

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79430**

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>
37-22771	WR/DECREED	10/30/1974	9.510 cfs	2339.4 af	N/A	768.3	GROUND WATER
37-7393	WR/DECREED	10/18/1974	2.580 cfs	763.5 af	254.5	254.5	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
37-11989	WR/DECREED	4/15/1957	1.700 cfs	N/A		748.5	SPRING
37-2211	WR/DECREED	5/9/1911	1.700 cfs	N/A	85.0	748.5	SPRING

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>
37-22771	YES	YES	YES	NO	NO	NO
37-7393	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>
37-22771	37-22922	0.250 cfs	59.4 af	19.8	317.7	37-22771	9.260 cfs	2280.0 af	N/A	748.5
37-7393	37-7393	2.580 cfs	763.5 af	254.5	317.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.830 cfs	822.9 af	274.3	317.7		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 79430

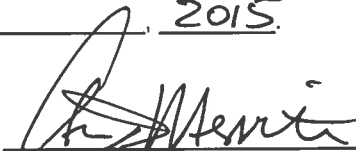
IN FILE # 37-7393

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79430

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 2nd day of February, 2015.



Southern Region Manager



WATER RIGHT NO. 37-22771**As Modified by Transfer No. 79430**

In accordance with the approval of Transfer No. 79430, Water Right No. 37-22771 is now described as follows:

Right Holder: BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

Priority Date: 10/30/1974

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	01/01	to 12/31	0.200 cfs	
IRRIGATION	05/01	to 10/01	9.060 cfs	2245.5 af
STOCKWATER STORAGE	01/01	to 12/31		34.5 af
WILDLIFE STORAGE	01/01	to 12/31		34.5 af
			9.260 cfs	2280.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 1 Twp 02S Rge 17E BLAINE County
GROUND WATER	SWSE	Sec 11 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	1							6.2				30.0	39.0					75.2
02S	17E	2				0.4									13.4	1.6	34.0	39.0	121.4
02S	17E	11	40.0	34.0	28.0	33.0	31.9			15.0					20.0	12.0	19.0	27.0	259.9
02S	17E	12			20.0		15.0	40.0	40.0	36.0	38.0	40.0	28.0	11.0		24.0			292.0

POU Total Acres: 748.5

PLACE OF USE: STOCKWATER STORAGE

			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	11													X	X		X	
02S	17E	12										X	X	X					

PLACE OF USE: WILDLIFE STORAGE

			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	11													X	X		X	
02S	17E	12										X	X	X					

Transfer No. 79430

WATER RIGHT NO. 37-22771
As Modified by Transfer No. 79430

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. Rights 37-2211, 37-11989, and 37-22771 when combined shall not exceed the irrigation of 748.5 acres.
4. 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 place of use.
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 the decree on February 3, 2010.
6. Right 37-22771 authorizes the diversion of an annual total of 34.5 acre-feet to be used for the replacement of losses caused by evaporation from the ponds authorized under right 37-21301.
7. The ponds established by the storage of water under rights 37-21301 and 37-22771 shall not exceed a total capacity of 81.6 acre-feet or a total surface area of 18.99 acres.
8. The ponds established by the storage of water under rights 37-11989, 37-12000, 37-21301, and 37-22771 shall not exceed a total capacity of 93.6 acre-feet or a total surface area of 24.34 acres.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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. 37-22922
As Modified by Transfer No. 79430

In accordance with the approval of Transfer No. 79430, Water Right No. 37-22922 is now described as follows:

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

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	0.250 cfs 0.250 cfs	59.4 af 59.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 14 Twp 01S Rge 14E CAMAS County
GROUND WATER	NENE	Sec 14 Twp 01S Rge 14E 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	14E	14	40.0	40.0	40.0	40.0									40.0	40.0	39.0	38.7	317.7

Right Acre Limit: 19.8
POU Total Acres: 317.7

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. 37B.
2. This right is limited to the irrigation of 19.8 acres within the authorized place of use in a single irrigation season.
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(s).

