

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81579

APR 25 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

MINIMUM 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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) WEST OF FIRST LLCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A *Means the item is always required and must be included with the application.

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
APR 25 2017
DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant WEST OF FIRST LLC Phone _____
Mailing Address 9533 W PICO BLVD 2ND FLOOR, LOS ANGELES CA 90035 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 FRITZ X HAEMMERLE Phone 208-578-0520
Mailing Address 400 S MAIN ST STE 102
PO BOX 1800, HAILEY ID 83333 Email fshhaem@an.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.

Signature of Applicant or Authorized Representative

MARK A CAPLOW, MANAGER
Print Name and Title if applicable

4/20/17
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	37-21811	Yes	No	Yes	No	No	No
	37-21813	Yes	No	Yes	No	No	No
	37-21815	Yes	No	Yes	No	No	No
	37-21817	Yes	No	Yes	No	No	No

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DEPT OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

N/A

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

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

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-23038	0.010 cfs	N/A	N/A	13	37-21811	0.250 cfs	N/A	N/A	29.0
37-23039	0.010 cfs	N/A	N/A	13	37-21813	0.250 cfs	N/A	N/A	29.0
37-23040	0.020 cfs	N/A	N/A	13	37-21815	0.490 cfs	N/A	N/A	29.0
37-23041	0.010 cfs	N/A	N/A	13	37-21817	0.310 cfs	N/A	N/A	29.0

**COMBINED
TOTALS**

0.050 cfs	N/A	N/A	13	N/A	N/A	N/A	N/A
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2. Total amount of water proposed to be transferred or changed 0.05 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

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

4. Place of Use:

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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART I Unchanged Portion After Requested Changes**

Original Water Right No. 37-21811

Current Water Right Owner

WEST OF FIRST LLC
9533 W PICO BLVD 2ND
FLOOR
LOS ANGELES, CA 90035

Priority Date: 5/1/1888

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.250 CFS	
Total Diversion			0.250 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E 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	
02N	18E	4					2.1			4.9	20.5			1.5					29.0
							1.3												

POU Total Acres: 29.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes

Proposed Water Right No. 37-23038

(Original Water Right No. 37-21811)

Current Water Right Owner

WEST OF FIRST LLC
 9533 W PICO BLVD 2ND
 FLOOR
 LOS ANGELES, CA 90035

Priority Date: 5/1/1888

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.010 CFS	
Total Diversion			0.010 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E 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	
03N	18E	33												1.3					1.3

POU Total Acres: 1.3

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes

Original Water Right No. 37-21813

Current Water Right Owner WEST OF FIRST LLC
 9533 W PICO BLVD 2ND
 FLOOR
 LOS ANGELES, CA 90035

Priority Date: 9/18/1885

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.250 CFS	
Total Diversion			0.250 CFS	

Source and Point(s) of Diversion:
 BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E 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	
02N	18E	4					2.1			4.9	20.5			1.5					29.0
							1.3												

POU Total Acres: 29.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes

Proposed Water Right No. 37-23039

(Original Water Right No. 37-21813)

Current Water Right Owner

WEST OF FIRST LLC
 9533 W PICO BLVD 2ND
 FLOOR
 LOS ANGELES, CA 90035

Priority Date: 9/18/1885

Origin: Water Right

Basis: Decreed

Status Active

Source: BIG WOOD RIVER Tributary: MALAD RIVER

Beneficial Use

IRRIGATION

From

04/15

To

10/31

Diversion Rate

0.010 CFS

Subuse Code

Total Diversion

0.010 CFS

Source and Point(s) of Diversion:

BIG WOOD RIVER

SWNW

Sec. 20 Twp 03N Rge 18E 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	
03N	18E	33												13					13

POU Total Acres:

1.3

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes

Original Water Right No. 37-21815

Current Water Right Owner

WEST OF FIRST LLC
 9533 W PICO BLVD 2ND
 FLOOR
 LOS ANGELES, CA 90035

Priority Date: 6/30/1884

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.490 CFS	
Total Diversion			0.490 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E 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	
02N	18E	4					2.1			4.9	20.5			1.5					29.0
							L 3												

POU Total Acres: 29.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes

Proposed Water Right No. 37-23040

(Original Water Right No. 37-21815)

Current Water Right Owner

WEST OF FIRST LLC
 9533 W PICO BLVD 2ND
 FLOOR
 LOS ANGELES, CA 90035

Priority Date: 6/30/1884

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.020 CFS	
Total Diversion			0.020 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E 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	
03N	18E	33												1.3					1.3

POU Total Acres: 1.3

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes

Original Water Right No. 37-21817

Current Water Right Owner
 WEST OF FIRST LLC
 9533 W PICO BLVD 2ND
 FLOOR
 LOS ANGELES, CA 90035

Priority Date: 3/24/1883

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.310 CFS	
Total Diversion			0.310 CFS	

Source and Point(s) of Diversion:
 BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E 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	
02N	18E	4					2.1			4.9	20.5			1.5					29.0
							1.3												

POU Total Acres: 29.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes

Proposed Water Right No. 37-23041

(Original Water Right No. 37-21817)

Current Water Right Owner

WEST OF FIRST LLC
9533 W PICO BLVD 2ND
FLOOR
LOS ANGELES, CA 90035

Priority Date: 3/24/1883

Origin: Water Right

Basis: Decreed

Status Active

Source: BIG WOOD RIVER Tributary: MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.010 CFS	
Total Diversion			0.010 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E 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	
03N	18E	33												1.3					1.3

POU Total Acres: 1.3

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

MAY 22 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

See Exhibit A

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

See Exhibit A

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

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

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

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

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

See Exhibit A

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

See Exhibit A

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

Yes ☐
☒
☐
☐

No

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

If yes, describe:

West of Fish, LLC, Applied for water transfer /GASOL
reflecting the water being transferred.

