

RECEIVED

JUL 30 2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78304

37-22771

37-2211

DEPT. OF WATER RESOURCES
SOUTHERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78304

RECEIVED

JUL 30 2013

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT. OF WATER RESOURCES

Name of Applicant Black Butte Hills LLC

Phone 425-460-2542

Mailing address PO Box 1607 Bellevue, WA 98009

Email _____

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

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

☐ No Representative

Name of Representative Greg Sullivan of Brockway Engineering

Phone 208-736-8543

Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301

Email greg.sullivan@brockwayeng.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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


Signature of Applicant or Authorized Representative

GREG VIK, PRESIDENT
Print Name and Title if applicable

7/26/13
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Identify 16.2 acres that will be used to offset the evaporation loss due to 37-21301.

The POU for will be updated for 37-11989, 37-2211 and 37-22771. The 16.2 acres will only be dried up under 37-22771.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	37-22771	0.20/	Diversion to Storage	1/01 to 12/31	Ground Water
☐ ☒	37-22771	9.34/2312.4	Irrigation	5/01 to 10/01	Ground Water
☒ ☐	37-2211	1.7/	Irrigation	4/15 to 10/31	Spring/ Sinks
☐ ☒	37-22771	/34.5	Wildlife & Stock Storag	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 11.24 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 11.24 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	17E	1							9			30	39						78.0
		2				0.4						1.5	29.3	33	1.6	34	39		138.8
		11	40	34	28	33	34			15					20	12	19	27	262.0
		12			20		15	40	40	36	38	40	28	11		24			292
02S	17E	11													X	X		X	
		12										X	X	X					

X = Wildlife & Stockwater Storage

Total Acres (for irrigation use) 770.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Existing wells, pump and piping system.
- b. Who owns the property at the point(s) of diversion? Black Butte Hills LLC
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: 16.2 acres will no longer be irrigated.
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: N/A
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
- | Yes | No | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

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

Current Water Right No.: 37-22771

Current Owner: BLACK BUTTE HILLS LLC

Priority Date: 10/30/1974

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

05/01 to 10/01

9.54 CFS

2361 AF

Total Diversion

9.54 CFS

2361 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4NW1/4

Sec. 1, Twp 02S, Rge 17E B.M.

BLAINE County

GROUND WATER

SW1/4SE1/4

Sec. 11, Twp 02S, Rge 17E B.M.

CAMAS County

Place of Use

IRRIGATION Within BLAINE County

T02S R17E S1	SWNW	9.00	T02S R17E S1	NWSW	34.00
T02S R17E S1	SWSW	39.00	T02S R17E S2	SENE	0.40
T02S R17E S2	SWSW	1.50	T02S R17E S2	SESW	30.00
T02S R17E S2	NESE	33.00	T02S R17E S2	NWSE	3.10
T02S R17E S2	SWSE	37.00	T02S R17E S2	SESE	40.00
T02S R17E S11	NENE	40.00	T02S R17E S11	NWNE	34.00
T02S R17E S11	SWNE	28.00	T02S R17E S11	SENE	33.00
T02S R17E S11	NENW	34.00	T02S R17E S11	SENE	33.00
T02S R17E S11	NESE	20.00	T02S R17E S11	SENE	33.00
T02S R17E S11	SWSE	19.00	T02S R17E S11	SESE	27.00
T02S R17E S12	SWNE	20.00	T02S R17E S12	NENW	19.00
T02S R17E S12	NWNW	40.00	T02S R17E S12	SWNW	40.00
T02S R17E S12	SENE	38.00	T02S R17E S12	SENE	38.00
T02S R17E S12	NWSW	40.00	T02S R17E S12	SENE	38.00
T02S R17E S12	SESE	11.00	T02S R17E S12	SENE	38.00

Total Acres: 787

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 787 acres in a single irrigation season. Combined Right Nos.: 37-2211, 37-11989, 37-22771.
2. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 4/15 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Decreed Date: 2/3/2010

Total Acres (for irrigation use)	16.2
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-2211

Current Owner: BLACK BUTTE HILLS LLC
Priority Date: 5/9/1911
Origin: Water Right
Status: Active
Basis: Decreed

Source

SPRING

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

1.7 CFS

1.7 CFS

Annual Volume

Location of Point(s) of Diversion

SPRING

CAMAS County

NE1/4SE1/4SE1/4

Sec. 11, Twp 02S, Rge 17E B.M.

Place of Use

IRRIGATION Within BLAINE County

T02S R17E S1	SWNW	9.00	T02S R17E S1	NWSW	34.00
T02S R17E S1	SWSW	39.00	T02S R17E S2	SENE	0.40
T02S R17E S2	SWSW	1.50	T02S R17E S2	SESW	30.00
T02S R17E S2	NESE	33.00	T02S R17E S2	NWSE	3.10
T02S R17E S2	SWSE	37.00	T02S R17E S2	SESE	40.00
T02S R17E S11	NENE	40.00	T02S R17E S11	NWNE	34.00
T02S R17E S11	SWNE	28.00	T02S R17E S11	SENE	33.00
T02S R17E S11	NENW	34.00	T02S R17E S11	SENE	15.00
T02S R17E S11	NESE	20.00	T02S R17E S11	NWSE	12.00
T02S R17E S11	SWSE	19.00	T02S R17E S11	SESE	27.00
T02S R17E S12	SWNE	20.00	T02S R17E S12	NENW	19.00
T02S R17E S12	NWNW	40.00	T02S R17E S12	SWNW	40.00
T02S R17E S12	SENE	38.00	T02S R17E S12	NESW	38.00
T02S R17E S12	NWSW	40.00	T02S R17E S12	SWSW	28.00
T02S R17E S12	SESW	11.00	T02S R17E S12	NWSE	24.00

Total Acres: 787

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. K06 This right is limited to the irrigation of 85 acres within the place of use described above in a single irrigation season.
5. C02 Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.
6. E51 Right Nos. 37-2211 and 37-11989 are limited to a total combined diversion rate of 1.70 cfs.
7. E56 The rights listed below are limited to the irrigation of a combined total of 787 acres in a single irrigation season. Combined Right Nos.: 37-2211, 37-11989, 37-22771.

Decreed Date: 2/3/2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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

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

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 0 attachments.

Received by _____ Date 7.30.2013 Prelim. Check by _____ Date _____

Fee Paid See original Date _____ Received by _____ Receipt # _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

No. W 36007		Due no later than Jan 31, 2013 Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. BLACK BUTTE HILLS LLC SC & B SERVICES INC 999 3RD AVE STE 3000 SEATTLE WA 98104		NATIONAL REGISTERED AGENTS INC 921 S ORCHARD ST STE G BOISE ID 83705 USA	
				3. <u>New</u> Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.					
Office Held	Name	Street or PO Address	City	State	Country Postal Code
MANAGER	INVESTMENTS MANAGER LLC	999 3RD AVE STE 3000	SEATTLE	WA	USA 98104
5. Organized Under the Laws of: WA W 36007		6. Annual Report must be signed.* Signature: by Greg Vik Name (type or print): by Greg Vik Date: 02/25/2013 Title: Manager			
Processed 02/25/2013		* Electronically provided signatures are accepted as original signatures.			

Black Butte Hills LLC

Pond	Acres	Current Depth (ft)	Average Depth at 150%	Pond Volume AFA	Pond Evap AFA
					1.82 ft
1	4.23	1	1.5	6.3	7.7
2	0.44	1	1.5	0.7	0.8
3	0.14	0.5	0.75	0.1	0.3
4	0.29	0.25	0.38	0.1	0.5
5	0.07	0.25	0.38	0.03	0.1
6	0.12	0.25	0.38	0.0	0.2
7	0.21	2	3	0.6	0.4
8	0.28	2	3	0.8	0.5
9	0.76	1	1.5	1.1	1.4
10	5.58	3	4.5	25.1	10.1
11	1.12	5	Depth is constant	5.6	2.0
12	3.35	5	Depth is constant	16.8	6.1
13	6.47	5	Depth is constant	32.4	11.8
14	0.89	2	3.0	2.7	1.6
15	0.39	2	3.0	1.2	0.7

Sum minus 1 and 11 = 24.34 Acres
18.99 Acres

All Ponds
Excluding Pond 1 & 11

93.6 44.2
81.6 34.5

Pasture Grass	
2.13 ft	
38.3 Acres	16.2 Acres

Acres needed to be dried up one time to fill the ponds
Acres needed to be dried up permanently to offset Evaporation Losses

Summary of Proposed Changes

- 37-22771 Transfer 16.2 acres to mitigate for annual Evaporation losses from ponds 2-10 & 12-15
The 38.3 acre have been dried up in prevouse years. Allen and Corey decided that the one time fill mitigation has been satisfied.
- 37-12044 Transfer application to correct POU
- 37-21301 Amendment to Permit to 81.6 AFA, 1.0 cfs and identify ponds 2-10 & 12-15 as the POU (filled with 38.3 afa)
- 37-12000 Provide aerial map of all ponds. add a diversion of 0.02 cfs, diverstion to storage
- 37-11989 Correctly identify irrigation storage as Ponds 1 and 11
Correctly identify the POU that needs to match new POU for 37-22771

