

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 79334

This is to certify that: SWEET POTATO RANCH LLC  
C/O JOE CLARK  
AVIATION PARTNERS  
7299 PERIMETER RD S  
SEATTLE, WA 98108

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 37-4440            | WR/DECREED          | 12/31/1950           | 0.470 cfs             | 191.1 af                | 65.4              | 253.0              | GROUND WATER  |

Purpose of Transfer (Changes Proposed)

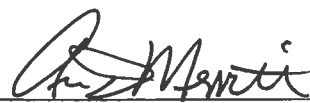
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-4440               | NO           | NO         | NO         | YES            | NO                   | NO                   |

Summary Of Water Rights After the Approved Change

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-4440                | 37-4440                          | 0.470 cfs            | 191.1 af               | 65.4              | 253.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.470 cfs</b>     | <b>191.1 af</b>        | <b>65.4</b>       | <b>253.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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 23<sup>rd</sup> day of December, 2014.

  
Southern Region Manager

**WATER RIGHT NO. 37-4440****As Modified by Transfer No. 79334**

In accordance with the approval of Transfer No. 79334, Water Right No. 37-4440 is now described as follows:

**Right Holder:** SWEET POTATO RANCH LLC  
C/O JOE CLARK  
AVIATION PARTNERS  
7299 PERIMETER RD S  
SEATTLE, WA 98108

**Priority Date:** 12/31/1950

**Source:** GROUND WATER

| <b>BENEFICIAL USE</b> | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Diversion Volume</b> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/15       | to 10/31  | 0.470 cfs             | 186.1 af                |
| RECREATION STORAGE    | 01/01       | to 12/31  |                       | 5.0 af                  |
| STOCKWATER            | 01/01       | to 12/31  | 0.030 cfs             |                         |
|                       |             |           | 0.470 cfs             | 191.1 af                |

**LOCATION OF POINT(S) OF DIVERSION**

|              |             |                        |               |     |
|--------------|-------------|------------------------|---------------|-----|
| GROUND WATER | SENESE      | Sec 18 Twp 02N Rge 18E | BLAINE County |     |
| GROUND WATER | NWNWSE      | Sec 18 Twp 02N Rge 18E | BLAINE County |     |
| GROUND WATER | NWNWSE      | Sec 18 Twp 02N Rge 18E | BLAINE County |     |
| GROUND WATER | NWNWSE      | Sec 18 Twp 02N Rge 18E | BLAINE County | (I) |
| GROUND WATER | NWNWSE      | Sec 18 Twp 02N Rge 18E | BLAINE County |     |
| GROUND WATER | L5 (NWSESE) | Sec 18 Twp 02N Rge 18E | BLAINE County | (R) |

**PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |      |    | NW  |     |     |      | SW   |      |     |      | SE   |      |      |      | Totals |
|-----|-----|-----|----|----|------|----|-----|-----|-----|------|------|------|-----|------|------|------|------|------|--------|
| Twp | Rng | Sec | NE | NW | SW   | SE | NE  | NW  | SW  | SE   | NE   | NW   | SW  | SE   | NE   | NW   | SW   | SE   |        |
| 02N | 18E | 17  |    |    |      |    |     |     | 2.3 | 21.0 | 34.0 | 35.0 |     |      |      |      |      |      | 92.3   |
| 02N | 18E | 18  |    |    | 15.0 |    | 1.4 | 0.2 | 2.7 | 32.0 | 0.3  |      | 1.1 | 12.0 | 31.0 | 19.0 | 21.0 | 25.0 | 160.7  |
|     |     |     |    |    |      |    |     |     |     |      |      |      |     |      |      |      |      | L 5  |        |

Right Acre Limit: 65.4

POU Total Acres: 253.0

**PLACE OF USE: RECREATION 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  |        |
| 02N | 18E | 18  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    | X   |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | L 5 |        |

Transfer No. 79334

**WATER RIGHT NO. 37-4440**  
**As Modified by Transfer No. 79334**

**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  |        |
| 02N | 18E | 17  |    |    |    |    |    |    | X   | X   | X  | X  |    |    |    |    |    |     |        |
|     |     |     |    |    |    |    |    |    | L 3 | L 4 |    |    |    |    |    |    |    |     |        |
| 02N | 18E | 18  |    |    | X  |    | X  | X  | X   | X   |    |    | X  | X  | X  | X  | X  | X   |        |
|     |     |     |    |    |    |    |    |    |     |     |    |    |    |    |    |    |    | L 5 |        |