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

Current Water Right No. 37-21811

Current Water Right Owner

WEST OF FIRST LLC
 9533 W PICO BLVD 2ND
 FLOOR
 LOS ANGELES, CA 90035

Priority Date: 5/1/1888

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER Tributary: MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.260 CFS	
Total Diversion			0.260 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E 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	
02N	18E	4					3.4			4.9	20.5			1.5					30.3
							1.3												

POU Total Acres: 30.3

Conditions/Remarks:

1. 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.
2. Right Nos. 37-21811, 37-21813, 37-21815 and 37-21817 are limited to the irrigation of a combined total of 30.3 acres in a single irrigation season.
3. Water diverted from Headgate #22 delivered through Hiawatha Canal.
4. The rights listed below, shall provide nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used. Combined Right Nos. 37-21811, 37-21813, 37-21815, 37-21817, 37-22890, 37-22891, 37-22892, 37-22893, 37-22894, 37-22895, 37-22896, 37-22897, 37-22910, 37-22911, 37-22912, 37-22913, 37-22970, 37-2971, 37-22972 and 37-22973

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

Current Water Right No. 37-21813

Current Water Right Owner

WEST OF FIRST LLC
9533 W PICO BLVD 2ND
FLOOR
LOS ANGELES, CA 90035

Priority Date: 9/18/1885

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.260 CFS	
Total Diversion			0.260 CFS	

Source and Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E 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	
02N	18E	4					3.4			4.9	20.5			1.5					30.3
							1.3												

POU Total Acres: 30.3

Conditions/Remarks:

1. 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.
2. Right Nos. 37-21811, 37-21813, 37-21815 and 37-21817 are limited to the irrigation of a combined total of 30.3 acres in a single irrigation season.
3. Water diverted from Headgate #22 delivered through Hiawatha Canal.
4. The rights listed below, shall provide nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used. Combined Right Nos. 37-21811, 37-21813, 37-21815, 37-21817, 37-22890, 37-22891, 37-22892, 37-22893, 37-22894, 37-22895, 37-22896, 37-22897, 37-22910, 37-22911, 37-22912, 37-22913, 37-22970, 37-2971, 37-22972 and 37-22973.

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

Current Water Right No. 37-21815

Current Water Right Owner WEST OF FIRST LLC
 9533 W PICO BLVD 2ND
 FLOOR
 LOS ANGELES, CA 90035

Priority Date: 6/30/1884

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.510 CFS	
Total Diversion			0.510 CFS	

Source and Point(s) of Diversion:
 BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E 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	
02N	18E	4					3.4			4.9	20.5			1.5					30.3
							1.3												

POU Total Acres: 30.3

Conditions/Remarks:

1. 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.
2. Right Nos. 37-21811, 37-21813, 37-21815 and 37-21817 are limited to the irrigation of a combined total of 30.3 acres in a single irrigation season.
3. Water diverted from Headgate #22 delivered through Hiawatha Canal.
4. The rights listed below, shall provide nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used. Combined Right Nos. 37-21811, 37-21813, 37-21815, 37-21817, 37-22890, 37-22891, 37-22892, 37-22893, 37-22894, 37-22895, 37-22896, 37-22897, 37-22910, 37-22911, 37-22912, 37-22913, 37-22970, 37-2971, 37-22972 and 37-22973

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

Current Water Right No. 37-21817

Current Water Right Owner
 WEST OF FIRST LLC
 9533 W PICO BLVD 2ND
 FLOOR
 LOS ANGELES, CA 90035

Priority Date: 3/24/1883

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	0.320 CFS	
Total Diversion			0.320 CFS	

Source and Point(s) of Diversion:
 BIG WOOD RIVER SWNW Sec. 20 Twp 03N Rge 18E 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	
02N	18E	4					3.4			4.9	20.5			1.5					30.3
							1.3												

POU Total Acres: 30.3

Conditions/Remarks:

1. 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.
2. Right Nos. 37-21811, 37-21813, 37-21815 and 37-21817 are limited to the irrigation of a combined total of 30.3 acres in a single irrigation season.
3. Water diverted from Headgate #22 delivered through Hiawatha Canal.
4. The rights listed below, shall provide nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used. Combined Right Nos. 37-21811, 37-21813, 37-21815, 37-21817, 37-22890, 37-22891, 37-22892, 37-22893, 37-22894, 37-22895, 37-22896, 37-22897, 37-22910, 37-22911, 37-22912, 37-22913, 37-22970, 37-2971, 37-22972 and 37-22973

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

Right Number: 37-21811

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acra irrigated per 1/4 1/4 tract.)

[illegible]

Total Acres (for irrigation use) 1.3

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MAY 22 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

EXHIBIT A

5.a. There will be a pump, or other measuring device, out of the Hiawatha Canal. Said device will be meet the standards of IDWR and/or of the Hiawatha Canal. It is also possible that the new owners might apply to transfer the right to a groundwater right out of the canal.

5.b. The property is owned by the Michael D. Parmelee Revocable Trust of 2007, Michael D. Parmelee, Trustee.

5.d. The land from which the right is being transferred is along the Blaine County Bike Path. For many years during the Adjudication, the land has not been irrigated. Removing the irrigated water from the current location will have no effect on the land.

5.e. Other than the right owned by West of First, LLC, there are no known water rights on the land from which the water is being transferred. As to the land to which the water is being transferred, the land was irrigated, unbeknownst to the proposed owners, without a water right. The purpose of this transfer is to cure that problem. The land does have a domestic well, which accounts for the irrigation of 0.5 acres of the land. The remaining part of the land will be irrigated with the new water right.

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APR 25 2017
DEPT OF WATER RESOURCES
SOUTHERN REGION

**AGREEMENT FOR PURCHASE AND SALE
OF WATER RIGHT**

THIS AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT is made and entered into this 30th day of December, 2016 by and between West of First, LLC, or other related legal entities, (hereinafter referred to as "Seller"), and Michael and Beverly Parmelee (hereinafter referred to as "Buyer").

RECITALS:

WHEREAS, the Seller owns various water rights ("water right"), originally decreed in the Snake River Basin Water Adjudication as water rights 37-21811, 37-21813, 37-21815 and 37-21817, and as split to other legal entities of which Seller is a principal, partner or member, including West of First, LLC, Hailey II, LLC, and Emosa Hailey, LP, which is appurtenant to some of Seller's real property located in County of Blaine, State of Idaho;

WHEREAS, the Buyers desire to purchase a portion of the water rights owned by Seller, to-wit: 1.25 acres, in accordance with the terms herein below set forth; and

NOW THEREFORE, in consideration of the mutual covenants, promises and conditions set forth herein, it is agreed as follows:

ARTICLE I.