Water Right
37-22771

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



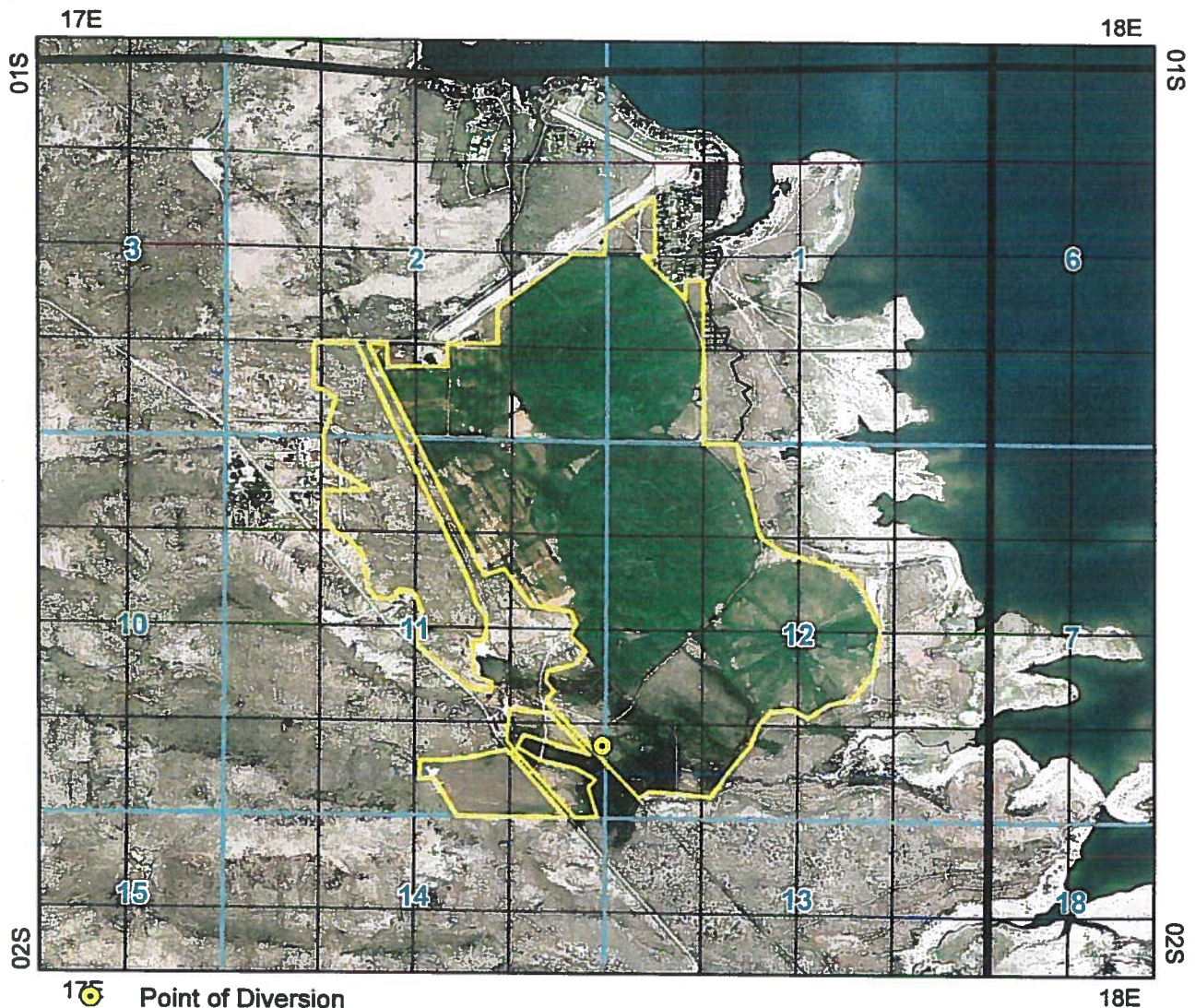
~~TRANSEER 78304~~

State of Idaho
Department of Water Resources

Water Right 37-2211

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

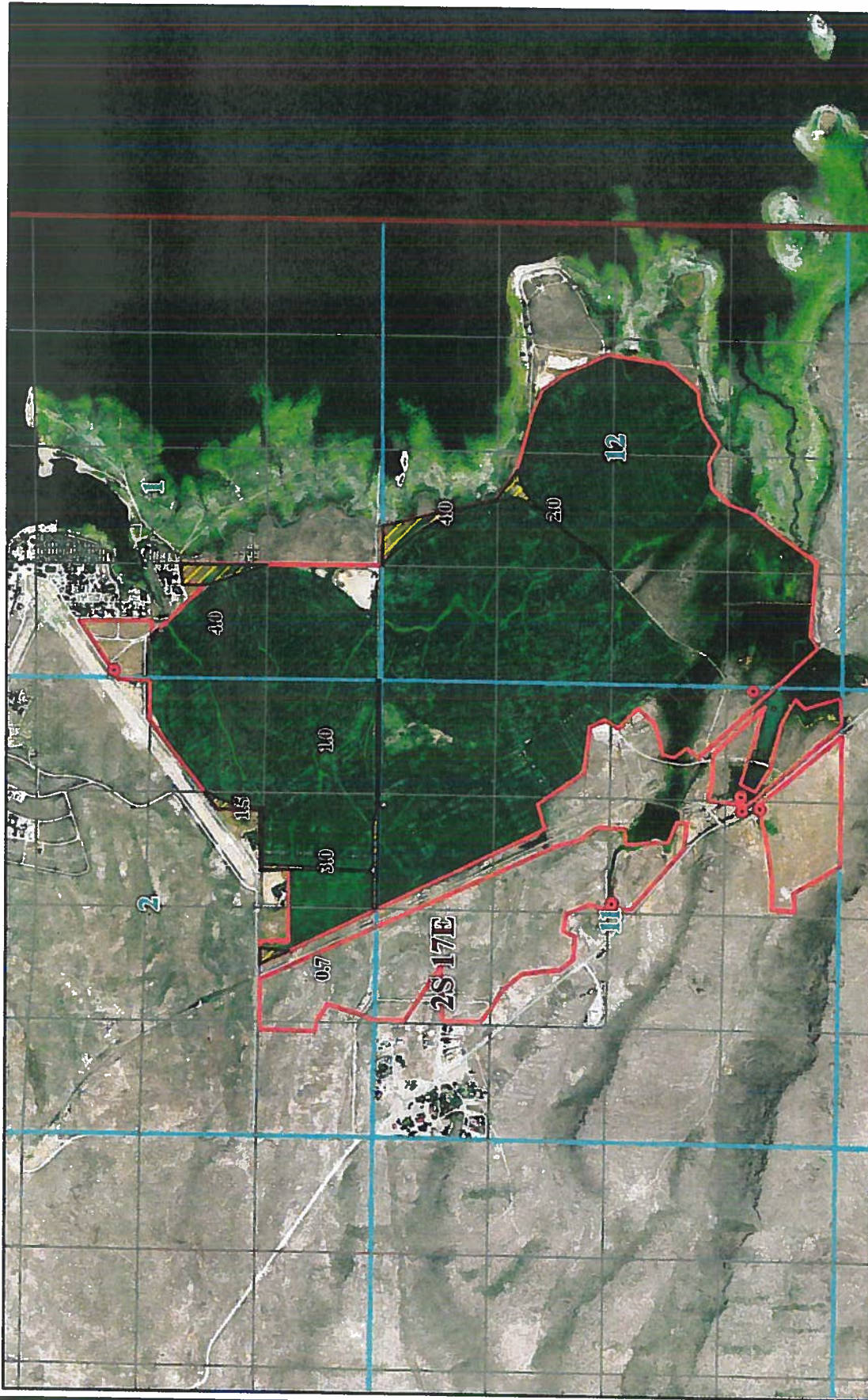


-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.3 0.6 1.2 Miles

TRANSFER 78304





- Legend**
- Points of Diversion
 - Mitigation for Ponds=16.2 Acres
 - WATER RIGHT POU
 - township
 - Sections
 - Index

**BLACK BUTTE HILLS LLC - MAGIC RANCH
MITIGATION ACRES FOR PONDS 16.2 ACRES
NAIP 2011 AERIAL**

0 600 1,200 2,400 Feet

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

JAN 05 2006

Department of Water Resources
Southern Region

ASSIGNMENT OF APPLICATIONS FOR TRANSFER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF APPLICATION FOR TRANSFER

LONNIE LEAVELL aka ALONZO B. LEAVELL (the "Assignor"), hereby assigns to SOUTH COVE VENTURES L.L.C., a Washington limited liability company, whose address is c/o Chuck Hill, P.O. Box 1607, Bellevue, WA 98009 (the "Assignee"), all of his right, title and interest in and to Application for Transfer of Water Right No. 71364.

IN WITNESS WHEREOF, the Assignor has signed and executed this Assignment of Application for Transfer on the 2nd day of July, 2004.

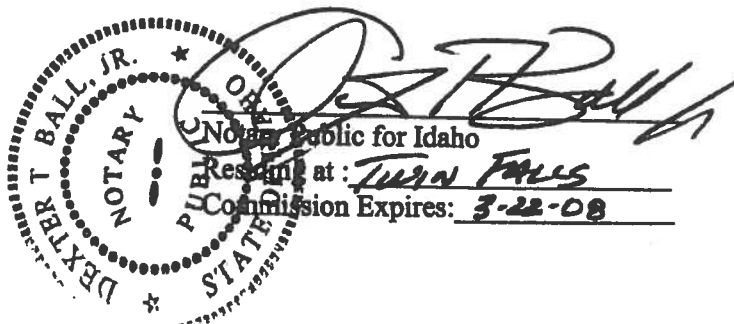


LONNIE LEAVELL aka ALONZO B. LEAVELL

STATE OF IDAHO)
)
County of Turn Falls) ss.

On this 2nd day of July, 2004, before me the undersigned notary public in and for said state, personally appeared LONNIE LEAVELL aka ALONZO B. LEAVELL, known or identified to me to be the person whose name is subscribed to the foregoing 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 first above written.



Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

T71364

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources
Southern Region

Name of applicant Lonnie Leavell Phone (208) 934-8543

Post Office address P.O. Box 54, Gooding, Idaho 83330

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☒ Other Split right
2. Describe the reason for the proposed changes To split right and convert irrigated acres to usage in ponds for stockwater and wildlife enhancement.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number SEE ATTACHMENT "A" Priority _____ Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use _____ to _____
2. Total amount of water being transferred 0.50 cubic feet per second and/or 39.3 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: Spring 1 CB

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SE	11	02S	17E	Camas	Spring No. 1
		NW	SE	11	02S	17E	Camas	Spring No. 2
		SW	SE	11	02S	17E	Camas	South well
		SW	NW	1	02N	17E	Camas	North well

5. Lands irrigated or place of use:

Twp.	Rge.	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						

Renumbered : 78304

PART 1

6. General Information:

- a. Description of diversion system Springs and well to ponds.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
15.7 acres would no longer be irrigated. This portion of existing irrigation
right would be converted to stockwater and wildlife uses.

