

RECEIVED

JUL 30 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 37-21301
37-21301

1. Name of applicant(s) Black Butte Hills LLC Phone 425-460-2542
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: PO Box 1607 City Bellevue

State WA Zip 98009 98009 Email: _____

2. Source of water supply Ground Water/Spring which is a tributary of _____

3. Location of point(s) of diversion: * 10 acre tracts per map 15.

	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
*	02S	17E	11		NW	NW	SE	Camas	Spring	
	02S	17E	11			SW	SE	Camas	Ground Water	
*	02S	17E	11		NW	SE	SE	Camas	Spring	

4. Water will be used for the following purposes:

Amount /81.6 for Stockwater Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount /81.6 for Wildlife Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 1.0/ for Diversion to Storage purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 1.0 cubic feet per second (cfs) and/or (b) 81.6 acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Existing spring diversion and existing well

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? Unknown; drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. Storage for stockwater and wildlife in ponds 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15. See aerial map.

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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													S,W	S,W		S,W	
02S	17E	12										S,W	S,W	S,W					

Total number of acres to be irrigated: _____

PER 8/20/2013 E-MAIL FROM GREG SULLIVAN P.S.

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? 37-11989, 37-12000

10. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. A transfer for 37-22771 is being prepared to dry up 16.2 acres of irrigated land to mitigation for the annual evaporative loss from the ponds. A volume of 81.6 acre feet (38.3 acres) has been dried up one time to offset the volume of water required to fill the ponds from water rights 37-22771 and 37-11989. See attached map.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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

Signature of Applicant

Print Name (and title, if applicable)

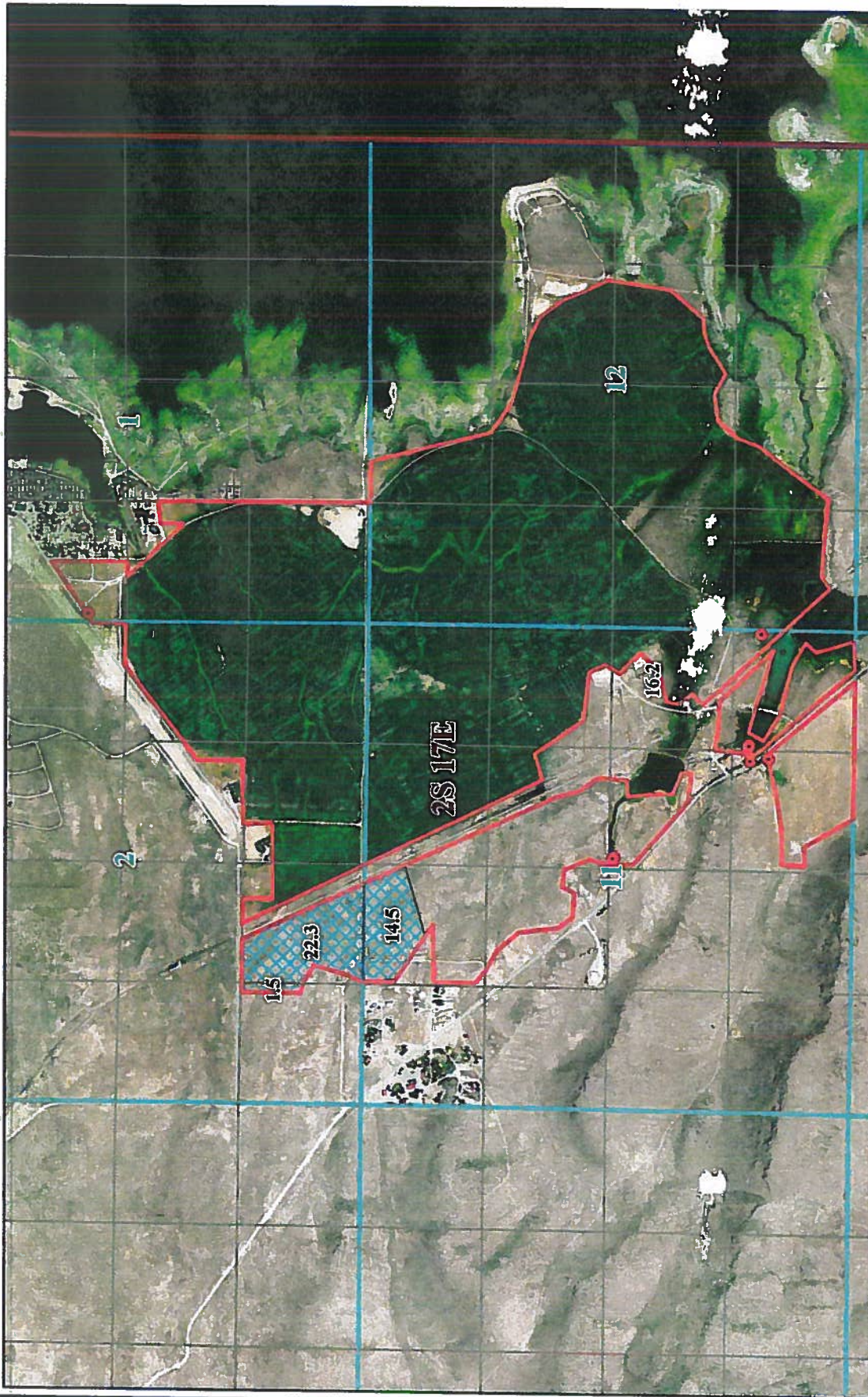
Print Name (and title, if applicable)

GREG VIK, PRESIDENT

For Department Use:

Received by _____ Date 7-30-2013 Time _____ Preliminary check by P. SKINNER

Fee \$ 250.00 Received by J. FREITAG Receipt No. 5024070 Date 6/26/2001



- Legend**
- Points of Diversion
 - WATER RIGHT POU
 - Offset for 1st fill 2009
 - township
 - Sections
 - Adresso

**BLACK BUTTE HILLS LLC - MAGIC RANCH
FIRST FILL 2009 MITIGATION 38.3 ACRES
NAIP 2011 AERIAL**



BROCKWAY ENGINEERING, PLLC.
ALR - OCT. 15, 2012

Legend

- Permit POD
- Ponds
- ladesc
- Sections
- twtnshp



37-21301

11/99

RECEIVED

JAN 05 2006

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

I, South Cove Ventures, L.L.C., hereby assign to Black Butte Hills LLC

of, c/o Chuck Hill, P.O. Box 1607, Bellevue, WA 98009 (425) 460-2504
(Full Address) (Phone)

All my right, title, and interest in and to Application for Permit No. 37-21301
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Application for Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 30th day of December, 2005.

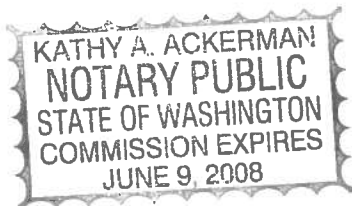
[Signature], its President
Applicant(s)

State of ~~Idaho~~ Washington

County of King)ss

On this 30th day of December, 2005, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

SEAL



Kathy A. Ackerman
Notary Public residing at Issaquah, WA

My commission expires: 6/9/08

11/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT
To change the ownership of an application for permit

I, Lonnie LeaVell aka Alonzo B. LeaVell, hereby assign to South Cove Ventures L.L.C.
of, c/o Chuck Hill, P.O. Box 1607, Bellevue, WA 98009 (425) 460-2504
(Full Address) (Phone)

All my right, title, and interest in and to Application for Permit No. 37-21301
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Application for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 2nd day of July, 2004.

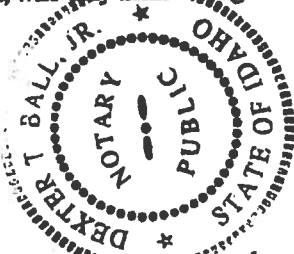
Alonzo B. LeaVell
Applicant(s)

State of Idaho)

County of Twin Falls) ss

On this 2nd day of July, 2004, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

SEAL



[Signature]
Notary Public residing at Twin Falls

My commission expires: 3/23/08

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-21301

RECEIVED

FEB 28 2002

Department of Water Resources
Southern Region

To appropriate the public waters of the State of Idaho

1. Name of applicant Lonnie Leavell Phone (208) 934-8543
Post Office address P.O. Box 54, Gooding, ID 83340
2. Source of water supply Groundwater & springs CR which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____
Sec. 11 Township 02S Range 17E B.M. Camas County; additional
points of diversion, if any: SWSE and NWSE Sec 11, SWNW Sec 1, T. 2 S., R. 17 E.
4. Water will be used for the following purposes:
Amount 96.0 ac-ft for Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity being appropriated is (a) _____ and/or (b) 96.0
cubic feet per second acre-feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Springs and shallow well to ponds.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is groundwater with a temperature of greater than 85 degrees being sought? No
 - e. If well is already drilled, when? Unknown; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is _____ years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households _____
 - e. Other; describe fully. Storage for stockwater and wildlife uses in pond Nos. 2 through
13 - reference the attached aerial map.

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
02S	17E	11													S, W			S, W	
02S	17E	12										S, W	S, W						

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. A37-11989, A37-12000

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12.. Remarks: A transfer application is being filed concurrently to remove irrigated
acres to mitigate for evaporative loss from the ponds. See narrative submitted
with this transfer application. Points of diversion are ~~North Well~~, South Well,
Spring #1, and Spring #2.