Sale of Water Right.

1.1. The Seller agrees to sell and convey, and the Buyer agrees to buy sufficient water to irrigate 1.25 acres of property. Seller is free to identify which water right(s) is for sale, along with identifying the appropriate legal entity, which currently owns said water right.

ARTICLE II.

Purchase Price/Closing Date/Contingency.

2.1. The purchase price shall be
. If IDWR requires any amount of conveyance loss to be left in the original conveyance system for the water right, the purchase price shall include the amount of conveyance loss.

2.2 Payment shall be contingent upon approval by the Idaho Department of Water Resources (IDWR) of a transfer of the water right to a property of the Buyers'

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - I

TRANSFER 81579

choosing. Buyers shall have thirty (30) days to make payments after written and final approval of the transfer by IDWR.

2.3 Other than approval of the transfer by IDWR, there are not contingencies for the sale.

2.4 Seller herein acknowledges that the sale and transfer described by this Agreement shall include the primary water right along with any and all staked water right(s) associated with the primary water right. "Stacked water rights" are defined as any water rights that are used in combination with the primary water right. If there are stacked water right(s), the purchase price shall include the value of the primary water right(s), and associated stacked water right(s).

ARTICLE III.

Warranties and Disclaimer.

3.1. The Buyers acknowledge and agree that they have been informed and understand that the Sellers makes no warranties, express or implied.

ARTICLE IV.

Deed.

4.1. Title shall be conveyed by a Quitclaim Deed once a transfer is approved by the IDWR, and such Deed shall convey to the Buyers the fee simple of the water right free from all encumbrances.

ARTICLE V.

Water Right Transfer

5.1. The Buyers shall be responsible to file and pay for all fees and costs of the transfer, whether or not the transfer is approved by IDWR. As the current owner of the water right, Seller agrees to cooperate in the transfer by signing any and all necessary documents to facilitate the transfer, and Seller agrees to support the transfer before IDWR or any other applicable governmental entity or political subdivision. Any costs advanced by Buyer for the transfer shall be non-refundable.

ARTICLE VI.

Miscellaneous Provisions.

6.1. Survival of All Representations and Warranties. The representations, warranties, covenants and agreements of the Sellers and the Buyers contained in this Agreement shall survive the closing hereunder.

6.2. Applicable Law. This Agreement is being executed and delivered within the State of Idaho and shall be construed and enforced in all respects in accordance with the laws of the State of Idaho.

6.3. Number and Gender of Persons. The terms "Buyers" and "Seller" are used herein without regard to the number or gender of the persons constituting such parties. If the Seller and/or the Buyers consist of two or more persons, including but not limited to individuals, partnerships, associations or other entities, such persons shall be jointly and severally liable hereunder. Whenever any other neuter or singular term is used herein, such term shall be construed to include the masculine or feminine gender or plural, and shall include any party whether male, female or partnership or other entity as may be appropriate.

6.4. Captions. The captions of this Agreement are inserted only for the purpose of convenient reference and in no way define, limit or prescribe the scope or intent of this Agreement or any part hereof.

6.5. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the heirs, personal representatives, administrators, successors and assigns of the parties hereto.

6.6. Attorney's Fees. In the event that either party hereto retains an attorney to enforce any right or duty arising out of this Agreement, the prevailing party in such dispute shall be entitled to be paid reasonable attorney's fees by the non-prevailing party, whether or not litigation is actually instituted.

6.7. Entire Agreement. The Seller and Buyers acknowledge that the terms of this Agreement may vary from the terms contained in any other preliminary agreements, written or oral, made prior to the execution of this Agreement and may vary from any negotiations between the parties prior to the execution of this Agreement. The Seller and Buyers agree that the terms, covenants and conditions of this Agreement shall supercede all such prior negotiations and agreements, and that there are no other agreements not contained in this Agreement, and that this Agreement shall be and is the final expression of the agreement of

the parties and shall control. No modification of this Agreement shall be valid unless in writing and executed by the parties to the Agreement.

6.8. Severance and Validity. In the event any provision of this Agreement or any part thereof shall be determined by any Court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions hereunder, or parts thereof, shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated thereby, it being agreed that such remaining provisions shall be construed in a manner most closely approximating the intention of the parties with respect to the invalid, void or unenforceable provision or part thereof.

6.9 Attorney Representations. Buyers acknowledge that Fritz X. Haemmerle of Haemmerle Law, PLLC, represents the Seller. Buyers are free, and encouraged to, seek their own representation.

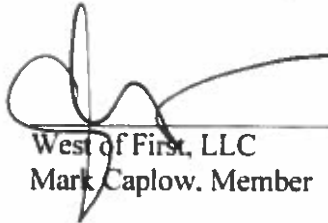
6.10 Expiration of Agreement. This Agreement expires as of May 1, 2018, if IDWR has not filed a written approval of the transfer.

IN WITNESS WHEREOF, the parties have executed this Agreement to Purchase Real Property the day and year first above written.

(End of terms, signature lines to follow)

Dated:

12/30/16


West of First, LLC
Mark Caplow, Member

STATE OF IDAHO,)

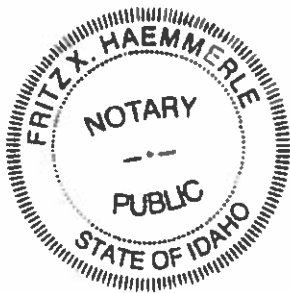
)

: ss.