WATER RIGHT NO. 37-22922
As Modified by Transfer No. 79430

CONDITIONS OF APPROVAL

4. Rights 37-7393 and 37-22922 are limited to the irrigation of a specific 274.3 acres within the 317.7 place of use authorized by these rights in a single irrigation season. The specific 274.3 acres to be irrigated by the right holder shall be identified prior to use by submittal of a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 274.3 acres to be irrigated within the 317.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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 the decree on February 3, 2010.
6. 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 place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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. 37-7393**As Modified by Transfer No. 79430**

In accordance with the approval of Transfer No. 79430, Water Right No. 37-7393 is now described as follows:

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

Priority Date: 10/19/1974

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	2.580 cfs	763.5 af
			2.580 cfs	763.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 14 Twp 01S Rge 14E	CAMAS County
GROUND WATER	NESE	Sec 14 Twp 01S Rge 14E	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	14E	14		40.0	40.0	40.0	40.0									40.0	40.0	39.0	38.7	317.7

Right Acre Limit: 254.5

POU Total Acres: 317.7

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.37B.
2. This right is limited to the irrigation of 254.5 acres within the authorized place of use in a single irrigation season.
3. Rights 37-7393 and 37-22922 when combined shall not exceed a total diversion rate of 2.83 cfs, a total annual maximum diversion volume of 822.9 af at the field headgate, and the irrigation of 274.3 acres.
4. Rights 37-7393 and 37-7408 when combined shall not exceed a total diversion rate of 10.18 cfs.
5. 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).

Transfer No. 79430

WATER RIGHT NO. 37-7393

As Modified by Transfer No. 79430

CONDITIONS OF APPROVAL

6. 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 place of use.
7. Rights 37-7393 and 37-22922 are limited to the irrigation of a specific 274.3 acres within the 317.7 place of use authorized by these rights in a single irrigation season. The specific 274.3 acres to be irrigated by the right holder shall be identified prior to use by submittal of a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 274.3 acres to be irrigated within the 317.7 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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.

WATER RIGHT NO. 37-11989
As Modified by Transfer No. 79430

In accordance with the approval of Transfer No. 79430, Water Right No. 37-11989 is now described as follows:

Right Holder: BLACK BUTTE HILLS LLC
 C/O GREGORY VIK
 PO BOX 1607
 BELLEVUE, WA 98009

Priority Date: 4/15/1957

Source: SPRING

Tributary: SINKS

BENEFICIAL USE	From	To	Diversion Rate
DIVERSION TO STORAGE	01/01	to 12/31	1.700 cfs
IRRIGATION FROM STORAGE	04/15	to 10/31	
IRRIGATION STORAGE	01/01	to 12/31	1.700 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING	NWNWSE	Sec 11 Twp 02S Rge 17E CAMAS County
SPRING	NWSESE	Sec 11 Twp 02S Rge 17E CAMAS County

PLACE OF USE: IRRIGATION FROM STORAGE

			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	1							6.2				30.0	39.0					75.2
02S	17E	2				0.4								13.4	33.0	1.6	34.0	39.0	121.4
02S	17E	11	40.0	34.0	28.0	33.0	31.9			15.0					20.0	12.0	19.0	27.0	259.9
02S	17E	12			20.0		15.0	40.0	40.0	36.0	38.0	40.0	28.0	11.0		24.0			292.0

POU Total Acres: 748.5

PLACE OF USE: IRRIGATION STORAGE

			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	11														X		X	

CONDITIONS OF APPROVAL

- The two ponds established by the storage of water under this right shall not exceed a total capacity of 20.5 acre-feet or a total surface area of 5.35 acre(s). The two ponds may be refilled multiple times in a single year.
- Rights 37-2211 and 37-11989 when combined shall not exceed a total diversion rate of 1.70 cfs.