13. MAP OF PROPOSED PROJECT ATTACHED _____ show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

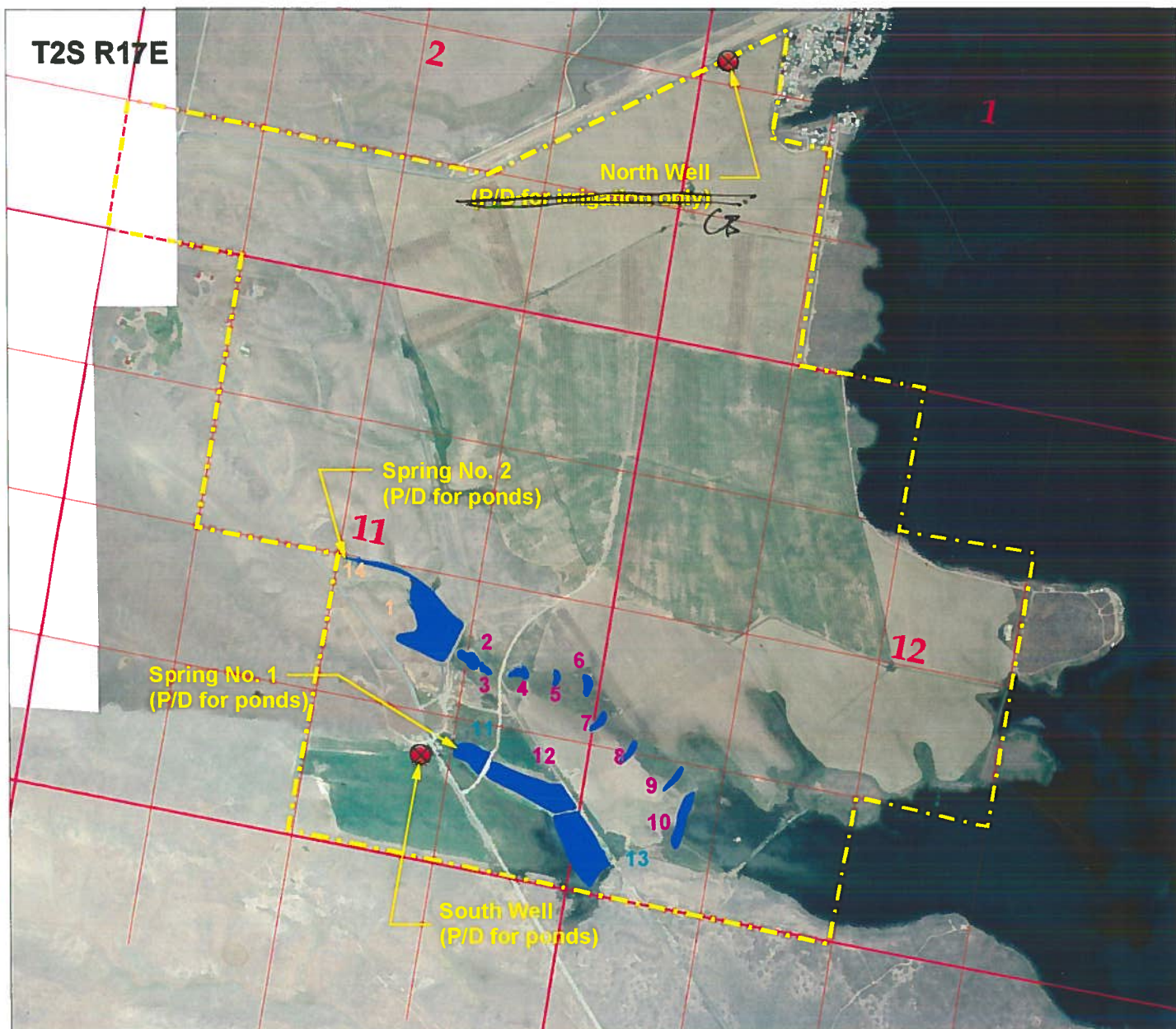
Alvin L. Blum
 (Applicant)
 Power of Atty.

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Receipted by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____



EXPLANATION

New open water Ponds

Wetland to open conversion ponds

Spring fed - pre-existing

Ponds (not to scale)

Property boundary

SCALE: 1" = 1500' (approx.)



Photo Date: 1999
Brockway Engineering, 2001

Transfer Application and Permit Application for Ponds Lonnie Leavell - Magic Ranch Property

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 37-20549

WATER RIGHT NUMBER: 37-20549

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LONNIE LEAVELL PO BOX 54 GOODING, ID 83330 (208) 934-8190

Priority Date: 06/27/2001

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31		96.00 AF
WILDLIFE STORAGE	01/01 to 12/31		96.00 AF
	<u>Total Diversion:</u>		96.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	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	
02S	17E	12									X		X											

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	
02S	17E	12									X		X											

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 37-20549

Conditions of Approval:Remarks:Comments:

1. amerritt 11/9/2010 5:01:30 PM WR Termination/Status Change
Comment: This application has been data entered under number 37-21301

Dates and Other Information:

Application Received Date: 10/17/2001
Application Denied Date:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date:
Number of Protests: 0
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Application Type: New Appropriation
Applicant Remarks: A transfer application is being filed concurrently to remove irrigated acres to mitigate for evaporative loss from the ponds.
Other Water Rights:
Time to Complete Works: 1
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-20549
Revised
10/15/2001

To appropriate the public waters of the State of Idaho

1. Name of applicant Lonnie Leavell Phone (208) 934-8543
Post Office address P.O. Box 54, Gooding, ID 83340
2. Source of water supply Groundwater and springs CB which is a tributary of _____
3. Location of point of diversion is 1/4 of SE 1/4 of SE 1/4, Govt. Lot
Sec. 11 Township 02S Range 17E B.M. Camas County; additional
points of diversion, if any: SWSE and NWSE, Sec 11, T2S R17E; SWNW Sec. 1, T2S, R17E CB
4. Water will be used for the following purposes:
Amount 96.0 ac-ft for Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity being appropriated is (a) _____ and/or (b) 96.0
cubic feet per second acre-feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Springs and shallow well to ponds.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is groundwater with a temperature of greater than 85 degrees being sought? No
 - e. If well is already drilled, when? Unknown; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 3^{CB} years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households _____
 - e. Other; describe fully. Storage for stockwater and wildlife uses in pond Nos. 2 through
13 - reference the attached aerial map.

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
02S	17E	11													S, W			S, W	
02S	17E	12										S, W	S, W						

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. A37-11989, A37-12000

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12.. Remarks: A transfer application is being filed concurrently to remove irrigated
acres to mitigate for evaporative loss from the ponds. See narrative submitted
with this transfer application.

13. MAP OF PROPOSED PROJECT ATTACHED X show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Michael Blum
 (Applicant)
Power of Attorney

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Receipted by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-20549

To appropriate the public waters of the State of Idaho

1. Name of applicant Lonnie Leavell Phone (208) 934-8543
Post Office address P.O. Box 54, Gooding, ID 83340
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is 1/4 of SE 1/4 of SE 1/4, Govt. Lot
Sec. 11 Township 02S Range 17E B.M. Camas County; additional
points of diversion, if any: SWSE and NWSE, Sec 11, T2S R17E
4. Water will be used for the following purposes:
Amount 96.0 ac-ft for Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity being appropriated is (a) _____ and/or (b) 96.0
cubic feet per second acre-feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Springs and shallow well to ponds.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is groundwater with a temperature of greater than 85 degrees being sought? No
e. If well is already drilled, when? Unknown; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is _____ years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households _____;
e. Other; describe fully. Storage for stockwater and wildlife uses in ponds (see
attached aerial map).