County of Blaine)

On this 30th day of December, 2016, before me, a Notary Public in and for said State, personally appeared Mark Caplow, Member of West of First, LLC, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same on behalf of West of First, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




NOTARY PUBLIC in and for
the State of Idaho
residing at H. Q. Rd.
Commission expires 8/18/21

Dated: 12-30-16

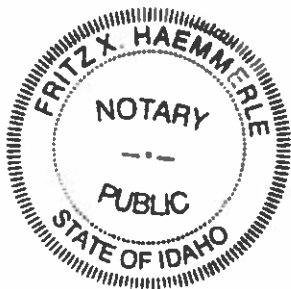
Michael Parmelee
Michael Parmelee

Beverly Parmelee
Beverly Parmelee

STATE OF IDAHO.)
) : ss.
County of Blaine)

On this 30th day of December, 2016, before me, a Notary Public in and for said State, personally appeared, Michael and Beverly Parmelee, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Fritz X. Haemmerle
NOTARY PUBLIC in and for
the State of Idaho
residing at Hailey, ID
Commission expires 3/18/21

RECORDING REQUESTED BY AND AFTER RECORDING RETURN TO:

Luboviski, Wygle & Fallowfield, P.A.
P.O. Box 1172
Ketchum, ID 83340-1172

Instrument # 550676
HAILEY, BLAINE, IDAHO
2007-08-17 02:22:00 No. of Pages: 3
Recorded for : LUBOVISKI, WYGLE & FALLOWFIELD
JOLYNN DRAGE Fee: 9.00
Ex-Officio Recorder Deputy
Index to: GRANT DEED

DKS

GRANT DEED

FOR VALUE RECEIVED, Michael D. Parmelee, a married man, as his sole and separate property, does hereby GRANT, BARGAIN, SELL and CONVEY unto MICHAEL D.

PARMELEE, Trustee of the Michael D. Parmelee Revocable Trust of 2007, Grantee, whose mailing address is 24135 West Graystone, Woodway, WA 98020, the following described real property situated in the County of Blaine, State of Idaho, to-wit:

Lot 3, Block 1, Buckhorn Subdivision, First Addition, Blaine County,
Idaho.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any government unit.

TO HAVE AND TO HOLD said premises, with their appurtenances, unto the said Grantee and to the Grantee's heirs and assigns forever.

DATED this 14th day of ^{Aug}~~July~~, 2007.

Michael D. Parmelee
Michael D. Parmelee

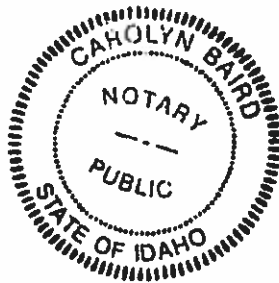
GRANT DEED/1

Page 1 of 3
04/24/2017 10:44 AM

STATE OF IDAHO)
) ss.
County of Blaine)

On this 14th day of August, 2007, before me, a Notary public in and for said State, personally appeared Michael D. Parmelee, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Carolyn Baird
Notary Public for Idaho
Residing at: Harley
My commission expires: 1/23/2009

GRANT DEED/2

SCHEDULE A

to

The Michael D. Parmelee Revocable Trust of 2007

1. Real Property described as follows:

Lot 3, Block 1, Buckhorn Subdivision, First Addition, Blaine County, Idaho.

More commonly known as:

109 N. Hiawatha Drive, Hailey, Idaho

Blaine County Parcel No. RP 000710010030A.

BUCKHORN SUB. 1st ADDITION
 7/1/87 3

Copy

PLAT SHOWING **BUCKHORN SUBDIVISION FIRST ADDITION**

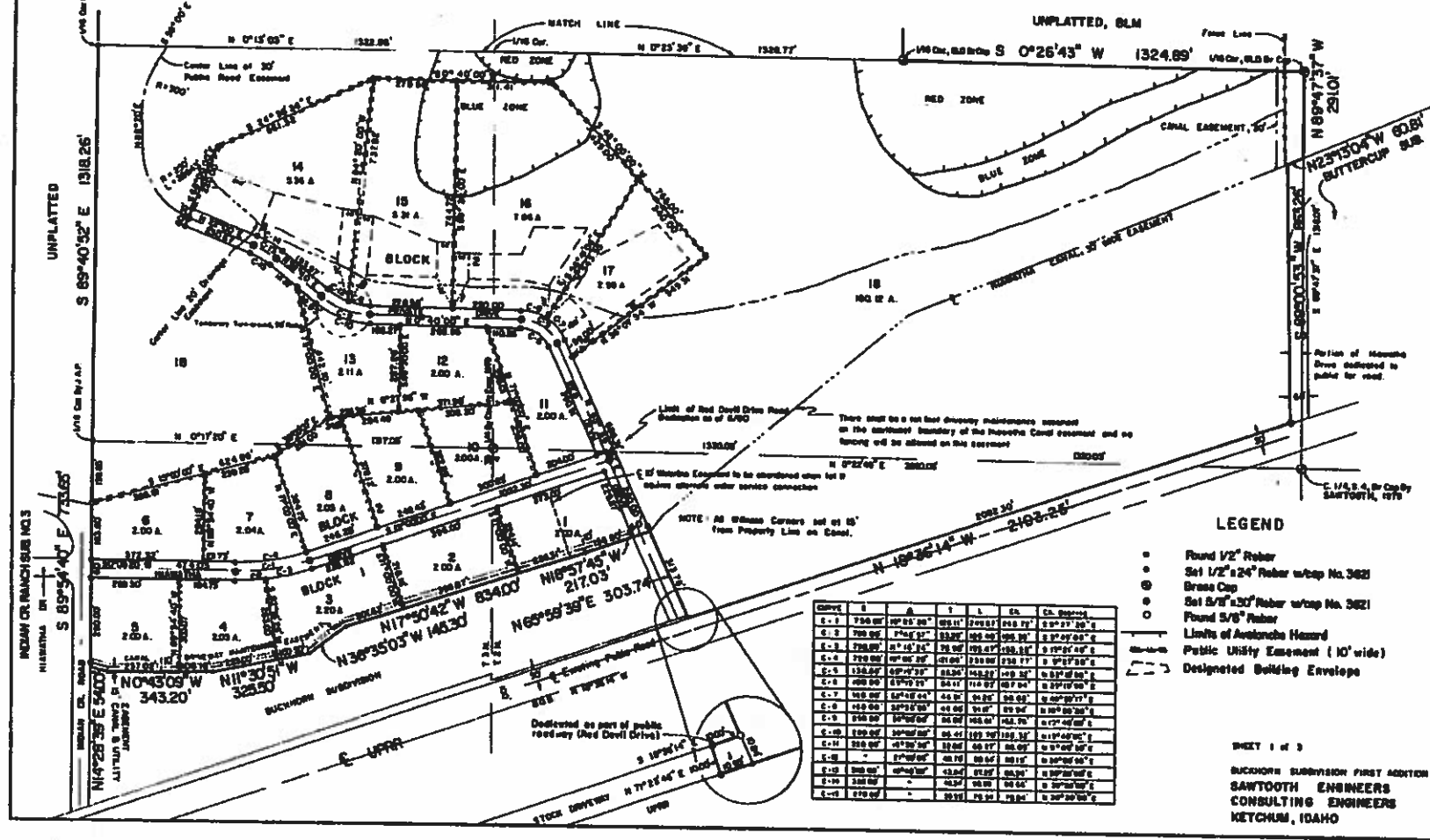
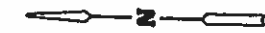
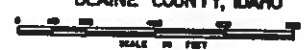
LOCATED WITHIN S. 4, T.2N., R.18E., & S. 33, T.3N., R.18E., B.M.

