

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 37-08773

**Priority:** January 21, 1992

Maximum Diversion Volume: 0.2 AF

It is hereby certified that SOUTH COVE VENTURES LLC  
ATTN: CHARLES HILL VP  
PO BOX 1607  
BELLEVUE WA 98009 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated January 21, 1992; and has  
submitted Proof of Beneficial Use on November 29, 1996. An examination confirms that water has been  
diverted from:

**SOURCE**

UNNAMED STREAM

**Tributary:** SCHOOLER CREEK

and a water right has been established as follows:

| <b><u>BENEFICIAL USE</u></b> | <b><u>PERIOD OF USE</u></b> | <b><u>ANNUAL<br/>DIVERSION VOLUME</u></b> |
|------------------------------|-----------------------------|-------------------------------------------|
| STOCKWATER STORAGE           | 01/01 to 12/31              | 0.2 AF                                    |

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

UNNAMED STREAM  
CAMAS County

SE1/4SE1/4SE1/4

Sec. 28, Twp 02S, Rge 15E, B.M.

**PLACE OF USE:** STOCKWATER STORAGE

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02S 15E 27  |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |
| 02S 15E 28  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

**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 diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 0.2 acre-feet or a total surface area of 0.13 acre(s).

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 37-08773

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 3<sup>rd</sup> day of June, 2014.

