigation season
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E51 Right Nos. 78-135, 78-136, 78-2060 and 78-10265 are limited to a total combined diversion rate of 4.45 cfs.

Decreed Date: 11/6/2007

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

Current Water Right No.: 78-136

Current Owner: S3 PROPERTIES LP

Priority Date: 9/3/1904

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG CREEK

Tributary

LITTLE SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

1.28 CFS

Annual Volume

Total Diversion

1.28 CFS

Location of Point(s) of Diversion

BIG CREEK

SE1/4NW1/4

Sec. 8, Twp 18N, Rge 02E B.M.

ADAMS County

Place of Use

IRRIGATION Within ADAMS County

T18N R02E S6	Lot 2	NWNE	14.00	T18N R02E S6	Lot 3	NENW	33.00
T18N R02E S6	Lot 4	NWNW	2.40	T18N R02E S6		SENW	23.00
T19N R02E S31		NESW	39.00	T19N R02E S31	Lot 3	NWSW	36.00
T19N R02E S31	Lot 4	SWSW	35.00	T19N R02E S31		SESW	40.00

Total Acres: 222.4

Conditions of Approval:

1. E55 Right Nos. 78-135, 78-136, 78-2060 and 78-10265 are limited to the irrigation of a combined total of 222.4 acres in a single irrigation season
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E51 Right Nos. 78-135, 78-136, 78-2060 and 78-10265 are limited to a total combined diversion rate of 4.45 cfs.

Decreed Date: 11/6/2007

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

Current Water Right No.: 78-2060

Current Owner: S3 PROPERTIES LP

Priority Date: 6/28/1956

Origin: Water Right

Status: Active

Basis: Decreed

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

04/01 to 10/31

3 CFS

525 AF

Total Diversion

3 CFS

525 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4SW1/4

Sec. 31, Twp 19N, Rge 02E B.M.

ADAMS County

GROUND WATER

L2(NW1/4NE1/4)

Sec. 6, Twp 18N, Rge 02E B.M.

ADAMS County

GROUND WATER

SE1/4SW1/4

Sec. 31, Twp 19N, Rge 02E B.M.

ADAMS County

Place of UseIRRIGATION Within ADAMS County

T18N R02E S6	Lot 2	NWNE	14.00	T18N R02E S6	Lot 3	NENW	24.00
T19N R02E S31		NESW	37.00	T19N R02E S31	Lot 3	NWSW	36.00
T19N R02E S31	Lot 4	SWSW	28.00	T19N R02E S31		SESW	36.00

Total Acres: 175

Conditions of Approval:

1. E55 Right Nos. 78-135, 78-136, 78-2060 and 78-10265 are limited to the irrigation of a combined total of 222.4 acres in a single irrigation season
2. E51 Right Nos. 78-135, 78-136, 78-2060 and 78-10265 are limited to a total combined diversion rate of 4.45 cfs.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 11/6/2007

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

Current Water Right No.: 78-10265

Current Owner: S3 PROPERTIES LP

Priority Date: 5/1/1936

Origin: Water Right

Status: Active

Basis: Decreed

Source

GOOSE CREEK

Tributary

LITTLE SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

3.85 CFS

Annual Volume

Total Diversion

3.85 CFS

Location of Point(s) of Diversion

GOOSE CREEK

SW1/4NE1/4

Sec. 28, Twp 19N, Rge 02E B.M.

ADAMS County

Place of Use

IRRIGATION Within ADAMS County

T18N R02E S6	Lot 2	NWNE	14.00	T18N R02E S6	Lot 3	NENW	26.00
T18N R02E S6	Lot 4	NWNW	2.40	T19N R02E S31		NESW	39.00
T19N R02E S31	Lot 3	NWSW	36.00	T19N R02E S31	Lot 4	SWSW	35.00
T19N R02E S31		SESW	40.00				

Total Acres: 192.4

Conditions of Approval:

1. E51 Right Nos. 78-135, 78-136, 78-2060 and 78-10265 are limited to a total combined diversion rate of 4.45 cfs.
2. D10 Pursuant to a call in times of scarcity, this right is junior to Water Right Nos. 78-2036, 78-2037, 78-2039, 78-2040A, 78-2040B, 78-2042 and 78-2056.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. E55 Right Nos. 78-135, 78-136, 78-2060 and 78-10265 are limited to the irrigation of a combined total of 222.4 acres in a single irrigation season

Decreed Date: 11/6/2007

RECEIVED

OCT 13 2015

WATER RESOURCES
WESTERN REGION

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 78-135

1. amount 1.35 cfs (cfs/ac-ft) for Irrigation purposes from 4/1 to 10/31
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ tract.) 6 10/8/2015

by 10/8/2015

[illegible]

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2B

4 10/8/2015

OCT 13 2015

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 78-10265

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

5102/8/01

[illegible]

Total Acres (for irrigation use)	66
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ 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 any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ 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**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings visible.

