

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 37-21301

Priority: June 26, 2001

Maximum Diversion Rate: 1.00 CFS
Maximum Diversion Volume: 81.6 AF

This is to certify, that BLACK BUTTE HILLS LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

has applied for a permit to appropriate water from:

Source: SPRING **Tributary:** SINKS
GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
STOCKWATER STORAGE	01/01 to 12/31		81.6 AF
WILDLIFE STORAGE	01/01 to 12/31		81.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING	NW1/4SE1/4SE1/4	Sec. 11, Twp 02S, Rge 17E, B.M.
CAMAS County		
GROUND WATER	SW1/4SE1/4	Sec. 11, Twp 02S, Rge 17E, B.M.
CAMAS County		
SPRING	NW1/4NW1/4SE1/4	Sec. 11, Twp 02S, Rge 17E, 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 17E 11													X	X			X
02S 17E 12									X	X	X						

PLACE OF USE: WILDLIFE 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 17E 11													X	X			X
02S 17E 12									X	X	X						

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 37-21301

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2014**.
2. Subject to all prior water rights.
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.
4. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. The ponds established by the storage of water under rights 37-21301 and 37-22771 shall not exceed a total capacity of 81.6 acre-feet or a total surface area of 18.99 acres.
6. The ponds established by the storage of water under rights 37-11989, 37-12000, 37-21301, and 37-22771 shall not exceed a total capacity of 93.6 acre-feet or a total surface area of 24.34 acres.
7. Right 37-22771 provides water for the evaporative losses associated with the storage described by this right.
8. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

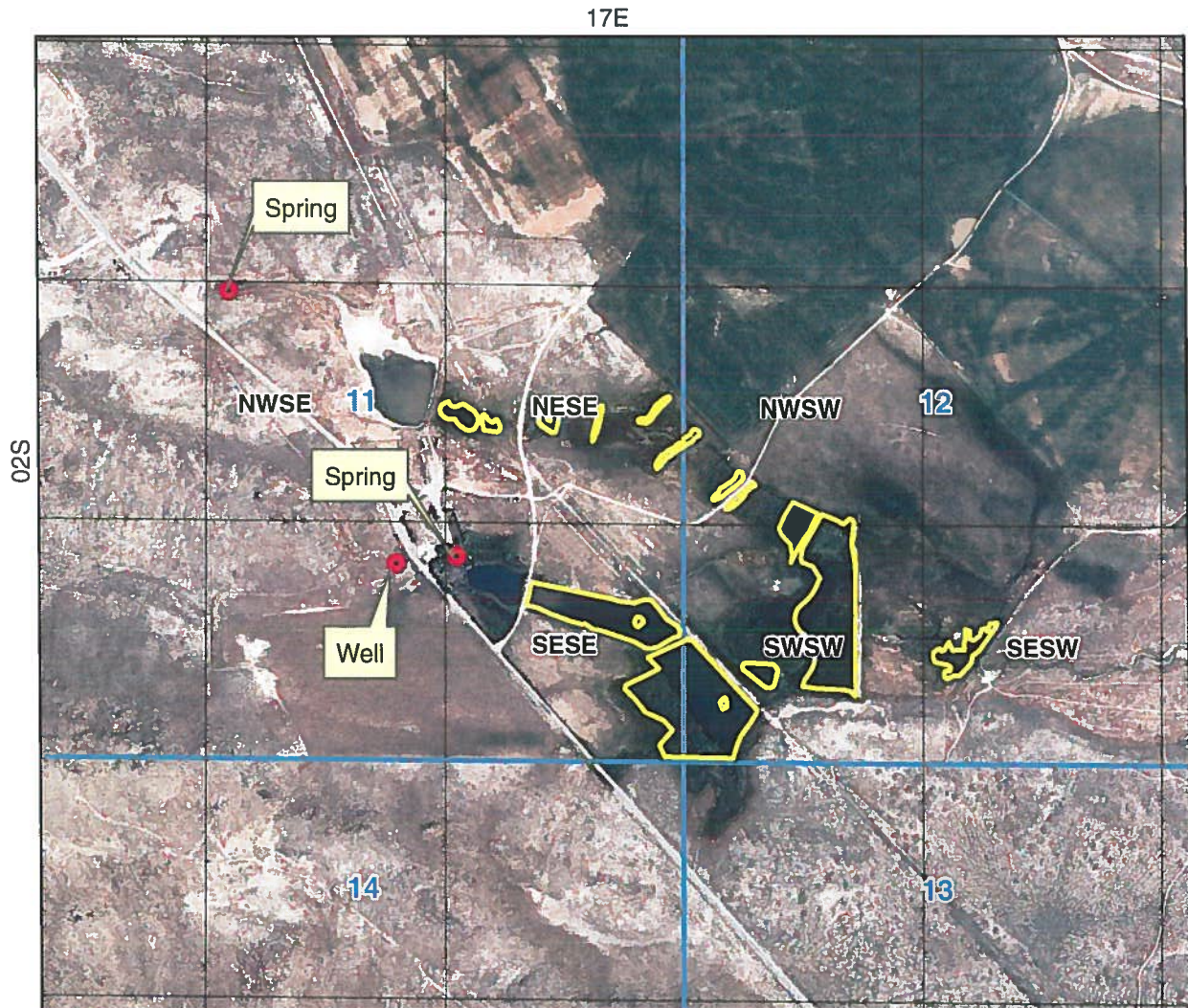
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of November, 2013.