Transfer No. 79430

WATER RIGHT NO. 37-11989
As Modified by Transfer No. 79430

CONDITIONS OF APPROVAL

3. Rights 37-2211, 37-11989, and 37-22771 when combined shall not exceed the irrigation of 748.5 acres.
4. 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 place of use.
5. The ponds established by the storage of water under rights 37-11989, 37-12000, 37-21301, and 37-22771 shall not exceed a total capacity of 93.6 acre-feet or a total surface area of 24.34 acres.
6. 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.
7. 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).
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.

WATER RIGHT NO. 37-2211

As Modified by Transfer No. 79430

In accordance with the approval of Transfer No. 79430, Water Right No. 37-2211 is now described as follows:

Right Holder: BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE, WA 98009

Priority Date: 5/9/1911

Source: SPRING

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
1.700 cfs
1.700 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING NESESE Sec 11 Twp 02S Rge 17E CAMAS 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	
02S	17E	1							6.2			30.0	39.0						75.2
02S	17E	2				0.4								13.4	33.0	1.6	34.0	39.0	121.4
02S	17E	11	40.0	34.0	28.0	33.0	31.9			15.0					20.0	12.0	19.0	27.0	259.9
02S	17E	12			20.0		15.0	40.0	40.0	36.0	38.0	40.0	28.0	11.0		24.0			292.0

Right Acre Limit: 85.0
POU Total Acres: 748.5

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. This right is limited to the irrigation of 85 acres within the authorized place of use in a single irrigation season.
3. Rights 37-2211 and 37-11989 when combined shall not exceed a total diversion rate of 1.70 cfs.
4. Rights 37-2211, 37-11989, and 37-22771 when combined shall not exceed the irrigation of 748.5 acres.