FOR DEPARTMENT USE ONLY

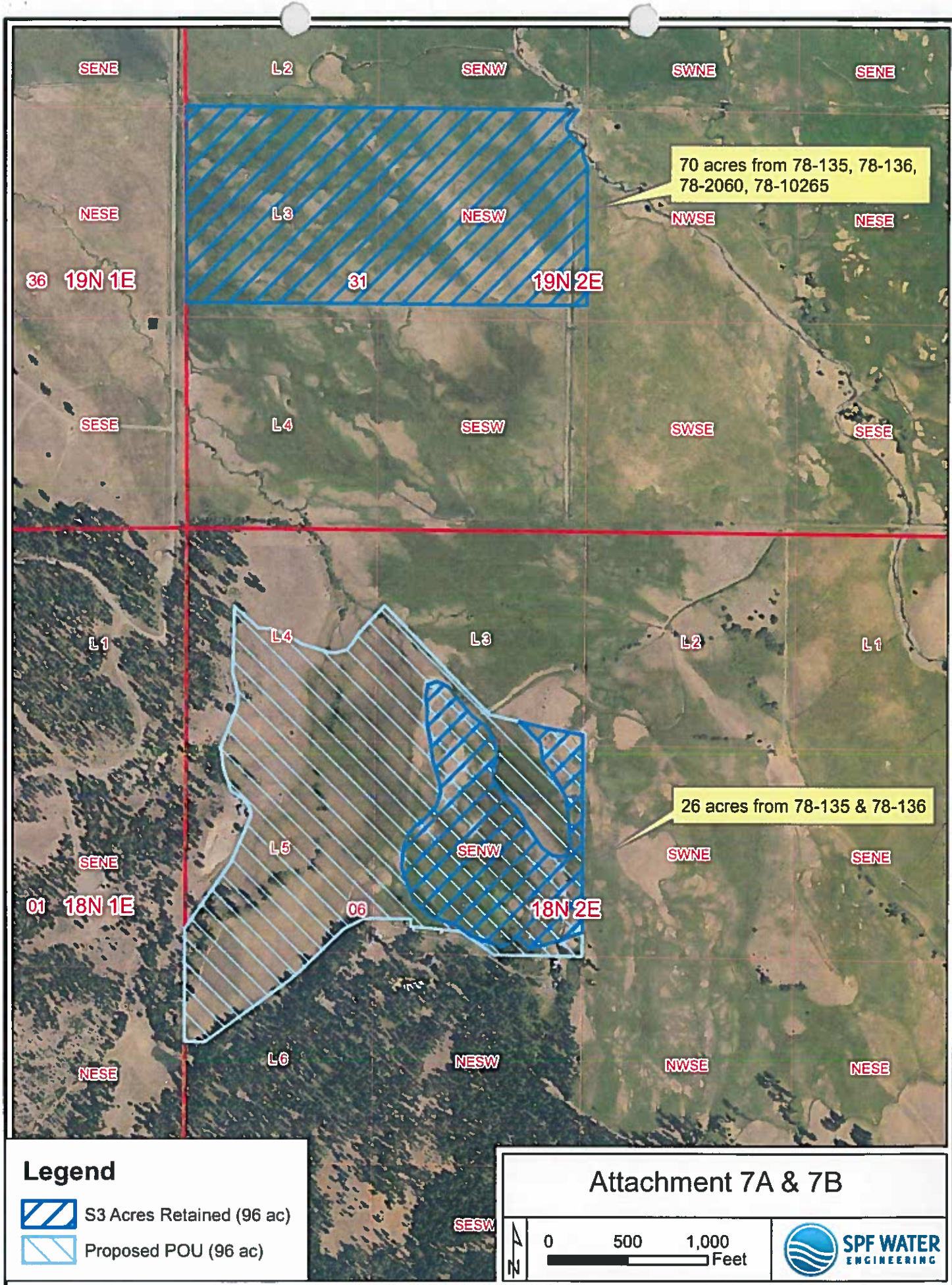
Transfer contains 117 pages and 2 attachments.

