

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80336**

This is to certify that: **SOUTH COVE VENTURES LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009**

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>
37-21720	WR/DECREED	8/21/1915	N/A	111.0 af	N/A	55.0	NORTHEAST FORK SPRING CREEK
37-2317	WR/DECREED	7/15/1915	1.100 cfs	N/A	N/A	55.0	NORTHEAST FORK SPRING CREEK

Purpose of Transfer (Changes Proposed)

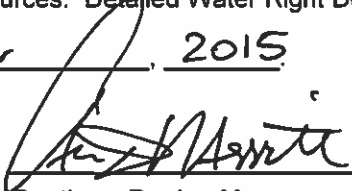
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-21720	NO	YES	YES	NO	NO	NO
37-2317	NO	YES	YES	NO	NO	NO

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>
37-21720	37-21720	N/A	111.0 af	N/A	55.0	N/A	N/A	N/A	N/A	N/A
37-2317	37-2317	1.100 cfs	N/A	N/A	55.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		N/A	N/A	N/A	55.0		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 28th day of September, 2015


Southern Region Manager

SUPPORT DATA

IN FILE # 37-2317

Transfer No. 80336

WATER RIGHT NO. 37-2317**As Modified by Transfer No. 80336**

In accordance with the approval of Transfer No. 80336, Water Right No. 37-2317 is now described as follows:

Right Holder: SOUTH COVE VENTURES LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

Priority Date: 7/15/1915

Source: SPRING CREEK

Tributary: CAMAS CREEK

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
1.100 cfs
1.100 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING CREEK SWSW Sec 33 Twp 01S Rge 15E 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	
01S	15E	33										0.4	30.7						31.1
02S	15E	4						21.4	2.5										23.9
								1.4											

POU Total Acres: 55.0

CONDITIONS OF APPROVAL

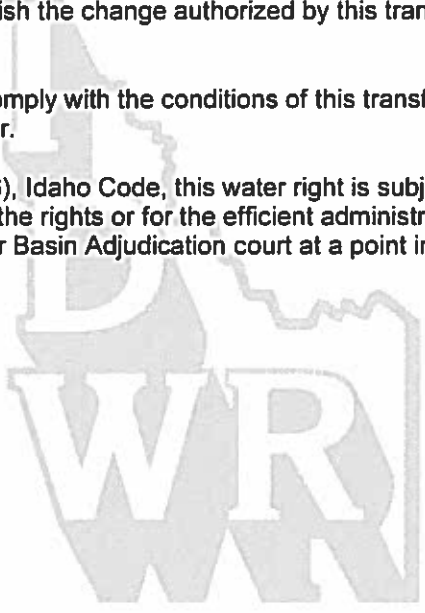
1. Rights 37-2317 and 37-21720 when combined shall not exceed the irrigation of 55 acres.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.37B.
3. 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.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 37-2317

As Modified by Transfer No. 80336

CONDITIONS OF APPROVAL

5. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.
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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 37-21720**As Modified by Transfer No. 80336**

In accordance with the approval of Transfer No. 80336, Water Right No. 37-21720 is now described as follows:

Right Holder: SOUTH COVE VENTURES LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

Priority Date: 8/21/1915

Source: UNNAMED STREAM

Tributary: SPRING CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION FROM STORAGE	04/15	to 10/31		111.0 af
IRRIGATION STORAGE	01/01	to 12/31		111.0 af
				111.0 af

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM	SWSW	Sec 33 Twp 01S Rge 15E	CAMAS County	(R)
UNNAMED STREAM	SWNW	Sec 11 Twp 02S Rge 15E	CAMAS County	

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	15E	33											0.4	30.7					31.1
02S	15E	4						21.4	2.5										23.9
								L 4											

POU Total Acres: 55.0

PLACE OF USE: IRRIGATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	15E	11			X		X		X	X	X	X							

CONDITIONS OF APPROVAL

- Water use described by this right is diverted and stored in a reservoir located in Section 11 on an unnamed stream tributary to Spring Creek and then released to the unnamed stream and rediverted from Spring Creek in Section 33.
- Rights 37-2317 and 37-21720 when combined shall not exceed the irrigation of 55 acres.

