

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79284**

This is to certify that: **BLACK SWAN DEVELOPMENT LLC**
171 HWY 95 N
GRANGEVILLE, ID 83530

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>
79-14256	WR/DECREED	6/26/1921	0.030 cfs	N/A	N/A	1.5	SALMON RIVER
79-14257	WR/DECREED	6/26/1921	0.030 cfs	N/A	N/A	1.5	SALMON RIVER
79-14258	WR/DECREED	6/26/1921	0.030 cfs	N/A	N/A	1.5	SALMON RIVER
79-4017	WR/DECREED	6/26/1921	0.030 cfs	N/A	N/A	1.5	SALMON RIVER
79-4055A	WR/DECREED	5/1/1968	0.040 cfs	N/A	N/A	1.4	SALMON RIVER

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>
79-14256	NO	NO	YES	YES	NO	NO
79-14257	NO	NO	YES	YES	NO	NO
79-14258	NO	NO	YES	YES	NO	NO
79-4017	NO	NO	YES	YES	NO	NO
79-4055A	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>
79-14256	79-14256	0.030 cfs	N/A	N/A	1.5	N/A	N/A	N/A	N/A	N/A
79-14257	79-14257	0.030 cfs	N/A	N/A	1.5	N/A	N/A	N/A	N/A	N/A
79-14258	79-14258	0.030 cfs	N/A	N/A	1.5	N/A	N/A	N/A	N/A	N/A
79-4017	79-4017	0.030 cfs	N/A	N/A	1.5	N/A	N/A	N/A	N/A	N/A
79-4055A	79-4055A	0.040 cfs	N/A	N/A	1.4	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.160 cfs	N/A	N/A	7.4		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 79-4017

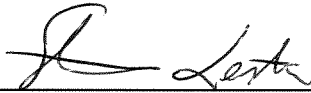
Transfer No. 79284

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79284

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 17th day of June, 2014.

for 
Western Regional Manager

WATER RIGHT NO. 79-4017
As Modified by Transfer No. 79284

In accordance with the approval of Transfer No. 79284, Water Right No. 79-4017 is now described as follows:

Right Holder: MICHAEL TOMLINSON AND
 CINDY TOMLINSON
 6052 N ECHO SUMMIT
 STAR, ID 83669

Priority Date: 6/26/1921

Source: SALMON RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From
 03/15

To
 to 10/31

Diversion Rate
 0.030 cfs
 0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

SALMON RIVER L3 (NWNW) Sec 22 Twp 28N Rge 01E IDAHO County
 SALMON RIVER L3 (NWNW) Sec 22 Twp 28N Rge 01E IDAHO 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	
28N	01E	22						1.5											1.5
								L 3											

POU Total Acres: 1.5

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. The following rights are diverted through points of diversion described above: 79-4017, 79-4055A, 79-14256, 79-14257, 79-14258.

Transfer No. 79284

WATER RIGHT NO. 79-4055A
As Modified by Transfer No. 79284

In accordance with the approval of Transfer No. 79284, Water Right No. 79-4055A is now described as follows:

Right Holder: KEVIN C TOMLINSON AND
 DEBRA L TOMLINSON
 302 FISH HATCHERY RD
 GRANGEVILLE, ID 83530

Priority Date: 5/1/1968

Source: SALMON RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From
 03/15

To
 to 10/31

Diversion Rate
 0.040 cfs
 0.040 cfs

LOCATION OF POINT(S) OF DIVERSION

SALMON RIVER L3 (NWNW) Sec 22 Twp 28N Rge 01E IDAHO County
 SALMON RIVER L3 (NWNW) Sec 22 Twp 28N Rge 01E IDAHO 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	
28N	01E	22						1.4											1.4
								L 3											

POU Total Acres: 1.4

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. The following rights are diverted through points of diversion described above: 79-4017, 79-4055A, 79-14256, 79-14257, 79-14258.

Transfer No. 79284

WATER RIGHT NO. 79-14256
As Modified by Transfer No. 79284

In accordance with the approval of Transfer No. 79284, Water Right No. 79-14256 is now described as follows:

Right Holder: BLACK SWAN DEVELOPMENT LLC
 171 HWY 95 N
 GRANGEVILLE, ID 83530

Priority Date: 6/26/1921

Source: SALMON RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 10/31	0.030 cfs 0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

SALMON RIVER	L3 (NWNW)	Sec 22 Twp 28N Rge 01E IDAHO County
SALMON RIVER	L3 (NWNW)	Sec 22 Twp 28N Rge 01E IDAHO 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	
28N	01E	22						1.5											1.5
								L 3											

POU Total Acres: 1.5

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. The following rights are diverted through points of diversion described above: 79-4017, 79-4055A, 79-14256, 79-14257, 79-14258.

Transfer No. 79284

WATER RIGHT NO. 79-14257
As Modified by Transfer No. 79284

In accordance with the approval of Transfer No. 79284, Water Right No. 79-14257 is now described as follows:

Right Holder: BLACK SWAN DEVELOPMENT LLC
171 HWY 95 N
GRANGEVILLE, ID 83530

Priority Date: 6/26/1921

Source: SALMON RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 10/31	0.030 cfs 0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

SALMON RIVER	L3 (NWNW)	Sec 22 Twp 28N Rge 01E IDAHO County
SALMON RIVER	L3 (NWNW)	Sec 22 Twp 28N Rge 01E IDAHO 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	
28N	01E	22						1.5											1.5
								L 3											

POU Total Acres: 1.5

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. The following rights are diverted through points of diversion described above: 79-4017, 79-4055A, 79-14256, 79-14257, 79-14258.

