

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80802**

This is to certify that: SCI PROPERTIES LLC
C/O FREMONT PROPERTIES INC
DAVID COVIN
199 FREMONT ST STE 2400
SAN FRANCISCO, CA 94105

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-22586	WR/DECREED	3/29/1979	5.600 cfs	1200.0 af	400.0	400.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-22586	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-22586	37-22586	5.600 cfs	1200.0 af	N/A	400.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.600 cfs	1200.0 af	N/A	400.0		N/A	N/A	N/A	N/A

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

Dated this 11th day of August, 2016.


Southern Region Manager

WATER RIGHT NO. 37-22586**As Modified by Transfer No. 80802**

In accordance with the approval of Transfer No. 80802, Water Right No. 37-22586 is now described as follows:

Right Holder: SCI PROPERTIES LLC
C/O FREMONT PROPERTIES INC
DAVID COVIN
199 FREMONT ST STE 2400
SAN FRANCISCO, CA 94105

Priority Date: 3/29/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	5.600 cfs	1200.0 af
			5.600 cfs	1200.0 af

LOCATION OF POINT(S) OF DIVERSION

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

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	26															23.4	11.6	35.0
01S	20E	35	19.1	4.1	36.0	18.9				32.0								2.8	112.9
01S	20E	36	0.3	5.1	35.1	13.5	27.7	29.5	18.7	33.4									163.3
02S	20E	1							15.8										15.8
02S	20E	2	41.0			32.0													73.0
			L 1			L 5													

POU Total Acres: 400.0

CONDITIONS OF APPROVAL

1. Rights 37-22583, 37-22584, 37-22585 and 37-22586 when combined shall not exceed a total diversion volume of 1298 af at the field headgate, and the irrigation of 400 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The portion of Right 37-22586 used for conveyance losses is 0.56 cfs.

Transfer No. 80802

WATER RIGHT NO. 37-22586

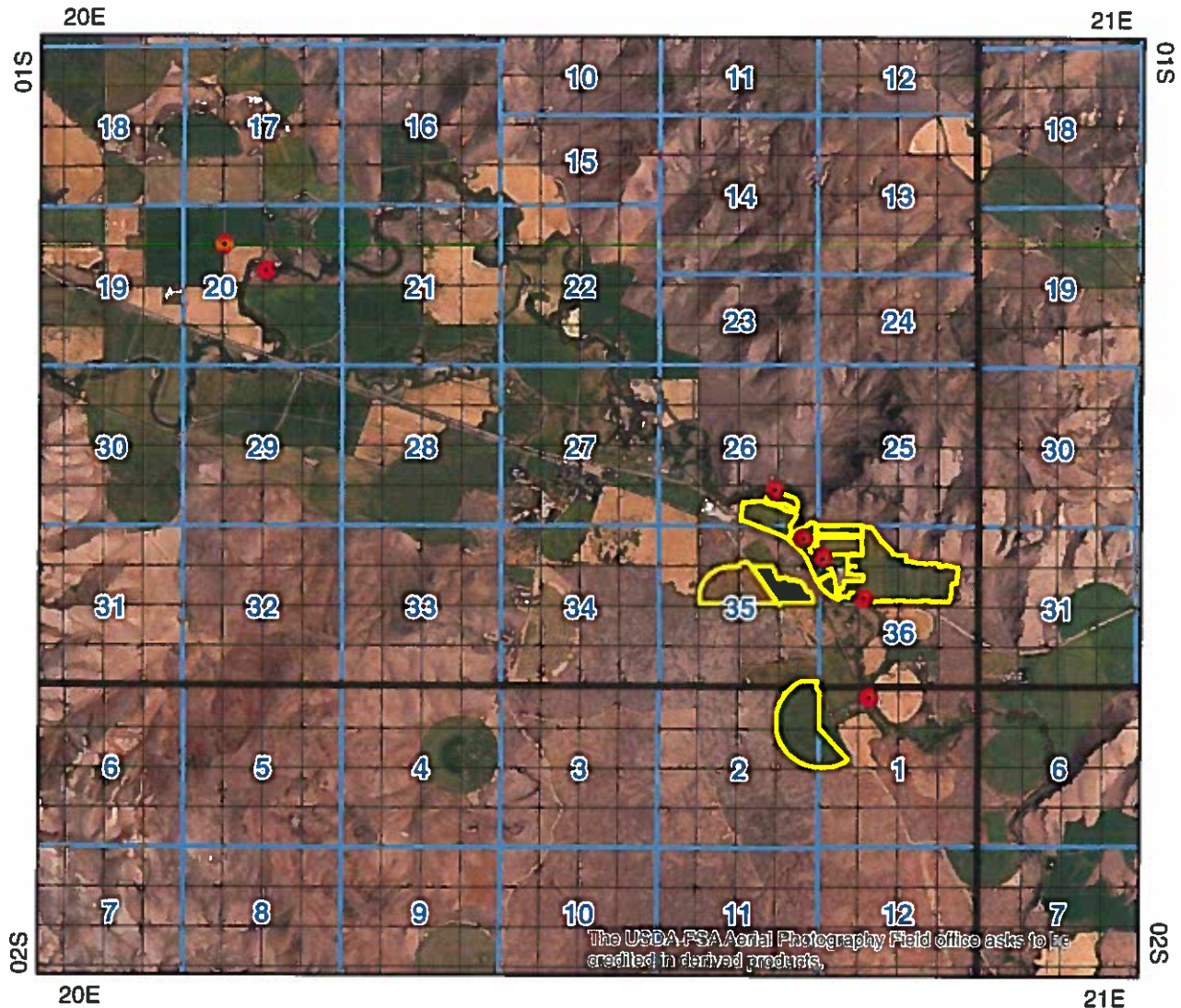
As Modified by Transfer No. 80802

CONDITIONS OF APPROVAL

4. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
5. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. Right No. 37-2739 is also diverted through point of diversion described above.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
9. Place of use does not include federal public lands.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 80802
37-22586

