

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79712

This is to certify that: DEER CREEK RANCH INC
ATTN JOHN FLYNN
PO BOX 3090
NEWPORT BEACH, CA 92658

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>
37-11325	WR/DECREED	6/24/1960	0.060 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

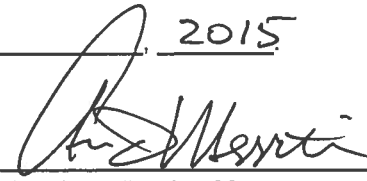
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-11325	NO	YES	YES	NO	NO	NO

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>
37-11325	37-11325	0.060 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.060 cfs	N/A	N/A	N/A		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 27th day of February, 2015


Southern Region Manager

WATER RIGHT NO. 37-11325
As Modified by Transfer No. 79712

In accordance with the approval of Transfer No. 79712, Water Right No. 37-11325 is now described as follows:

Right Holder: DEER CREEK RANCH INC
 ATTN JOHN FLYNN
 PO BOX 3090
 NEWPORT BEACH, CA 92658

Priority Date: 6/25/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	1/01	to 12/31	0.060 cfs
STOCKWATER	1/01	to 12/31	0.040 cfs
			0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESESW Sec 30 Twp 03N Rge 18E BLAINE County

PLACE OF USE: DOMESTIC

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	30												X					
03N	18E	31					X												
																			0

PLACE OF USE: STOCKWATER

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	30												X					
																			0

CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. The quantity of water under this right shall not exceed 13,000 gallons per day.
3. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

Transfer No. 79712

WATER RIGHT NO. 37-11325
As Modified by Transfer No. 79712

CONDITIONS OF APPROVAL

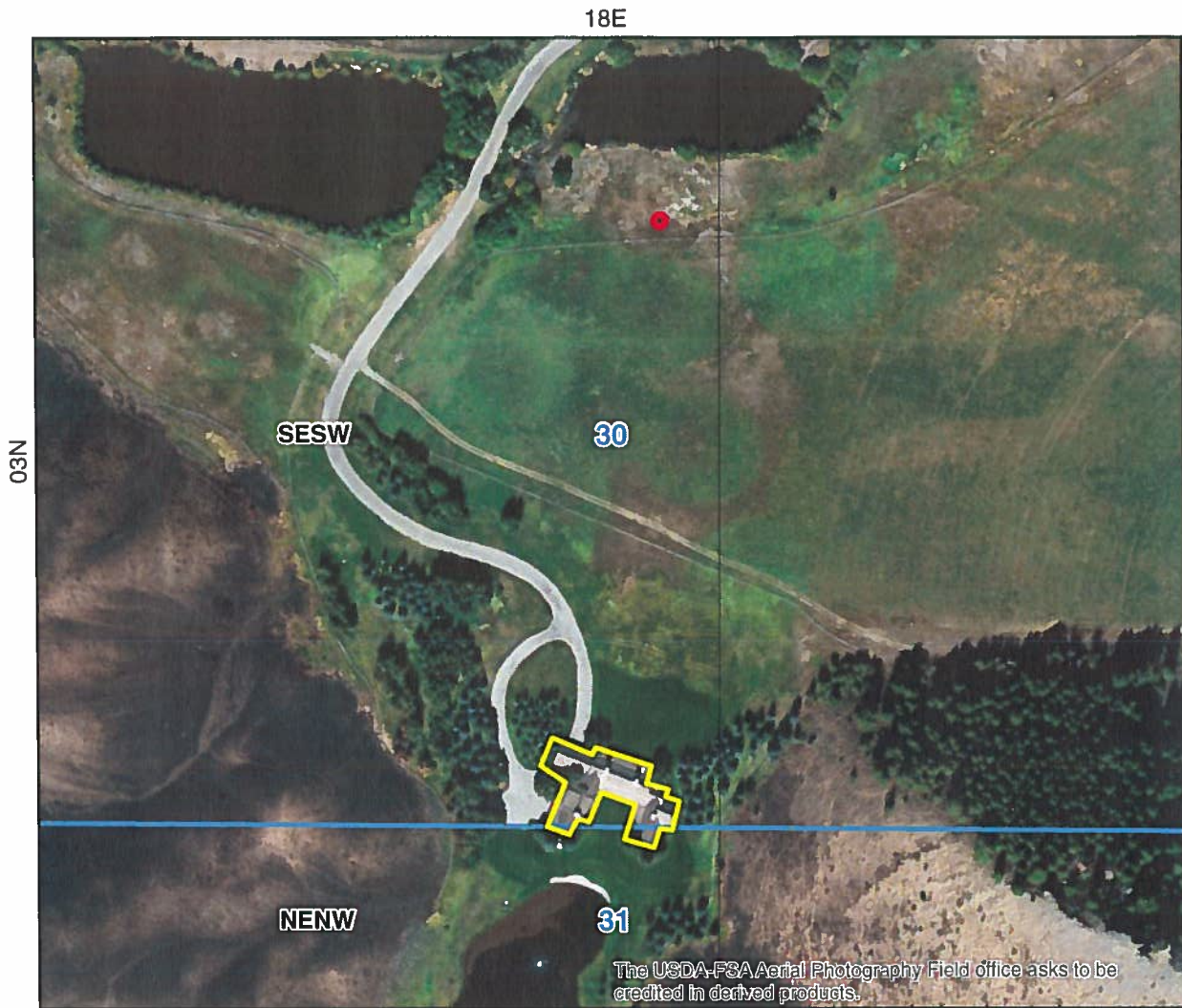
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho 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. 79712