Transfer No. 79284

WATER RIGHT NO. 79-14258
As Modified by Transfer No. 79284

In accordance with the approval of Transfer No. 79284, Water Right No. 79-14258 is now described as follows:

Right Holder: BLACK SWAN DEVELOPMENT LLC
171 HWY 95 N
GRANGEVILLE, ID 83530

Priority Date: 6/26/1921

Source: SALMON RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 10/31

Diversion Rate

0.030 cfs

0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

SALMON RIVER

L3 (NWNW)

Sec 22 Twp 28N Rge 01E IDAHO County

SALMON RIVER

L3 (NWNW)

Sec 22 Twp 28N Rge 01E IDAHO 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	
28N	01E	22						1.5											1.5
								L 3											

POU Total Acres: 1.5

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. The following rights are diverted through points of diversion described above: 79-4017, 79-4055A, 79-14256, 79-14257, 79-14258.

Transfer No. 79284

RECEIVED

March 19 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79284**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFERSUPPORT DATA
IN FILE # 79-4017

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Black Swan Development, LLC**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.****Yes N/A** * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☒ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: 9a and 9b water right maps for current rights before transfer.

★ 9c Business Entity
W63183

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Black Swan Development, LLC Phone 208-983-3085

Mailing address 171 Highway 95 North, Grangeville, ID 83530 Email dtomlinson@idfg.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

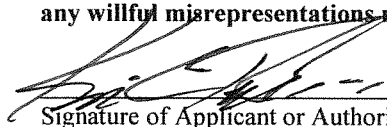
☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Kevin Tomlinson
Print Name and Title if applicable

3-14-14
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☒ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☒ Other split 1 rights
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Combine 2 systems into 1 to provide irrigation to 5 lots to be sold. Assign 79-4055A to Lot #1 and equally split 79-4017 among Lots #2 thru #5. Ownership change on lots 1 and 2 (Lot #1 to Kevin and Debbie Tomlinson. Lot #2 to Mike and Cindy Tomlinson. Lots #3 thru #5 no ownership change. \$100.00 split fee to cover splitting 79-4017.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	79-4017	.12	Irrigation	3/15 to 10/31	Salmon River - Snake River
☒ ☐	79-4055A	.04	Irrigation	3/15 to 10/31	Salmon River - Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .16 cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed .16 cubic feet per second and/or acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No	3		NW	NW	22	28N	1E	Idaho	Salmon River	2 existing points on river

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28N	1E	22																	
79-	4017		(4	equal	pcs)			6											6
79	4055A							1.4											1.4
All in	gov't	Lot 3																	
Total Acres (for irrigation use)																			7.4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Each property owner will have their own pump system. Those pumps would be sized and regulated to not exceed the gpm allotment allocated.
- b. Who owns the property at the point(s) of diversion? Black Swan Development, LLC, Kevin Tomlinson & Mike Tomlinson
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: No
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
No change
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
Yes No
☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by CNate Date 8/19/14 Preliminary check by _____ Date _____

Fee paid 300 Date 3/19/14 Received by CNite Receipt # W091975

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 79-4017

Current Owner: BLACK SWAN DEVELOPMENT LLC
Priority Date: 6/26/1921
Origin: Water Right
Status: Active
Basis: Decreed

Source

SALMON RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 10/31

Total Diversion

Diversion Rate

0.12 CFS

0.12 CFS

Annual Volume

Location of Point(s) of Diversion

SALMON RIVER

IDAHO County

L3(NW1/4NW1/4NW1/4)

Sec. 22, Twp 28N, Rge 01E B.M.

Place of Use

IRRIGATION Within IDAHO County

T28N R01E S22 Lot 3 NWNW 6.00

Total Acres: 6

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 2/20/2008

2A

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 79-4055A

Current Owner: BLACK SWAN DEVELOPMENT LLC

Priority Date: 5/1/1968

Origin: Water Right

Status: Active

Basis: Decreed

Source

SALMON RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 10/31

Total Diversion

Diversion Rate

0.04 CFS

0.04 CFS

Annual Volume

Location of Point(s) of Diversion

SALMON RIVER

IDAHO County

L3(NW1/4NW1/4)

Sec. 22, Twp 28N, Rge 01E B.M.

Place of Use

IRRIGATION Within IDAHO County

T28N R01E S22 Lot 3 NWNW 1.40

Total Acres: 1.4

Conditions of Approval:

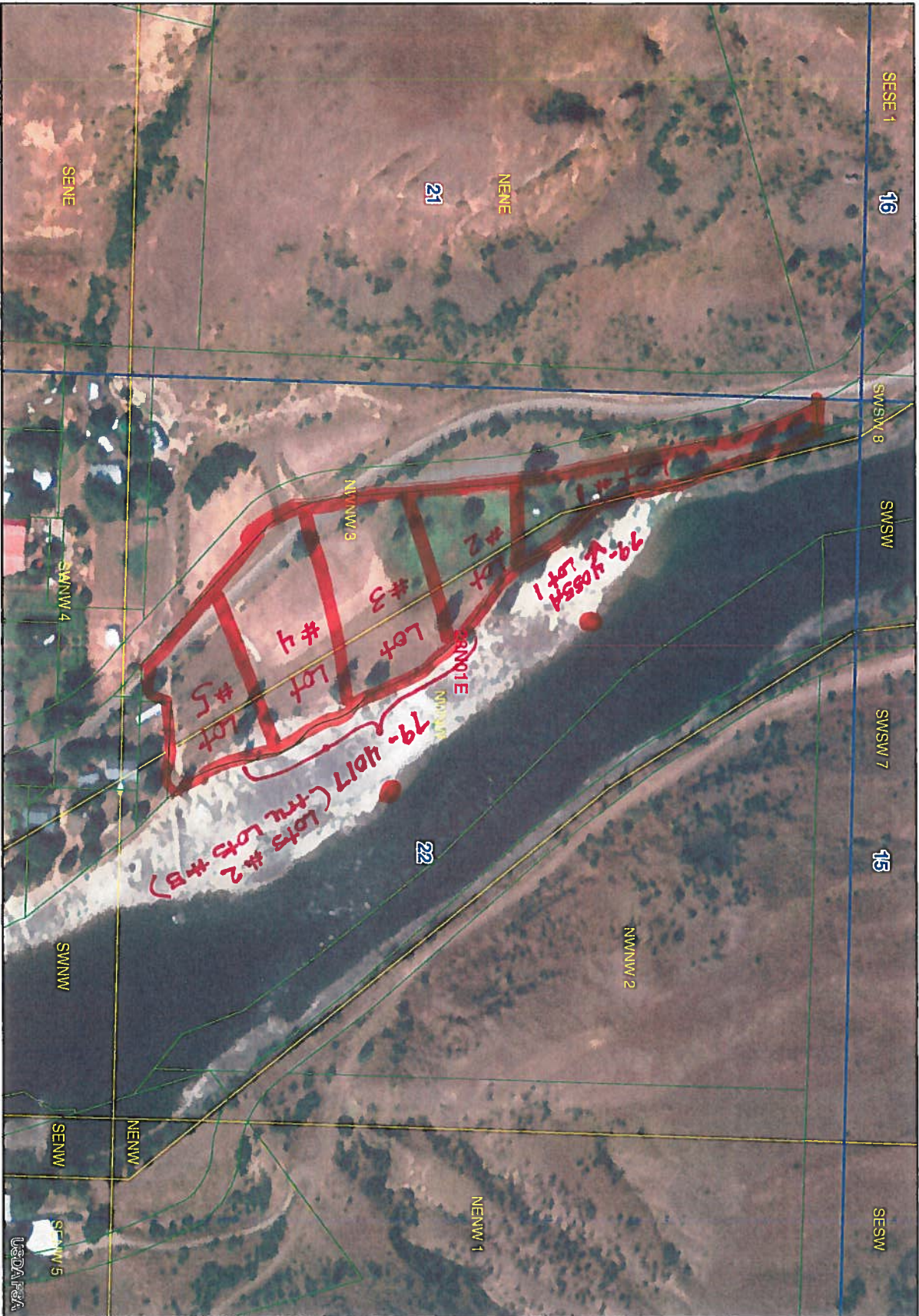
1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 2/20/2008