Transfer No. 80336

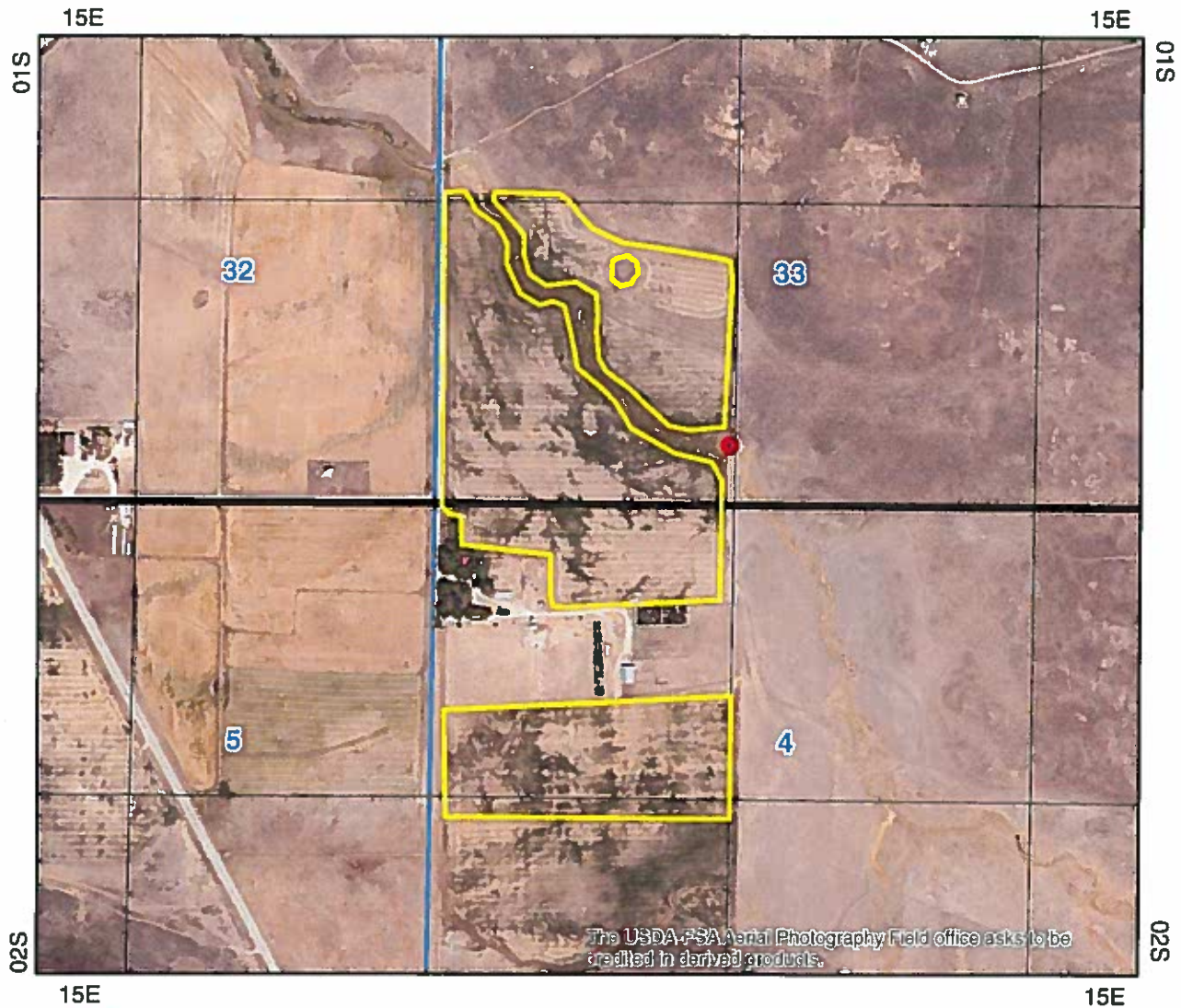
WATER RIGHT NO. 37-21720
As Modified by Transfer No. 80336

CONDITIONS OF APPROVAL

3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37B.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. The impoundment of water under this right is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department.
7. This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho
Department of Water Resources
Attachment To Transfer No. 80336
37-2317

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.