BLAINE COUNTY, IDAHO

JUNE, 1980

NOTES:

1. No building within 10' radius of 1/4 corner of Lot 10.
2. That part of Red Devil Drive East of the Red-Devil-Hewatha Intersection shall be a private roadway, but the public may utilize Red Devil Drive for access to public lands east of the subdivision.



LEGEND

- Found 1/2" Rebar
- Set 1/2"x24" Rebar w/cap No. 3621
- Brass Cap
- Set 5/8"x30" Rebar w/cap No. 3621
- Found 5/8" Rebar
- Limits of Avalanche Hazard
- Public Utility Easement (10' wide)
- - - Designated Building Envelope

CURVE	S	A	C	L	CL	CH	CH
C-1	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-2	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-3	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-4	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-5	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-6	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-7	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-8	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-9	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-10	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-11	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-12	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-13	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-14	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-15	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-16	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-17	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-18	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-19	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11
C-20	750.00	10°15'00"	105.11	200.00	105.11	105.11	105.11

SHEET 1 of 3

BUCKHORN SUBDIVISION FIRST ADDITION
 SAWTOOTH ENGINEERS
 CONSULTING ENGINEERS
 KETCHUM, IDAHO

TRANSFER 81579

PLAT SHOWING
BUCKHORN SUBDIVISION FIRST ADDITION

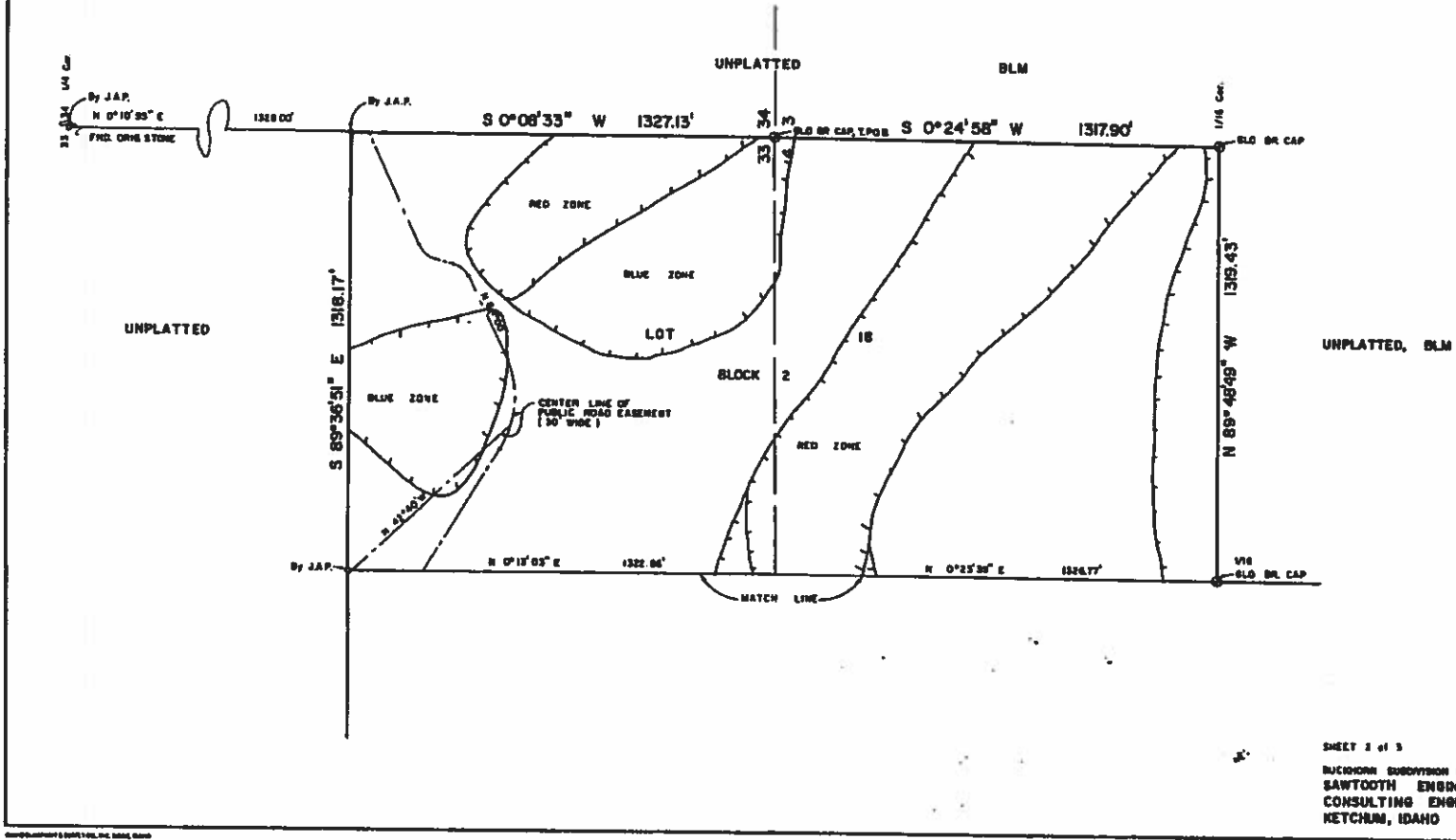
LOCATED WITHIN S. 4, T.2N., R.18E., & S. 33, T.3N., R.18E., & M.