Right: 37-11325

This map depicts the DOMESTIC 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.



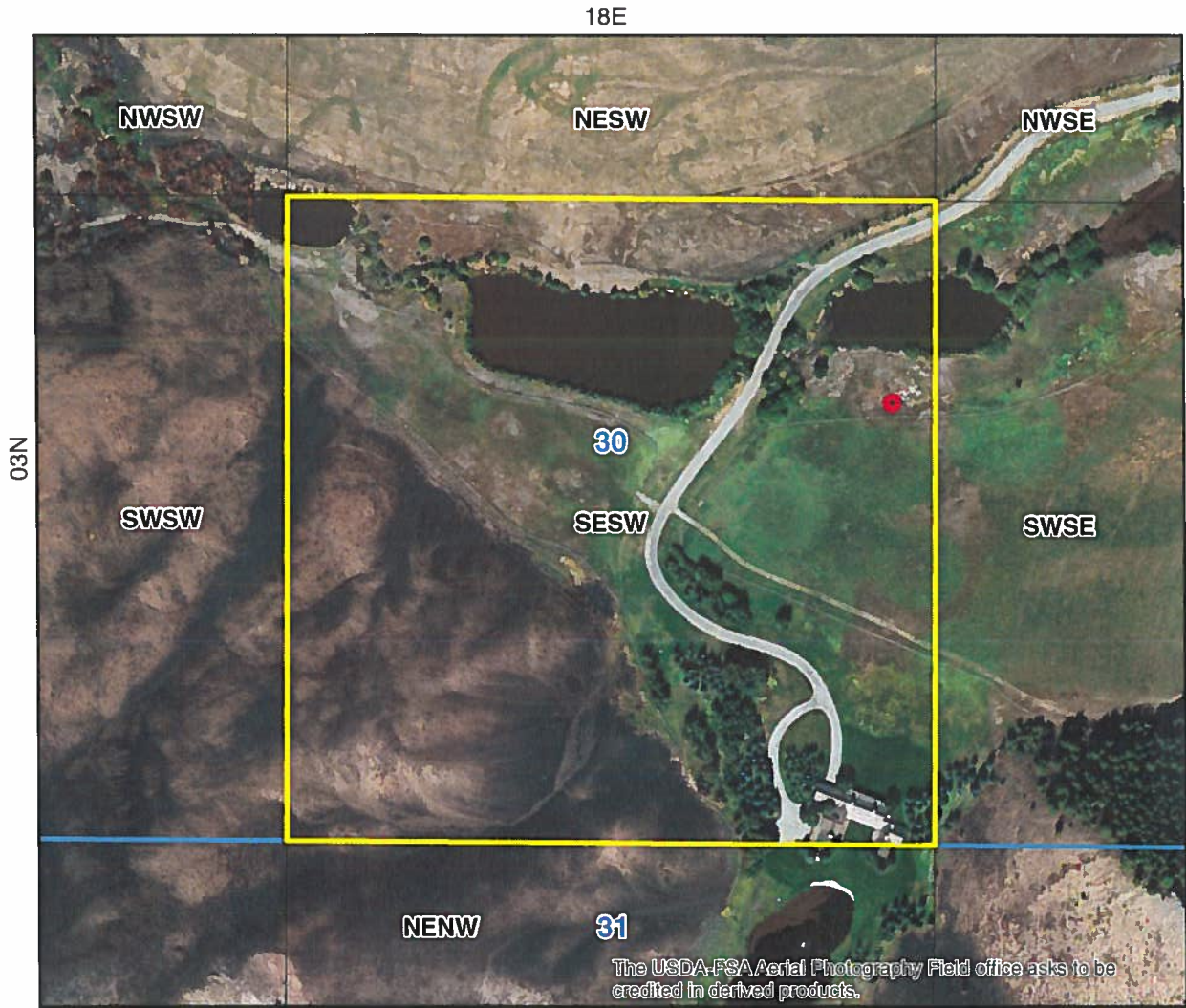
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.0325 0.065 0.13 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 79712
Right: 37-11325