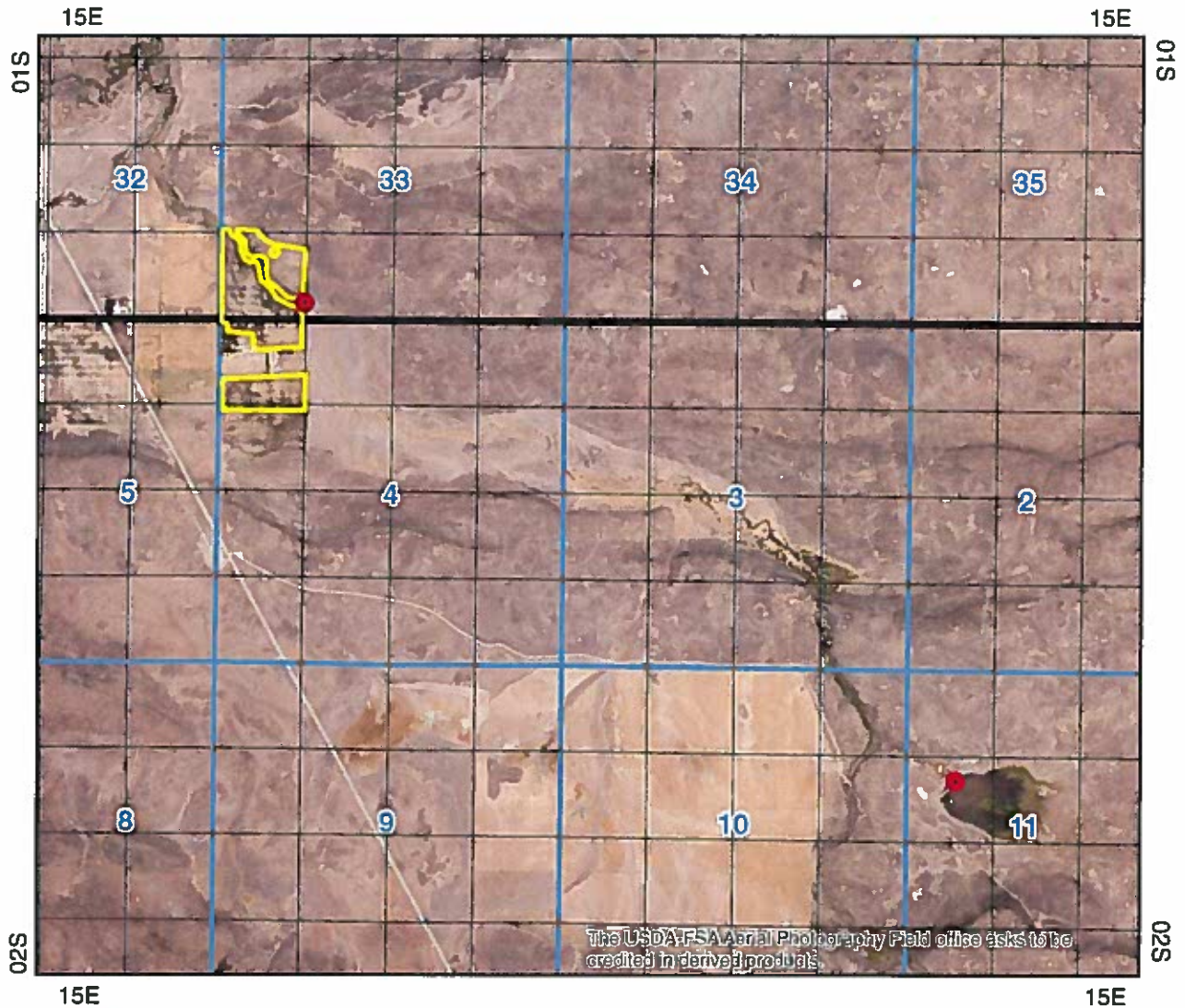
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 80336
37-21720

This map depicts the IRRIGATION FROM STORAGE 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.