Received by [Signature] Date 7/20/15 Preliminary check by P. Kelly Date 4-15-2016

Fee paid \$740⁰⁰ Date 7/20/15 Received by CS Receipt # W043326

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 6, 2017

S3 PROPERTIES LP
PO BOX 4210
MCCALL ID 83638

Re: Transfer No: 80305
Water Right No(s): 78-135, 78-136, 78-2060, 78-10265

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Naylor". The signature is fluid and cursive, with a large initial "R".

Nick Miller
Western Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
WATERMASTER OF DISTRICT 78A

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80305
Water Right No(s): 78-135, 78-136, 78-2060, 78-10265

S3 PROPERTIES LP
PO BOX 4210
MCCALL ID 83638

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

ED RANEY
WATERMASTER OF DISTRICT 78A
3498 RANEY RD
NEW MEADOWS ID 83654



Rachel Neely
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.

S3 PROPERTIES LP

P. O. Box 4210

McCall, ID 83638

208-630-8822 – Phone 208-630-8808 – Fax

RECEIVED

NOV 02 2016

WATER RESOURCES
WESTERN REGION

October 21, 2016

Mr. Patrick Kelly
Water Resource Agent
State of ID Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right 78-2060

Dear Patrick:

S3 Properties LP requests the two northern shallow-groundwater diversion points (Section 31) be removed from their portion of water right 78-2060 because the water cannot be delivered by gravity to the S3 property due to elevation constraints.

As shown on the attached map, water from the southern-most shallow-groundwater point of diversion (Section 6) can be conveyed through a delivery ditch by gravity onto the S3 property. This is the same delivery ditch that is used to deliver the Brundage Water Users Association water shares to the S3 property.

Please let us know if this addresses your delivery concerns regarding S3's portion of water right 78-2060.

Thank you for your time and consideration of this request.

Sincerely,


Kirk G. Smith
Manager



MEMORANDUM

TO: Transfer No. 80305
FROM: Patrick Kelly
DATE: October 31, 2016
RE: Evaluation of Application

S3 Properties retained portions of stacked water rights when it sold property to Killgore Adventures. An ownership change submitted with the transfer application shows that 126.4 acres of water rights pertinent to the transfer were sold to Killgore Adventures. The transfer proposes to move the remaining acres withheld by S3 to a property immediately south of the place of use. A total of four water rights authorize the irrigation from three separate sources; Goose Creek, ground water and two from Big Creek.

The site is located at the south end of Meadows Valley, 2 miles from New Meadows, west of Big Creek.

Summary of Information Submitted

Authority to File: Applicant S3 Properties is the current water right owner of 78-135, 78-136, 78-2060 and 78-10265. Transfer application was signed by Kirk G Smith. Mr. Smith is the registered President of S3 Properties according to IDSOS records.

Water Right Validity: Water rights were decreed in 2007. Since that time, water right staff has no information to imply forfeiture concerns; water rights presumed to be valid based on 2013 and 2015 satellite imagery.

Injury to Other Water Rights: Because there are no proposed changes to the points of diversion, and application of the water is remaining in the immediate vicinity of historical use, injury to other water users is not apparent. Because no significant change to the use of water appears present, the application will not be advertised.

Enlargement of Use: Combined use limits for the four rights state 4.45 cfs on 222.4 acres. The diversion rate appears to only be limited by the inch to acre (0.02 cfs) standard. The four rights overlap a total of 222.4 acres. A warranty deed outlines 126.4 acres of irrigation were sold to Killgore Adventures, and the remaining 96 acres were withheld and pertinent to transfer 80305. The sum of split rights as a result of transfer 80305 will equal total diversion rates, volume and acres pre transfer. Neither diversion rate nor acres are being added to the split rights.

Local Public Interest: Review staff has no information to suggest this application is inconsistent with the local public interest. Concerns have been expressed by the water master and irrigation district regarding the availability of water. Information pertaining to Idaho's Water Appropriations Rules 40.05 is being required from the applicant.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

Discussion

An ownership change was submitted with the transfer to place the rights staying on the land (78-135, 78-136, 78-2060 and 78-10265) in the buyers' name, Killgore Adventures LLC.

The warranty deed outlines 126.4 acres of land covered by water rights 78-135, 78-136, 78-2060, and 78-10265 were split between S3 Properties (seller) and Killgore Adventures (buyer). The table below breaks down what was sold and what is being withheld for transfer 80305.