BLAINE COUNTY, IDAHO

1980

LEGEND

- Found 1/2" Rebar
 - Set 1/2" x 24" Rebar w/top No. 3621
 - ⊗ Stress Cap
 - Set 5/8" x 30" Rebar w/top No. 3621
 - Found 5/8" Rebar
- Limits of Averages Heard



TRANSFER 81579

CERTIFICATE OF OWNERSHIP

This is to certify that I, Kenneth Bulltram, am the owner in fee simple of a parcel of land located within Section 4, T. 2 N., R. 18 E., and Section 33, T. 3 N., R. 18 E., S. 34 E., Blaine Co., Idaho, more particularly described as follows: commencing at a brass cap marking the Southeast corner of said Section 33, which point is the real point of beginning, thence S 0°24'58"W 1317.90' along the Easterly boundary of said Section 4 to a brass cap marking the Southeast corner of the NE 1/4, said Section 4, thence N 89°46'49"W 1318.43' along the South boundary of said NE 1/4, said Section 4 to a brass cap marking the Southwest corner of said NE 1/4, said Section 4, thence S 0°25'43"W 1324.89' along the Easterly boundary of the SW 1/4, said Section 4 to a brass cap marking the Southeast corner of said SW 1/4, said Section 4, thence N 89°47'37"W 291.01' along the south boundary of said SW 1/4, said Section 4 to the centerline of the Hiewatha canal; thence N 23°13'04"W 80.81' along the centerline of said canal; thence S 89°00'53"W 843.26' to an iron pin on the Easterly Right Of Way of the Union Pacific Railroad; thence N 18°36'14"W 2103.25' along said Easterly Right Of Way to an iron pin; thence N 72°23'46"E 10.00' to an iron pin; thence S 18°36'14"E 10.00' to an iron pin; thence N 65°59'39"E 303.74' to the Hiewatha canal; thence along the following 6 courses, thence N 18°57'45"W 217.03'; thence N 17°50'42"W 834.00'; thence N 36°35'03"W 149.30'; thence N 11°50'51"W 329.90'; thence N 0°43'09"E 343.20'; thence N 14°28'39"E 54.00'; thence S 89°54'40"E 733.60' to the SE 1/4 corner Section 33; thence S 89°40'52"E 1318.26' to the SE 1/4 corner Section 33; thence S 89°36'49"E 1318.17' to the S. 1/4 corner Sections 33 & 34, thence S 0°06'33"W 1327.13' to the True Point of Beginning, consisting of 233.14 acres, more or less.

The owners of lots 11-17 understand and agree that private road construction, maintenance, and snow removal shall be the obligation of the owner, his successors in interest, or homeowners' association, and that Blaine County is in no way obligated to accept, maintain or improve these roads until the roads are brought up to county standards, dedicated, and accepted by the county, and that each owner shall notify in writing any successor in interest of these facts.

Hiewatha Drive and a portion of Red Devil Drive as shown on this plat are dedicated to the public forever.

The easements as shown on this plat are not dedicated to the public but the right to use said easement for public utilities and other uses as shown is hereby reserved.

Kenneth A. Bulltram
Kenneth A. Bulltram

Building and Occupancy Restrictions: See Book _____ of Miscellaneous Records at page _____, Blaine County, Idaho, for Building and Occupancy Restrictions filed on the _____ day of _____ at _____ o'clock _____ M., 1980 in the office of the Blaine County Recorder, Holey.

COUNTY TREASURER'S APPROVAL

The taxes on the foregoing parcel of land have been paid to this date and this plat of Buckhorn Subdivision First Addition is hereby approved this 15 day of July, 1980

Maury D. Shurt
Blaine County Treasurer

ACKNOWLEDGEMENT

STATE OF Idaho }
COUNTY OF Blaine }

On this 15 day of July, 1980, before me, a Notary Public in and for said state personally appeared the person whose name is subscribed to the Owner's Certificate and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

Maury D. Shurt
Notary Public

SURVEYOR'S CERTIFICATE

I, Richard D. Fookbury, a duly licensed land surveyor in the State of Idaho, do hereby certify that this plat of Buckhorn Subdivision First Addition is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to plats and surveys.



SANITARY RESTRICTIONS

COUNTY ENGINEER'S APPROVAL

I, Jim W. Keene, County Engineer for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.



APPROVAL OF CITY ZONING COMMISSION

The foregoing plat was approved by the Holey City Zoning Commission on this 15 day of July, 1980.

Richard D. Fookbury
Chairman

APPROVAL OF CITY COUNCIL

The foregoing plat was approved by the City Council of Holey, Idaho on this 15 day of July, 1980.

Maury D. Shurt
City Clerk

CITY ENGINEER'S APPROVAL

The foregoing plat was approved by Harold J. Cox, City Engineer of Holey, Idaho on this 15 day of July, 1980.

Harold J. Cox
City Engineer

APPROVAL OF BLAINE COUNTY PLANNING AND ZONING

The foregoing plat was approved by the Blaine County Planning and Zoning Commission on this 15 day of July, 1980.