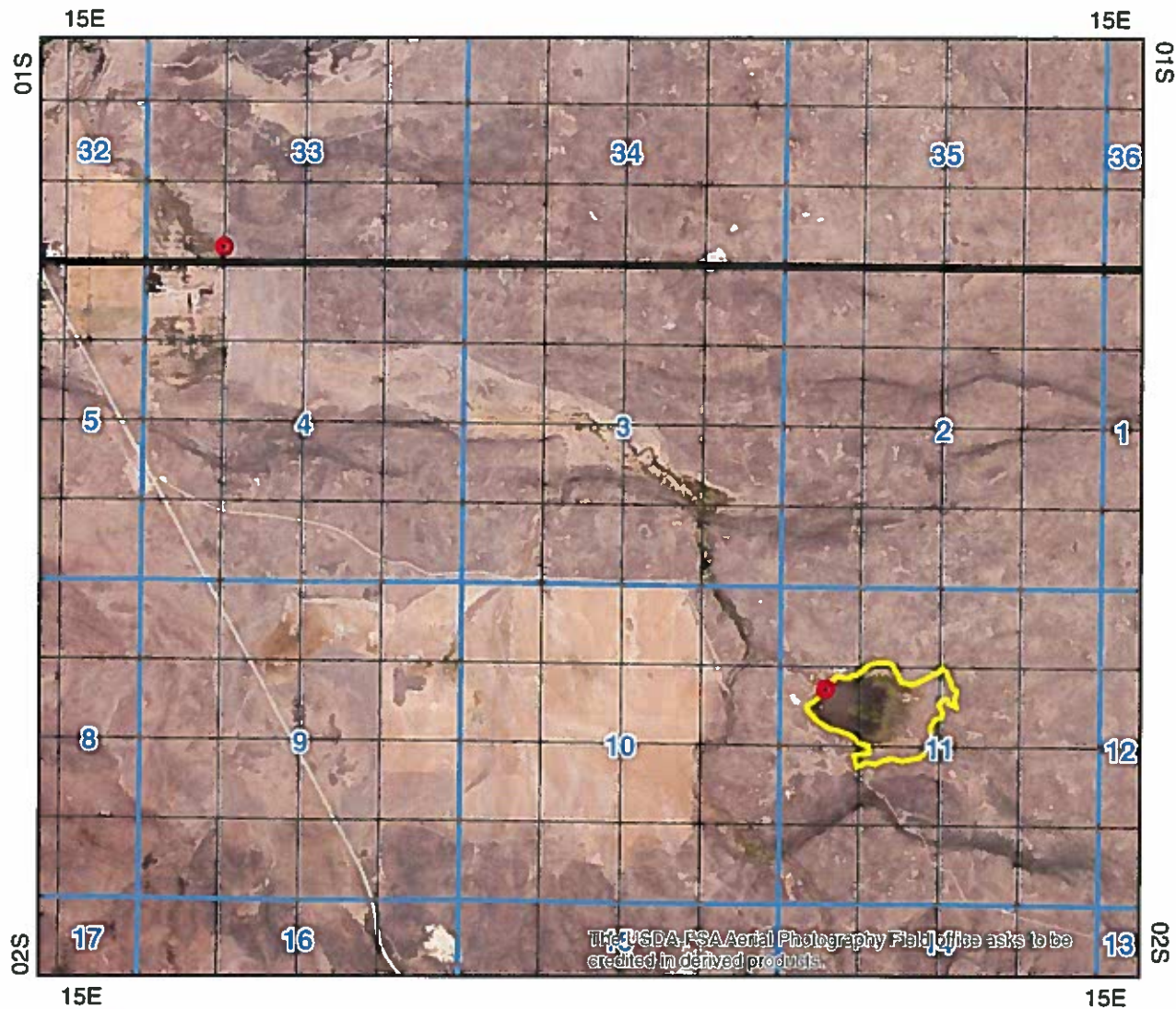
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.325 0.65 1.3 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 80336
37-21720

This map depicts the IRRIGATION STORAGE 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
- Quarter Quarters

0 0.35 0.7 1.4 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

September 29, 2015

SOUTH COVE VENTURES LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

Re: Transfer No: 80336
Water Right No(s): 37-2317, 37-21720

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 "Allen Merritt", with a stylized flourish at the end.

Allen Merritt
Southern Regional Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

RUSTY KRAMER WATERMASTER
WATER DISTRICT 37-B
PO BOX 591
FAIRFIELD ID 83327

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80336
Water Right No(s): 37-2317, 37-21720**

**SOUTH COVE VENTURES LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009**

**BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

**RUSTY KRAMER WATERMASTER
WATER DISTRICT 37-B
PO BOX 591
FAIRFIELD ID 83327**

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.

MEMORANDUM

Date: September 25, 2015
To: Transfer 80336
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #80336 were based on the current transfer fee schedule and included \$580.00 for the 111.0 af transferred under water right 37-21720 (Receipt No.S035036) in addition to the \$580.00 charged for the 1.10 cfs transferred under water right 37-2317 (Receipt No.S034959).

RECEIVED

SEP 14 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

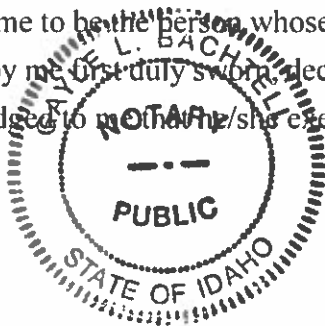
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
SS.
County of Camas)

Edward Reagan, being first duly sworn, deposes and says that he/she is the designated agent for the publisher of The Camas Courier, 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 Transfer 80336, 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 2nd day of September, 2015, and the date of the last publication was on the 9th day of September, 2015.