78-135	1.5 cfs	222.4 acres	Big Creek
Killgore Adventures	0.15 cfs	126.4 acres	0.001 cfs/ac
S3 Properties	1.35 cfs	96.0 acres	0.014 cfs/ac
78-136	1.28 cfs	222.4 acres	Big Creek
Killgore Adventures	1.28 cfs	126.4 acres	0.01 cfs/ac
S3 Properties	0.00 cfs	96.0 acres	0.00 cfs/ac
78-2060	3.00 cfs	175.0 acres	Springs
Killgore Adventures	2.17 cfs	126.4 acres	0.017 cfs/ac
S3 Properties	0.83 cfs	48.6 acres	0.017 cfs/ac
78-10265	3.85 cfs	192.4 acres	Goose Creek
Killgore Adventures	2.53 cfs	126.4 acres	0.02 cfs/ac
S3 Properties	1.32 cfs	66.0 acres	0.02 cfs/ac

Rights 78-135 and 78-136 are stacked water rights for the same 222.4 acres. S3 Properties kept the Big Creek rights diversion under the more senior right (78-135). This split gives S3 Properties a higher diversion rate per acre, but does not exceed the 0.02 cfs per acre standard limit. A notice of abandonment was received for 78-136 from S3 stating they no longer have any interest in the right. A user cannot have a water right without water to apply beneficial use.

The new POU for S3 Properties identifies 96 acres within Twn 18N Rge 2E Section 6. The sum of both parties water right portions total the original rights. Killgore Adventures has submitted Application for Permits to apply for additional water to make up the difference being transferred.

Page 5 of the transfer application identifies the portion of the right proposed to be changed, or where they are proposing to move the acres *from*. The original transfer identified acres not available to be transferred after the sale occurred for rights 78-2060 and 78-10265. These pages were amended to reflect acres available for transfer after sale. Condition X27 will be added to both rights to identify an acre limit within the 96.0 acre POU.

Page 5 for right 78-136 should have identified 70 acres in Section 31 to match 78-135. However, since this portion of the right was eventually abandoned, an amendment is not required and the page can be ignored.

78-2060 is a ground water right with three points of diversion. These are believed to be actually spring sources that collect water in a ditch system. The department requested information regarding access to these sources since the diversions were now on Kilgore Adventures property. A response from the representative on Dec 22, 2015 indicated that a mutual agreement was made during the sale of the land. This agreement was not in the warranty deed submitted with the ownership change, nor was it provided in writing to our department. Heather Kilgore was not comfortable granting a permanent easement across the property nor did they want S3 to develop a permanent pump station at any of the spring sources. An understanding was reached between the two parties that the farthest south east diversion in Sec 6 could be used to deliver the water via ditch to S3 land. Once it crossed property boundary, S3 could pump the water to areas on their property. At this time, this is a reasonable answer to the question of access to the source. An amendment to the transfer application was made identifying the Sec 6 diversion as the only remaining POD pertinent to the S3 portion of 78-2060 (78-12436).

Water rights 78-135, 78-136, 78-2060, and 78-10265 were decreed and migrated prior to transfer processing. No further action is required.

None of the rights were found to be leased/rented in the water supply bank.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

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

Kelly, Patrick

From: Kelly, Patrick
Sent: Thursday, August 25, 2016 2:28 PM
To: 'Heather Killgore'
Cc: 'Lori Graves'
Subject: RE: WR 78-2060 map
Attachments: 78-2060 backfile.pdf

Heather (and Lori),

Attached is the backfile for 78-2060. After reviewing the 1959 field report, it becomes more clear that the ground water source is water that naturally fills the drainage ditch, and is NOT a spring or well source. It also shows that diversions from these three points are through headgates that gravity flow through the property. These points of diversion are currently on Killgore land. The question regarding the S3 transfer is how is how does S3 propose to get the water from these points of diversion back up hill to their property? It would seem that because water is not pumped at these locations, S3 would have to divert from a location further up the drainage ditch on S3 land. S3 filed a transfer to move rate and acres associated with the right, but did not propose to change the point of diversions. It is possible a change in the transfer should be sought as long as S3 can prove a change in diversion is the same source of water rather than seeking an easement. UNLESS, there really is a reasonable explanation that has not been presented to me yet, which is certainly possible.

Regards,

Patrick Kelly

Water Resource Agent, Senior
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705
p: 208.334.2190
f: 208.334.2348
patrick.kelly@idwr.idaho.gov

From: Heather Killgore [<mailto:fishing@killgoreadventures.com>]
Sent: Thursday, August 25, 2016 1:39 PM
To: Kelly, Patrick
Subject: RE: WR 78-2060 map

From: Kelly, Patrick [<mailto:Patrick.Kelly@idwr.idaho.gov>]
Sent: Thursday, August 25, 2016 8:28 AM
To: Heather Killgore
Subject: FW: WR 78-2060 map

Hi Patrick,

Thank you for sending the additional map and explanation. I will have my son Kurt take a look and I may call the water master to learn of their concerns. Any other information you may have will be greatly appreciated. It seems to me when our agreement says S3 will not make a call for delivery of water from 78-2060, that S3 should not need any access through our property. I am remembering during our purchase that the water rights associated with Big Creek water

rights and the Riggs-Wyman ditch would be for S3, and the goose creek and 78-2060 for Killgore. That was because delivery was suited best that way.