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



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

0 0.5 1 2 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 12, 2016

SCI PROPERTIES LLC
C/O FREMONT PROPERTIES INC
DAVID COVIN
199 FREMONT ST STE 2400
SAN FRANCISCO CA 94105

Re: Transfer No: 80802
Water Right No(s): 37-22586

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,

A handwritten signature in 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

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

CERTIFICATE OF SERVICE

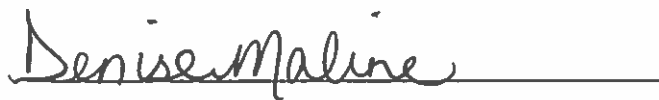
I hereby certify that on August 12, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80802
Water Right No(s): 37-22586

SCI PROPERTIES LLC
C/O FREMONT PROPERTIES INC
DAVID COVIN
199 FREMONT ST STE 2400
SAN FRANCISCO CA 94105

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

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

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

AFFIDAVIT of PUBLICATION

RECEIVED

MAY 13 2016

State of Idaho
County of Blaine

Pam Morris

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

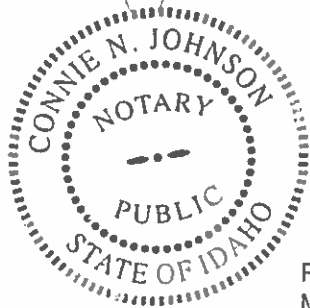
publication of said advertisement was on the 4 day of

May, 20 16, and the date of the last publication was on the 11 day of May, 20 16

Subscribed and sworn to before me this 11 day of

May, 20 16.

Connie N. Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

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

Number of Picas per Line 11.5

Number of Lines in Notice 96

Number of Insertions 2

Lines tabular at 9.0 cents/pica

96 Lines straight at 88.32 8.0 cents/pica

96 Subsequent lines at 77.28 7.0 cents/pica

TOTAL COST \$ 165.60

COPY OF NOTICE

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 80802

SCI PROPERTIES LLC, C/O FREMONT PROPERTIES INC, ATTN DAVID COVIN, 199 FREMONT ST STE 2400, SAN FRANCISCO, CA 94105; has filed Application No. 80802 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22586. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes modifying a 5.60 cfs irrigation ground water right that is diverted and injected into Silver Creek approximately 8.0 miles west and 1.5 miles north of the Highway 20 & 93 intersection in Carey and red-verted at multiple locations from Silver Creek several miles downstream from the initial diversion. The right currently allows for the irrigation of 400 acres on farms located approximately 0.3 miles north to 1.5 miles south and 3.5 to 5.0 miles west of Carey. The application proposes adding an additional point of redirection from Silver Creek located approximately one mile upstream of a currently authorized point of redirection. This new point of redirection consists of an existing diversion utilized by other Silver Creek water rights. The appli-cation also proposes changing the place of use of the right by rearranging the location of an 89.2 acre portion of the 400 acres to be irrigated.

Over →

✓ OK AM 5/16/2016

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT
TRANSFER NO. 80819**

THE MC GRATH 1998 TRUST, 190
STONEWALL RD, BERKELEY, CA
94705; has filed Application No. 80819
for changes to the following water rights
within BLAINE County(s): Right No(s).

37-22988, 37-22989, 37-22990, 37-22991,
37-22992, 37-22993. The purpose of the
transfer is to change a portion of the
above rights as follows: Application for
transfer proposes changing the point
of diversion (POD) for six Silver Creek
irrigation water rights (total of 1.9 cfs)
to a new location at an existing POD
located approximately 0.9 miles down-
stream of the current POD. Additionally,
the transfer proposes moving the rights
which allow the irrigation of 98.5 acres to
a farm owned by the applicant. Current
POU and POD are located approximately
4.4 to 5.5 miles west and 0.1 to 1.0 miles
south of the intersection of Hwy 20 & 93
in Carey. Proposed POU and POD are
located approximately 4.1 to 4.5 miles
west and 0.9 to 1.5 miles south of Carey.

For additional information concerning
the property location, contact Southern
Region office at (208) 736-3033; or to see
a full description of these rights and/or the
proposed transfers, please see [www.idwr.
idaho.gov/apps/wr/QueryNewTransfers/
QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). Protests may
be submitted based on the 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 May 23, 2016. The protestant
must also send a copy of the protest to
the applicant.

GARY SPACKMAN, Director

**PUBLISH
IDAHO MOUNTAIN EXPRESS
MAY 4 & 11, 2016**

✓ OK AM 5/16/2016

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

via e-mail
RECEIVED

MAY 05 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 80802

Water Right No(s): 37-22586

Transfer Applicant's Name: SCI PROPERTIES INC
C/O FREMONT PROPERTIES INC, DAVID COVIN
199 FREMONT ST, STE 2400
SAN FRANCISCO, CA 94105

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 29th day of April, 2016

Water District No. 37

Kevin Lakey

Water Master's Signature

Kevin Lakey

Printed Name