(2A)

After change

7A



After change

RECORD OF SURVEY

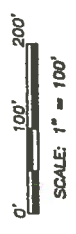
A PORTION OF THE COPPERVILLE SUBDIVISION LYING IN GOVERNMENT LOT 3 OF SECTION 22, TOWNSHIP 28 NORTH, RANGE 1 EAST, BOISE MERIDIAN, IDAHO COUNTY, IDAHO

LINE TABLE

NO	BEARING	LENGTH
L1	S89°59'47"E	7.48'
L2	S89°59'47"E	81.45'
L3	S49°37'31"E	83.39'
L4	S49°37'31"E	84.53'
L5	S10°05'37"E	48.99'
L6	S25°36'16"E	13.08'
L7	S8°38'45"E	41.18'
L8	S38°18'16"E	53.30'
L9	S16°18'20"E	56.57'
L10	S22°00'49"E	55.69'
L11	S32°05'09"E	64.57'
L12	S71°14'28"W	30.83'
L13	N32°05'09"W	60.11'
L14	N22°00'49"W	60.03'
L15	N16°18'20"W	56.80'
L16	N71°16'58"E	30.03'
L17	S31°27'53"E	80.24'
L18	S12°33'36"E	82.34'
L19	N71°14'28"E	46.31'

CURVE TABLE

NO	RADIUS	CENTRAL ANGLE	CHORD	CHD BEARING
C1	436.00'	12°49'20"	96.03'	S16°23'E
C2	370.00'	37°11'26"	240.17'	S12°28'26"E
C3	970.00'	11°55'51"	196.34'	S37°53'04"E
C4	1030.00'	11°55'51"	208.49'	N37°53'04"W
C5	370.00'	26°06'51"	168.85'	N7°56'09"W
C6	370.00'	11°02'34"	71.31'	N26°33'51"W
C7	970.00'	10°56'17"	179.28'	N37°23'16"W
C8	970.00'	0°59'35"	16.61'	N43°11'12"W



SCALE: 1" = 100'

- LEGEND
- BRASS CAP MONUMENT - FOUND
 - 5/8" REBAR - FOUND
 - 5/8" x 30" REBAR - SET
 - 1" PIPE - FOUND
 - CALCULATED POINT
 - PROPERTY BOUNDARY LINE
 - SECTION/AUGUST PART LINE
 - EASEMENT AND RIGHT-OF-WAY LINE
 - OLD COPPERVILLE SUBDIVISION