Thanks for your help.

Heather Killgore
208 839 2255
fishing@killgoreadventures.com

From: Kelly, Patrick
Sent: Wednesday, August 24, 2016 2:58 PM
To: 'fishing@killgoreadventures.com'
Cc: 'Lori Graves'
Subject: WR 78-2060 map

Heather,

Please see attached map of water right 78-2060. The 3 POD's represent points that the ground water is diverted from. The diversions on the actual water right are described by quarter-quarter, so the actual diversion legally can be anywhere within the quarter-quarter box.

The transfer filed by S3 indicates a split of 78-2060 for 0.83 cfs and 48.6 acres to be moved to S3 property. These points of diversion from the ground water source are identified by the right on Kilgore property. The Department is seeking an acknowledgement that ground water from these points of diversion will be made available to S3 since the water right is not an easement to the land. A specific request is being made in this case since conveyance concerns have been made by water masters of Goose Creek, Big Creek, and the general local public.

Please do not hesitate to contact me with further questions.

Regards,

Patrick Kelly
Water Resource Agent, Senior
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705
p: 208.334.2190
f: 208.334.2348
patrick.kelly@idwr.idaho.gov



SPF WATER
ENGINEERING

April 8, 2016

RECEIVED

APR 11 2016

WATER RESOURCES
WESTERN REGION

Patrick Kelly
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: S3 Properties Notice of Abandonment

Dear Patrick,

Enclosed per your request is a *Notice of Abandonment of Water Right 78-136* for 96 acres. Thank you for your attention to this matter. Please let me know if there are any further questions. Thanks Patrick.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Kirk Smith – S3 Properties, LP

Enclosures

SPF file number: 1159.0010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 11 2016

**WATER RESOURCES
WESTERN REGION**

Notice of Abandonment of Water Right

Print Name of Water Right Owner(s): S3 PROPERTIES LP

Mailing Address: PO BOX 4210, MCCALL, ID 83638

Phone: 208-630-8822

Note: If you are not listed as the current owner of the water right in the Idaho Department of Water Resources' records, you must include evidence of ownership of the water right (or portion of the water right) with this form. Evidence may include a warranty deed, quitclaim deed, court decree, contract of sale, etc.

I am the current owner of all, or X part of, the water right described in the Idaho Department of Water Resources' records as Water Right No. 78-136.

I hereby abandon all, or X part of the water right designated above. This abandonment is intentional and voluntary. I recognize that this abandonment permanently eliminates the right to divert and use water under the water right designated above.

If this abandonment applies to a portion of the water right, please indicate which part is abandoned by describing the diversion rate, annual diversion volume or storage volume, and place of use (include acres if the use is irrigation) and by attaching a detailed map identifying the specific locations.

The sale of property granted Kilgore Adventures LLC 126.4 acres outlined in the warranty deed with the entire diversion rate of 1.28 cfs. S3 Properties LP no longer carries any interest and wishes to abandon the remaining 96.0 acres associated with water right 78-136.

* Paul G. Smith
Signature of Water Right Owner(s) or Authorized Representative

April 4, 2016
Date

Signature of Water Right Owner(s) or Authorized Representative

KIRK G. SMITH, MANAGER
Print Name and Title of Authorized Representative

Print Name and Title of Authorized Representative

(Complete if applicable and include your authority to act on behalf of the water right owner)

State of IDAHO)
County of VALLEY) ss

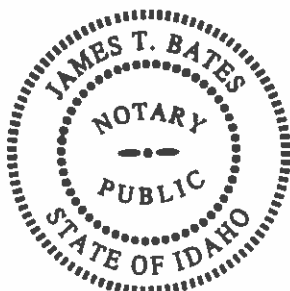
On this 4th day of APRIL, 2016, the signer(s) of the above instrument appeared before me and duly acknowledged to me that he/she executed the same.

