

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78897**

This is to certify that: **MEDINA OVERLAKE LLC**
3417 EVANSTON AVE N STE 326
SEATTLE, WA 98103

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>
37-22755	WR/DECREED	6/3/1884	0.020 cfs	N/A	N/A	0.6	EAST FORK WOOD RIVER
37-8646	WR/LICENSE	7/12/1990	0.060 cfs	3.3 af	N/A	0.6	GROUND WATER

Purpose of Transfer (Changes Proposed)

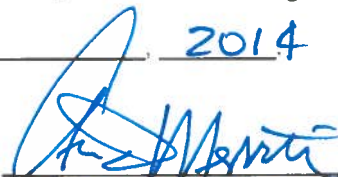
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-22755	NO	YES	YES	NO	NO	NO
37-8646	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-22755	37-22755	0.022 cfs	2.1 af	0.6	1.9	N/A	N/A	N/A	N/A	N/A
37-8646	37-8646	0.042 cfs	3.3 af	0.6	1.9	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.042 cfs	4.7 af	1.0	1.9		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 3rd day of January, 2014



Southern Region Manager

SUPPORT DATA

IN FILE # 37-8646

Transfer No. 78897

WATER RIGHT NO. 37-8646**As Modified by Transfer No. 78897**

In accordance with the approval of Transfer No. 78897, Water Right No. 37-8646 is now described as follows:

Right Holder: MEDINA OVERLAKE LLC
3417 EVANSTON AVE N STE 326
SEATTLE, WA 98103

Priority Date: 7/12/1990

Source: GROUND WATER

BENEFICIAL USE

DOMESTIC
IRRIGATION

From

1/01
4/15

To

to 12/31
to 10/15

Diversion Rate

0.040 cfs
0.020 cfs
0.042 cfs

Diversion Volume

1.2 af
2.1 af
3.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 3 Twp 03N Rge 18E BLAINE County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	3			X	X													0

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	
03N	18E	3			0.1	1.8													1.9

Right Acre Limit: 0.6

POU Total Acres: 1.9

CONDITIONS OF APPROVAL

1. Irrigation use under this right is authorized only in connection with a domestic use.
2. Domestic use is for 2 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
3. 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.

Transfer No. 78897

WATER RIGHT NO. 37-8646
As Modified by Transfer No. 78897

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right is limited to the irrigation of 0.6 acres within the authorized place of use in a single irrigation season.
6. Rights 37-8646 and 37-22755 when combined shall not exceed a total diversion rate of 0.042 cfs and the irrigation of 1.0 acre within the place of use described above. Rights are also limited to a total of 4.7 afa (3.5 afa for irrigation and 1.2 afa for domestic)
7. Point of diversion is located within Lot 6, Blk.1, Hyndman Peak Subdivision.
8. Place of use is located within Lot 6, Blk.1, Hyndman Peak Subdivision.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 37-22755
As Modified by Transfer No. 78897

In accordance with the approval of Transfer No. 78897, Water Right No. 37-22755 is now described as follows:

Right Holder: MEDINA OVERLAKE LLC
 3417 EVANSTON AVE N STE 326
 SEATTLE, WA 98103

Priority Date: 6/3/1884

Source: GROUND WATER

Tributary: EAST FORK WOOD RIVER

BENEFICIAL USE
 IRRIGATION

From
 04/15

To
 to 10/31

Diversion Rate
 0.022 cfs
 0.022 cfs

Diversion Volume
 2.1 af
 2.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SENE

Sec 3 Twp 03N Rge 18E BLAINE 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	
03N	18E	3			0.1	1.8													1.9

Right Acre Limit: 0.6

POU Total Acres: 1.9

CONDITIONS OF APPROVAL

1. This right shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.
2. Any transfer of the point of diversion described under this right will require the right holder to provide evidence that the new point of diversion has a direct and immediate hydraulic connection to the East Fork of the Wood River.
3. This right is a split from former right 37-539E
4. 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.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 78897

WATER RIGHT NO. 37-22755
As Modified by Transfer No. 78897

CONDITIONS OF APPROVAL

6. This right is limited to the irrigation of 0.57 acres within the authorized place of use in a single irrigation season.
7. Rights 37-8646 and 37-22755 when combined shall not exceed a total diversion rate of 0.042 cfs and the irrigation of 1.0 acre within the place of use described above. Rights are also limited to a total of 4.7 afa (3.5 afa for irrigation and 1.2 afa for domestic)
8. Point of diversion is located within Lot 6, Blk.1, Hyndman Peak Subdivision.
9. Place of use is located within Lot 6, Blk.1, Hyndman Peak Subdivision.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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. 78897

Rights: 37-8646 and 37-22755

This map depicts the IRRIGATION and DOMESTIC place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.

18E



-  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, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 10, 2014

MEDINA OVERLAKE LLC
3417 EVANSTON AVE N STE 326
SEATTLE WA 98103

Re: Transfer No: 78897
Water Right No(s): 37-8646, 37-22755

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is fluid and cursive, with the first name "Allen" written in a larger, more prominent script than the last name "Merritt".

Allen Merritt
Southern Region Manager

Enclosure

cc: ERNEST CARLSEN

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78897
Water Right No(s): 37-8646, 37-22755

MEDINA OVERLAKE LLC
3417 EVANSTON AVE N STE 326
SEATTLE WA 98103

ERNEST CARLSEN
4838 WIND RIVER RD
IDAHO FALLS ID 83401

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, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 10, 2014

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

Re: **APPROVED** Transfer No. 78897 (Medina Overlake LLC)

Re: **APPROVED** Transfer No. 78486 (William & Karen Arkoosh)

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". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

RECEIVED

DEC 13 2013

AFFIDAVIT of PUBLICATION

State of Idaho
County of BlainePam MorrisDEPT. OF WATER RESOURCES
SOUTHERN REGION

sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 4 day of

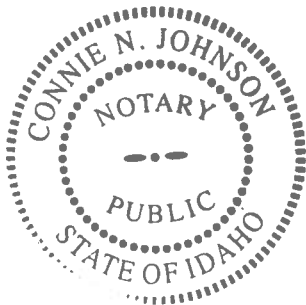
Dec., 20 13, and the date of the last publication was

on the 11 day of Dec., 20 13

Subscribed and sworn to before me this 11 day of

Dec., 20 13.

Connie N. Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 50

Number of Insertions 2

50 Lines tabular at 46.00 9.0 cents/pica

50 Lines straight at 40.25 8.0 cents/pica

50 Subsequent lines at 86.25 7.0 cents/pica

TOTAL COST

COPY OF NOTICE

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

LDWR
BILL TO

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT
TRANSFER NO. 78897

MEDINA OVERLAKE LLC, 3417 EVANSTON AVE N STE 326, SEATTLE, WA 98103; has filed Application No. 78897 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22755, 37-8646; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion for a 0.022 cfs and 0.57 acre irrigation water right, 37-22755, from the East Fork of the Wood River to an existing well. The application includes a hydrologic analysis showing the hydraulic connection between the well and the East Fork of the Wood River. Application also proposes creating a permissible place (PPU) of use by combining water right 37-22755 with a 0.02 cfs and 0.6 acre water right, 37-8626, diverted from the same well. Well and PPU are located on Lot 6, Block 1, in the Hyndman Peak Subdivision approximately 6.7 miles north and 0.7 miles east of Hailey.

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, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before December 23, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH:
IDAHO MOUNTAIN EXPRESS
Dec. 4 & 11, 2013

✓
OK DM
12/24/2013