Maury D. Shurt
Administrator

APPROVAL OF BLAINE COUNTY COMMISSIONERS

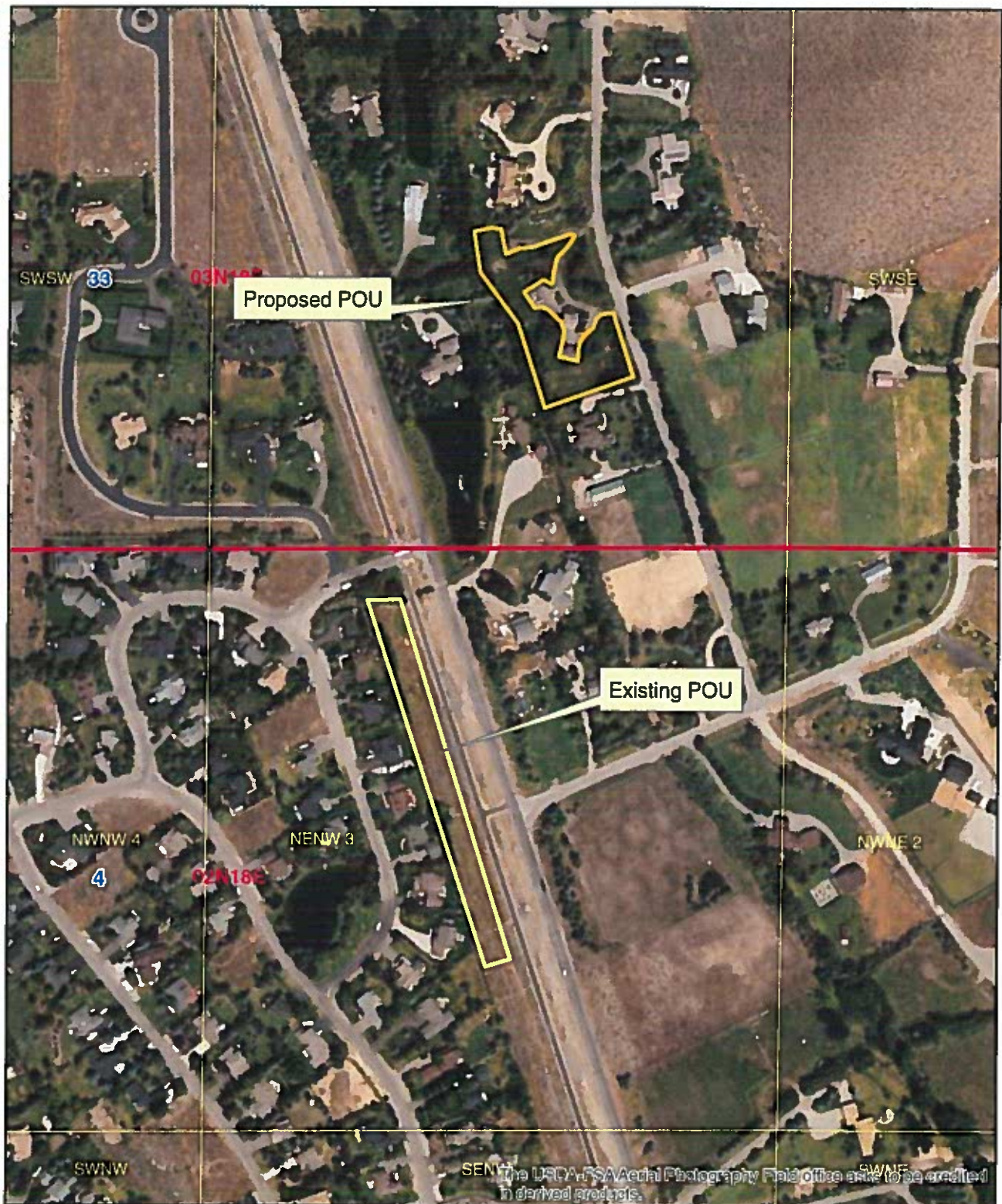
The foregoing plat was approved by the Blaine County Board of Commissioners on this 15 day of July, 1980.

Maury D. Shurt
Chairman

COUNTY RECORDERS CERTIFICATE

STATE OF IDAHO }
COUNTY OF BLAINE }

This is to certify that the foregoing plat was filed in the office of the Recorder of Blaine County, Idaho on this 15 day of July, 1980, at 1:30 P.M., and duly recorded in Plat Book _____ at page 207019 *Maury D. Shurt*
Es- office Recorder



TRANSFER 81579

TRANSFER 81579



No. W 30322		Due no later than May 31, 2016		Annual Report Form			2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. WEST OF FIRST, LLC MARK CAPLOW 9533 PICO BLVD LOS ANGELES CA 90035		CAPITOL CORPORATE SERVICES INC 921 S ORCHARD ST STE G BOISE ID 83705				
				3. <u>New</u> Registered Agent Signature:*				
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.								
Office Held	Name	Street or PO Address	City	State	Country	Postal Code		
MANAGER	MARK A CAPLOW	9533 W PICO BLVD 2ND FLOOR	LOS ANGELES	CA		90035		
MANAGER	E&E CAPLOW LIVING TRUST, DATED 4/22/1991	9533 W PICO BLVD 2ND FLOOR	LOS ANGELES	CA	USA	90035		
5. Organized Under the Laws of: ID W 30322		6. Annual Report must be signed.* Signature: L Jolon Name (type or print): L Jolon Date: 04/11/2016 Title: Controller						
Processed 04/11/2016		* Electronically provided signatures are accepted as original signatures.						

TRANSFER 81579

HIAWATHA CANAL

P.O. Box 1604 • Hailey, ID 83333

April 21, 2017

RECEIVED

APR 25 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Idaho Department of Water Resources
Attn: Jim Bitzenburg
650 Addison Ave. West, Suite 500
Twin Falls, Idaho 83301-5858

Re: *West of First, LLC Water Transfer*

Dear Jim:

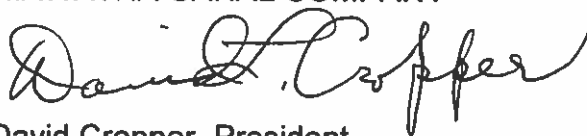
The purpose of this letter is to advise the Department that Hiawatha Canal ("Canal") by the Hiawatha Canal Company, a.k.a. The Hiawatha Canal Water Users Association of Lateral or Laterals ("Canal Company"), has no objection to the transfer of water from West of First, LLLC, to Mike and Beverly Parmelee.

I understand that the transfer is all within the Hiawatha Canal and that no water is being proposed for transfer outside of the Canal's operational area. By this letter, we remind the parties that there is a twenty-percent (20%) conveyance loss for all rights transferred or leased outside of the Canal's canal system.

If you have any other questions, please advise. Thank you.