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
02S	17E	11													S, W			S, W	
02S	17E	12										S, W	S, W						

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. A37-11989, A37-12000

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

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acres to mitigate for evaporative loss from the ponds.

13. MAP OF PROPOSED PROJECT ATTACHED _____ show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Charles G. Blum

 (Applicant)
 Power of Attorney

Received by J FREITA6 Date 6/26/2001 Time _____ Preliminary check by _____

Fee \$ 250.00 Received by J FREITA6 # 5024070 Date 6/26/2001

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____



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

August 29, 2013

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

RE: Application For Permit No. 37-21301

RE: Transfer No. 78304
Water Right No(s). 37-2211, 37-22771

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the **CAMAS COURIER on 9/4/2013 and 9/11/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**September 23, 2013**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc:

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

SPECK & AANESTAD
ATTN: JAMES SPECK
PO BOX 987
KETCHUM, ID 83340

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 29, 2013 10:31 AM
To: Camas Courier
Subject: LEGAL NOTICE
Attachments: Camas Courier Cover Letter.docx; Camas Courier Ad.docx

Attached please find (1) legal notice being submitted for publication on September 4th & 11th, 2013. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

August 29, 2013

LEGAL NOTICE DEPARTMENT
CAMAS COURIER
PO BOX 339
FAIRFIELD, ID 83327

RE: Application For Permit No.(s): 37-21301

RE: Transfer No. 78304
Water Right No(s): 37-2211, 37-22771

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 23, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 29, 2013 4:23 PM
To: Kevin Lakey
Subject: Comment Letters
Attachments: Comment Letter to WM37.pdf; Permit App 37-21301.pdf; Transfer App 78752.pdf; Transfer App 78753.pdf; Transfer App 78304.pdf

Dear Kevin,

Attached please find a cover letter, recommendation forms, and a copy of Application for Permit No. 37-21301; as well as Transfer applications 78304, 78752 & 78753. Please review the attached information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions.

Thank you in advance,

Denise Maline
Administrative Assistant, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



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

August 29, 2013

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

Via e-mail

RE: Application for Permit No. 37-21301

RE: Transfer No. 78304
Water Right No(s). 37-2211, 37-22771

RE: Transfer No. 78752
Water Right No(s). 37-12000

RE: Transfer No. 78753
Water Right No(s). 37-11989

Dear Mr. Lakey:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an untested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



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

August 29, 2013

IDAHO DEPT OF FISH & GAME
324 S 417 E, STE 1
JEROME, ID 83338

RE: Application for Permit No. 37-21301, 47-17611, 45-14446

RE: Transfer No. 78304
Water Right No(s). 37-2211, 37-22771

RE: Transfer No. 78752
Water Right No(s). 37-12000

RE: Transfer No. 78753
Water Right No(s). 37-11989

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

Sincerely,

Denise Maline
Denise Maline
Southern Region

Enclosure(s)

MEMORANDUM

TO: Application for Permit 37-21301 File

FROM: Corey Skinner

DATE: August 21, 2013

SUBJECT: Priority Date

On June 26, 2001, an Application for Permit was received from Brockway Engineering in the IDWR Southern Region Office. The filing fee for the application, and other applications, was receipted on 6/26/2001 according to receipt S024070. The application for permit was partially data entered as application 37-20549. Several revisions of the application for permit were submitted over the years, with one of these revised applications being data entered as 37-21301. The status on the original data entered application, 37-20549, reflects "See Remarks" with a comment indicating that it has been data entered under number 37-21301.

The original application was for 96.0 ac-feet of storage ("for stockwater and wildlife uses in ponds") from three points of diversion ("Springs and shallow well"). On July 30, 2013 a revised application for permit was received seeking to appropriate 81.6 acre feet of water from two springs and a groundwater source for stockwater and wildlife storage in several ponds. The recently filed revised application for permit also lists a diversion to storage amount of 1.0 cfs. Note that this 1.0 cfs flow rate falls within the same fee schedule breakdown as the originally (and currently) filed storage amount of 21-100 AF.

It appears that the currently filed revised application reflects amounts and uses that are in line with the amounts and uses described on the originally filed application that was received and receipted on June 26, 2001. Therefore, it appears appropriate that June 26, 2001 should be considered the date of filing and corresponding priority date for Application for Permit 37-21301.

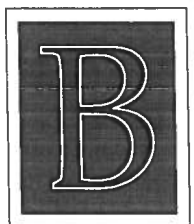
Skinner, Corey

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Tuesday, August 20, 2013 1:28 PM
To: Skinner, Corey
Subject: RE: Black Butte App for Permit

Corey,

Please include the SESW of Sec 12 of 02S 17E as part of the POU for Application for Permit 37-21301.
Thank you.

Greg Sullivan
Brockway Engineering
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUL 30 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

July 30, 2013

Corey Skinner
Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, Idaho 83301

Re: Black Butte Hills LLC

Dear Mr. Skinner:

It is desired by Black Butte Hills to update and correct the characteristics of water rights 37-12044, 37-12000, 37-11989, 37-2211, 37-22771 and application for permit 37-21301.

Water right 37-12044 is a domestic and stock water right. The place of use of this water right is being corrected with a transfer. A fee of \$200.00 will be paid to IDWR.

Application for permit 37-21301 is being amended to a diversion to storage of 1.0 cfs and an 81.6 afa of stock water storage and wildlife storage. The stock water storage and wildlife storage will be beneficially used in ponds 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14 and 15. The permit application fee has already been paid to IDWR (Receipt #SO240740). A 38.3 acre portion or 81.6 acre feet of water has been dried up in 2009 to offset the initial fill requirement for ponds 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14 and 15.