- d. Remarks:
This transfer being filed to mitigate for concurrent storage permit application
by removing irrigated acres to compensate for evaporative losses from the ponds.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-07395 issued by the Idaho Department of Water Resources.
- c. Claim No. A37-07395 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice☐ Warranty Deed☐ Other _____3. Source of water Groundwater tributary to _____4. Date of priority 10/30/1974

5. Water is used for the following purpose:

Amount 9.94/2835.0 for Irrigation purposes from 5/1 to 10/1
(cfs/ac-ft)
Amount (based on _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount 3.5 afa) for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 810.0 cubic feet per second and/or 2835 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	1	02S	17E	Camas	North well
		SW	SE	11	02S	17E	Camas	South well

8. Lands irrigated or place of use:

Twp.	Rge.	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	1							7			31	39						77
02S	17E	2				2							15	32	33	6	39	40	167
02S	17E	11	40	36	30	32	33			16					19	13	20	37	276
02S	17E	12			22		17	40	40	37	36	40	29	8		21			290

Total acres 810

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount 0.19/55.0 for Irrigation purposes from 5/1 to 10/1
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	1	02S	17E	Camas	North well
		SW	SE	11	02S	17E	Camas	South well

3. Lands irrigated or place of use:

Twp.	Rge.	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													2.5			4.0	6.5
02S	17E	12										0.5	8.7						9.2

Total acres 15.7

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 9.75/2780.0 for Irrigation purposes from 5/1 to 10/1
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	1	02S	17E	Camas	North well
		SW	SE	11	02S	17E	Camas	South well

3. Lands irrigated or place of use:

Twp.	Rge.	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	1							7			31	39						77
02S	17E	2				2						15	32	33	6	39	40		167
02S	17E	11	40	36	30	32	33			16				16.5	13	20	33		269.5
02S	17E	12			22		17	40	40	37	36	39.5	20.3	8		21			280.8

Total acres 794.3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-02211 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice

☐ Warranty Deed

☐ Other _____

3. Source of water Springs tributary to _____

4. Date of priority 5/9/1911

5. Water is used for the following purpose:

Amount 1.70/297.5 for Irrigation purposes from 1/1 to 12/31
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.70 cubic feet per second and/or 297.5 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SE	11	02S	17E	Camas	Spring #1

8. Lands irrigated or place of use:

Twp.	Rge.	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													20				20
02S	17E	12									15	30				20			65

Total acres 85

9. Describe any other water rights used for the same purpose as described above 37-11989

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount 0.06/10.5 for Irrigation purposes from 1/1 to 12/31
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SE	11	02S	17E	Camas	Spring #1

3. Lands irrigated or place of use:

Twp.	Rge.	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													2.5				2.5
02S	17E	12										0.5							0.5

Total acres 3.0

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 1.64/287.0 for Irrigation purposes from 1/1 to 12/31
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SE	11	02S	17E	Camas	Spring #1

3. Lands irrigated or place of use:

Twp.	Rge.	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													17.5				17.5
02S	17E	12									15	29.5				20			64.5

Total acres 82.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-11989 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice ☐ Warranty Deed ☐ Other _____

3. Source of water Springs tributary to _____

4. Date of priority 5/9/1911

5. Water is used for the following purpose:

Amount 4.08/714.4 for Irrigation purposes from 1/1 to 12/31
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.08 cubic feet per second and/or 714.4 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SE	11	02S	17E	Camas	Spring #1
		NW	SE	11	02S	17E	Camas	Spring #2

8. Lands irrigated or place of use:

Twp.	Rge.	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													11.2		18.7	33.0	62.9
02S	17E	12			6.5	13.6			1.1	7.7	36.3	24.7	22.9	7.4		21.0			141.2

Total acres 204.1

9. Describe any other water rights used for the same purpose as described above 37-2211

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount 0.31/55.0 for Irrigation purposes from 1/1 to 12/31
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SE	11	02S	17E	Camas	Spring #1
		NW	SE	11	02S	17E	Camas	Spring #2

3. Lands irrigated or place of use:

Twp.	Rge.	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													2.5			4.0	6.5
02S	17E	12										0.5	8.7						9.2

Total acres 15.7

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 1.39/659.4 for Irrigation purposes from 1/1 to 12/31
 (cfs/ac-ft)
 Amount 30 ac-ft for S for Irrig. purposes from 1/1 to 12/31
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SE	11	02S	17E	Camas	Spring #1
		NW	SE	11	02S	17E	Camas	Spring #2

3. Lands irrigated or place of use:

Twp.	Rge.	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													8.7		18.7	29	56.4
02S	17E	12			6.5	13.6			1.1	7.7	36.3	24.2	14.2	7.4		21.0			132.0

Total acres 188.4

DEPARTMENT OF WATER RESOURCES

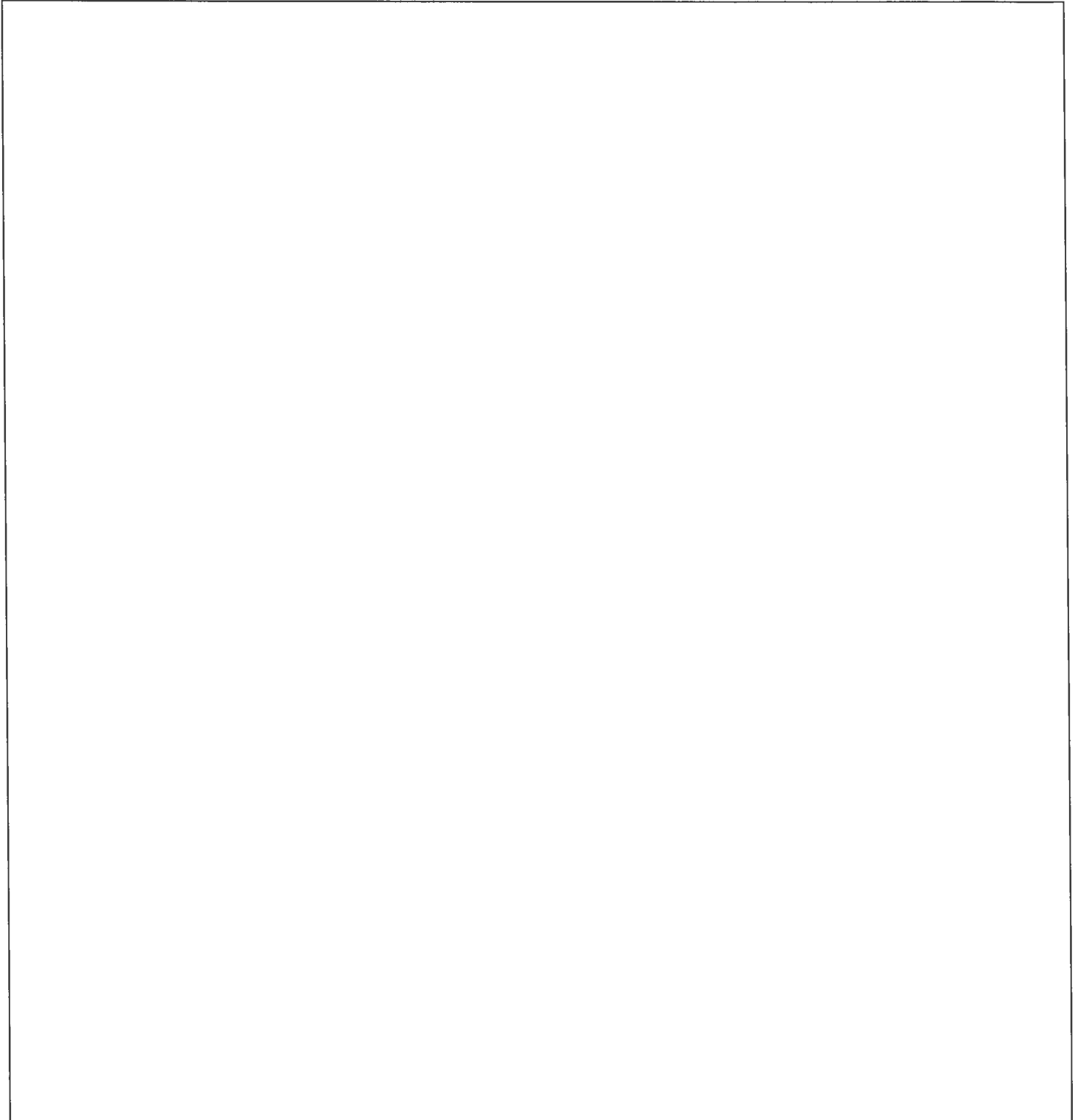
A. Draw a map or attach a

USGS map indicating the new

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equals 1 mile. Draw plan in ink.

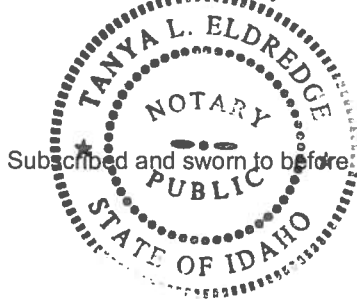
PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Wildlife</u>	<u>0.50/39.3</u>	<u>As needed</u>	<u>1/1</u> to <u>12/31</u>
<u>Stockwater</u>			to _____
2. Quantity and quality of return flows and location of discharge:
Springs and groundwater are tributary to Magic Reservoir.
3. Describe the effects on other water uses resulting from the proposed change:
None

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



Subscribed and sworn to before me this 26th day of February, 2002.

Charles C. Blum Power of Atty
(Signature of Applicant)

Tanya L. Eldredge
(Notary Public)

My commission expires 12-18-06

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date 2/28/2002 Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by see original app Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ Approval ☐ Denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

ATTACHMENT "A"

Water right transfer – Lonnie Leavell

Part 1.B. Description of right, or portion thereof, after requested change.