JAMES T. SATES
Notary Public

Notary Public

My commission expires: 5.16.17

SEAL





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 28, 2016

S3 PROPERTIES LP
PO BOX 4210
MCCALL ID 83638

COPY

RE: Additional Information Request for Transfer 80305

Dear Applicant:

On July 20, 2015, you filed an application for transfer of water rights 78-135, 78-136, 78-2060 & 78-10265. Transfer processing has begun and additional information is required to complete my review. Additional information is required regarding your interest in water right 78-136, as well as access to the points of diversion regarding the other three rights.

The warranty deed between S3 Properties LP and Kilgore Adventures LLC submitted with the notice of change in water right ownership form describes a split of the four rights mentioned above. Water right 78-136 included in the sale of property for 1.28 cfs and 126.4 acres. This gives the entire diversion rate while withholding 96.0 acres. Transfer 80305 proposes to move the remaining 96.0 acres and none of the diversion rate to a new place of use. Because a water right may not exist without the diversion of water for beneficial use, it seems S3 has given up their interest in 78-136 with the sale of the property.

For your convenience, I have included a partially completed Notice of Abandonment of Water Right form. Please review the information provided and complete the form. With this notice, you should place in writing that 78-136 should be removed from transfer 80305 to complete transfer processing.

Page 3 of transfer application 80305 states that no changes to points of diversion are proposed. Please describe any easements granted by the new property owner, particularly regarding water right 78-2060. Outline the conveyance system regarding all water rights on a map, specifically identifying the points of diversion and delivery of water to your land.

Please submit the above information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The permit will be voided without a timely written reply within the next thirty (30) days.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Respectfully,


Patrick Kelly

Water Resource Agent

208.287.4933 phone

208.287.6700 fax

patrick.kelly@idwr.idaho.gov



DEC 24 2015

December 22, 2015

Patrick Kelly
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Killgore Permit Applications; 78-12427, 78-12478, 78-12479
S3 Permit Application 78-12430 & Transfer Application 80305

Dear Patrick,

On behalf of Killgore Adventures, LLC and S3 Properties, LP, this letter is in response to your letter dated December 7, 2015, requesting the following information in support of the above applications.

1. Big Creek and Goose Creek Water Availability Concerns

As stated in the previous response letter to the Department, the applicants' primary purpose for filing the applications is for authorization to utilize springtime flood waters during periods when active watermaster regulation is not occurring. The proposed diversion systems are in place and are currently under watermaster control and regulated for associated water rights based on priority. Consequently, potential injury to other surface water users is not anticipated.

To insure the amount of new water applied for from Big Creek and Goose Creek is deliverable to make a beneficial use, S3 and Killgore agree to the following conditions:

- S3 will agree not to divert water from Goose Creek during times when ditch capacity is not sufficient and Killgore's proposed Goose Creek water right is in priority.
- Killgore will agree not to divert water from Big Creek during times when ditch capacity is not sufficient and S3's proposed Big Creek water right is in priority.

This agreed upon exchange will insure the ditch/canal systems are not accommodating additional appropriations beyond their capacity and that diversions will not exceed amounts historically delivered from each source. Essentially, S3 will rely on Big Creek water and Killgore will rely on Goose Creek water during times when the proposed water rights are in priority.

2. S3 Diversion Access, Water Right 78-2060

Considerations regarding water diversion and use were addressed during the sale of the property, for which a mutual agreement was reached.

3. Abandonment of S3's 26-acre Portion of Water Right 78-136

Per your email request dated 12/10/2015, enclosed is signed *Notice of Abandonment* and associated map for a 26-acre portion of water right 78-136. The remaining water right acres are now owned by Killgore. Per the warranty deed included with the transfer application, S3 did not retain any of the water associated with right 78-136 during the property sale to Killgore. This right was included on the transfer application to allow the Department to remove S3's 26-acre portion from the right's place of use. As indicated in your email, the attached Notice of Abandonment is the mechanism the Department would prefer S3 use to accomplish this change, rather than the transfer application. Please strike water right 78-136 from transfer 80305 where necessary.

Please let me know if further information is needed for processing these applications. Thanks
Patrick.

Sincerely,



Lori Graves
Water Rights Specialist



Terry Scanlan, P.E., P.G.
Principal Engineer/Hydrogeologist

Cc: Kirk Smith – S3 Properties, LP
Heather Killgore – Killgore Adventures, LLC

Enclosures

SPF file number: 1159.0010

RECEIVED

DEC 24 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGION

Notice of Abandonment of Water Right

Print Name of Water Right Owner(s): S3 PROPERTIES LPMailing Address: PO BOX 4210, MCCALL, ID 83638Phone: 208-630-8822

Note: If you are not listed as the current owner of the water right in the Idaho Department of Water Resources' records, you must include evidence of ownership of the water right (or portion of the water right) with this form. Evidence may include a warranty deed, quitclaim deed, court decree, contract of sale, etc.