CERTIFICATION

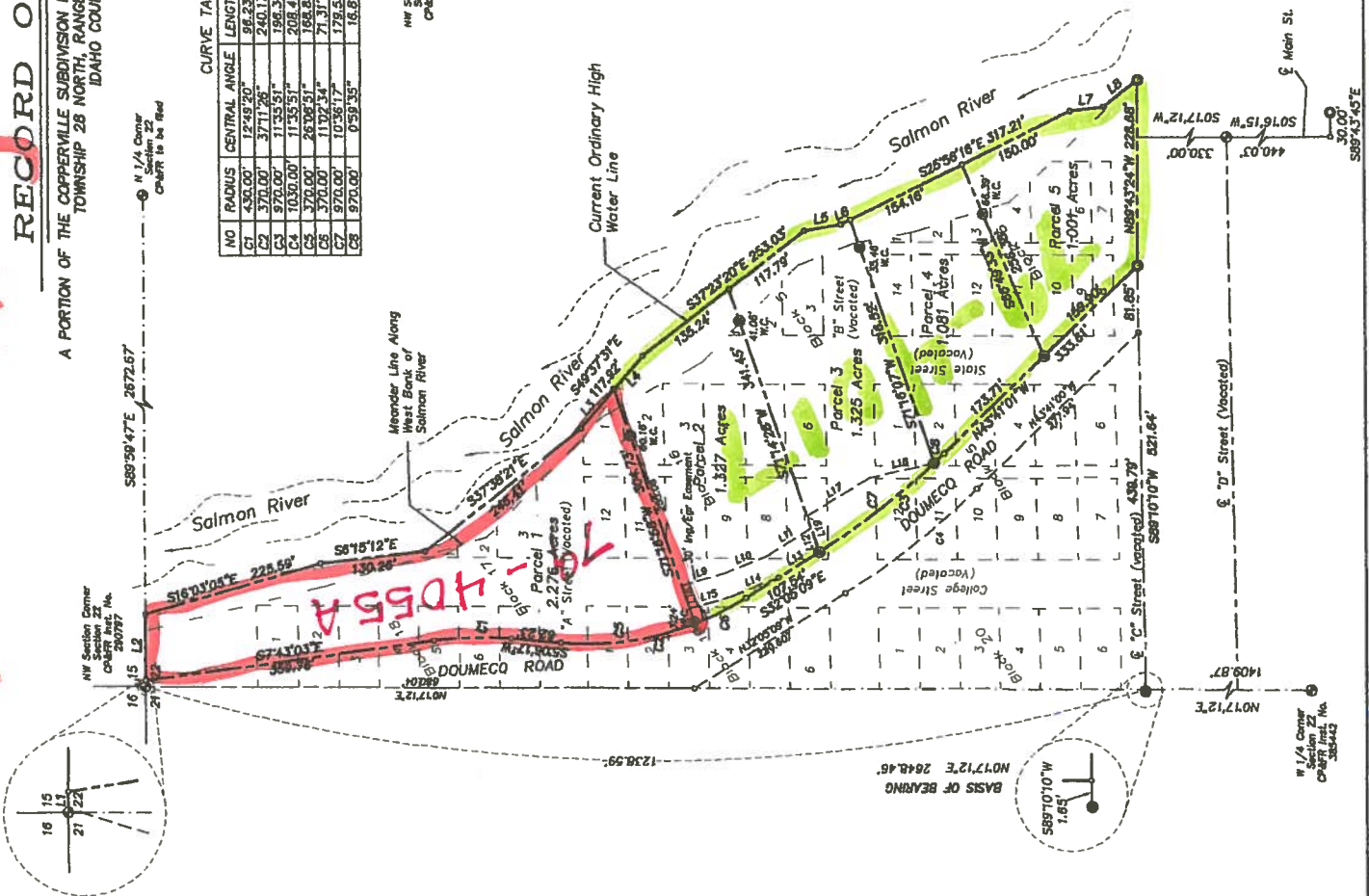
I, Greg L. Skinner, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground under my direct supervision, that this map is an accurate representation of said survey, and that it is in conformity with the Corner Perpetuation Act, Idaho Code 35-1601 through 35-1612.



SURVEY FOR KEVIN TOMLINSON

Survey Co. Inc.
312 W. South Street
Granger, Idaho 83430
Nampa, Idaho 83855
(208) 464-0833 (208) 959-2617
WWW.SKINNERLANDSURVEY.COM

Drawn By: GLS
Date: Feb. 4, 2014
Surveyed By: GLS
Job No. APC0613



- Reference Surveys:
- Inst. No. 373541 (S-901)
 - Inst. No. 385494 (S-1119)
 - Inst. No. 389732 (S-1221)
 - Inst. No. 361365 (S-722)
 - Inst. No. 313655 (S-307)
 - Inst. No. 452694 (S-2524)
 - Inst. No. 459191 (S-2688)



Water Right
79-4017

(IRRIGATION)

Point of Diversion

Place of Use

State Outline

Townships

PLS Sections

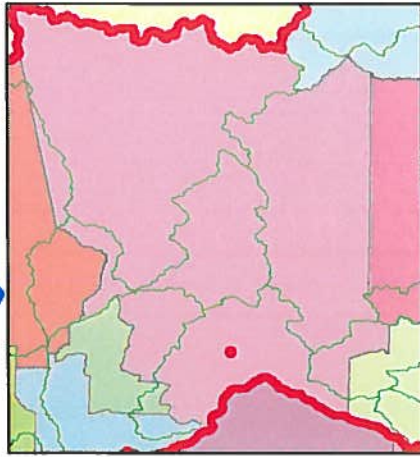
Quarter Quarters

Taxlots

9A

6 ACRES

BEFORE
CHANGE



Idaho County
IDWR Basin 79

Prepared by Lester, Steve
On January 22, 2014
2009 Aerial Photography

Idaho Department of Water Resources

01E



28N

NWNW

21

NWNW

SWNW

SWNW



Owner: Black Swan Development Llc
NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.



Water Right
79-4055a
(IRRIGATION)

Point of Diversion

Place of Use

State Outline

Townships

PLS Sections

Quarter Quarters

Taxlots

98

Idaho Department of Water Resources

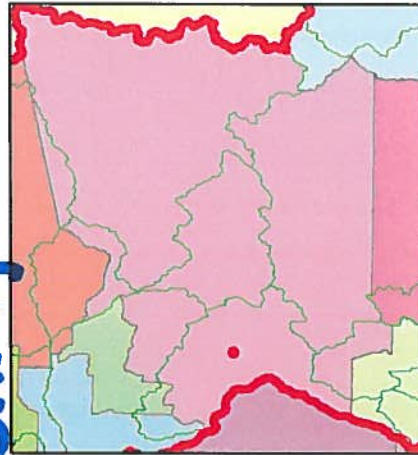
01E



28N

1.4 ACRES

BEFORE
CHANGE



Idaho County
IDWR Basin 79

Prepared by Lester, Steve
On January 22, 2014
2009 Aerial Photography



Owner: Black Swan Development LLC

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

No. W 63183	Due no later than May 31, 2013 Annual Report Form	2. Registered Agent and Address (NO PO BOX)														
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		SCOTT ATKISON 171 HWY 95 N GRANGEVILLE ID 83530 3. <u>New</u> Registered Agent Signature:*														
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager. <table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>MEMBER</td> <td>BENNETT INDUSTRIES, INC.</td> <td>1250 IRONWOOD STE 320</td> <td>COEUR D'ALENE</td> <td>ID</td> <td>USA</td> <td>83814</td> </tr> </tbody> </table>			Office Held	Name	Street or PO Address	City	State	Country	Postal Code	MEMBER	BENNETT INDUSTRIES, INC.	1250 IRONWOOD STE 320	COEUR D'ALENE	ID	USA	83814
Office Held	Name	Street or PO Address	City	State	Country	Postal Code										
MEMBER	BENNETT INDUSTRIES, INC.	1250 IRONWOOD STE 320	COEUR D'ALENE	ID	USA	83814										
5. Organized Under the Laws of: ID W 63183	6. Annual Report must be signed.* Signature: Debbie Tomlinson Name (type or print): Debbie Tomlinson Date: 03/21/2013 Title: Bookkeeper															
Processed 03/21/2013 * Electronically provided signatures are accepted as original signatures.																