Right No.	Priority	CFS / AFA	Nature of Use	Period of Use
37-07395 (part)	10/30/1974	0.19 / 39.3	Stockwater	1/1 to 12/31
		0.19 / 39.3	Wildlife	1/1 to 12/31
37-02211 (part)	5/9/1911	0.06 / 10.5	Stockwater	1/1 to 12/31
		0.06 / 10.5	Wildlife	1/1 to 12/31
37-11989 (part)	5/9/1911	0.31 / 39.3	Stockwater	1/1 to 12/31
		0.31 / 39.3	Wildlife	1/1 to 12/31
Total amount		0.50 / 39.3		

3 ac. (2.5 af)

* 0.13

0.32

* If based on 1.7 cfs total flow

Note: 15.7 acres being dried up as follows:

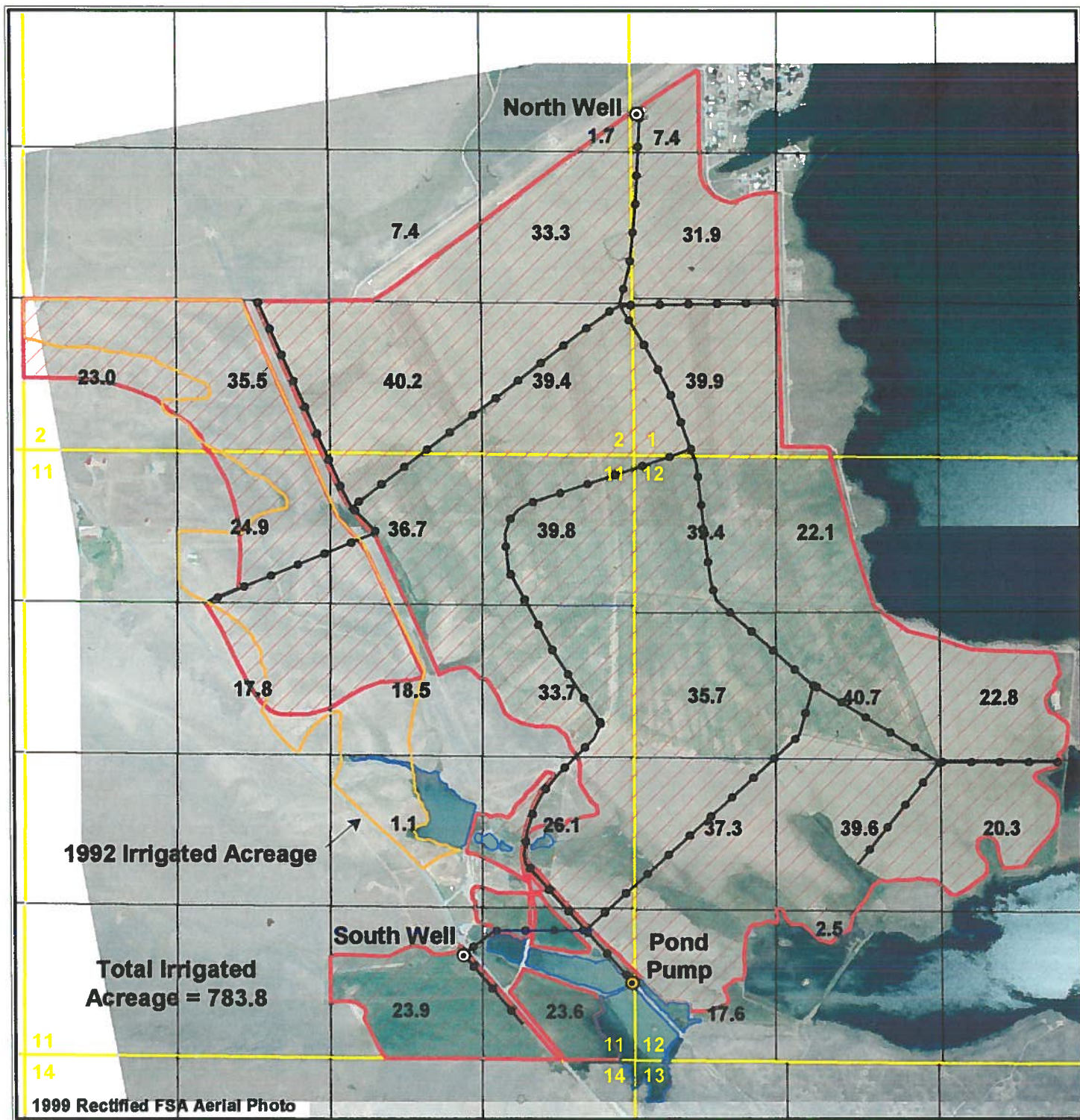
Section 11	NE1/4 SE1/4	2.5
	SE1/4 SE1/4	4.0
Section 12	NW1/4 SW1/4	0.5
	SW1/4 SW1/4	8.7

* Based on 1.7 cfs
total flow for 2011
+ 11989 combined

The dry-up acres are fully overlapping with the place of use of 37-7395 and 37-11989 (as amended), and so all 15.7 acres are being removed from these rights. The dry-up acres are overlapping with 37-2211 only on the NESE 11 and NWSW 12, and so only 3.0 acres are being removed from this right.

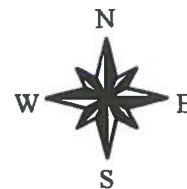
LEAVELL - MAGIC RANCH IRRIGATION 1998

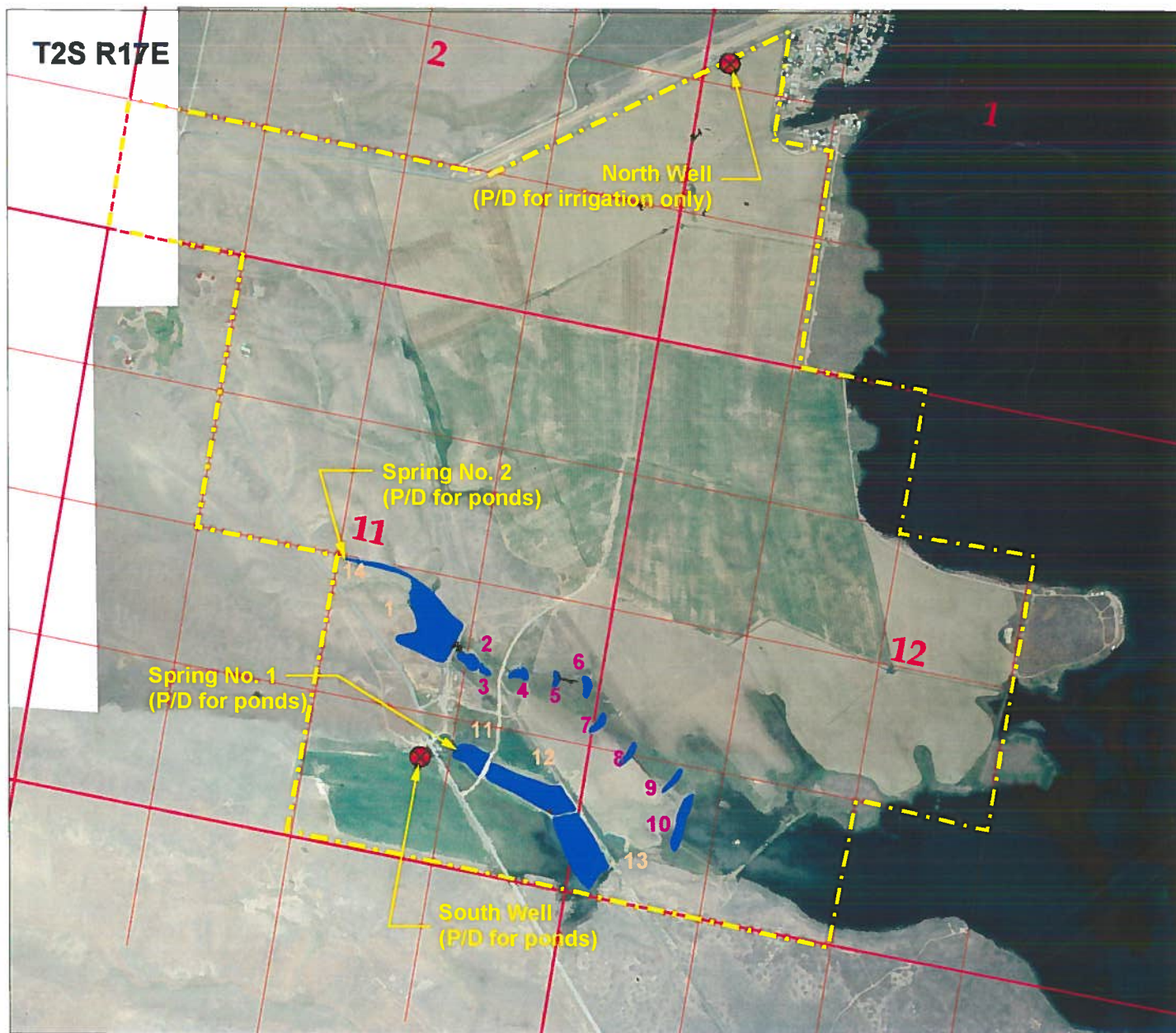
T02S, R17E



800 0 800 1600 2400 3200 Feet

-  Irrigated Acres (1998)
-  Water/Ponds
-  Main Lines





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 Applications for Ponds Lonnie Leavell - Magic Ranch Property