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 65.4 acres within the authorized place of use in a single irrigation season.
2. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250 and 37-22251 when combined shall not exceed a total diversion rate of 9.23 cfs and the irrigation of 198.5 acres.
3. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-22250, and 37-22251 when combined shall not exceed a total diversion rate of 9.08 cfs and the irrigation of 198.5 acres.
4. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440 and 37-22250 when combined shall not exceed a total diversion rate of 9.08 cfs.
5. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440, and 37-22250 when combined shall not exceed the irrigation of 185 acres.
6. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250, and 37-22251 are limited to the irrigation of a specific 198.5 acres within the 253 acre place of use authorized by this right in a single irrigation season. The specific 198.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 198.5 acres to be irrigated within the 253 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.
7. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
8. 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 when applied via a sprinkler irrigation system.
9. 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.

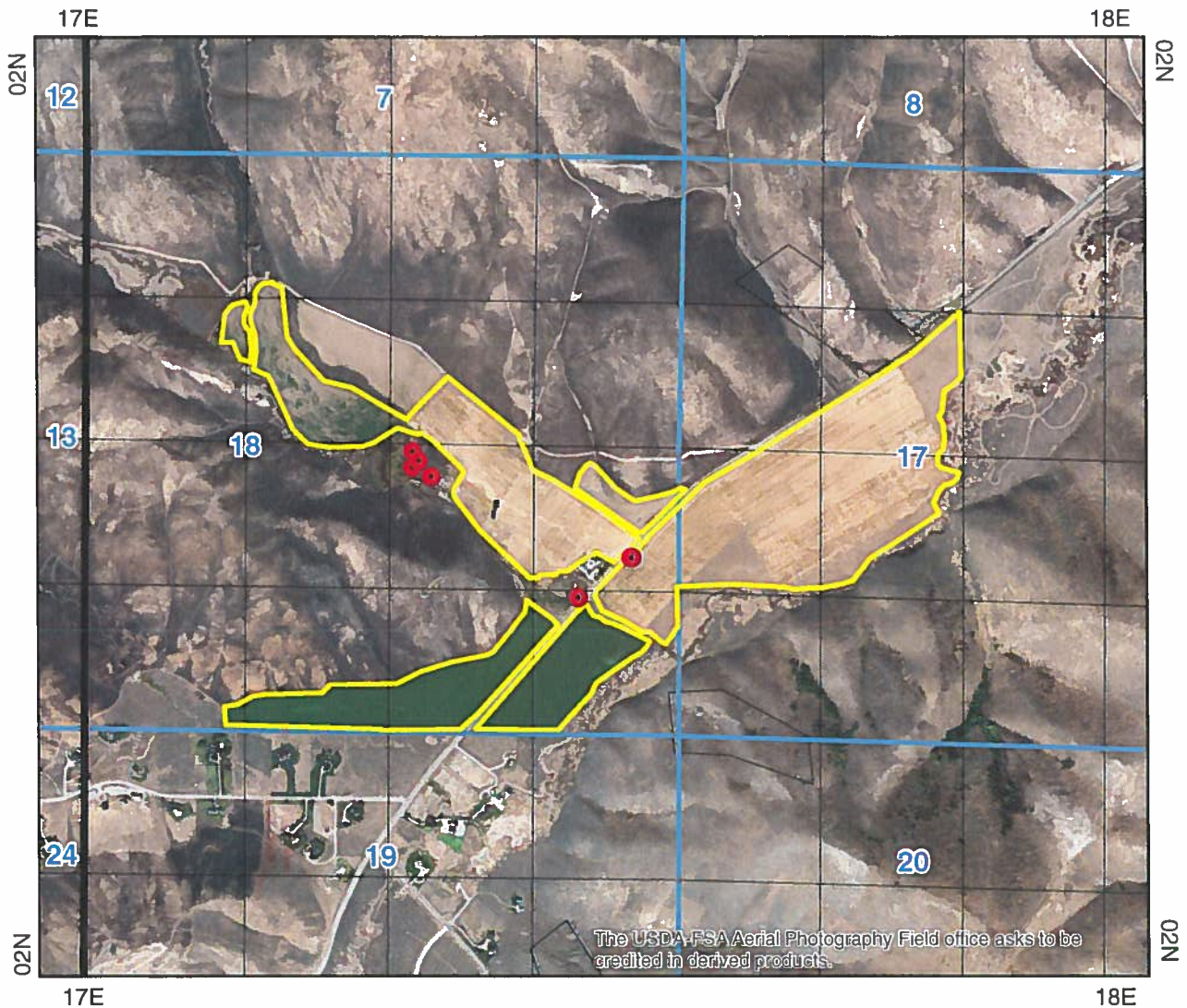
**WATER RIGHT NO. 37-4440**  
**As Modified by Transfer No. 79334**