9c

RECEIVED

FEB 19 2014

WATER RESOURCES
WESTERN REGION

Kevin Tomlinson
302 Fish Hatchery Road
Grangeville, ID 83530

February 26, 2014

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

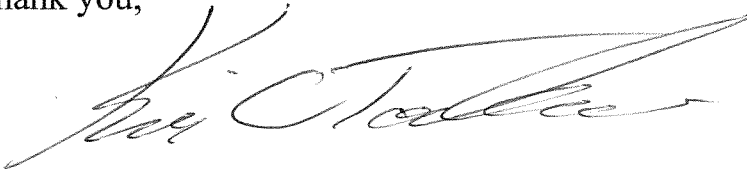
RE: Water Right 79-4017

To Whom It May Concern:

Attached find the warranty deed for lot #1 on the Salmon River property purchased from Black Swan Development.

I authorize Black Swan Development to act on my behalf to file the application for transfer to separate water right 79-4017.

Thank you,

A handwritten signature in cursive script, appearing to read "Kevin Tomlinson", written in dark ink.

490553

WARRANTY DEED

GRANTOR, BLACK SWAN DEVELOPMENT, LLC., an Idaho limited liability company, of 171 Highway 95 North, Grangeville, ID 83530, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to KEVIN C. TOMLINSON and DEBRA L. TOMLINSON, husband and wife, of 302 Fish Hatchery Road, Grangeville, ID 83530, as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and hereby incorporated by this reference.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AND UTILITIES DESCRIBED IN EXHIBIT "B" ATTACHED HERETO AND HEREBY INCORPORATED BY THIS REFERENCE.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Subject to:

1. General taxes.
2. Easements of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever, except general taxes for the year 2013, and easements, reservations, restrictions and rights-of-way of record or in use.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

1 IN WITNESS WHEREOF, Grantor has hereunto subscribed its name
2 to this instrument this 30th day of June, 2013.

3
4 BLACK SWAN DEVELOPMENT, LLC.

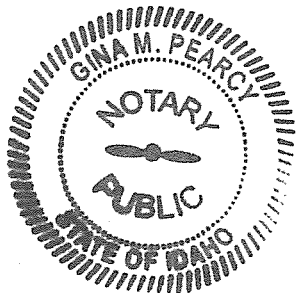
5
6 BY: [Signature]
7 SCOTT ATKISON, Authorized Agent

8
9 STATE OF IDAHO)
10 County of Kootenai) ss.

11 On this 30 day of June, 2013, before me,
12 Gina Pearcy, a Notary for the said County and
13 State, personally appeared SCOTT ATKISON, authorized agent of BLACK
14 SWAN DEVELOPMENT, LLC., known or identified to me to be the person
15 whose name is subscribed to the within instrument, and he
16 acknowledged to me that he freely executed the same and that the
17 statements therein contained are true.

18
19 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
20 official seal the day and year first above written.

21
22 (NOTARY SEAL)



[Signature]
Notary Public for State of Idaho.
Residing at Kootenai County, therein.
My commission expires on 11-14, 2017.



*Skinner Land
Survey Co. Inc.*

312 W. South Street
Grangeville, Idaho 83530
(208)983-2517
Cell (208) 983-7358
Greg@skinnerlandsurvey.com

EXHIBIT A



Greg L. Skinner, PLS
T.J. Wellard PLS

May 13, 2013

Description for
Kevin Tomlinson
Job No. APG0613

Parcel 1

This parcel is a portion of Blocks 16, 17, 18 and 19 and vacated streets of Copperville Subdivision, lying in Government Lot 3 of Section 22, Township 28 North, Range 1 East of the Boise Meridian, Idaho County, Idaho and being more particularly described as follows:

BEGINNING at the northwest corner of said Government Lot 3, (northwest corner of Section 22), a found brass cap monument;

thence South $89^{\circ} 59' 47''$ East along the north boundary of said Government Lot 3 a distance of 88.93 feet to a point on the ordinary high water line of the west bank of the Salmon River;

thence traversing said ordinary high water line as follows:

South $16^{\circ} 03' 05''$ East a distance of 225.59 feet;

South $06^{\circ} 15' 12''$ East a distance of 130.26 feet;

South $37^{\circ} 38' 21''$ East a distance of 246.41 feet;

South $49^{\circ} 37' 31''$ East a distance of 63.39 feet to a point witnessed by a 5/8 x 30 inch rebar set with a plastic cap stamped L. S. 3627 which bears South $71^{\circ} 16' 58''$ West a distance of 60.16 feet;

thence South $71^{\circ} 16' 58''$ West a distance of 306.60 feet to a point on the easterly right-of-way boundary for Doumecq Road, witnessed by a 5/8 x 30 inch rebar set with a plastic cap stamped L. S. 3627 which bears North $71^{\circ} 16' 58''$ East a distance of 5.11 feet;

thence traversing said right-of-way as follows:



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Survey Co. Inc.*

312 W. South Street
Grangeville, Idaho 83530
(208)983-2517
Cell (208) 983-7358
Greg@skinnerlandsurvey.com

EXHIBIT A

Greg L. Skinner, PLS
T.J. Wellard PLS

Tomlinson legal description
Parcel 1, Page 2 of 2

northwesterly 184.84 feet along the arc of a curve to the right having a central angle of $27^{\circ} 52' 13''$, a radius of 380.00 feet and a long chord which bears North $07^{\circ} 17' 17''$ West a distance of 183.03 feet;

North $06^{\circ} 38' 50''$ East a distance of 45.51 feet;

Northwesterly 103.60 feet along the arc of a curve to the left having a central angle of $15^{\circ} 25' 02''$, a radius of 385.00 feet and a long chord which bears North $01^{\circ} 03' 41''$ West a distance of 103.28 feet;

North $08^{\circ} 46' 12''$ West a distance of 354.29 feet to a point on the west boundary of said Government Lot 3;

thence North $00^{\circ} 17' 12''$ East along said west boundary a distance of 0.70 feet to the **POINT OF BEGINNING**, containing 2.326 acres, more or less.