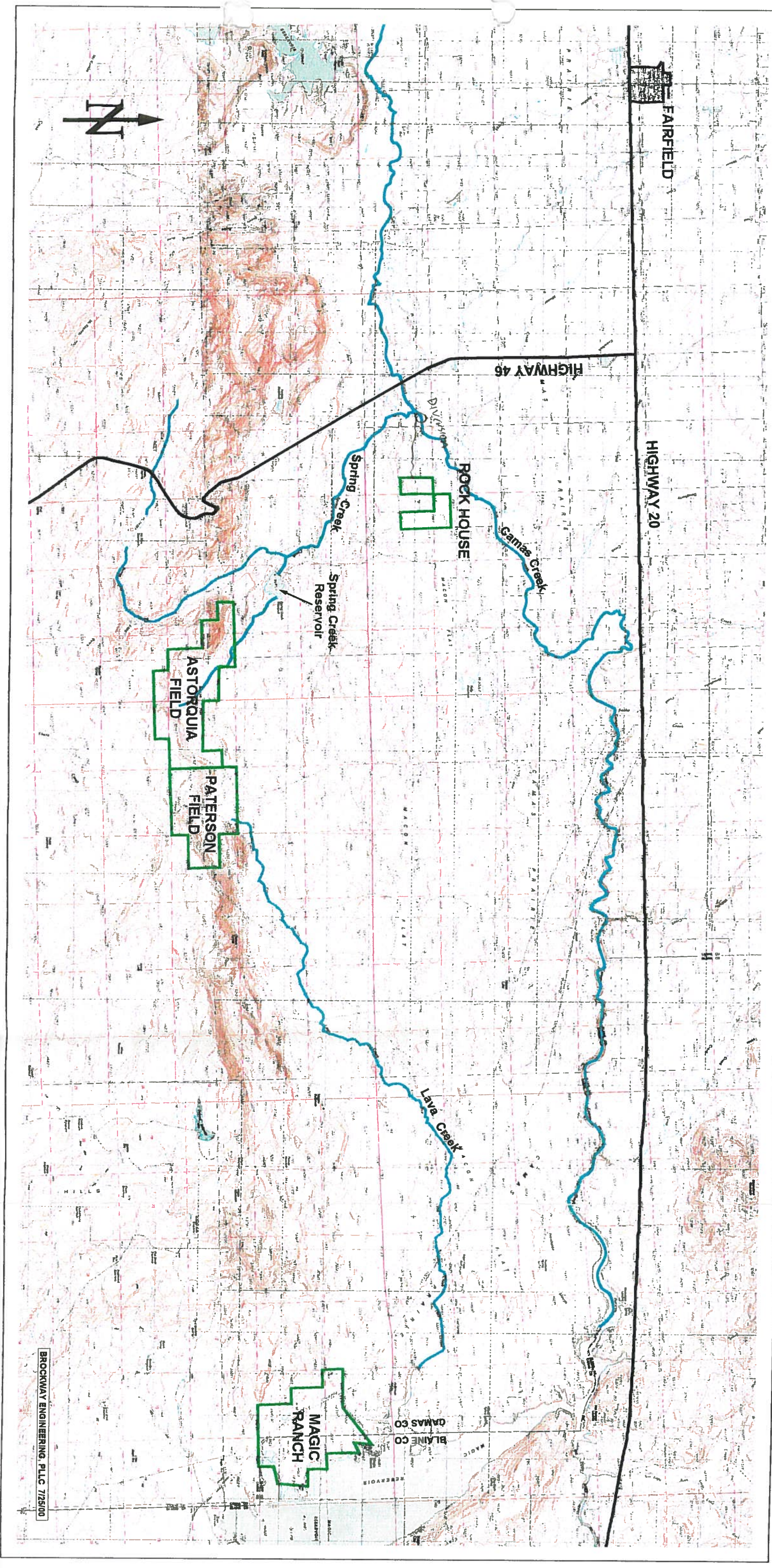
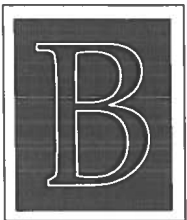


Figure 1 Vicinity map for the Leavell Promontories



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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

RECEIVED

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. 2/28/1980

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.

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)

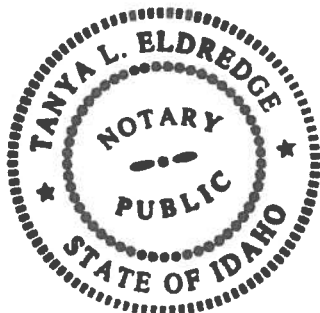
County of Twin Falls)

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 WHITNESS 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

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 69500

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

OriginalName of applicant Lonnie Leavell Phone (208) 934-8543Post Office address P.O. Box 54, Gooding, Idaho 83330**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☒ Add diversion point ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☒ Other Split right
2. Describe the reason for the proposed changes To split right and convert irrigated acres to usage in ponds for stockwater and wildlife enhancement.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-07395 pt</u>	<u>10/30/1974</u>	~~96.0 ac-ft~~	<u>Storage</u>	<u>1/1 to 12/31</u>
		<u>0.19/39.3</u>	<u>Stockwater</u>	<u>1/1 to 12/31</u>
		<u>0.19/39.3</u>	<u>Wildlife</u>	<u>1/1 to 12/31</u>
		<u>CB</u>		<u>to</u>

2. Total amount of water being transferred 0.19 cubic feet per second and/or 39.3 acre-feet per annum.3. Source of water Groundwater tributary to CB

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		NW	SE	11	02S	17E	Camas	Spring No. 2
		SW	SE	11	02S	17E	Camas	South well
		SE	SE	11	02S	17E	Camas	Spring No. 1

5. Lands irrigated or place of use:

Twp.	Rge.	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			S, W		
02S	17E	12										S, W	S, W				CLB		

PART 1

6. General Information:

a. Description of diversion system and well
Springs to ponds created by embankments in pasture field.b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
15.7 acres would no longer be irrigated. This portion of existing irrigation
right would be converted to stockwater and wildlife uses.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

Page _____ of _____

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-07395 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date of priority 10/30/1974

5. Water is used for the following purpose:

** Based on current standard of 3.5 afu CB*

Amount 9.94/2430 ^{*2835 * CB*} for Irrigation purposes from 5/1 to 10/1
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 810.0 cubic feet per second and/or 2835.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	1	02S	17E	Camas	Well and pump
		SW	SE	11	02S	17E	Camas	Well and pump

8. Lands irrigated or place of use:

Twp.	Rge.	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	1							7			31	39						77
02S	17E	2				2							15	32	33	6	39	40	167
02S	17E	11	40	36	30	32	33			16					19	13	20	37	276
02S	17E	12			22		17	40	40	37	36	40	29	8		21			290

Total acres 810

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount 0.19/ 55.0^{CB} for Irrigation purposes from 5/1 to 10/1
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	1	02S	17E	Camas	Well and pump
		SW	SE	11	02S	17E	Camas	Well and pump

3. Lands irrigated or place of use:

Twp.	Rge.	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													2.5			4.0	6.5
02S	17E	12										0.5	8.7						9.2

Total acres 15.7

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 9.75, 2780.0^{CB} for Irrigation purposes from 5/1 to 10/1
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	1	02S	17E	Camas	Well and pump
		SW	SE	11	02S	17E	Camas	Well and pump

3. Lands irrigated or place of use:

Twp.	Rge.	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	1							7			31	39						77
02S	17E	2				2						15	32	33	6	39	40		167
02S	17E	11	40	36	30	32	33			16				16.5	13	20	33		269.5
02S	17E	12			22		17	40	40	37	36	39.5	20.3	8		21			280.8

Total acres 794.3

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

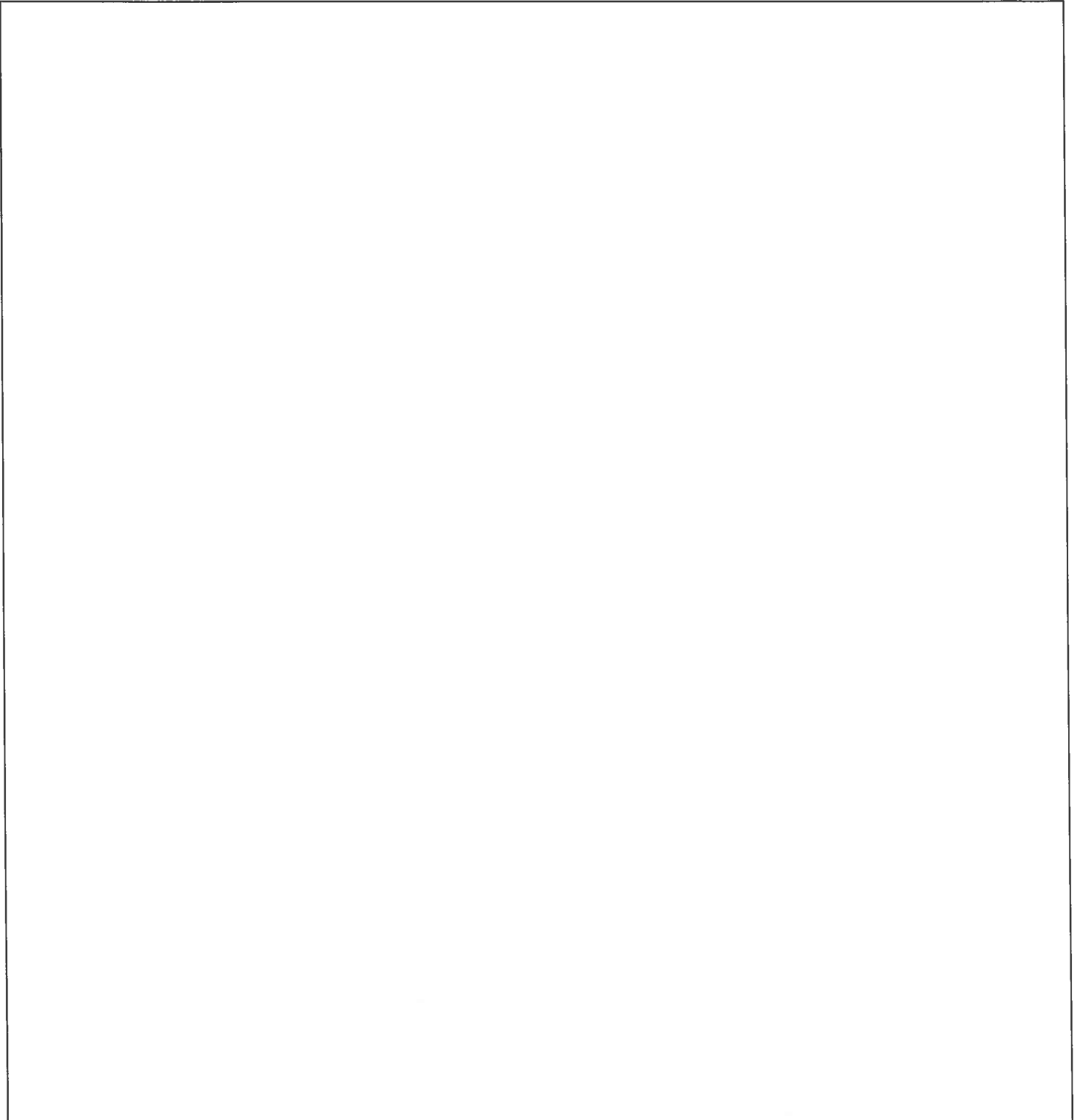
USGS map indicating the new

A. Draw a map or attach a

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equals 1 mile. Draw plan in ink.