I am the current owner of X all, or part of, the water right described in the Idaho Department of Water Resources' records as Water Right No. 78-136.

I hereby abandon all, or X part of the water right designated above. This abandonment is intentional and voluntary. I recognize that this abandonment permanently eliminates the right to divert and use water under the water right designated above.

If this abandonment applies to a portion of the water right, please indicate which part is abandoned by describing the diversion rate, annual diversion volume or storage volume, and place of use (include acres if the use is irrigation) and by attaching a detailed map identifying the specific locations.

T18N R2E S6 SENW 23 acresT18N R2E S6 Lt 3 NENW 3 acresTotal: 26 acres, 0.15 cfs

[Signature]
Signature of Water Right Owner(s) or Authorized Representative

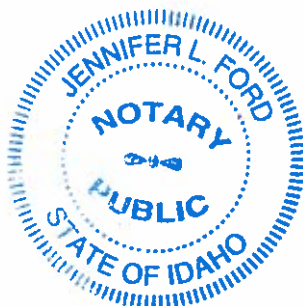
12-18-15
Date

KIRK G. SMITH
Print Name and Title of Authorized Representative
(Complete if applicable and include your authority to act on behalf of the water right owner)

State of Idaho)
County of Valley) ss

On this 18th day of December, 20 15, the signer(s) of the above instrument appeared before me and duly acknowledged to me that he/she executed the same.

SEAL



[Signature]
Notary Public

My commission expires: 4/23/20

Kelly, Patrick

From: Kelly, Patrick
Sent: Thursday, December 10, 2015 9:50 AM
To: 'lgraves@spfwater.com'
Subject: S3 Properties transfer 80305
Attachments: notice-of-abandonment-of-water-right.pdf

Morning Lori,

I am going through and adding prepping the S3 Properties – Kilgore Adventure transfer/applications into workflow. The issue came up regarding the split of 78-136 in transfer application #80305. The transfer proposes to move 96 acres but does not retain any diversion rate. We will require S3 to abandon the 96 acre portion of 78-136. I have partially completed the form for you in this email. Please describe that S3 is abandoning a 96 acre portion of the right and include a map describing such a change. is being abandoned as well. 78-136 may be removed completely from the transfer. An amended transfer application should reflect that this on pages 3 (Part 1) and page 5 (Part 2B for 78-136), I can strike from the application. Let me know if you have any questions or would like to discuss.

Thank you,

Patrick Kelly
Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705
p: 208.334.2190
f: 208.334.2348
patrick.kelly@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 7, 2015

S3 PROPERTIES LP
PO BOX 4210
MCCALL ID 83638

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

COPY

Re: Application for Permit 78-12427 – 78-12430 & Transfer Application 80305

Dear Applicant:

Additional information was requested of the applicant in a letter dated September 29, 2015. I am contacting you today to notify you that requests for comment have been received from Idaho Department of Environmental Quality (DEQ), Idaho Department of Fish and Game (IDFG) and Watermaster's for Water Districts 78A Big Creek and 78C Goose Creek. Information regarding the water availability and public interest has also been reviewed by SPF Water Engineering.

DEQ and IDFG comment letters were received with no objection to the four Applications for Permit 78-12427 – 78-12430. Ed Raney, Watermaster for 78A Big Creek and Tim Farrell, Watermaster for 78C Goose Creek have expressed concerns that water in these systems are fully appropriated, and that delivery canals reach capacity, unable to accommodate for the additional appropriations.

SPF Water Engineering replied to IDWR's Idaho Water Appropriations Rule 40.05.c and 40.05d regarding water availability and injury request by describing the purpose of the applications to utilize spring runoff when watermaster regulation is not occurring. Also, those systems are in place and under watermaster control based on priority. This is not sufficient evidence when addressing water availability concerns. Appropriate analysis should be completed to show that the amount of water applied for is deliverable to make a beneficial use.

Review of S3 Properties Transfer 80305 finds that the three points of diversion associated with water right 78-2060 are to remain on Killgore Adventures LLC property. A description of diversion ownership was not completed on page 4 of Transfer 80305. Please address how S3 intends to maintain access to the points of diversion.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Patrick Kelly
Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 29, 2015

S3 PROPERTIES LP
PO BOX 4210
MCCALL ID 83638

COPY

Re: Application for Permit 78-12430 & Transfer Application 80305

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is reviewing your application for a new water permit from a source within the Salmon River basin. Additional information is needed to fully evaluate your proposal. IDWR is working with other agencies of the State of Idaho regarding projects requiring new water right approval within the Salmon River basin.

