

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80920

This is to certify that: THOMAS NIEMISTE
PO BOX 3496
HAILEY, ID 83333

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-20565	WR/DECREED	10/30/1974	0.030 cfs	N/A	N/A	2.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

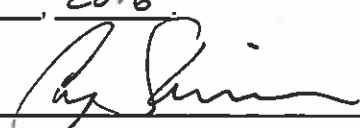
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-20565	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-20565	37-20565	0.030 cfs	7.0 af	N/A	2.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.030 cfs	7.0 af	N/A	2.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of August, 2016


Southern Region Manager

WATER RIGHT NO. 37-20565
As Modified by Transfer No. 80920

In accordance with the approval of Transfer No. 80920, Water Right No. 37-20565 is now described as follows:

Right Holder: THOMAS NIEMISTE
 PO BOX 3496
 HAILEY, ID 83333

Priority Date: 10/30/1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	05/01	to 10/01	0.030 cfs	7.0 af
			0.030 cfs	7.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSWSE Sec 02 Twp 02S Rge 17E CAMAS 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	
02S	17E	2															2.0		2.0

POU Total Acres: 2.0

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
2. 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).
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Point of diversion and place of use are located within Lot 1, Block 1 of Magic Ranch Subdivision No. 2.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Transfer No. 80920

WATER RIGHT NO. 37-20565
As Modified by Transfer No. 80920

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 Transfer # 80920
37-20565

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



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

0 0.035 0.07 0.14 Miles





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

August 30, 2016

THOMAS NIEMISTE
PO BOX 3496
HAILEY ID 83333

Re: Transfer No: 80920
Water Right No(s): 37-20565

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

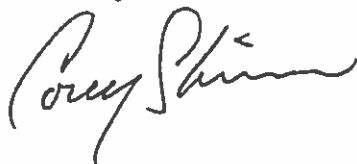
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and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

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

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

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

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

CERTIFICATE OF SERVICE

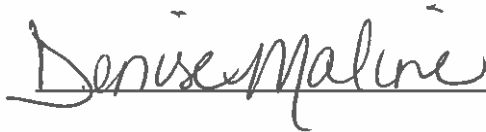
I hereby certify that on August 30, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80920
Water Right No(s): 37-20565

THOMAS NIEMISTE
PO BOX 3496
HAILEY ID 83333

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

via e-mail

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

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

JUN 20 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

AFFIDAVIT OF PUBLICATION

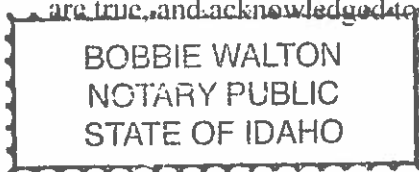
STATE OF IDAHO)
SS.
County of Camas)

Edward Reagan, being first duly sworn, deposes and says that he is the designated agent for the publisher of The Courier NEWS, a newspaper published every week in Fairfield, County of Camas, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145, that the annexed advertisement, identified as 37-23005 / 80920, a copy of which is hereto attached, was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 1st day of June, 2016, and the date of the last publication was on the 8th day of June, 2016.

Edward Reagan

On this 15 day of June, in the year of 2016 before me,
a Notary Public, personally appeared Edward Reagan,
known or identified to me to be the person whose name subscribed to the within
instrument, and being by me first duly sworn, declared that the statements therein
are true, and acknowledged to me that he/she executed the same.

✓ OK DM
6/20/2016



Bobbie Walton

Notary Public for Idaho
Residing in Fairfield

My commission expires: 4-22-17

Cost of Publication

Pica Count 1953
of runs 2

Cost for Advert: First run \$ 156.24
Additional runs \$ 136.71
Total Cost \$ 292.95

Legal ad rates:
1st or single run - \$ 0.08 per pica
Additional runs - \$ 0.07 per pica
Table & Figures - \$ 0.09 per pica

Mail payment to:

THE COURIER NEWS
Post Office Box 339
Fairfield, Idaho 83327

LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-23005

DIAMOND A LIVESTOCK INC

1997 S 1875 E - GOODING, ID 83330

Point of Diversion: SENE S27 T01N R12E CAMAS County

Source: CHIMNEY CREEK Tributary CAMAS CREEK

Use: IRRIGATION FROM STORAGE 04/15 to 10/31 120 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 141 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 141 AF

Total Diversion: 141 AF

Date Filed: 4/28/2016

Place Of Use: IRRIGATION STORAGE, WILDLIFE STORAGE T01N R12E S27 NE (ALL)

Place Of Use: IRRIGATION FROM STORAGE

T01N R12E S26 SWNW NWSW SWSW SESW SWSE

T01N R12E S35 NWNE SWNE NW(ALL) NWSE

Total Acres: 345.4

Application proposes appropriating 141 acre-feet of water from Chimney Creek for irrigation storage and wildlife storage uses associated with a new on-stream dam and reservoir to be constructed. The dam and reservoir are to be located approximately 3.5 miles north and 10.9 miles west of Fairfield. The application also proposes utilizing 120 acre-feet of storage from the reservoir for the irrigation of 179.3 acres within a 345.4 acre permissible place of use on property downstream of the dam and reservoir. The application includes a proposed mitigation plan that is available for review at the IDWR Southern Region Office or the Department's website.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80920

THOMAS NIEMISTE, PO BOX 3496, HAILEY, ID 83333; has filed Application No. 80920 for changes to the following water rights within CAMAS County(s): Right No(s). 37-20565. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes changing the point of diversion of an irrigation ground water right from two existing wells to one new well. The new well will divert up to 0.03 cfs for the irrigation of 2.0 acres for an irrigation system located in the Lot 1, Block 1 of Magic Ranch 2 Subdivision approximately 6.3 mi. south and 3.7 mi. west of the intersection of HWY 20 and HWY 75.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 20, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

published on June 1st & 8th, 2016

Notice of Trustee's Sale Idaho Code 45-1506

Today's date: May 10, 2016 File No.: 7042.12990 Sale date and time (local time): September 8, 2016 at 2:00 PM Sale location: Front Steps of the Camas County Courthouse, 501 Soldier Road, Fairfield, ID 83327 Property address: 315 North 1100 East NKA 116 N Willow Creek Drive Fairfield, ID 83327 Successor Trustee: Northwest Trustee Services, Inc., an Idaho Corporation P.O. Box 997 Bellevue, WA 98009 (425) 586-1900 Deed of Trust information Original grantor: Curt Seaman, and Tamara G. Peck-Seaman, husband and wife and Andy Kloer, an unmarried man Original trustee: Sawtooth Title Company Original beneficiary: The Kennedy Mortgage Group Recording date: 05/02/1997 Recorder's instrument number: 70882 County: Camas Sum owing on the obligation: as of May 10, 2016: \$69,820.16 Because of interest, late charges, and other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you

pay the amount shown above, an adjustment may be necessary after we receive your check. For further information write or call the Successor Trustee at the address or telephone number provided above. Basis of default: failure to make payments when due. Please take notice that the Successor Trustee will sell at public auction to the highest bidder for certified funds or equivalent the property described above. The property address is identified to comply with IC 60-113 but is not warranted to be correct. The property's legal description is: Lot 2 in Block 2 of Princess Mine Ranch Subdivision, Camas County, Idaho, according to the official plat thereof, recorded in the office of the County Recorder of said County. The sale is subject to conditions, rules and procedures as described at the sale and which can be reviewed at www.northwesttrustee.com or USA-Foreclosure.com. The sale is made without representation, warranty or covenant of any kind. Seaman, Curt and Tamara (TS# 7042.12990) 1002.286962-File No.

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State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

Via E-mail
RECEIVED

MAY 31 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 80920

Water Right No(s): 37-20565

Transfer Applicant's Name: THOMAS NIEMISTE
PO BOX 3496
HAILEY, ID 83333

Water master's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 31st day of May, 2016

Water District No. 37

Kevin Lakey

Water master's Signature

Kevin Lakey

Printed Name