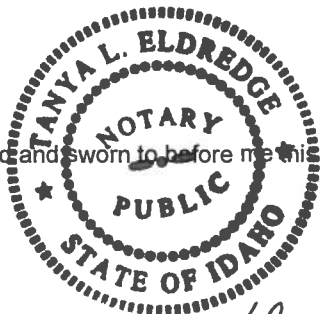
PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft)
- ~~WR Storage~~ ~~96.0 ac-ft~~ ~~Continuous~~ ~~1/1 to 12/31~~
Stock, Wildlife, 0.19/47.1 Continuous 1/1 to 12/31
2. Quantity and quality of return flows and location of discharge:
Springs and groundwater are tributary to Magic Reservoir.
3. Describe the effects on other water uses resulting from the proposed change:
None

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Subscribed and sworn to before me this _____



11th

day of

(Signature of Applicant)

June

, 19 2001

Tanya L. Eldredge
 (Notary Public)

My commission expires

12-18-06

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Received by JF Date 6/26/01 5024070

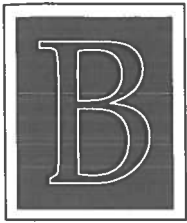
Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ Approval ☐ Denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

June 19, 2001

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

RECEIVED

JUN 20 2001

Department of Water Resources
Southern Region

Re: Applications for Permit and Transfer – Lonnie Leavell
Project No. 431-02-2001

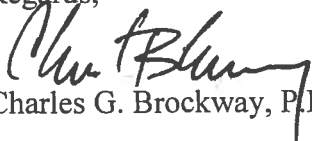
Dear Allen:

Enclosed are six (6) permit applications and six (6) transfer applications in the name of Lonnie Leavell. The applications apply to one of four properties in the Camas Prairie area, known as Rock House, Astorquia, Patterson, and Magic Ranch. The enclosed vicinity map shows each of these properties.

The intent of the applications is to cover stockwater usage under domestic exemptions, and to move portions of a groundwater irrigation right from Magic Ranch to each of the other properties. In our meeting of June 6, 2001, we discussed the intent and general structure of the applications.

For each property, I have prepared a brief narrative, calculations, and several maps to explain the applications. The attached Summary of Water Right Applications and Fees shows every application, the diversion rate and volume for each, and the application fee. At the bottom of this sheet is the effect on license 37-07395 after all transfers, i.e. how it should look if all transfers are approved. If you need additional information, please do not hesitate to call.

Regards,


Charles G. Brockway, P.E.

Enc: Summary of applications and fees
Vicinity map
Water right permit applications (6)
Transfer applications (6)
Narratives and maps
Limited Power of Attorney – Leavell to Brockway
Property descriptions – proof of ownership

cc: Lonnie Leavell

*7 Transfers
all*

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

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 Area (ac)												Total (ac-ft)
	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	
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	0.467
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
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	0.271
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	22.20

	4/1-10/1 evap (ac-ft)	July Peak Evap (af/day)				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 Evap (gpd)		Number of range cattle allowed (at 12 gpd/hd)	
Rock House	0.37	0.0029				Rock House				932		1006	
Patterson	0.00	0.0000				Patterson				0		1083	
Astorquia	0.22	0.0017				Astorquia				542		1038	
Magic	17.76	0.1360				Magic				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

SCHEDULE A

Camas County Title, L.L.C.
905 Shoshone Street North
Twin Falls, Idaho 83301

LOT BOOK GUARANTEE

Order No.: C000031
Reference: LEAVELL PROPERTY

Guarantee No.: H 338764

Date of Guarantee: April 4, 2000 at 8:00 a.m.

Liability: \$275.00

A) Assured: LONNIE LEAVELL

B) Assurances, given without examination of the documents listed or referred to and only to the specifically named documents and no others:

1) Description of the land:

See Attached Exhibit "A"

PROPERTY ADDRESS KNOWN AS: NNA, FAIRFIELD, ID 83327

2) The last recorded instrument in the public records purporting to transfer title to the said land was:

1. A Quitclaim Deed from Charmianne Upshaw Leavell, a married person, to ALONZO B. LEAVELL, a married person, recorded April 7, 1994 as Instrument No. 68438 in Book 29 of Deeds. page 25, as to Parcel 2 & 3.. A Quitclaim Deed from Charmianne Leavell, spouse of grantee to ALONZO B. LEAVELL, a married man, recorded August 10, 1999 in Book 31 of Deeds, page 465, as to Parcel 2 & part of 1.. A Quitclaim Deed from Charmianne Leavell to ALONZO B. Leavell a married man recorded January 11, 2000 in Book 31 of Deeds, page 612 as to part of Parcel 1.. A Second Amended Personal Representative's Deed executed by Kathleen J. Cooper, as Personal Representative of the Estate of Ori S. Leavell, deceased, to ALONZO LEAVELL, recorded September 9, 1996 as Instrument No. 394181, as to Parcel 4.. A Warranty Deed from Alonzo B. Leavell, a married person, dealing in his sole and separate property, to DONNA ROSE, A single woman as to Parcel 5..

3) That there are no mortgages or deeds of trust describing the land that have not been released or reconveyed by an instrument recorded in the public records, other than those shown below under Exceptions.

4) That there are no contracts for sale, contracts for deed, including memorandums giving notice of such contracts, attachments, tax deeds recorded within the last 9 years, which purport to affect the land other than those shown below under Exceptions.

C) Exceptions:

1. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$71.78, Parcel No. RP01S15E276000, Bill No. 2415, No Homeowners Filed)
Market Value \$7,444 as to Parcel 1

(Continued)

LOT BOOK GUARANTEE (CONTINUED)

Order No.: C000031

Guarantee No.: H 338764

2. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$97.16, Parcel No. RP01S15E330100, Bill No. 2435, No Homeowners Filed)
Market Value \$10,079 as to Parcel 1
3. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$90.20, Parcel No. RP01S15E342400, Bill No. 2441, No Homeowners Filed)
Market Value \$9,354 as to Parcel 1
4. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$101.74, Parcel No. RP01S15E270100, Bill No. 2411, Homeowners Filed)
Market Value \$10,550 as to Parcel 1
5. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$24.78, Parcel No. RP02S15E240100, Bill No. 2807, No Homeowners Filed)
Market Value \$2,572 as to Parcel 2
6. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$112.98, Parcel No. RP02S15E132400, Bill No. 2796, No Homeowners Filed)
Market Value \$11,719 as to Parcel 2
7. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$23.76, Parcel No. RP02S15E140100, Bill No. 2797, No Homeowners Filed)
Market Value \$2,465 as to Parcel 2
8. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$73.50, Parcel No. RP02S16E181800, Bill No. 2820, No Homeowners Filed)
Market Value \$7,624 as to Parcel 2
9. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$23.88, Parcel No. RP02S16E192400, Bill No. 2821, No Homeowners Filed)
Market Value \$2,477 as to Parcel 2
10. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$51.48, Parcel No. RP02S16E164200, Bill No. 2818, No Homeowners Filed)
Market Value \$5,339 as to Parcel 3
11. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$212.02, Parcel No. RP02S16E170100, Bill No. 2819, No Homeowners Filed)
Market Value \$21,988 as to Parcel 3

(Continued)

LOT BOOK GUARANTEE (CONTINUED)

Order No.: C000031

Guarantee No.: H 338764

12. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$572.98, Parcel No. RP02S170015620, Bill No. 17475, No Homeowners Filed)
Market Value \$95,212 as to Parcel 4
13. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$192.76, Parcel No. RP02S17E029000, Bill No. 2828, No Homeowners Filed)
Market Value \$19,991 - as to Parcel 5
14. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$711.98, Parcel No. RP02S17E110101, Bill No. 2831, No Homeowners Filed)
Market Value \$66,084 - as to parcel 5
15. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$40.50, Parcel No. RP02S17E112400, Bill No. 2832, No Homeowners Filed)
Market Value \$3,760 - as to parcel 5
16. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$24.12, Parcel No. RP02S17E113601, Bill No. 2834, No Homeowners Filed)
Market Value \$2,504 - as to parcel 5
17. Personal Property Taxes for 1999 in the amount of \$257.04 are one-half paid and one-half due, Bill No. 2922.
18. General Taxes for 2000 are an accruing lien, not yet due or payable.
19. Real Estate Mortgage dated August 4, 1999 to secure an indebtedness in the principal sum of \$435,165.00, and any other amounts and/or obligations secured thereby.

Recorded: August 9, 1999, Instrument No. 73359

Mortgagor: Alonzo B. Leavell aka A.B. Leavell, a married man dealing
with his sole and separate property

Mortgagee: Eastern Idaho Agricultural Credit Association

COVERS ADDITIONAL LAND --as to Parcel 1 & 2

20. Real Estate Mortgage dated November 8, 1999 to secure an indebtedness in the principal sum of \$250,000.00, and any other amounts and/or obligations secured thereby.

Recorded: November 15, 1999, Instrument No. 73533

Mortgagor: Donna Rose, an unmarried woman

Mortgagee: Noswal, L.L.C.

as to Parcel 5

(Continued)

LOT BOOK GUARANTEE (CONTINUED)

Order No.: C000031

Guarantee No.: H 338764

21. Real Estate Mortgage dated January 3, 2000 to secure an indebtedness in the principal sum of \$47,100.00, and any other amounts and/or obligations secured thereby.

Recorded: January 11, 2000, Instrument No. 73655

Mortgagor: Alonzo B. Leavell aka A.B. Leavell, a married man dealing
with his sole and separate property

Mortgagee: Idaho Agricultural Credit Association

COVERS ADDITIONAL LAND ---as to Parcel 1 & 2

NOTE: We have done a judgment and lien search for matters recorded in the County Records and filed with the Secretary of State pursuant to Chapter 19, Title 45, Idaho Code, against all parties involved in this transaction, and as of the Commitment date, we find: NONE

Astorguia

EXHIBIT A continued
C000031

PARCEL 2 – CAMAS COUNTY

Township 2 South, Range 16 East of the Boise Meridian, Camas County, Idaho

Section 18: Government Lots 3 and 4, The Southeast Quarter of the Northeast Quarter,
The East One-Half of the Southwest Quarter, and the Southeast Quarter.