Transfer No. 79430

WATER RIGHT NO. 37-2211

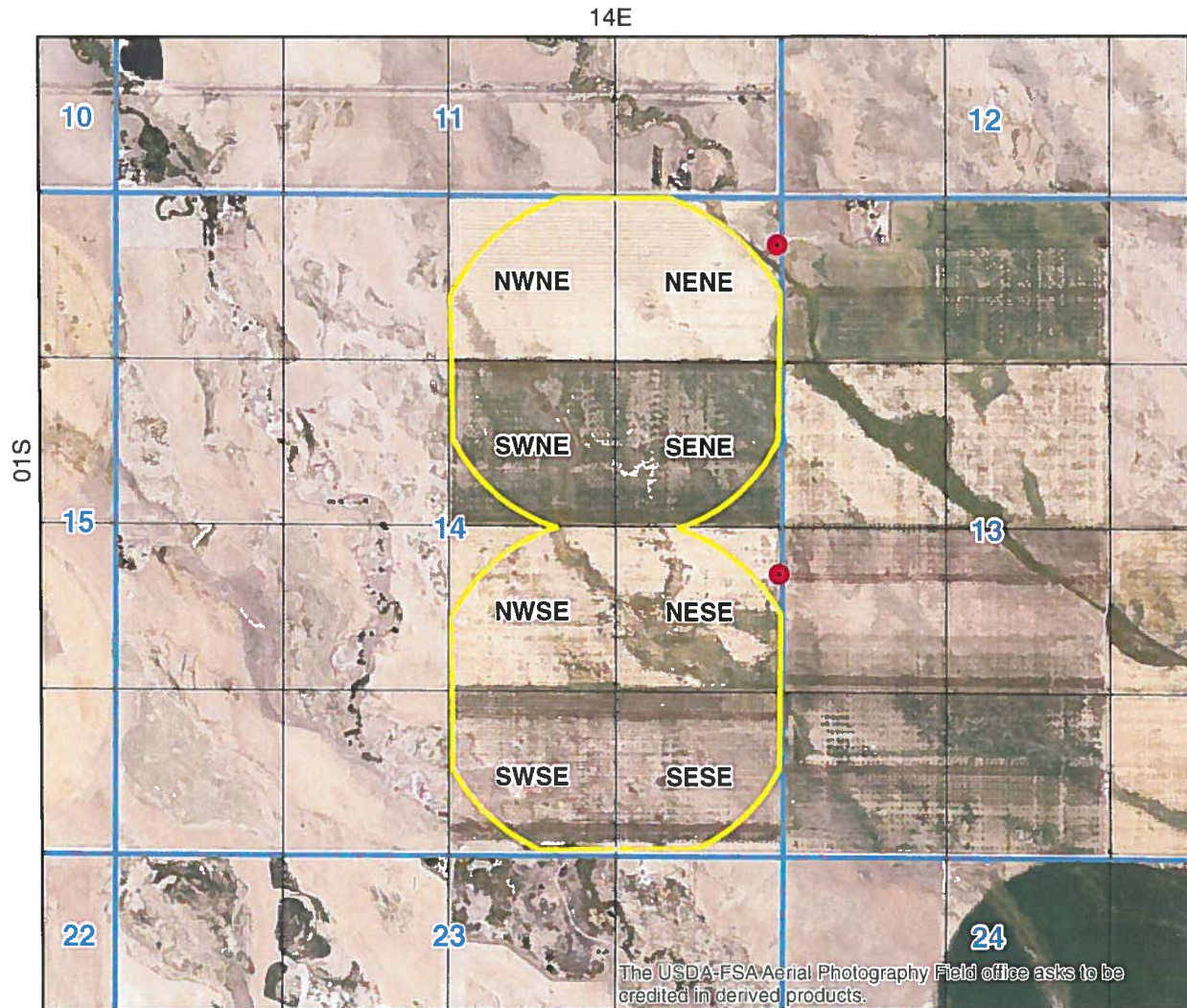
As Modified by Transfer No. 79430

CONDITIONS OF APPROVAL

5. 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).
6. 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 place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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. 79430
Rights: 37-7393 and 37-22922

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.



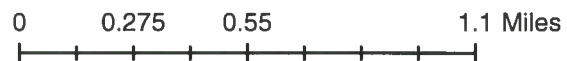
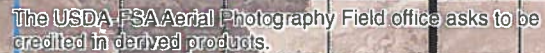
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.175 0.35 0.7 Miles



Rights: 37-22771, 37-2211 and 37-11989

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.



-  Place Of Use Boundary
 Townships
 PLS Sections
 Quarter Quarters





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

February 3, 2015

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

Re: Transfer No: 79430
Water Right No(s): 37-2211, 37-7393, 37-11989, 37-22771

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" and last name "Merritt" clearly distinguishable.

Allen Merritt
Southern Regional Manager

Enclosure

cc:

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

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

BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

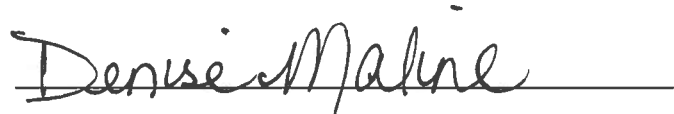
Re: Transfer No.: 79430

Water Right No(s): 37-2211, 37-7393, 37-11989, 37-22771

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

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

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

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.



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

February 3, 2015

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

Via e-mail

Re: APPROVED Transfer No. 79430 (South Cove Ventures LLC)

Dear Mr. Lakey:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure



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

February 3, 2015

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

Re: **APPROVED Transfer No. 79430 (South Cove Ventures LLC)**

Re: **APPROVED Transfer No. 79431 (South Cove Ventures LLC)**

Re: **APPROVED Transfer No. 79432 (SV Ranch LLC)**

Dear Mr. Kramer:

For your information and records, we have enclosed a copy of the above referenced APPROVED Application(s) for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure

MEMORANDUM

Date: January, 2015
To: Transfer 79430 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes moving a 19.8 acre portion (0.25 cfs) of irrigation ground water right 37-22771 from an existing farm located approximately 19.25-19.5 mi. east and 4.7-5.0 mi. south of Fairfield. When combined with water right 37-7393 (2.58 cfs) two existing wells will allow for the diversion of 2.83 cfs and 822.9 AF for the irrigation of 274.3 acres on an existing farm located approximately 2.0-3.0 east of Fairfield on the south side of HWY 20.