Water right 37-12000 will have a diversion to storage of 0.02 cfs and a 14.0 afa for stock water storage. The place of use of 37-12000 will be changed to include ponds 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15. A fee of \$200.00 will be paid to IDWR to process this transfer.

Water right 37-11989 will have its place of use for irrigation storage identified as pond 1 and pond 11. The place of use for irrigation from storage will be reduced from 787 to 770.8 acres. The POU of 37-11989 will match the POU of water right 37-22771 and 37-2211. A fee of \$200.00 dollars will be paid to IDWR to update the POU of this water right.

Transfer 78304 will be amended by drying up 16.2 acres under ground water right 37-22771 for mitigation purposes to offset the evaporation losses from

CHARLES E.
BROCKWAY,
PH.D., P.E.

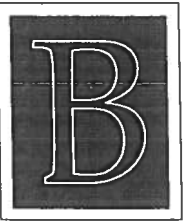
CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



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Water Resources

ponds 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15. The defined place of use for 37-22771 and 37-2211 will be reduced to 770.8 acres. The transfer fee for these water rights have previously been paid to IDWR (Receipt #SO240740).

Please copy our office on all correspondence regarding these applications.

Sincerely,

Greg Sullivan, M.S.

Cc: Greg Vik, Jim Speck, Rod Gonsales,

Enc: Transfer Applications, Aerial Maps for Each Proposed Transfer, Spreadsheet Analysis of Mitigation Requirements and Transfer Summaries, Brockway Engineering Check # 11538 for \$600.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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FAX: 736•8506

Merritt, Allen

From: Merritt, Allen
Sent: Monday, March 10, 2008 1:56 PM
To: 'Speck, James'
Subject: Black Butte Hills LLC Transfer 71364 and Application for Permit 37-21301

Jim,

I have been reviewing older applications that have been stalled for one reason or another. I think Black Butte Hills LLC has the above referenced application for transfer and application for permit that fall into this category. These applications were initially filed in the name of Lonnie Leavell by Brockway Engineering (Chuck Jr.).

Both applications deal with legitimizing some existing recreational ponds and future ponds to be built. The transfer proposes modifying irrigation rights to mitigate for the application for permit for storage.

In the file I find that South Cove Ventures assigned these applications to Black Butte Hills LLC. I presently cannot find the documentation that Lonnie Leavell assigned the applications to South Cove Ventures. Do you have such documentation? Please provide a copy or get an assignment of these application from Mr. Leavell.

On review of the transfer I find that it presently includes right 37-11989 which has been recommended in the SRBA for disallowal. This recommendation is objected to by Black Butte Hills. In reading the file I conclude that what is being proposed in the transfer may not correspond to what actually exists in the field and it raises the question about moving forward with these applications as they are currently filed.... It appears they may need to be amended.

Please review your client's desires to move forward with these applications and let me know. Also please advise what capacity if any Brockway Engineering has with your client regarding these applications.

Call if you have questions.

Thanks,

Allen

255/54441
received

Explnation of Records

By: ADM
Date: 3/7/08

On 6/26/01 an application was received from Brockway Engineering. Receipt 5024070 was issued for the application and other applications. Data entry was started a permit no 37-20549 was created but not completed. On 10/15/01 the application was revised. On 2/28/02 another revision was submitted but this was data entered as a new number ~~was~~ assigned as permit no 37-21301.

Essectially 37-20549 & 37-21301 are the same.

On review no data entry has been completed since the application may need to be revised again. Currently both 37-20549 & 37-21301 are draft status on the database.

Merritt, Allen

From: Merritt, Allen
Sent: Monday, October 16, 2006 10:24 AM
To: Skaggs, Pam
Subject: RE: 69500 Leavell - Status of this Draft Transfer

I'm thinking this was a draft John was working on ... I still have T71364 involved with this right and new application 37-21301 but they need amending by Brockway's or someone so we have not moved forward on them yet. As far as I know these are the only ones hanging at the old Magic Ranch.

T71364 deals with drying up acres for ponds and 37-21301 is for ponds. The ponds have been built but not as the original applications indicate so everything needs to be amended.

Allen

-----Original Message-----

From: Skaggs, Pam
Sent: Monday, October 16, 2006 9:59 AM
To: Merritt, Allen
Subject: 69500 Leavell - Status of this Draft Transfer

Allen,

This draft transfer was an original part of that set of transfers John worked on, splitting 37-7395. Looks like all the other split transfers have been successfully completed (69501-06, 71368/70/71/73). Is this a real application still pending or a mistake in all the splits? No rush....just let me know when you have a chance to check.

Thanks,

Pam

-----Original Message-----

From: Skaggs, Pam
Sent: Thursday, April 07, 2005 12:53 PM
To: Freitag, John
Subject: 69500 & 13 other Transfers on 37-7395

Hi John,

So, these are submitted applications with fees paid etc? I guess that is alright, but I still don't know why the status is blank. Shouldn't they be draft?

We should still try to separate all these transfers prior to processing, or we will be limited to completing them one at a time. Is there only one owner & they are proposing multiple separate systems? Or are they selling lots/pieces of the right to individuals who will pursue transfers for their portion? Will need to document assigning the transfer applications from original applicant to new owner(s). Are you currently working on these? What is their current processing status?

Call me if you want to discuss.

Pam

-----Original Message-----

From: Freitag, John
Sent: Thursday, April 07, 2005 11:53 AM
To: Merritt, Allen; Skaggs, Pam
Subject: RE: Transfers on 37-7395

I had to create these due to a sale of the property, the owner is now South Cove Ventures LLC. South Coves lawyer wanted transfer #'s to reference as part of the sale. So I did the minimal data entry to gain a transfer #.