Section 19: Government Lot 1, The Northeast Quarter of the Northwest Quarter:

Township 2 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 13: The South One-Half of the Northeast Quarter, The Northwest Quarter,
The East One-Half of the Southwest Quarter, and the Southeast Quarter.

Section 14: The North One-Half of the Northeast Quarter, and the Southeast Quarter
of the Northeast Quarter.

Section 24: The North One-Half of the Northeast Quarter.

PARCEL 3 – CAMAS COUNTY

Patterson

Township 2 South, Range 16 East of the Boise Meridian, Camas County, Idaho.

Section 16: The South one-half of the Northwest Quarter, and the North one-half
of the Southwest Quarter.

Section 17: All

EXHIBIT A
C000031

PARCEL 1 – CAMAS COUNTY

Township 1 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 27: The South One-Half of the Southwest Quarter.

TOGETHER WITH an easement for road right of way 10 feet wide over and across the Northeast Quarter of said Section 27. the centerline of said right of way being described as follows:

BEGINNING at a point 5 feet North of the East Quarter corner of said Section 27;
Thence West and parallel with the South boundary of the Northeast Quarter to a point 5 feet North of the Southwest corner of said Northeast Quarter to the point of termination.

AND TOGETHER WITH an easement for road right of way $8\frac{1}{4}$ feet wide over and across the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter of said Section 27, described as follows:

COMMENCING at a point $8\frac{1}{4}$ feet West of the Northeast corner of the Northwest Quarter of the Southeast Quarter;

Thence South and parallel with the East boundary of the Northwest Quarter of the Southeast Quarter to a point $8\frac{1}{4}$ feet North of the South boundary of the Northwest Quarter of the Southeast Quarter;

Thence West and parallel with the South boundary of the Northwest Quarter of the Southeast Quarter to a point on the center Section line $8\frac{1}{4}$ feet North of the Southwest corner of the Northwest Quarter of the Southwest Quarter;

Thence in a Southwesterly direction across the Northeast Quarter of the Southwest Quarter to a point on the South boundary of the Northeast Quarter of the Southwest Quarter $8\frac{1}{4}$ feet West of the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 27 to the point of termination.

Section 27: The Northeast Quarter.

Section 33: The East One-Half of the Northeast Quarter.

Section 34: The East One-Half of the Northwest Quarter.

PARCEL 4 - BLAINE COUNTY

EXHIBIT "A"

Magie Ranch - Blaine side

TOWNSHIP 2 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

SECTION 1: SW $\frac{1}{4}$ SW $\frac{1}{4}$.

A parcel of land lying within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 2 South, Range 17 East, Boise, Meridian, Blaine County, Idaho, being more particularly described as follows:

Commencing at the brass cap marking the west $\frac{1}{4}$ corner of said Section 1, being the REAL POINT OF BEGINNING;

thence South 89°59' East, 659.9 feet to the 5/8" bar marking the center west 1/16 corner of said Section 1;

thence South 89°59' East, 594.9 feet to a point on the Fred Evans Subdivision boundary, as platted and recorded in the Blaine County Recorder's Office;

thence South 63°13' West, 327.4 feet along said subdivision boundary to a point;

thence South 79°18' West, 90.94 feet to the northwest corner of said subdivision;

thence South 01°47' West, 246.79 feet to the southwest corner of said subdivision;

thence South 88°13' East, 88.81 feet along said subdivision to a point;

thence North 67°14' East, 140.00 feet along said subdivision to a point;

thence North 82°55' East, 240.00 feet to the southeast corner of said subdivision;

thence South 00°18'00" East, 987.35 feet to the southwest 1/16 corner of said Section 1;

thence North 89°59' West, 1322.64 feet to the south 1/16 corner common to Sections 1 and 2;

thence North 00°10' West, 1317.36 feet to the REAL POINT OF BEGINNING.

PARCEL 4 - BLAINE COUNTY

A parcel of land lying within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 2 South, Range 17 East, Boise, Meridian, Blaine County, Idaho being more particularly described as follows:

Commencing at the brass cap marking the west $\frac{1}{4}$ corner of said Section 1, being the REAL POINT OF BEGINNING;

thence North 00°21' West, 393.09 feet, more or less, along the west boundary of said Section 1 to a point on the southeast boundary of the West Magic Airstrip, as described in Instrument No. 138024, Blaine County Recorder's Office.

thence North 56°58' East, 783.85 feet, more or less, along said West Magic Airstrip to a point on the extension of the westerly boundary of West Side Subdivision as platted and recorded in the Blaine County Recorder's Office;

thence South 00°22' East, 820.59 feet along said westerly boundary to the 5/8 inch bar marking the southwest corner of said West Side Subdivision;

thence North 89°59' West, 659.9 feet to the REAL POINT OF BEGINNING.

TOWNSHIP 2 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

Section 12: SW $\frac{1}{4}$ NE $\frac{1}{4}$;
NW $\frac{1}{4}$ SE $\frac{1}{4}$;
NW $\frac{1}{4}$.
SW $\frac{1}{4}$.

*Magic Ranch - Camas Side***EXHIBIT A****C000031****PARCEL 5 - CAMAS COUNTY**

Township 2 South, Range 17, East of the Boise Meridian, Camas County, Idaho

Section 2: The South one-half of the South one-half; and that portion of the Southeast Quarter of the Northeast Quarter and the North one-half of the Southeast Quarter lying South of the Airport runway.

SUBJECT TO a road right of way 35 feet in width along the West boundary of the Southwest Quarter of the Southwest Quarter.

EXCEPTING THEREFROM a parcel of land located in the Southeast Quarter of the Northeast Quarter of said Section 2, more particularly described as follows:

COMMENCING at a 5/8" iron pin with an aluminum cap marking the East quarter corner of said Section 2, being the **REAL POINT OF BEGINNING**;

Thence along the South boundary of the Northeast Quarter of said Section 2, North 89°58'31" West 187.51 feet to a point on a curve;

Thence along a curve to the right having a radius of 415.00, a delta of 49°52'07", and a chord which bears North 31°48'39" East 349.91 feet to a point on the East boundary of said Section 2;

Thence South 00°35'24" East 297.45 feet along said East boundary to the **REAL POINT OF BEGINNING**.

ALSO EXCEPTING THEREFROM the Northerly 20 feet of the South one-half of the Southwest Quarter of said Section 2, **EXCEPTING Therefrom** the Westerly 35 feet of said Northerly 20 feet.

AND ALSO EXCEPTING THEREFROM a parcel of land located within the Southeast Quarter of said Section 2, more particularly described as follows:

BEGINNING at the Northwest corner of the Southwest Quarter of the Southeast Quarter, said point being the **REAL POINT OF BEGINNING**;

Thence along the Westerly boundary of said Southwest Quarter of the Southeast Quarter, South 00°24'05" East 20.00 feet;

Thence North 89°33'03" East 382.37 feet;

Thence North 53°19'06" East 44.36 feet;

Thence North 89°38'38" West 418.17 feet to a point on the Westerly boundary of the Southeast Quarter of said Section 2;

Thence South 00°24'05" East 12.09 feet to the **REAL POINT OF BEGINNING**.

AND

Township 2 South, Range 17, East of the Boise Meridian, Camas County, Idaho

Section 11: The East one-half of the Northwest Quarter and the East one-half.



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 10:30 AM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mtn Express Cover Letter.docx; 78304 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
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

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)

**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; 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 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.

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 September 23, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Idaho Mountain Express & Camas Courier on September 4th & 11th, 2013

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 unprotested 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)

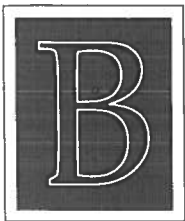
MEMORANDUM

Date: August 22, 2013
To: Transfer 78304 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

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 irrigation to storage conversion was based on a precipitation deficit value for grass pasture at Magic Dam per the University of Idaho's Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho website. The transfer also proposes adjusting the authorized permissible place of use of overlapping irrigation right 37-2211 to reflect the conversion of the 16.2 acres under right 37-22771. Right 37-2211, diverted from a spring, is located within water district 37 so water master comments will be solicited.

- **Authority to File:**
The applicant, Black Butte Hills LLC, is listed as the current owner of the rights involved in the transfer.
- **Water Right Validity:**
The rights involved with the transfer were decreed in February 2010.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. Basing the irrigation to storage conversion on a precipitation deficit value actually results in an overall reduction in allowable diversion volume for right 37-22771.
- **Local Public Interest:**
No negative impact anticipated. Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



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



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

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.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Merritt, Allen

From: Merritt, Allen
Sent: Wednesday, November 10, 2010 11:05 AM
To: Speck, James; charles.g.brockway@brockwayeng.com
Cc: Van Dyke, Nick; Skaggs, Pam; Jones, Doug
Subject: Processing Application for Permit 37-21301 and Transfer No. 71364 (Black Butte Hills LLC)

Gents,

As you may recall in around 2002 Lonnie Leavell aided by Brockway Engineering filed numerous transfers and applications for permit to modify rights on the old Magic Ranch and surrounding lands located just south of Magic Reservoir. Over the years the land changed hands from Leavell to South Cove Ventures and our records indicate it is owned by Black Butte Hills LLC. The Department completed processing many of the applications but two remain.

The applications which remain unprocessed include one application for permit initially numbered 37-20549 but as revised is now numbered **37-21301** and transfer initially numbered 69500 but as revised is now numbered **71364**. (For some reason these got data entered twice in error but that has been resolved)

The application for permit involves non-consumptive storage volume for ponds and the transfer involves changing irrigation rights for the consumptive component of the ponds. These applications were held for many years since the rights included in the transfer were at one time disputed in the SRBA. Earlier this year the rights for Black Butte Hills LLC were partially decreed. It appears that we can now move forward with processing but since the rights involved were decreed differently than what the transfer was based these applications need to be revisited. Additionally review of 2009 photography shows ponds that may or may not be covered and I'm not certain if other ponds are intended to be built so these applications warrant a fresh look.

Please let me know within 30 days of the continued interest in processing these applications; otherwise I will void the applications.