Edward Reagan

On this 11th day of Sept., in the year of 2015 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.



David L. Bachtel
Notary Public for Idaho
Residing in Fairfield
My commission expires: 10-19-2017

✓ OK DM
9-14-2015

Cost of Publication

Pica Count 710
of runs 2

Cost for Advert: First run \$ 56.80
Additional runs \$ 49.70
Total Cost \$ 106.50

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



Busy B's Market

at the Billingsley Creek Barn in Hagerman
(17986 Hwy 30 ~ 1/2 mile north of Hagerman)

Great gift items available from our many vendors

Handmade Hats, Crochet & Knit items

Fresh Breads, Homemade Pies

Jams & Jellies, Jewelry, and Novelties

Breakfast and Lunch served all day

Vendors needed: call Bill 358-1409

LEGAL NOTICES ~ LEGAL NOTICES ~ LEGAL NOTICES

Unclaimed Property

The Idaho State Treasurer's Unclaimed Property Program acts as a consumer protection agency to ensure forgotten funds are returned to their rightful owners. Idaho Unclaimed Property regularly posts an updated list of owners on the internet. This online list can be viewed at yourmoney.idaho.gov. Unclaimed Property consists of abandoned bank accounts, forgotten refund checks, utility deposits, gift certificates, and more.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 80336

SOUTH COVE VENTURES LLC, C/O GREGORY VIK, PO BOX 1607, BELLEVUE, WA 98009; has filed Application No. 80336 for changes to the following water rights within CAMAS County(s): Right No(s). 37-21720, 37-2317; 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 proposes to change a point of diversion (POD) and place of use (POU) for two irrigation rights limited to 55 acres when combined, both diverted from Spring Creek (37-2317; 1.10 cfs and 37-21720; 111.0 af irrigation storage). Proposed POD will be located approximately 1.8 miles downstream of the current POD. Proposed POD and POU are located approximately 5.0 to 5.2 miles east and 3.9 to 4.4 miles south of Fairfield.

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 September 21, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

published on September 2nd & 9th, 2015

Classified Ads

Yard Sale

This weekend at 415 Soldier Road

Friday: Start at 10:00 ~ Saturday: Start at 9:00

Furniture & Appliances, Roto Tiller & Chipper
Ladders and More.

Garage Sale

Friday, Sept 4... Noon to ???

Saturday, Sept 5... 9 a.m. to ???

Go to Baseline Road in Soldier, go 1/3 mile east,
then 1/4 mile south.

Lots of misc. stuff, plus a
Small Tractor, Camper, and Boat.

Wanted:

►Wanted: Inexpensive working electric cookstove with oven space larger than 23" w X 16" h X 18" d. Please call Connie at 320-1363.

►Good Used Items: The Deseret Industries Pod is in Fairfield at the parking lot of the LDS Church. No large appliances, and please, donate things that can be used by someone else. Deseret Industries helps train those that are trying to learn job skills. Money generated is used to help people go to school to increase their job skills.

Contact numbers to unlock the pod are Lisa Mowdy: 539-3895, and Pam Jones: 764-2467

Buttercup Mountain Growers

at the Fairfield Farmers Market every Friday.
Produce, Perennials, Shrubs, and much much more.

Buy Local & Thank You for your Support
218 N Willow Creek Road ~ Fairfield, Idaho ~ 961-0426

Apartments for Rent

D&G Apartments has apartments available from time to time. These are federally assisted affordable housing units. Rental assistance is available. Rent is adjusted to your income and can range from \$0 to \$490 per month. Water, sewer and trash are paid. These facilities are very clean and attractive. For more information, contact Gordon Schmidt at 208-764-2534.

For the hearing impaired, contact:

TTY 1-800-833-6388.

Equal Housing Opportunity.

**We Are An
Equal Opportunity**



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

RECEIVED
SEP 02 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 80336

Water Right No(s): 37-2317, 37-21720

Transfer Applicant's Name: SOUTH COVE VENTURES LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

Watermaster's Recommendation:

- a) X 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 August, 2015

Water District No. 37-B

Rusty Kramer
Watermaster's Signature

Rusty Kramer
Printed Name