Applicant also proposes ownership change for the split portion of water right 37-22771 (Black Butte Hills LLC) and has submitted warranty and quitclaim deeds for this property. Properties and points of diversion are located outside the ESPA but within Water District 37B so watermaster comments will be necessary. All combined limits for associated water rights have been updated.

Note during processing it was discovered that the well in the SENE of SEC 14 had been decreed incorrectly and is actually in the NESE of SEC 14. Therefore the application was amended to correct the legal description for this existing well and will not be re-advertised.

- **Authority to File:**
The Departments database indicates that water right 37-7393 is currently owned by South Cove Ventures, LLC. According to filing with the Idaho Secretary of State, Greg Vik is an authorized member/manager of South Cove Ventures, LLC. Warranty and quitclaim deeds were submitted with the application for a portion 37-22771 (Black Butte Hills LLC).
- **Water Right Validity:**
Water rights 37-7393 and 37-22771 were partially decreed in the SRBA in the last five years, so forfeiture is not an issue.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **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 of the Agricultural Base of the Area:**
None Anticipated

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

Transfer NO. 79430 in the Name of South Cove Ventures

Before Transfer

	Right	Source	CFS	Combined CFS	Total Acres	Acre Limit	Irrg Volume (AFA)
	Black Butte Hills						
	Irrigation						
Split	37	22771 GW	9.310	*9.51		768.3	2,304.9
							*2339.4
Assoc	37	11989 SPR	1.700			85.0	
Assoc	37	2211 SPR			768.3	85	
	South Cove Ventures						
	37 7408 GW						
Assoc	37	7393 GW	8.130		406.4	406.4	1,219.2
			2.580		254.5	254.5	763.5
			10.710	10.180	660.9		

After Transfer

	Right	Source	CFS	Combined CFS	Total Acres	Acre Limit	Irrg Volume (AFA)
	Black Butte Hills						
	Irrigation						
Parent	37	22771 GW	9.060	*9.26		748.5	2,245.5
Assoc	37	2211 SPR	1.7			85	
Assoc	37	11989 SPR	1.700		748.5	748.5	
	South Cove Ventures						
	37 7408 GW						
Assoc	37	7408 GW	8.130		406.4	406.4	1,219.2
Child	37	22922	0.25			19.8	59.4
	37	7393 GW	2.580	2.830	274.3	254.5	763.5
			10.960	10.180			

822.9

RECEIVED

DEC 23 2014

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, 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 19th day of November, 2014, and the date of the last publication was on the 26th day of November, 2014.

Edward Reagan

✓ OK DM
12-24-2014
On this 19 day of December, in the year of 2014 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.

BOBBIE WALTON
NOTARY PUBLIC
STATE OF IDAHO

Bobbie D. Walton
Notary Public for Idaho
Residing in Fairfield
My commission expires: 4-22-17

Cost of Publication

Number of lines in notice	<u>54</u>	Cost for advertisement: First run	\$ <u>43.20</u>
Number of runs	<u>2</u>	Additional runs	\$ <u>37.80</u>
		Total Cost	\$ <u>81.00</u>

Legal ad rates:
1st or single run - \$ 0.80 pcl
Additional run - \$0.70 pcl
(pcl - per column line)

Mail payment to:

THE CAMAS COURIER
Post Office Box 339
Fairfield, Idaho 83327

RECEIVED
DEC 23 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

TRUSTEE'S NOTICE OF SALE. Reference is made to that certain trust deed made by Matthew W. Renner and Cheryl A. Renner, Grantor(s), to Alliance Title & Escrow Corporation, trustee, in favor of Green Tree Financial Servicing Corporation, as beneficiary, recorded 10/01/1997, in the Records of Lincoln County, Idaho as Instrument No. 162889, which was subsequently assigned to U.S. Bank, NA. as trustee on behalf of Manufactured Housing Contract Senior/Subordinate Pass-Through Certificate Trust 1997-8 under Instrument No. 0000195381, and Glogowski Law Firm, PLLC being the successor trustee, covering the following described real property situated in the above-mentioned county and state, to wit: APN: RP04S19E140006A; Township 4 South, Range 19 East of the Boise Meridian, Lincoln County, Idaho Section 14: A parcel of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, more particularly described as follows: COMMENCING at the Northeast corner of said Section 14 and being THE TRUE POINT OF BEGINNING; THENCE South 00°00'00" West along the East boundary of the NE $\frac{1}{4}$ of Section 14 for a distance of 427.00 feet; THENCE North 90°00'00" West for a distance of 576.37 feet; THENCE North 02°50'24" West for a distance of 271.81 feet; THENCE North 34°39'22" East for a distance of 179.21 feet to a point on the North boundary of the NE $\frac{1}{4}$ of Section 14; THENCE North 89°02'54" East along the North boundary of the NE $\frac{1}{4}$ of Section 14 for a distance of 488.00 feet to THE TRUE POINT OF BEGINNING. SUBJECT TO a 25.0 foot wide County road easement along the North and East boundaries of the before described parcel. SUBJECT TO an easement for the use and maintenance of the existing irrigation ditches located within the described parcel; Commonly known as 1245 East 1020 North, Richfield, ID 83349. Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and notice has been recorded pursuant to section IRC 45-1505 (3): the default for which the foreclosure is made is the grantor's failure to make payments as follows: Delinquent Payments from Apr 2014 thru Sept 2014 at the rate of 7.0% and amount of \$615.07 for a total of \$3693.92; Late Charges of \$40.00; Beneficiary Advances of \$3500.00 (est.). TOTAL REQUIRED TO REINSTATE: \$3733.92. *This amount is estimated and needs to be confirmed prior to the submission of a payment as regular monthly payments, advances and other charges continue to accrue during the pendency of this notice. Installment of principal and interest plus impounds and/or advances which became due on April, 2014 plus amounts that are due or may become due for the following: late charges, delinquent property taxes, insurance premiums, advances made on senior liens, taxes and/or insurance, trustee fees, and any attorneys' fees and court costs arising from or associated with beneficiaries effort to protect and preserve its security must be cured as a condition of reinstatement. By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to wit: \$69,294.24 with interest thereon at the rate of 7.0 % beginning on 11/05/1997, plus late charges, until paid; plus prior accrued late charges; plus advances of \$3500.00, together with title expenses, costs, trustee's fees and attorneys' fee incurred herein by reason of said default; and any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein. Whereof, notice is hereby given that Glogowski Law Firm, PLLC, the undersigned trustee will on 01/30/2015, at 11:00 am MT, at the following place: north entrance of the Lincoln County Courthouse, 111 W "B" St, Shoshone, ID 83352 sell at public auction to the highest bidder for

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 79430**

SOUTH COVE VENTURES LLC, C/O GREGORY VIK, PO BOX 1607, BELLEVUE, WA 98009; has filed Application No. 79430 for changes to the following water rights within BLAINE, CAMAS County(s): Right No(s). 37-22771, 37-7393; 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: Transfer proposes moving a 19.8 acre portion (0.25 cfs) of an irrigation ground water right from an existing farm located approximately 19.25 to 19.5 mi. east and 4.7 to 5.0 mi. south of Fairfield. Two existing wells will divert the 0.25 cfs which when combined with the existing right will allow for the diversion of 2.83 cfs and 822.9 AF for the irrigation of 274.3 acres on an existing farm located approximately 2.0 to 3.0 east of Fairfield on the south side of HWY 20.