*Skinner Land
Survey Co. Inc.*

312 W. South Street
Grangeville, Idaho 83530
(208) 983-2517
Cell (208) 983-7358
Greg@skinnerlandsurvey.com

EXHIBIT B



*Greg L. Skinner, PLS
T.J. Wellard PLS*

May 13, 2013

Description for
Kevin Tomlinson
Job No. APG0613

Access easement No. 1

This easement lies in Copperville Subdivision, being a portion of Government Lot 3 of Section 22, Township 28 North, Range 1 East of the Boise Meridian, Idaho County, Idaho and being more particularly described as follows:

COMMENCING at the northwest corner of said Government Lot 3, (northwest corner of Section 22), a found brass cap monument;

thence South 89° 59' 47" East along the north boundary of said Government Lot 3 a distance of 88.93 feet to a point on the ordinary high water line of the west bank of the Salmon River;

thence traversing said ordinary high water line as follows:

South 16° 03' 05" East a distance of 225.59 feet;

South 06° 15' 12" East a distance of 130.26 feet;

South 37° 38' 21" East a distance of 246.41 feet;

South 49° 37' 31" East a distance of 63.39 feet to a point witnessed by a 5/8 x 30 inch rebar set with a plastic cap stamped L. S. 3627 which bears South 71° 16' 58" West a distance of 60.16 feet;

thence South 71° 16' 58" West a distance of 219.13 feet to the **TRUE POINT OF BEGINNING**;

thence South 06° 31' 07" East a distance of 109.97 feet;

thence South 17° 34' 29" East a distance of 64.54 feet;

thence South 31° 12' 40" East a distance of 30.92 feet;



*Skinner Land
Survey Co. Inc.*

312 W. South Street
Grangeville, Idaho 83530
(208)983-2517
Cell (208) 983-7358
Greg@skinnerlandsurvey.com

EXHIBIT B

*Greg L. Skinner, PLS
T.J. Wellard PLS*

Tomlinson access easement
Page 2 of 2

thence South $34^{\circ} 06' 52''$ East a distance of 39.50 feet;

thence South $52^{\circ} 58' 58''$ West a distance of 30.00 feet to a point on the easterly right-of-way boundary for Doumecq Road;

thence following said right-of-way 42.56 feet along the arc of a curve to the right having a central angle of $5^{\circ} 48' 22''$, a radius of 420.00 feet and a long chord which bears North $34^{\circ} 06' 52''$ West a distance of 42.54 feet;

thence North $31^{\circ} 12' 40''$ West continuing along said right-of-way a distance of 34.51 feet;

thence leaving said right-of-way bearing North $17^{\circ} 34' 29''$ West a distance of 71.03 feet;

thence North $06^{\circ} 31' 07''$ West a distance of 106.38 feet;

thence North $71^{\circ} 16' 58''$ East a distance of 30.69 feet to the **TRUE POINT OF BEGINNING.**



RECEIVED
MAR 19 2014
WATER RESOURCES
WESTERN REGION

Mike & Cindy Tomlinson
6052 N. Echo Summit Lane
Star, ID 83669

February 26, 2014

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Water Right 79-4017

To Whom It May Concern:

Attached find the warranty deed for lot #2 on the Salmon River property purchased from Black Swan Development.

I authorize Black Swan Development to act on my behalf to file the application for transfer to separate water right 79-4017.

Thank you,

Cindy Tomlinson
Michael R. Tomlinson

1
2
3
4 WARRANTY DEED

5 GRANTOR, BLACK SWAN DEVELOPMENT, LLC., an Idaho limited
6 liability company, of 171 Highway 95 North, Grangeville, ID 83530,
7 for a good and valuable consideration, the receipt of which is
8 hereby acknowledged, does hereby grant, bargain, sell and convey to
9 MICHAEL TOMLINSON and CINDY TOMLINSON, husband and wife, of 6052 N.
10 Echo Summit Lane, Star, ID 83669, as GRANTEE, and to grantee's
11 heirs and assigns forever, all of the following described real
12 estate located in the County of Idaho, State of Idaho, to wit:

13 PARCEL 1: FEE INTEREST

14 This parcel is a portion of Blocks 5, 16 and 19 and vacated
15 streets of Copperville Subdivision, lying in Government Lot 3
16 of Section 22, Township 28 North, Range I East of the Boise
17 Meridian, Idaho County, Idaho and being more particularly
18 described as follows:

19 COMMENCING at the northwest corner of said Government Lot 3,
20 (northwest corner of Section 22), a found brass cap monument;
21 Thence South 89° 59'47" East along the north boundary of said
22 Government Lot 3 a distance of 88.93 feet to a point on the
23 ordinary high water line of the west bank of the Salmon River;
24 Thence traversing said ordinary high water line as follows:

25 South 16° 03'05" East a distance of 225.59 feet;

26 South 06° 15' 12" East a distance of 130.26 feet;

27 South 37° 38'21" East a distance of 246.41 feet;

28 South 49° 37'3 1" East a distance of 63.39 feet to the TRUE
POINT OF BEGINNING, a point witnessed by a 5/8 x 30 inch rebar
set with a plastic cap stamped L. S. 3627 which bears South
71° 16' 58" West a distance of 60.16 feet;