Please see the enclosed attachment about additional information for your application. Page 1 of the attachment outlines the legal basis and reasons for this request. That page also provides contact information for the other state agencies that will be involved in this process. Please provide written comments from those other state agencies regarding your application.

Page 2 of the attachment lists Water Appropriations Rules 40.05.c-g. Please respond to the following other portions of those rules:

- Rule 40.05.g in regard to public interest may be satisfied by written comments from Idaho Fish and Game, Department of Environmental Quality, and WD 78A Watermaster.

The warranty deed submitted with an ownership change identifies 126.4 acres was sold to Killgore Adventures LLC. Portions of the four water rights pertinent to the land and acres available for S3 Properties to transfer are identified in the table below.

78-135	1.5 cfs	222.4 acres	
Killgore Adventures	0.15 cfs	126.4 acres	0.001 cfs/ac
S3 Properties	1.35 cfs	96.0 acres	0.014 cfs/ac
78-136	1.28 cfs	222.4 acres	
Killgore Adventures	1.28 cfs	126.4 acres	0.01 cfs/ac
S3 Properties	0.00 cfs	96.0 acres	0.00 cfs/ac
78-2060	3.00 cfs	175.0 acres	
Killgore Adventures	2.17 cfs	126.4 acres	0.017 cfs/ac
S3 Properties	0.83 cfs	48.6 acres	0.017 cfs/ac
78-10265	3.85 cfs	192.4 acres	
Killgore Adventures	2.53 cfs	126.4 acres	0.02 cfs/ac
S3 Properties	1.32 cfs	66.0 acres	0.02 cfs/ac

Transfer Application 80305 Part 2 describes more acres proposing to be changed than are actually available after the sale. For example, Part 2 for water right 78-2060 should describe the portion being changed as it appears before the requested changes, and should not exceed 48.6 acres. Part 2 for 78-10265 should not exceed 66.0 acres. The information in Part 2B shows where your portion came from, and the information in Part 1B.4 describes the proposed new place of use.

should not exceed 66.0 acres. The information in Part 2B shows where your portion came from, and the information in Part 1B.4 describes the proposed new place of use.

Please provide the requested information within the next sixty (60) days. Alternately, you may seek up to six months additional time to provide the information. The application will be voided if a timely written response is not received. A refund of the filing fee will not be issued for a voided application.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Patrick Kelly
Water Resource Agent

Enclosures: Rule 40,

cc: Lori Graves, SPF Engineering LLC



SPF WATER
ENGINEERING

July 16, 2015

RECEIVED

JUL 20 2015

WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

**Subject: -Killgore Adventures, LLC Notice of Change in Water Right Ownership and Applications for Permit (3)
-S3 Properties, LP Application for Transfer and Application for Permit**

Dear Angie,

S3 Properties, LP, retained portions of stacked water rights appurtenant to 70 acres within a permissible place of use recently sold to Killgore Adventures, LLC, resulting in the water right actions listed above and described below.

Killgore Adventures, LLC

On behalf of Killgore Adventures, LLC, a *Notice of Change in Water Right Ownership* and three *Applications for Permit* are being proposed.

The Notice of Change in Water Right Ownership describes the water right portions (minus 70 acres) to remain with the lands Killgore purchased. To simplify Department processing, 70 specific acres were identified within the authorized ppu; a reduction in the ppu boundary appurtenant to Killgore's property is not proposed. Note that for S3 preferentially retained the senior priority (78-135) Big Creek water right for the 96 acres (26 acres on remaining S3 lands and 70 acres on land sold to Killgore) of Big Creek water right that they retained in this sale.

The three applications for permit propose replacement of the amounts of water and acres for the 70-acres of water rights retained by S3.

S3 Properties, LP

On behalf of S3 Properties, LP, an *Application for Transfer* is being proposed to transfer the 70-acre water right portions retained in the property sale to other S3 lands. An Application for Permit for supplemental ground water is also being proposed on the same lands the retained water will be used.

Enclosed are check No. 47014 for \$325 for Killgore's ownership change notice; check No. 10675 for \$830 for Killgore's application filing fees; check No. 2587 for S3's application filing fee; and check No. 2588 for \$740 for S3's transfer filing fee.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,



Lori Graves
Water Rights Specialist

Cc: Kirk Smith
Heather Killgore

Enclosures

SPF file number: 1159.0010