Merritt, Allen

From: Merritt, Allen
Sent: Thursday, December 29, 2005 4:00 PM
To: James Speck (E-mail); Chuck Jr. Brockway (E-mail)
Cc: Fawcett, Trish
Subject: Black Butte Hills LLC

Gentlemen:

As you know I've been working on numerous transfers that were initially filed in the name of Lonnie Leavell that were later assigned to "South Cove Ventures LLC" and now I understand from Trish that ownership documents have been received that indicates all the land and rights involved has been changed to "Black Butte Hills LLC".

(Please note that Trish has reviewed the ownership change notices and assignments of permits and finds that no fees were paid so she will be seeking payment of the fees for the changes of ownership except for those still in the SRBA process.)

The transfers that I currently have include:

Transfers 69501 thru 69505. (These dry up acres and move them to small tracts to the west of Magic Reservoir to wells and ponds filled with groundwater for irrigation of lands around these isolated tracts, many of which are associated with stockwater permits.

Transfer 71364 and application for permit 37-21301 that are associated with ponds at the old Magic Ranch.

I met with Chuck Brockway Jr. a few days ago and we discussed several issues that need to be addressed. When the transfers were assigned to South Cove Ventures LLC there was a notarized assignment. This appears to be necessary to get all the transfers and the application for permit into Black Butte Hills LLC assuming they still want to proceed with these transfers and the application. Additionally I may need to have notices of appearance &/or power of attorney if you plan to sign documents for Black Butte Hills LLC. I also need a list of the officers for that entity.

As I discussed with Chuck Jr. we are short \$150 for filing fees on one of the transfers since the rate was modified after the initial fees were submitted.

We also discussed the potential for amending transfer 71364 and application 37-21301 to account for ponds that appear in 2004 aerial photos. We also discussed the potential need for filing an additional transfer to resolve the place of use of the residual irrigation use at the old Magic Ranch since it is not clear that the record matches what they appear to be doing in 2004.

I would like to move forward if appropriate in processing T69501 thru 69505. The others as explained above may need some work.

I look forward to working on resolving these issues in the near future. Have a good New Years!

Allen



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FEB 28 2002

Department of Water Resources
Southern Region

February 26, 2002

Mr. John Frietag
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Lonnie Leavell claims and applications / Magic Ranch
Project No. 431-02-2001

Dear John:

In our last meeting, we decided on several items that needed to be addressed for these applications. Accordingly, I am submitting the following:

1. A history of property ownership, development, and irrigation on the Magic Ranch property from 1911 through the present.
2. An ArcView workup of a 1957 ASCS aerial photo, showing irrigation occurring from the two springs. Ditches from both springs and gravity irrigation are clearly evident. The total irrigation is 204.1 acres. It is assumed that this is approximately the condition that existed from the time of development in the early 1900s.
3. Amended SRBA claim for 37-11989 to include Spring #2, 30 ac-ft of irrigation regulation ponds, and 204.1 acres of irrigation based on the 1957 photo. Claim 37-2211 will remain as filed, reflecting the original license. Let me know the filing fee amount for unclaimed acres – most of the acres have been claimed under the groundwater right, but not under any spring right.
4. Revised transfer application to reflect 15.7 acres dried up under the both the groundwater right and the spring rights. This is being done because the pond area to be converted to stockwater and wildlife is within the historical place of use of the spring rights. However, note that only 3.0 acres of the area being dried up is within the place of use of 37-2211, but all acres being dried up are within the place of use of 37-11989 (as amended). Hence, 15.7 acres are being removed from groundwater right 37-7395 and spring right 37-11989, but only 3.0 acres are being removed from spring right 37-2211.

5. Revised permit application for pond storage to include both wells and both springs as points of diversion.
6. ArcView workup showing the area irrigated during 1998. The base map for this is the 1999 FSA photo – the FSA did not have the 1998 photo. The total area is 783.8 acres, which is 96.7% of the licensed and claimed acres. According to Norm Young, if the aerial photo estimate of irrigated acres is within 5% of the licensed acres, no partial forfeiture is deemed to occur. This is to account for the inherent error in estimating acreage from aerial photos or other methods short of an on-the-ground survey.

Sincerely,


Charles G. Brockway

Enclosures

cc: Lonnie Leavell

RECEIVED

FEB 28 2002

Department of Water Resources
Southern Region

MAGIC RANCH – CAMAS COUNTY, IDAHO

Ownership, farming, and irrigation history

Brockway Engineering, PLLC / C. G. Brockway, P.E.
February 26, 2002
Information from Lonnie Leavell and aerial photos

Two significant springs issue to the surface on the Magic Ranch property. Spring #1 is the south spring and Spring #2 is the north spring. Development of the property began in 1911. From 1911 to 1915, the springs were developed and diverted for irrigation use by Zachariah Spellman and later George Starcher, who purchased the property in 1913. Embankments were placed, creating regulation ponds to capture flow from each spring, and ditches were constructed from the ponds. All irrigation from the springs originally took place by gravity. License No. 7419 (later changed to 37-2211) was granted on September 8, 1915 with a priority date of May 9, 1911 for 1.7 cfs and 85 acres of irrigation. From some reason, this license did not include Spring #2, the main source of water, as a point of diversion. Also, the license did not describe storage in the irrigation regulation ponds. Therefore, an SRBA claim (37-11989) was filed on October 25, 1988 for the same 85 acres but with 30 acre-feet of irrigation storage and Spring #2 as the point of diversion.