**CONDITIONS OF APPROVAL**

10. Prior to the diversion and use of water under Transfer approval 78433, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
11. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
12. Place of use does not include federal public lands.
13. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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. 79334**  
Right: 37-4440

This map depicts the IRRIGATION and 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.



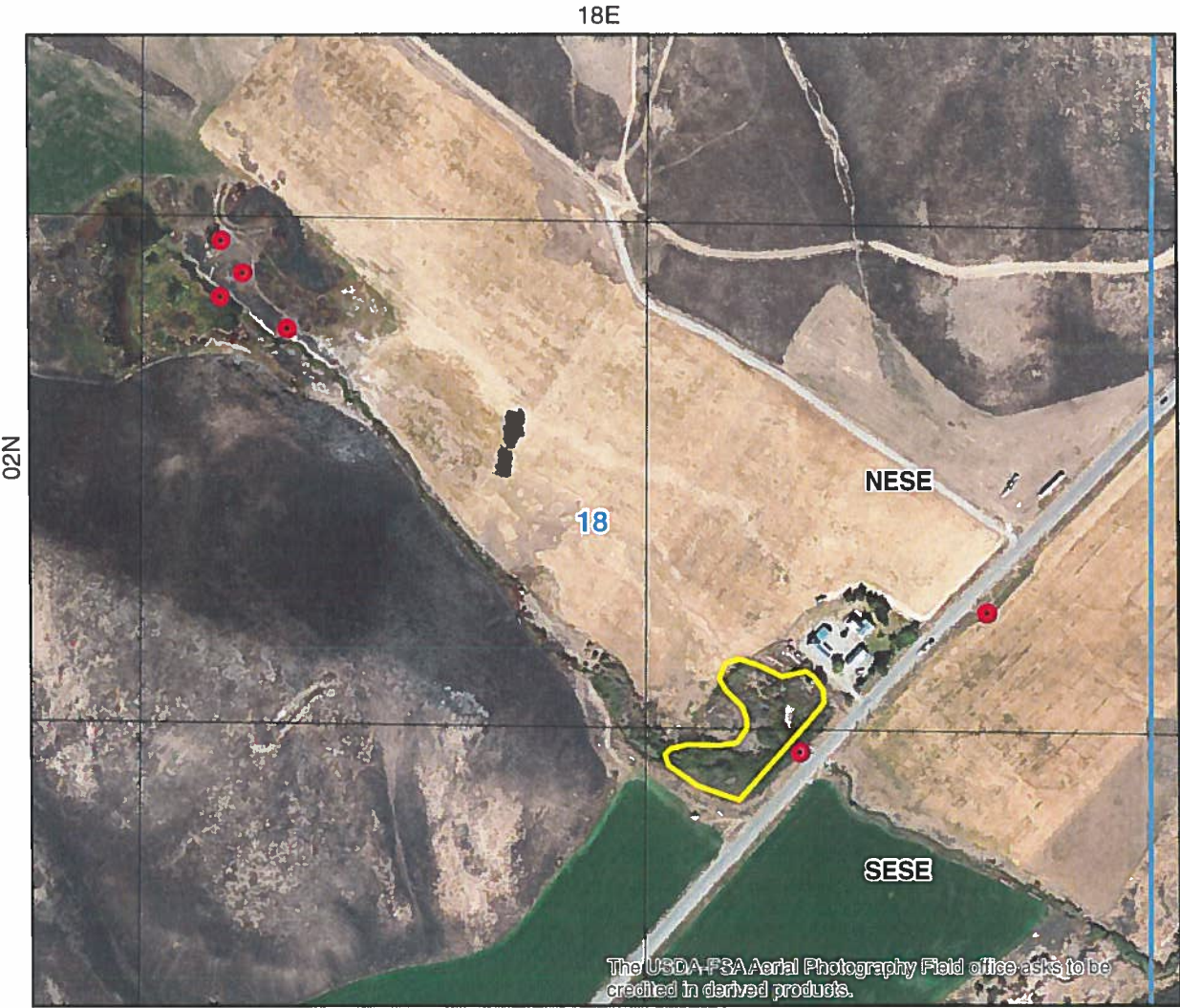
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.175 0.35 0.7 Miles