Thence continuing along said ordinary high water line as
follows:

South 49° 37' 31" East a distance of 54.53 feet;

South 37° 23'20" East a distance of 135.24 feet to a point
witnessed by a 5/8 x 30 inch rebar set with a plastic cap
stamped L. S. 3627 bearing South 71° 14' 28" West a distance
of 41.06 feet;

Thence leaving said ordinary high water line bearing South 71°
14'28" West a distance of 341.45 feet to a point on the
easterly right-of-way boundary for Doumecq Road, a 5/8 x 30
inch rebar set with a plastic cap stamped L. S. 3627;

Thence traversing said right-of-way as follows:

North 32° 05'09" West a distance of 107.54 feet;

Northeasterly 71.31 feet along the arc of a curve to the right
having a central angle of 11° 02' 34", a radius of 370.00 feet

1 and a long chord which bears North 26°33'51" West a distance
2 of 71.20 feet to a point witnessed by a 5/8 x 30 inch rebar
3 set with a plastic cap stamped L. S. 3627 which bears North
4 71° 16' 58" East a distance of 3.24 feet;
Thence North 71° 16' 58" East a distance of 304.73 feet to the
TRUE POINT OF BEGINNING.

5 PARCEL 2: EQUITABLE INTEREST

6 Together with and subject to an easement for ingress and
7 egress and utilities more particularly described as follows:

8 This easement lies in Copperville Subdivision, being a portion
9 of Government Lot 3 of Section 22, Township 28 North, Range 1
East of the Boise Meridian, Idaho County, Idaho and being more
particularly described as follows:

10 COMMENCING at the northwest corner of said Government Lot 3,
11 (northwest corner of Section 22), a found brass cap monument;
12 Thence South 89° 59' 47" East along the north boundary of said
Government Lot 3 a distance of 88.93 feet to a point on the
ordinary high water line of the west bank of the Salmon River;
Thence traversing said ordinary high water line as follows:

13 South 16° 03' 05" East a distance of 225.59 feet;

14 South 06° 15' 12" East a distance of 130.26 feet;

15 South 37° 38' 21" East a distance of 246.41 feet;

16 South 49° 37' 31" East a distance of 117.92 feet;

17 South 37° 23' 20" East a distance of 253.03 feet;

18 South 10° 05' 37" East a distance of 45.99 feet;

19 South 25° 56' 16" East a distance of 13.06 feet to a point
witnessed by a 5/8 x 30 inch rebar set with a plastic cap
stamped L. S. 3627 bearing South 71° 16' 07" West a distance
of 35.46 feet;

20 Thence South 71° 16' 07" West a distance of 316.52 feet to a
point on the easterly right-of-way boundary for Doumecq Road,
a 5/8 x 30 inch rebar set with a plastic cap stamped L. S.
3627, said point being the TRUE POINT OF BEGINNING for said
easement;

21 Thence northwesterly 179.53 feet along said right-of-way
following the arc of a curve to the right having a central
angle of 10° 36' 17", a radius of 970.00 feet and a long chord
which bears North 37° 23' 16" West a distance of 179.28 feet;
22 Thence leaving said right-of-way bearing North 71° 14' 28" East
23 a distance of 46.31 feet;

24 Thence South 31° 27' 53" East a distance of 90.24 feet;

25 Thence South 12° 33' 36" East a distance of 82.34 feet to the
TRUE POINT OF BEGINNING.

26 TOGETHER with all improvements, water, water rights, ditches,
27 ditch rights, easements, hereditaments and appurtenances thereto.

28 Subject to:

1. General taxes for the year 2014, which are a lien,
not yet due and payable.

1 2. All matters, covenants, conditions, restrictions, easements
2 and any rights, interests or claims which may exist by reason
3 thereof, disclosed by the plat of the Village of Copperville
4 recorded December 21, 1904 in Book 1 of Plats at Page 46, but
5 deleting any covenant, condition or restriction indicating a
6 preference, limitation or discrimination based on race, color,
7 religion, sex, handicap, familial status, or national origin
8 to the extent such covenants, conditions or restrictions
9 violate 42USC 3604(c).

10 Order of Vacation recorded July 7, 1967 in Book 107 of Deeds
11 at Page 37 as Instrument Number 227367.

12 Order vacating streets and alleys, recorded December 17, 1981
13 as Instrument Number 295889.

14 Resolution and Order vacating streets and alleys, recorded
15 January 5, 1982 as Instrument Number 296147.

16 3. EASEMENT to DOUMECQ HIGHWAY DISTRICT for a permanent
17 easement and right-of-way, recorded January 9, 1967 in Book
18 106 of Deeds at Page 99 as Instrument Number 225863.

19 4. RIGHT-OF-WAY DEED to DOUMECQ HIGHWAY DISTRICT recorded
20 December 16, 1985 as Instrument Number 324097.

21 5. All matters, covenants, conditions, restrictions, easements
22 and any rights, interests or claims which may exist by reason
23 thereof, disclosed by Record of Survey noted below, but
24 deleting any covenant, condition or restriction indicating a
25 preference, limitation or discrimination based on race,
26 color, religion, sex, handicap, familial status, or national
27 origin to the extent such covenants, conditions or
28 restrictions violate 42 USC 3604(c).

Record of Surveys:

recorded June 18, 1984 as Instrument Number 313655;

recorded December 29, 2006 as Instrument Number 452694;

recorded January 22, 2008 as Instrument Number 459192;

recorded June 27, 2013 as Instrument Number 490432.

6. Any claim arising from any difference between the mean high
water line of the Salmon River and the meander line as show by
the Original Government Survey, and also excepting any
accretion or avulsion changes of the ordinary high water line.

7. RIGHT OF WAY EASEMENT to IDAHO COUNTY LIGHT & POWER
COOPERATIVE ASSOCIATION, INC., recorded December 27, 2007 as
Instrument Number 458869.