The property continued to be irrigated from the springs from the original development through approximately the late 1950s when the first irrigation well was constructed. The attached 1957 aerial photo clearly shows the springs, ditches, and irrigated fields. It is assumed that this is approximately the condition that had existed since about 1915. A substantial amount of land was served with the springs, but license 37-2211 does not reflect the extent of irrigation that was historically accomplished. An ArcView analysis using this photo indicates that a total of 204.1 acres were irrigated using the two spring sources.

In addition to the irrigation, approximately 150 head of range cattle were watered from the springs.

W. H. Croft purchased the property in approximately 1940, and continued the irrigation with the two spring sources. Croft installed the small well (south well near the farmhouse) in the late 1950s.

Croft sold the property to the group known as Magic Four in 1974. In this year, a permit was obtained (37-7395) for irrigation from two groundwater wells. Magic Four developed the majority of the property, installed an additional well (north well near the airstrip), installed buried mainlines, three center pivots, and several systems of hand lines and wheel lines. A total of 810 acres was developed, pursuant to the groundwater permit. At this time, the two wells supplied the majority of the irrigation water, pumping into a common mainline system – there was no booster pump from the spring sources. However, gravity irrigation of about 87 acres from Spring #2 continued to occur from the

pre-existing ditch system. Groundwater license 37-7395 was granted on April 29, 1985 for 9.94 cfs and 810 acres.

In 1985 or 1986, Connecticut General foreclosed on the property and owned it until 1987. In 1986 or 1987, the center pivots were removed.

In 1987, Orie Leavell purchased the property, and began irrigating from the wells using hand lines only. Also, Spring #2 continued to be used to gravity irrigate approximately 50 acres (the two fields just east of the road) using the pre-existing ditch system. This gravity irrigation continued until 1994.

In 1987 or 1988, the large ponds near the farmhouse were constructed (#11 and #12 on the transfer application).

In 1994, a major system upgrade was accomplished. This included additional mainlines, wheel lines, and hand lines, and a 20 HP booster pump located in pond #13 to supply water to the common system from Spring #1. Spring #2 water was no longer used for gravity irrigation via the ditch system, but instead continued to flow southeast in a pre-existing ditch to ponds #12 and #13. After this upgrade, water from any source could be utilized anywhere on the property. This is essentially the same system configuration that exists today.

From 1987 through 2001, irrigation has occurred every year on the property to some extent. The property was fully irrigated in 1994, the first season after the major system upgrade, and in 1998. An ArcView analysis using a 1999 aerial photo (the 1998 photo was not available from the FSA) shows the extent of irrigation in 1998. Irrigation west of the road was light, and does not show well on the photo; however, a site visit made by C. E. Brockway, P.E. during the 1998 season confirmed the extent of irrigation shown on the 1999 aerial map. The irrigated area in 1998 was 783.8 acres, or 96.7% of the 810-acre water right.

Idaho Department of Water Resources Receipt

Receipt ID S024070

Payment Amount \$1,550.00 | Date Received 6/26/01 2:46:53 PM | Region Southern | Status

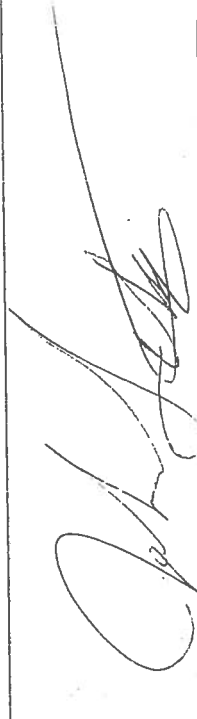
Payment Type Check | Check Number 108

Payer LEAVELL CATTLE - LONNIE LEAVELL

Comment 7 transfers and 7 applications for permit. Brockway Eng. is the consultant.

Fee Detail

Amount Description	Fund	FD	PCA	SO
<u>\$700.00 TRANSFERS</u>	<u>0229</u>	<u>21</u>	<u>64106</u>	<u>1155</u>
<u>\$850.00 PERMITS</u>	<u>0229</u>	<u>21</u>	<u>64103</u>	<u>1155</u>



Signature Line (Dept. Representative)

37-20549
 37-20550
 37-20551
 37-20552
 37-20553
 37-20554
 37-20555

5024070

250⁰⁰
 600⁰⁰

 850⁰⁰

T 69501

69502

69503

69504

69505

69506

Drift
 T69500 →
 now
 numbered

71364

Increase
 div fee is
 \$250⁰⁰

1550⁰⁰

100⁰⁰

100⁰⁰

100⁰⁰

→ due

150⁰⁰

pit is
 5028275

WATER RIGHT APPLICATIONS FOR LONNIE LEAVELL MAGIC RANCH PROPERTY

Brockway Engineering, PLLC
June 6, 2001

1. Transfer Application

This transfer application is to convert a portion of irrigation license 37-07395 to stockwater and wildlife uses in twelve ponds on the Magic Ranch property. Nine of these ponds (nos. 2 through 10) were constructed within the last 2 years. Three of the ponds (nos. 11, 12, 13) were constructed approximately in 1988-89. Pond nos. 1 and 14 have been in existence since the early 1900s, have been claimed in the SRBA, and are not subjects of this transfer. See the attached aerial map.

Ponds 2 through 10 and 12 were created in a pasture that has historically been irrigated. Ponds 11 and 13 were created in a marshy area created by Spring No. 1 within which evapotranspiration has historically occurred - these ponds should not need mitigation.

The average surface area of the ponds is estimated to be 7.6 acres for ponds 2 through 10 and 3.9 acres for pond 12. The evaporative loss from this water surface area is greater than that which would be allowed under the Part A domestic exemption. Therefore, mitigation is being provided with existing irrigation rights on the property.