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 December 8, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in Idaho Mountain Express & Camas Courier on November 19th & 26th, 2014

cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in IRC 45-1506 has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of said principal as would not then be due had no default occurred), together with the costs, trustee's and attorney's fees and curing any other default complained of in the Notice of Default by tendering the performance required under the obligation or trust deed, at any time prior to five days before the date last set for sale. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse. DATED: September 25, 2014. By /s/Katrina E. Glogowski of Glogowski Law Firm, PLLC, 506 2nd Ave Ste 2600, Seattle, WA 98104. (206) 903-9966

AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

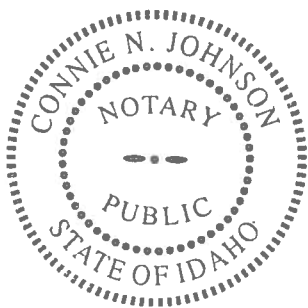
Pam Morris, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight 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 19 day of Nov., 20 14, and the date of the last publication was

on the 26 day of Nov., 20 14

Subscribed and sworn to before me this 26 day of Nov., 20 14.



RECEIVED

NOV 28 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2014

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 105
Number of Insertions 2

Lines tabular at 9.0 cents/pica
105 Lines straight at 96.60 8.0 cents/pica
105 Subsequent lines at 84.53 7.0 cents/pica
TOTAL COST \$181.13

COPY OF NOTICE

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 79430

✓ SOUTH COVE VENTURES LLC, C/O GREGORY VIK, P.O. BOX 1607, BELLEVUE, WA 98009; has filed Application No. 79430 for changes to the following water rights within BLAINE, CAMAS County(s): Right No(s). 37-22771, 37-7393; 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: Transfer proposes moving a 19.8 acre portion (0.25 cfs) of an irrigation ground water right from an existing farm located approximately 19.25 to 19.5 mi. east and 4.7 to 5.0 mi. south of Fairfield. Two existing wells will divert the 0.25 cfs which when combined with the existing right will allow for the diversion of 2.83 cfs and 822.9 AF for the irrigation of 274.3 acres on an existing farm located approximately 2.0 to 3.0 east of Fairfield on the south side of HWY 20. Published in Idaho Mountain Express & Camas Courier on November 19th & 26th, 2014

→
OVER

✓ OK DM 12/9/2014

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 79587**

HELEN H BOND, 120 BASELINE RD, BELLEVUE, ID 83313; has filed Application No. 79587 for changes to the following water rights within BLAINE County(s): Right No(s). 37-20619, 37-20621; 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 adding an existing well as an authorized point of diversion to two irrigation ground water rights for a total diversion of 0.19 cfs. The well to be added is located approximately 0.95 miles east and 6.7 miles south of the intersection of Broadford Rd. and Hwy 75 in Bellevue.

**Extension of Time to Avoid
Forfeiture**

Lynn H. Campion , PO Box 3710, Hailey, ID 83333 filed two Extensions of Time to Avoid Forfeiture. The first application is for Water Right 37-659A, with an 1889 priority from the Big Wood River in the amount of 0.540 cfs for 40.0 acres. The second application is for water right 37-577CA, with an 1883 priority from the Big Wood River in the amount of 0.260 cfs for 40 acres. Both water rights were partially decreed on 1/29/2010. Applicant is currently not able to divert the water under these rights for reasons beyond their control and is actively pursuing means to reestablish use of the water rights. Both water rights are appurtenant to 40 acres of land located approximately 2.6 to 2.9 miles north and 1.0 to 1.2 miles west of the intersection of Hwy 75 and Bullion St in Hailey. For further information regarding these applications, you may research at the following link, under water right 37-659A & 37-577CA: www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

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 December 8, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH
IDAHO MOUNTAIN EXPRESS
Nov. 19 & 26, 2014**

✓ OK DM
12/9/2014

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

RECEIVED

NOV 18 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 79430

Water Right No(s): 37-22771, 37-7393

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

Watermaster'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 15 day of November, 2014

Water District No. 37-B

Rusty Kramer
Watermaster's Signature

Rusty Kramer
Printed Name