FOR 
GARY SPACKMAN, Director

Attachment To Permit to Appropriate Water

37-21301

This map depicts the WILDLIFE STORAGE and 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
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.125 0.25 0.5 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

November 14, 2013

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

Re: **APPROVED Transfer No. 78752, 78753, 78304 (Black Butte Hills LLC)**

Re: **APPROVED Permit No. 37-21301 (Black Butte Hills LLC)**

Dear Mr. Lakey:

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

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

Sincerely,

A handwritten signature in black ink that reads "Denise Maline". The signature is fluid and cursive, with the first name "Denise" and last name "Maline" clearly distinguishable.

Denise Maline

Administrative Assistant

Enclosure



State of Idaho

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 13, 2013

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

RE: Permit No. 37-21301

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, 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 stylized with a large initial "A" and a cursive "Merritt".

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: BROCKWAY ENGINEERING PLLC

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-21301

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

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

A handwritten signature in dark ink, 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
OCT 28 2013
OF WATER RESOURCES
SOUTHERN REGION

Edward Reagan, being first duly sworn, deposes and says that he/she is the designated agent for the publisher of The Camas Courier, a newspaper published every week in Fairfield, County of Camas, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145, that the annexed advertisement, a copy of which is hereto attached, was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 4th day of September, 2013, and the date of the last publication was on the 11th day of September, 2013.

Number of lines in notice 112
Number of runs 2

Cost for advertisement:	First run	\$ <u>89.60</u>
	Additional runs	\$ <u>78.40</u>
	Total Cost	\$ <u>168.00</u>

Mail payment to:
THE CAMAS COURIER
Post Office Box 339
Fairfield, Idaho 83327



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

The Idaho Unclaimed Property Program posts an updated list of Idaho Unclaimed Property owners on the internet daily. This online list can be viewed at sto.idaho.gov (click on "Unclaimed Property"). Anyone without Internet access can view the list on computers at most public libraries. Unclaimed Property consists of abandoned bank accounts, forgotten refund checks, utility deposits, gift certificates, and more.

Board of the Camas County Commissioner Meetings
Brief Synopsis of the June 2013 Minutes
A complete set of minutes are on file at the Clerk's Office

June 24th, 2013

The meeting was called to order at 9:07 a.m. by Chairman Janet Croner. Also present were Commissioner Ken Backstrom, Commissioner Barb McMurdo, and Clerk Korri Blodgett.

The Board reviewed the agenda. Commissioner McMurdo made a motion to approve the agenda as posted. Seconded by Commissioner Backstrom. Unanimous.

The Board reviewed a request from the Chamber of Commerce to waive the fees for the upcoming rodeo and bull riding events. Commissioner Backstrom made a motion to waive the fees for the Camas County Rodeo and The Bull riding. Seconded by Commissioner Croner. Commissioner McMurdo recused herself from voting as she is an officer on the Chamber of Commerce.