Sincerely,

HIAWATHA CANAL COMPANY



David Cropper, President

FXH: fxh
cc: client

TRANSFER 81579



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 1, 2017

WEST OF FIRST LLC
9533 W PICO BLVD 2ND FLOOR
LOS ANGELES, CA 90035

RE: Transfer No. 81579
Water Right No(s). 37-21811, 37-21813, 37-21815, 37-21817

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS** on **6/7/2017 and 6/14/2017**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **June 26, 2017**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,


Denise Maline
Administrative Assistant

cc: FRITZ X HAEMMERLE, ATTORNEY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 1, 2017

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

via e-mail

RE: Transfer No. 81579
Water Right No(s). 37-21811, 37-21813, 37-21815, 37-21817

Dear Kevin:

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

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

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

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GARY SPACKMAN
Director

June 1, 2017

IDAHO DEPT OF FISH & GAME
324 S 417 E, STE 1
JEROME, ID 83338

RE: Transfer No. 81579
Water Right No(s). 37-21811, 37-21813, 37-21815, 37-21817

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days. In addition, detailed information regarding this application(s) can be found on our website at www.idwr.idaho.gov.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

Sincerely,


Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 01, 2017 2:32 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express cover letter.docx; Idaho Mtn Express Ad.doc

Attached please find (1) legal notice being submitted for publication on June 7th & 14th, 2017. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 1, 2017

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Transfer No. 81579
Water Right No(s): 37-21811, 37-21813, 37-21815, 37-21817

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 26, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81579**

WEST OF FIRST LLC, 9533 W PICO BLVD 2ND FLOOR, LOS ANGELES, CA 90035; has filed Application No. 81579 for changes to the following water rights within BLAINE County(s): Right No(s). 37-21811, 37-21813, 37-21815, 37-21817; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to split off a 1.3 acre portion (0.05 cfs) of four Big Wood River irrigation water rights (30.3 acres), which are delivered through the Hiawatha Canal, and move it to a nearby property. The current place of use is located approximately 1.5 miles north and 0.2 mile west of the intersection of Main and Bullion Streets in Hailey. The proposed place of use is located approximately 1.7 miles north and 0.1 mile west of Hailey. There will be no change to the point of diversion.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before June 26, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on June 7th & 14th, 2017

TRANSFER SYNOPSIS

Date: May 24, 2017
To: Transfer 81579, West of First, LLC file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to split off a 1.3 acre portion (0.05 cfs) of four Big Wood River irrigation water rights (30.3 acres), which are delivered through the Hiawatha Canal, and move it to a nearby property. The current place of use is located approximately 1.5 miles north and 0.2 mile west of the intersection of Main and Bullion Streets in Hailey. The proposed place of use is located approximately 1.7 miles north and 0.1 mile west of Hailey. There will be no change to the point of diversion.

This transfer will be advertised and comments will be sought from the Watermaster of Water District 37. A change of ownership will occur after the transfer is approved.

The water rights involved in the transfer are all Big Wood River rights and are as follows: 37-21811 (0.26 cfs), 37-21813 (0.26 cfs), 37-21815 (0.51 cfs), and 37-21817 (0.32 cfs). When the transfer was filed, all four rights were leased into the Water Supply Bank, but were not rented out. The applicant's representative then withdrew the rights from the Bank, and made application to lease them back into the bank, less the 1.3 acre portion from each that is the subject of this transfer.

This transfer proposes to move the 1.3 acre portion of the existing rights from the west side of Buttercup Road along the Blaine County Bike Path, to a residential lot approximately 570 feet to the northeast, on the east side of the road, on land owned by the Michael D. Parmelee Revocable Trust of 2007. A change of ownership will be submitted to IDWR after the transfer is approved. A purchase and sales agreement between the two parties was included with the transfer.

A letter from the Hiawatha Canal Company approving of the proposed transfer was also included with the transfer.

Bitzenburg, James

From: Fritz Haemerle <fxh@haemlaw.com>
Sent: Monday, May 22, 2017 10:45 AM
To: Bitzenburg, James
Subject: RE: West of First transfer
Attachments: Parmelee Scans001.pdf

Jim:

See attached. Let me know if I owe you more answers.

Fritz

Fritz X. Haemmerle
HAEMMERLE LAW, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333
Tel: (208) 578-0520
FAX: (208) 578-0564

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From: Bitzenburg, James [mailto:James.Bitzenburg@idwr.idaho.gov]
Sent: Friday, May 19, 2017 3:59 PM
To: Fritz Haemerle
Subject: West of First transfer

Fritz-

Last week I got an email from Remington Buyer, the Water Supply Bank guy, and he said that they were waiting on payment to process the new lease contracts for West of First. I assume by now they have been paid, and possibly the leases have been processed. I'll email him to check. Also, last week I emailed to you a couple of pages from the West of First transfer application that Corey and I forgot to have you fill out (see attached). I need those two pages filled out and sent back to me when you get the chance. Thanks.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

FEE MEMORANDUM

Date: May 10, 2017
To: West of First, LLC transfer #81579 file
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer proposes splitting off a 1.3 acre portion of 4 Big Wood River irrigation water rights with a combined total irrigation of 30.3 acres, and moving it nearby. The total flow rate of the split portion of the 4 rights involved is 0.05 cfs and from the transfer fee schedule, the fee is the minimum fee of \$200.00. This was paid when the application was filed by the representative, Haemmerle Law PLLC, with check #10038, receipt #S036092.

HAEMMERLE LAW, P.L.L.C.

Attorney & Counselor at Law

Fritz X. Haemmerle
fxh@haemlaw.com

P.O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

April 24, 2017

Idaho Department of Water Resources
Attn: Jim Bitzenburg
650 Addison Ave. West, Suite 500
Twin Falls, Idaho 83301-5858

RECEIVED
APR 25 2017
DEPT OF WATER RESOURCES
SOUTHERN REGION

Re: *West of First, LLC Water Transfer*

Dear Jim:

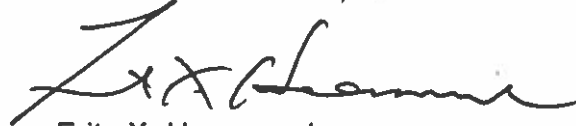
Please find enclosed the transfer documents for the West of First, LLC, water rights. I am also including, among other documents, a filing fee of \$200.00. This transfer involves a Purchase and Sale Agreement (PSA) between the seller, West of First, LLC, and the buyers, Michael and Beverley Parmelee. I have enclosed the PSA for your convenience. The execution of the PSA is contingent on the Department approving the transfer, so no deed is enclosed. A deed will be created once, of if, the Department approves the transfer. Other documents included are: (1) Deed for Parmelee (buyers) property; (2) letter from Hiawatha Canal indicting no objection to the transfer; and (3) 2016 Annual Report for West of First, LLC.

If there is anything more you need to process this transfer application, please advise.

Thank you for your assistance in this matter.

Sincerely,

HAEMMERLE LAW, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
Encl.
cc: client