State of Idaho  
Department of Water Resources  
**Attachment To Transfer No. 79334**  
Right: 37-4440

This map depicts the RECREATION 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 0.05 0.1 0.2 Miles





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 24, 2014

SWEET POTATO RANCH LLC  
C/O JOE CLARK  
AVIATION PARTNERS  
7299 PERIMETER RD S  
SEATTLE WA 98108

Re: Transfer No: 79334  
Water Right No(s): 37-4440

### 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 a large initial "A" and "M".

Allen Merritt  
Southern Regional Manager

Enclosure

cc:

SPECK & AANESTAD  
C/O JAMES P SPECK  
PO BOX 987  
KETCHUM ID 83340

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 24, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 79334  
Water Right No(s): 37-4440**

**SWEET POTATO RANCH LLC  
C/O JOE CLARK  
AVIATION PARTNERS  
7299 PERIMETER RD S  
SEATTLE WA 98108**

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

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.



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 24, 2014

KEVIN LAKEY WATERMASTER  
WATER DISTRICT # 37  
107 W 1<sup>ST</sup> ST  
SHOSHONE, ID 83352

*Via e-mail*

Re: **APPROVED Transfer No. 79334 (Sweet Potato Ranch 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

# 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 5 day of

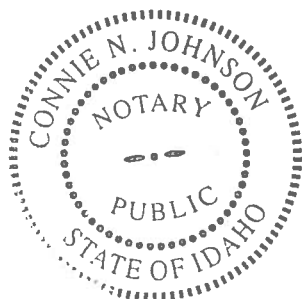
Nov., 20 14, and the date of the last publication was

on the 12 day of Nov., 20 14

Pam Morris

Subscribed and sworn to before me this 12 day of

Nov., 20 14.



Connie N. Johnson  
NOTARY PUBLIC  
**RECEIVED**

NOV 13 2014

DEPT OF WATER RESOURCES  
SOUTHERN REGION

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 81

Number of Insertions 2

Lines tabular at 9.0 cents/pica

81 Lines straight at 74.52 8.0 cents/pica

81 Subsequent lines at 65.21 7.0 cents/pica

TOTAL COST \$139.73

## COPY OF NOTICE

Legal Notice  
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 79334

SWEET POTATO RANCH LLC, C/O JOE CLARK, AVIATION PARTNERS, 7299 PERIMETER RD S, SEATTLE, WA 98108; has filed Application No. 79334 for changes to the following water rights within BLAINE County(s): Right No(s). 37-4440; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://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 a 0.47 cfs irrigation, stockwater and recreation storage ground water right. The well to be added is located approximately 1.6 miles west and 1.1 miles south of the intersection of Bullion St. and Hwy 75 in Hailey.

over  
→

✓ o/c DM  
11-20-2014

✓

**NOTICE OF PROPOSED CHANGE OF  
WATER RIGHT**

**TRANSFER NO. 79429**

SV RANCH LLC, C/O GREGORY VIK, PO BOX 1607, BELLEVUE, WA 98009; has filed Application No. 79429 for changes to the following water rights within BLAINE, CAMAS County(s): Right No(s). 37-22771, 37-22790, 37-7408; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://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 portions of three ground water rights from existing farms for irrigation of a new pivot system located 2.5-3.0 mi. south and 6.0-6.5 mi. west of Fairfield. The application proposes to transfer 131.3 acres from three existing farms at these listed locations: a 11.1 acre portion (0.22 cfs) from a farm located 2.0-3.0 east of Fairfield on the south side of HWY 20; a 2.5 acre portion (0.03 cfs) from a farm located 19.25-19.5 mi. east and 4.7-5.0 mi. south of Fairfield; and a 117.7 acre portion (2.35 cfs) from a farm located 3.8-4.8 mi. south and 3.1-4.6 mi. west of Fairfield. In total three existing wells will divert up to 2.6 cfs and 393.8 AF for the irrigation of 131.3 acres under the new pivot.

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 November 24, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH  
IDAHO MOUNTAIN EXPRESS  
Nov. 5 & 12, 2014**

✓ OK DM 11-20-2014