8. Ingress, egress and utility easement in Warranty Deed
recorded July 3, 2013 as Instrument Number 490553 as corrected
by Correction Warranty Deed recorded as Instrument Number
_____, records of Idaho County, Idaho.

1 9. SHARED WELL AGREEMENT upon the terms, conditions and
2 provisions contained therein:

3 Parties: BLACK SWAN DEVELOPMENT, LLC. and KEVIN C. TOMLINSON
4 and DEBRA L. TOMLINSON, husband and wife

5 Recorded: July 3, 2013

6 Instrument Number 490554

7 Corrected by Correction Shared Well Agreement recorded as
8 Instrument No. _____, records of Idaho County, Idaho.

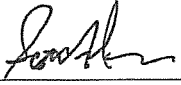
9 TO HAVE AND TO HOLD the said premises, with their
10 appurtenances, unto the said Grantees, their heirs and assigns
11 forever. And the said Grantors do hereby covenant to and with the
12 said Grantees that they are the owners in fee simple of said
13 premises; that they are free from all encumbrances, and that they
14 will warrant and defend the same from all lawful claims whatsoever,
15 except general taxes for the year 2014, and easements,
16 reservations, restrictions and rights-of-way of record or in use.

17 Except as otherwise expressly provided in this instrument,
18 GRANTORS, hereby declare pursuant to Title 5, Chapter 2 of the
19 Idaho Code, that in the event GRANTORS shall have permitted or
20 suffered at any time prior to the making of this instrument, any
21 person or entity to possess, use or occupy the above-described
22 premises, or any portion thereof, for any purpose, with or without
23 the knowledge of GRANTORS, it was not the intent of GRANTORS, by
24 permitting or suffering such possession, use or occupation, to
25 thereby define property boundaries or ownership thereof.

26 In construing this deed, and where the context so requires,
27 the singular includes the plural and the masculine, the feminine
28 and the neuter.

IN WITNESS WHEREOF, Grantors have hereunto subscribed its
names to this instrument this 14th day of February, 2014.

BLACK SWAN DEVELOPMENT, LLC.

BY: 

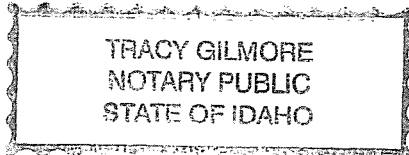
SCOTT ATKISON, Authorized Agent

1 STATE OF IDAHO)
2 County of Idaho) ss.

3 On this 14th day of February, 2014, before me,
4 Tracy Gilmore, a Notary for the said County and
5 State, personally appeared SCOTT ATKISON, authorized agent of BLACK
6 SWAN DEVELOPMENT, LLC., known or identified to me to be the person
7 whose name is subscribed to the within instrument, and he
8 acknowledged to me that he freely executed the same and that the
9 statements therein contained are true.
10

11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
12 official seal the day and year first above written.
13

14 (NOTARY SEAL)



15 Tracy Gilmore
16 Notary Public for State of Idaho.
17 Residing at Grangeville, therein.
18 My commission expires on
19 2-19, 2019.
20
21
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28



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

June 20, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

BLACK SWAN DEVELOPMENT LLC
171 HWY 95 N
GRANGEVILLE ID 83530

Re: Transfer No. 79284
Water Right No's: 79-4017, 79-4055A , 79-14256, 79-14257, 79-14258

Transfer Approval Notice

Dear Water Right Holders:

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.

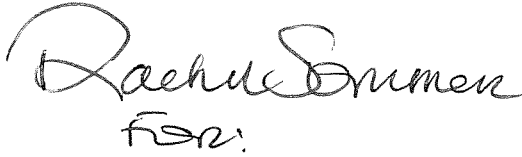
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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)334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Sommer" with "for:" written below it.

Rachel Sommer
Administrative Assistant

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No. 79284

Water Right No's: 79-4017, 79-4055A , 79-14256, 79-14257, 79-14258

**BLACK SWAN DEVELOPMENT LLC
171 HWY 95 N
GRANGEVILLE ID 83530**

A handwritten signature in cursive script, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
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)

A preliminary order or appeal order issued by the Department of Water Resources ("Department") pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. Note: the petition must be received by the department within this fourteen (14) day period. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01-01302 and 37.01-01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 79284
FROM: Sharla Curtis
DATE: June 2, 2014
RE: Evaluation of Application

The transfer proposes to add a point of diversion under five rights (ownership splits created prior to entering transfer app).

Deviations from Transfer Policy Standards

This application is for an additional point of diversion only and will not be advertised.

Summary of Information Submitted

Authority to File: Ownership change documentation supplied with transfer; all owners are authorized to file the transfer.

Water Right Validity: Rights presumed to be valid because irrigation of the decreed place of use can be verified with ArcMap 2009 aerial photography (within the past five year period).

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement should occur; all parameters of the rights stay the same with a simple addition of a point of diversion.

Local Public Interest: Agriculture use is considered in the local public interest throughout Idaho.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

It appears this application can be approved as reflected by the draft approval.



RECEIVED
MAR 19 2014
WATER RESOURCES
WESTERN REGION

March 14, 2014

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right 79-4017 and 79-4055A

Dear Mr. Lester:

Please find enclosed the Application for Transfer of Water Right regarding the above water rights. Also find enclosed consent letters and warranty deeds from Mike Tomlinson and myself, Kevin Tomlinson.

Regarding water right 79-4017 Black Swan Development would like to split this right into 4 equal rights to be applied to Lots 2 through 5. Lot #2 has been sold to Mike and Cindy Tomlinson and Lots 3, 4 and 5 will remain under Black Swan Development. Regarding water right 79-4055A. This water right would go with Lot #1 which has been sold to myself, Kevin Tomlinson.

Also, enclosed is a check for \$300.00 (\$200.00 for application and \$100.00 for splits). If you have any questions please feel free to give me a call at 208-983-6538.

Thank you,



Kevin Tomlinson
President