*[Signature]*  
FOR GARY SPACKMAN  
Director

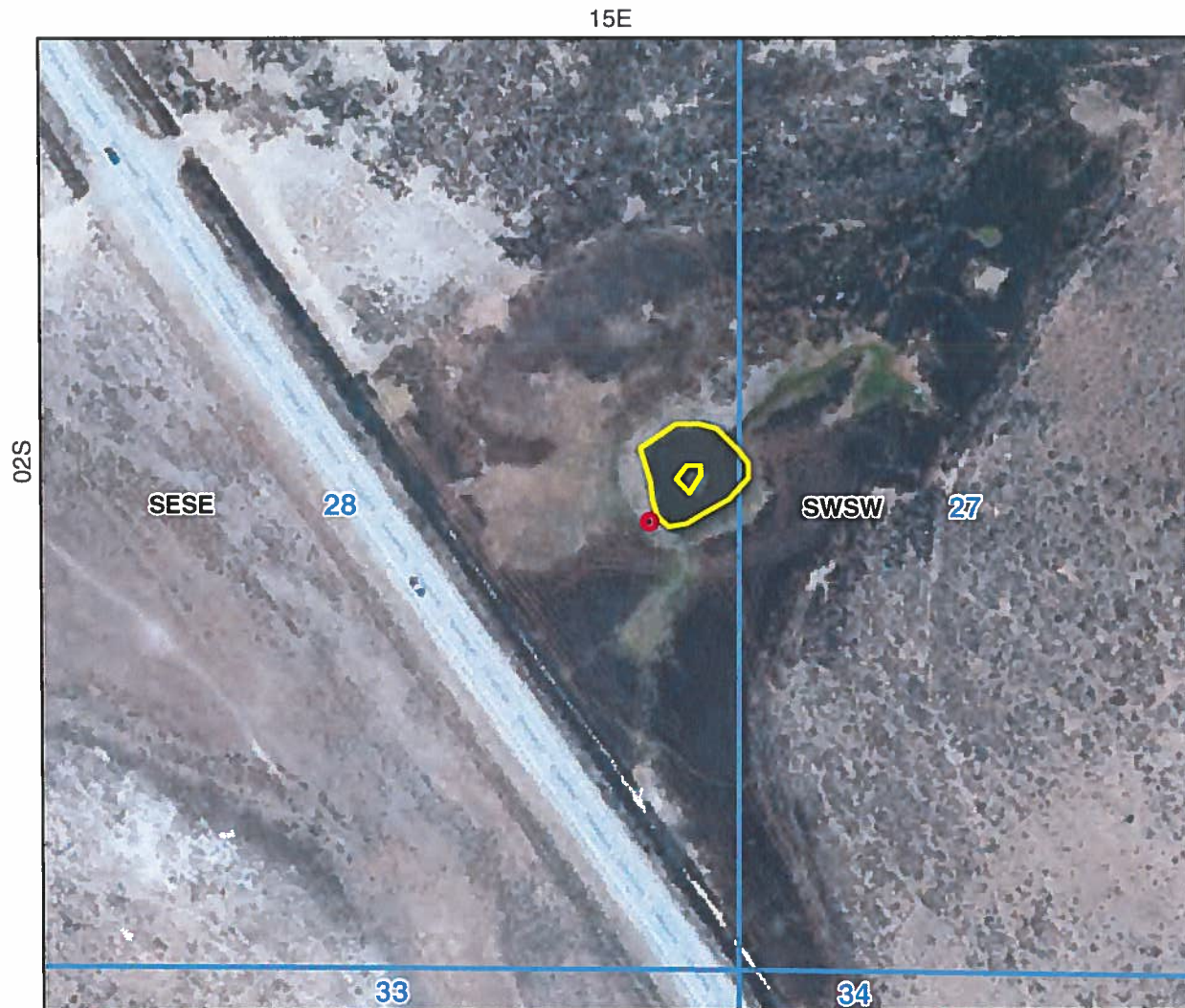


State of Idaho  
Department of Water Resources

# Attachment To Water Right License

37-8773

This map depicts the STOCKWATER 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 0.0175 0.035 0.07 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

June 4, 2014

SOUTH COVE VENTURES LLC  
ATTN CHARLES HILL VP  
PO BOX 1607  
BELLEVUE WA 98009

RE: License No. 37-8770 and 37-8773

### Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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 a party 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.

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,

Allen Merritt  
Southern Region Manager

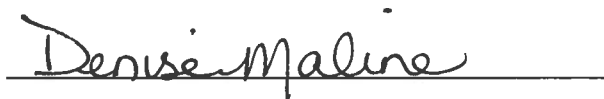
Enclosure(s)

## **CERTIFICATE OF SERVICE**

I hereby certify that on June 4, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

**RE: WATER RIGHT NO. 37-8770 and 37-8773**

**SOUTH COVE VENTURES LLC  
ATTN CHARLES HILL VP  
PO BOX 1607  
BELLEVUE WA 98009**

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.

RECEIVED

MAR 24 2014

Page 1

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

(For Licensing Purposes)

WATER RIGHT NO. 37-08773

Date of Priority: January 21, 1992

Maximum Diversion Volume: 0.2 AF

Comes now SOUTH COVE VENTURES LLC  
ATTN: CHARLES HILL VP  
PO BOX 1607

BELLEVUE WA 98009 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 37-08773, and requests that the permit be changed as follows:

Source: UNNAMED STREAM Tributary: SCHOOLER CREEK

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|----------------------|
| STOCKWATER STORAGE    | 01/01 to 12/31       | 0.2 AF               |

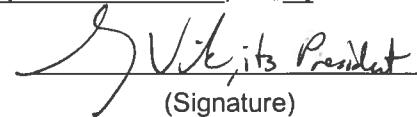
**LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED STREAM SE1/4SE1/4SE1/4 Sec. 28, Twp 02S, Rge 15E, B.M.  
CAMAS County

**PLACE OF USE:** STOCKWATER STORAGE

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02S 15E 27  |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |
| 02S 15E 28  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 18th day of MARCH, 2004.

  
(Signature)

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 37-08773**

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = \$100- Receipted by AM # SD33900 Date 3-24-2014

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

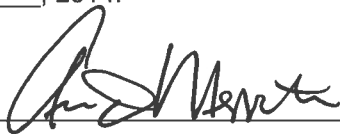
I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 37-08773 with the following:

**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 diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 0.2 acre-feet or a total surface area of 0.13 acre(s).

Witness my hand this 3<sup>rd</sup> day of June, 2014.

FOR

  
\_\_\_\_\_  
GARY SPACKMAN  
Director



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

March 5, 2014

SOUTH COVE VENTURES LLC  
ATTN: CHARLES HILL VP  
PO BOX 1607  
BELLEVUE WA 98009

RE: Water Right Permit Numbers 37-8770 and 37-8773

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permits referenced above prior to issuing water right licenses. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permits have been developed differently than described on your permits. Changes that do not increase the authorized use of water under the permits can be requested and approved in accordance with Section 42-211, Idaho Code. Before licenses can be issued, your permits must be amended to depict your water use as it was actually developed.

Based on the examiner's reports, the following elements were developed differently than described on your permits:

- The place of use for 37-8770 was developed differently than permitted.
- The point of diversion and place of use for 37-8773 was developed differently than permitted.

The enclosed Application for Amendment forms depict the elements of the water rights as they will appear on the licenses when they are issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with the \$200.00 filing fee (\$100.00 for each amendment) within 14 days.

If you have any questions, please call me at (208)736-3033

Sincerely,

Corey Skinner, PE  
Water Resource Engineer

Enclosure(s)