Planning & Zoning Administrator Dwight Butlin met with the Board and gave an update on the Jerry Mason Seminar that he attended in Twin Falls on June 17th. The Board also reviewed building permit fees with Dwight.

Sheriff Dave Sanders met with the Board and reviewed the 2013 Forest Service Modification of Grant Agreement. Commissioner Backstrom made a motion to authorize the signature of the Forest Service Contract Addendum. Seconded by Commissioner McMurdo. Unanimous. Sheriff Sanders also reviewed the sheriff departments 2014 budget requests.

Road & Bridge Supervisor Mike Gill, Forsgren Rep Steven Yearley, and Region IV Fisheries Specialist Doug Megargle met with the Board to discuss and update the Board on the LHTAC Emergency grants that had been applied for to fix the Mormon bridge. Steven informed the Board that they were not successful. Doug Megargle discussed the Mormon fishery. He discussed different grants that they will be applying for to support the project. He stated that his department considers attaining access is a high priority to them.

The Board recess for lunch at 12:18 p.m.

The Board reconvened at 1:05 p.m. to meet with Assessor Lynn McGuire to review her department budget requests for fiscal year 2014.

There being no further business the Board adjourned at 1:38 p.m.

Expenditure Fund Totals:

Justice Fund	\$3,620.80	Current Expense	\$13,700.28
Indigent	\$375.00	Road & Bridge	\$22,923.43
District Court	\$399.59	Revaluation	\$51.90
Health	\$500.00	Landfill	\$360.00
Noxious Weeds	\$17,643.21	Elections	\$241.00
Ambulance	\$4,470.98	911 Communications	\$894.60
State Fund	\$20,665.15	City of Fairfield	\$9,653.50
School District #121	\$25,083.57	Cemetery District	\$168.67
West Magic Fire Dist.	\$485.48	Camas Mosquito Dist.	\$627.88
Camas County Library	\$3,758.89	May Payroll	\$113,010.53

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-21301

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

Point of Diversion: SWSE S11 T02S R17E CAMAS County
 Source: GROUND WATER Tributary

Point of Diversion: NWNWSE S11 T02S R17E CAMAS County
 Source: SPRING Tributary SINKS

Point of Diversion: NWSESE S11 T02S R17E CAMAS County
 Source: SPRING Tributary SINKS

Use: DIVERSION TO STORAGE 01/01 to 12/31 1 CFS

Use: STOCKWATER STORAGE 01/01 to 12/31 81.6 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 81.6 AF

Total Diversion: 1 CFS 81.6 AF

Date Filed: 6/26/2001

Place Of Use: Stockwater Storage & Wildlife Storage
 T02S R17E S11 NESE NWSE SESE
 T02S R17E S12 NWSW SWSW SESW

Application proposes appropriating 81.6 acre-feet of water diverted from two spring sources and from groundwater via an existing well for stockwater and wildlife storage uses in ponds on property located along the west side of Magic Reservoir approximately 4.9 miles south and 5.8 miles west of the Highway 20 & 75 intersection. The application includes a mitigation plan to mitigate for consumptive uses associated with the storage of water in the ponds.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT**TRANSFER NO. 78304**

BLACK BUTTE HILLS LLC, C/O GREGORY VIK, PO BOX 1607, BELLEVUE, WA 98009; has filed Application No. 78304 for changes to the following water rights within BLAINE, CAMAS County(s): Right No(s). 37-2211, 37-22771. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes converting a 16.2 acre portion of a groundwater irrigation right, 37-22771, to stockwater and wildlife storage uses associated with ponds on property located along the west side of Magic Reservoir approximately 4.9 miles south and 5.8 miles west of the Highway 20 & 75 intersection. Transfer provides storage use for evaporative losses associated with companion application for permit 37-21301. The transfer also proposes reducing the authorized place of use of overlapping irrigation right 37-2211 to reflect the conversion of the 16.2 acres under right 37-22771. Published in the Idaho Mountain Express & Camas Courier on September 4th & 11th, 2013

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 September 23, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

published on September 4th & 11th, 2013

✓ ok DM 10/29/2013