The average storage volume in the ponds is estimated to be 12.0 ac-ft for ponds 2 through 10 and 78.0 ac-ft for ponds 11, 12, and 13, for a total of 80.0 ac-ft. The volume in ponds 2 through 10 will fluctuate greatly as water supply fluctuates, while 11, 12, and 13 will remain (and have historically remained) relatively constant. Therefore, the volume on the transfer of 96 acre-feet reflects a 50% increase in the average volume for ponds 2 through 10.

The following calculations are based on a May-Oct free water surface evaporation of 30.5 inches from the NOAA evaporation atlas. Only May-Oct is being used, since this is the only time the ponds will likely contain water. The irrigated acres to be removed was calculated by dividing the total seasonal pond evaporation by 2.5 ac-ft/ac, the IDWR consumptive use allowance for irrigation at this location. To be conservative, a maximum surface area was estimated to be 50% greater than the existing surface area for ponds 2 through 10.

Qtr	Pond #s	Maximum sfc area (ac)	May-Oct evap (ac-ft)	Irrig. acres removed (ac)
NESE11	2, 3, 4, 5, 6	2.5	6.35	2.5
NWSW12	7, 8 (half)	0.5	1.27	0.5
SWSW12	8 (half), 9, 10	8.6	21.9	8.7
SESE11	12	3.9	9.91	4.0
TOTAL		15.5		15.7

Ponds not requiring mitigation: #11 (1.3 acres) and #13 (4.6 acres).

Water rights 37-07395 and 37-02211 are overlapping within the 40s occupied by the ponds. Therefore, the acres are being removed from both of these rights.

Points of diversion and water supply for the ponds will be Spring No. 1 in SESE Sec. 11, Spring No. 2 in NWSE Sec. 11, and the south well in SWSE Sec. 11. The south well is very directly connected hydrologically with the springs, as evidenced by the marked reduction in the south spring discharge when the well is pumped.

3. Other rights and SRBA claims and decrees for stockwater and/or storage

A37-11989	Claim for irrigation and storage – Spring No. 2 and Pond Nos. 1 and 14.
A37-12000	Claim for pond storage and stockwater.
37-12044	Partial decree – small domestic and stockwater.

Monthly Shallow Pond Evaporation in Idaho for Region 4 Camas Prairie

Prepared by: Ina Sue Miller, Brockway Engineering

ASAE paper PNW 92-111-U of I - ag (1992)
 ET data from Allen and Brockway (1983)
 Evaporation data from NOAA Evaporation Atlas, Farnsworth et al. (1982),
 Pochop et al (1985)
 Pochop et al (1988)

	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Total
Percent	1.0	2.0	4.0	7.0	12.0	15.0	19.0	16.0	11.0	6.0	4.0	3.0	100.0
FWS Evap in inches	0.4	0.7	1.4	2.5	4.2	5.3	6.7	5.6	3.9	2.1	1.4	1.1	35.0

Monthly pond evaporation for each property in ac-ft

Tot Pond Surface		Jan (ac-ft)	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Total (ac-ft)
Rock House	0.16	0.005	0.009	0.019	0.033	0.056	0.070	0.089	0.075	0.051	0.028	0.019	0.014	0.467
Patterson	0.00	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Astorquia	0.09	0.003	0.005	0.011	0.019	0.033	0.041	0.052	0.043	0.030	0.016	0.011	0.008	0.271
Magic	7.61	0.22	0.44	0.89	1.55	2.66	3.33	4.22	3.55	2.44	1.33	0.89	0.67	22.20

4/1-10/1		Number of range cattle a property may have under Idaho Statue 42-111 part A (13,000 gal/day), accounting for peak pond evaporation				July Peak		Number of range cattle allowed (at 12	
evap (ac-ft)		July Peak Evap (ac/day)		July Peak Evap (gpd)		Evap (gpd)		cattle allowed (at 12 gpd/hd)	
Rock House	0.37	0.0029		932		1006			
Patterson	0.00	0.0000		0		1083			
Astorquia	0.22	0.0017		542		1038			
Magic	17.76	0.1360		44327					
Total	18.35	0.1406							

NOTE: Only new ponds on the Magic Ranch property received transferred water from WR 37-7395.
 New ponds that are classified as 'wetland to open water conversion' were not used.
 Any other acreage for pond surface area not used in calculations are because they were either pre-existing ponds or runoff ponds with little or no water impoundment.
 * Remainder of the year the ponds are dry

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Lonnie Leavell, hereby nominate and appoint
Charles G. Brockway as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water right
transfers before the Idaho Department of Water Resources for the following water right
transactions:

Permit applications for Rock House, Astorquia, Patterson, and Magic Ranch.

Transfers of portions of licenses 37-07395 and 37-02211 to the above properties.

in Camas County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorizing to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my on proper person; and I hereby undertake at all
times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning
the said premises by virtue of these presents. This Limited Power of Attorney will become void
upon approval, denial or withdrawal of the above referenced applications.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal

Dated this 12 day of June 2001.

Lonnie Leavell
Signature

State of Idaho)

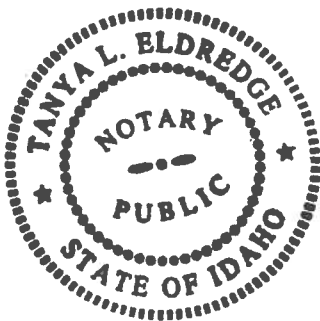
County of Twin Falls)

ss.

On this 12th Day of June, 2001, before me, a Notary Public
in and for said County and State, personally appeared Lonnie Leavell,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

S
E
A
L



Tanya L. Eldredge
Notary Public
In and for said State and County

12-18-06
My Commission Expires