This map depicts the STOCKWATER 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 0.045 0.09 0.18 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

March 2, 2015

DEER CREEK RANCH INC
ATTN JOHN FLYNN
PO BOX 3090
NEWPORT BEACH CA 92658

Re: Transfer No: 79711
Water Right No(s): 37-466, 37-11329

Re: Transfer No: 79712
Water Right No(s): 37-11325

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.

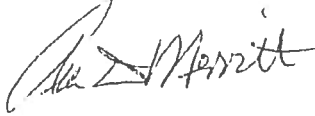
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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". The signature is fluid and cursive, with the first name "Allen" written in a larger, more prominent script than the last name "Merritt".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

BARKER ROSHOLT & SIMPSON LLP
PAUL L ARRINGTON
195 RIVER VISTA PL STE 204
TWIN FALLS ID 83301-3029

CERTIFICATE OF SERVICE

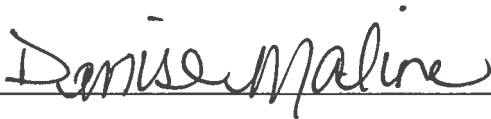
I hereby certify that on March 2, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 79711
Water Right No(s): 37-466, 37-11329**

**Re: Transfer No: 79712
Water Right No(s): 37-11325**

**DEER CREEK RANCH INC
ATTN JOHN FLYNN
PO BOX 3090
NEWPORT BEACH CA 92658**

**BARKER ROSHOLT & SIMPSON LLP
PAUL L ARRINGTON
195 RIVER VISTA PL STE 204
TWIN FALLS ID 83301-3029**

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.

MEMO

FROM: Allen Merritt 

DATE: February 26, 2015

TO: Transfer File No. 79712 in the name of Deer Creek Ranch.

SUBJECT: Location of Stockwater Use after transfer

In reviewing the transfer that changes the location of the ranch domestic/stockwater right 37-11325 from an old location north of county road to a site south of the county road I found the following:

1987 Imagery...Ranch house located north of county road. No house south of road.

1992-2000 Imagery...Ranch house located north of county road. No house south of road.

Well south of road drilled 1994.

2004 Imagery...Ranch house north of county road obliterated. House appears south of road.

Right decreed 1/5/2001.

2006, 2009, 2011, 2013 Imagery... Ranch house south of road with no use other than irrigation obvious on north side of road. No stock troughs or evidence of cattle on north side at location of old ranch location.

This transfer appears to record an unrecorded change of domestic/stockwater use. Forfeiture does not appear to be an issue.

On this day I discussed this matter with Paul Arrington and discussed dropping the stockwater element of right at old location. He indicated he would accept use at new site of well rather than dropping it totally. I agreed to this change. This would not require re-advertisement since right is limited to 13,000 gpd and no hydrologic change.

MEMORANDUM

Feb. 25
Date: ~~January 21, 2015~~
To: Transfer 79712 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer seeks to update an existing domestic and stockwater water right (37-11325; 0.06 cfs) to reflect the current point of diversion (POD) and domestic place of use (POU). Proposed POU and POD are located approximately 4.3 miles north and 3.3 miles west of the intersection of Bullion St and Hwy 75 in Hailey.

Overlap analysis indicates no potential overlap with other domestic rights at this location. Water rights 37-466 and 37-11329 are used to irrigate part of the lawn area adjacent to the home. Proposed POU and POD are within Water District 37 and watermaster comments will be solicited.

- **Authority to File:** Applicant is listed as the current owner of water right 37-11325 per IDWR records.
- **Water Right Validity:** Water right 37-11325 was decreed in the SRBA on 1/5/2001. Recent aerial and satellite imagery show no evidence of domestic use at current location, but does show evidence of use at proposed location.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. The application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing

Application for transfer seeks to update an existing domestic and stockwater water right (0.06 cfs) to reflect the current point of diversion (POD) and domestic place of use (POU). Proposed POU and POD are located approximately 4.3 miles north and 3.3 miles west of the intersection of Bullion St and Hwy 75 in Hailey.

RECEIVED 2015

AFFIDAVIT of PUBLICATION

FEB 13 2015

COPY OF NOTICE

State of Idaho
County of BlaineDEPT OF WATER RESOURCES
SOUTHERN REGIONPam Morris

Pam Morris, being the first duly 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

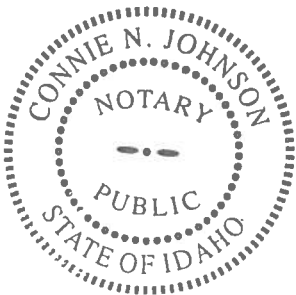
publication of said advertisement was on the 4 day of

Feb., 20 15, and the date of the last publication was

on the 11 day of Feb., 20 15

Subscribed and sworn to before me this 11 day of

Feb., 20 15.

Pam MorrisConnie 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 71

Number of Insertions 2

71 Lines tabular at 65.32 9.0 cents/pica

71 Lines straight at 57.16 8.0 cents/pica

71 Subsequent lines at 57.16 7.0 cents/pica

TOTAL COST \$122.48

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 79711

✓ DEER CREEK RANCH INC, ATTN JOHN FLYNN, PO BOX 3090, NEWPORT BEACH, CA 92658; has filed Application No. 79711 for changes to the following water rights within BLAINE County(s): Right No(s). 37-11329, 37-466. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer seeks to add two wells currently authorized to divert ground water under water right 37-466 (9.77 cfs) to right 37-11329 (2.48 cfs) and create a 714.9 permissible place of use (PPU) for both rights. When combined both rights are limited to a diversion rate of 9.78 cfs. Place of use and points of diversion are located approximately 3.9 to 5.1 miles north and 2.3 to 7.4 miles west of the intersection of Bullion St and Hwy 75 in Hailey.

→
over

✓ OK DM
2/17/2015

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 79712**

✓
DEER CREEK RANCH INC, ATTN
JOHN FLYNN, PO BOX 3090,
NEWPORT BEACH, CA 92658; has
filed Application No. 79712 for chang-
es to the following water rights with-
in BLAINE County(s): Right No(s).
37-11325. The purpose of the transfer
is to change a portion of the above
rights as follows: Application for trans-
fer seeks to update an existing domes-
tic and stockwater water right (0.06
cfs) to reflect the current point of diver-
sion (POD) and domestic place of use
(POU). Proposed POU and POD are
located approximately 4.3 miles north
and 3.3 miles west of the intersection of
Bullion St and Hwy 75 in Hailey.

For additional information con-
cerning the property location, con-
tact Southern Region office at (208)
736-3033; or to see a full descrip-
tion of these rights and the proposed
transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. Protests
may be submitted based on the crite-
ria 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
February 23, 2015. The protestant must
also send a copy of the protest to the
applicant.

GARY SPACKMAN, Director

**PUBLISH
IDAHO MOUNTAIN EXPRESS
Feb. 4 & 11, 2015**

✓ OK DM 2/17/2015