Note to IDWR Staff

Although the rights have been partially decreed these rights need to be migrated from the recommendation layer to the water right layer so the proper rights can be pulled into the transfer process. The rights that need to be migrated are:

Black Butte Hills LLC

37-2211
37-11989
37-20556
37-20563
37-20568
37-12000
37-20557
37-20558
37-20559
37-20561
37-20562

Other related rights owned by others

37-20564
37-20565
37-20566
37-20567

37-20569

Note that all these rights were partially decreed 2/3/2010.

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

Assignment
received

UNITED STATES OF AMERICA

The State of Washington

Secretary of State

I, **SAM REED**, Secretary of State of the State of Washington and custodian of its seal, hereby issue this

CERTIFICATE OF EXISTENCE/AUTHORIZATION

OF

BLACK BUTTE HILLS LLC

I FURTHER CERTIFY that the records on file in this office show that the above named Limited Liability Company was formed under the laws of the State of WA and was issued a Certificate Of Formation in Washington on 12/30/2004.

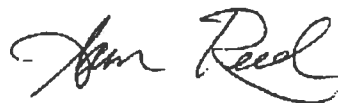
I FURTHER CERTIFY that as of the date of this certificate, **BLACK BUTTE HILLS LLC** remains active and has complied with the filing requirements of this office.

Date: January 14, 2005

UBI: 602-458-813



Given under my hand and the Seal of the State of Washington at Olympia, the State Capital

A handwritten signature in cursive script that reads "Sam Reed".

Sam Reed, Secretary of State

253



APPLICATION FOR REGISTRATION OF FOREIGN LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED EFFECTIVE
2005 JAN 19 PM 2:13
STATE OF IDAHO

1. The name of the limited liability company is:
Black Butte Hills LLC
2. If the name of the limited liability company is not permissible or is not available in Idaho, the name the foreign limited liability company will use in Idaho is:

3. The jurisdiction under whose laws the limited liability company is organized is: Washington
and the date of its formation was: December 30, 2004
4. The name and address of the registered agent in Idaho is:
C T Corporation System, c/o C T Corporation System, 300 North 8th Street, Boise, Idaho 83702
5. The address of the limited liability company's office in the jurisdiction under whose laws it is organized is:
999 3rd Avenue, Suite 3000, Seattle, WA 98104
6. The address of the limited liability company's principal office, if other than the address in #5 above, is:
same
7. The address to which correspondence should be addressed is:
c/o SC&B Services, Inc., 999 3rd Avenue, Suite 3000, Seattle, WA 98104
8. Signature of a manager, if any, or a member if there are no managers.

Signature

Typed Name

Investments Manager LLC, Manager,
by Charles E. Hill
Manager ☒ Member ☐

Secretary of State use only

Idaho Secretary of State
Compliments LLC Form Application for Foreign
Revised 08/2002

Web Form

IDAHO SECRETARY OF STATE
01/19/2005 05:00
EX: 150452 CT: 84498 IN: 768093
1 @ 100.00 = 100.00 REBFORLLC # 2
1 @ 20.00 = 20.00 EXPEDITE C # 3

W36007

Idaho Department of Water Resources Receipt

Receipt ID S028275

Payment Amount \$375.00 Date Received 1/9/2006 3:34:09 PM Region Southern Status
 Payment Type Check Check Number 34491

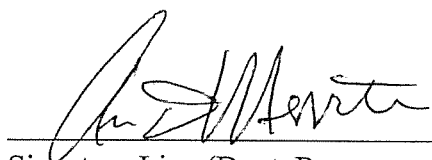
Payer SPECK & AANESTAD

Comment Assignment of Permits 37-8779 thru 37-8781 and 37-20550
 thru 37-20555 and additional fee for T71364

Assignments 9 x 25 = 225⁰⁰
 T 7136 & addition 150⁰⁰
 375⁰⁰

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$150.00	TRANSFERS	0229	21	64106	1155
\$225.00	ASSIGNMENTS	0229	21	64103	1155



Signature Line (Dept. Representative)

Idaho Department of Water Resources Receipt

Receipt ID S024070

Payment Amount Date Received Region ☒ Status Payment Type Check Number Payer Comment

Fee Detail

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

71364

Increase
 div fee is
 \$250⁰⁰

Druff
 769500 →
 now
 numbered



10000
 10000
 10000
 155000
 → one 15000

↑
 paid in
 5028275

SUMMARY OF WATER RIGHT APPLICATIONS AND FEES

LONNIE LEAVELL

11-Jun-01 Brockway Engineering, PLLC

ROCK HOUSE

Application	CFS	AC-FT	Fee
Permit #1	0.04	1.86	\$100
Permit #2	0.04	1.61	\$100
Transfer #1	0.03	3.00	\$100
Transfer #2	0.03	1.50	\$100
Transfer #3	0.03	1.50	\$100

Total - Rock House \$500

ASTORQUIA

Application	CFS	AC-FT	Fee
Permit #1	0.04	6.60	\$100
Permit #2		4.98	\$100
Transfer	0.098	24.00	~~\$250~~ \$100

Total - Astorquia \$450 \$300

PATTERSON

Application	CFS	AC-FT	Fee
Permit #1	0.04	3.30	\$100
Permit #2	0.04	3.30	\$100
Transfer #1	0.04	6.00	\$100
Transfer #2	0.03	3.00	\$100

Total - Patterson \$400

MAGIC RANCH

Application	CFS	AC-FT	Fee
Transfer	0.19	47.1	~~\$250~~ 100
Permit		96.0	250

EFFECT OF ALL TRANSFERS ON 37-07395:

	Current	Total Transferred	37-07395 after Transfers	
Rate	9.94	0.448	9.492	cfs
Acres	810	28.7	781.3	acres
Volume	2430	86.1	2343.9	ac-ft

7 - xfers
7 - apps.

350

1450
1550

RECEIVED

SPECK & AANESTAD

JAN 05 2006

A PROFESSIONAL CORPORATION
ATTORNEYS

Department of Water Resources
Southern Region

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

January 4, 2006

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

**Re: Black Butte Hills LLC - Assignment of Application for Permit
No. 37-21301 and Assignment of Applications for Transfer**

Dear Allen:

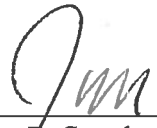
Enclosed you will find the original and one copy each of an Assignment of Application for Permit No. 37-21301 and an Assignment of Applications for Transfer Nos. 69501, 69502, 69503, 69504, 69505, 69506 and 71364. I am also enclosing my firm's check payable to the Department for the \$25 assignment fee for Application for Permit No. 37-21301.

Please receipt date stamp the enclosed copies and return them to me in the postage prepaid, self addressed envelope I have included for that purpose. Kindly call me right away if you have any questions about these documents.

Thank you and Happy New Year!

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal

Enclosures

cc: Chuck Hill (w/encls.)
Rod Gonsales (w/encls.)
Charles G. Brockway, Jr. (w/encls.)

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
SEP 22 2004
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	37-7395	☒	_____	_____	☐
_____	37-11989	☐	_____	_____	☐
_____	37-2211	☐	_____	_____	☐
_____	37-12000	☐	_____	_____	☐
37-12044	_____	☐	_____	_____	☐

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3.	Name and Address of Former Owner/Claimant(s)	Alonzo B. LeaVell P.O. Box 54, Gooding, ID, 83330 South Cove Ventures, L.L.C.
4.	New Owner/Claimant(s)	_____
		Name Connector (Check one): [] and, [] or, [] and/or
	New Mailing Address	c/o Chuck Hill, P.O. Box 1607
	City, State and ZIP Code	Bellevue, WA, 98009
	New Telephone Number	(425) 460-2504
5.	Date you acquired the property	July 6, 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-7395</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>9.8 cfs</u>	<u>799 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>9.8 cfs/799 acres</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable) SOUTH COVE VENTURES, L.L.C.

By: Chuck Hill, president

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by HAWORTH Date 9/29/04 Fee 25.00
 Received by HAWORTH Date 9/29/04 Receipt No. 5027084
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

For Value Received

ALONZO B. LEAVELL, a married man as his sole and separate property, also shown of record as ALONZO LEAVELL

the grantor(s), do(es) hereby Grant, Bargain Sell, and Convey unto

SOUTH COVE VENTURES L.L.C., a Washington limited liability company

the grantee(s), whose current address is: ~~PO Box 34, Camas, Idaho 83811~~
P.O. BOX 1607, BELLEVUE, WA 98009

the following described real estate, situated in CAMAS County, Idaho, to-wit:

See Attached Exhibit "A"

TOGETHER WITH any and all water rights appurtenant to the above-described property, including without limitation, 37-7395, 37-2211, 37-11989, 37-12000 and 37-12044. Excepting and excluding the following the following portions of 37-7395 which are the subject of pending applications for transfer of water right: (1) 0.012 cfs for the irrigation of 1 acre on Lot 1, Block 1, Magic Ranch Subdivision #11; (2) 0.025 cfs for the irrigation of 2 acres of Lot 1, Magic Ranch Subdivision #2; (3) 0.037 cfs for the irrigation of 3 acres on Lot 1, Magic Ranch Subdivision #1; (4) 0.025 cfs for irrigation of 2.0 acres Lot 3, Magic Ranch Subdivision #3; (5) 0.025 cfs for irrigation of 2.0 acres Lot 4, Magic Ranch Subdivision #1; (6) 0.037 cfs for irrigation of 3.0 acres on East 6th St. property

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/2/2004

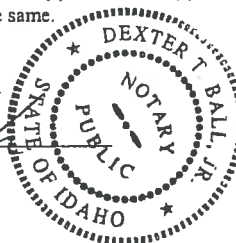
Alonzo B. Leavell
Alonzo B. Leavell

State of IDAHO }
County of TWIN FALLS } ss.

On this 2ND day of July, in the year 2004, before me, a Notary Public in and for said State, personally appeared Alonzo B. Leavell, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

[Signature]
Notary Public
Residing At: TWIN FALLS
Commission Expires: 3-22-08



077403
Recorded at the Camas County Title
at 3:35 P
in July 16th, 2004
of 34 Deeds
490

By Korey Blodgett
Fees \$ 60.00

Consider this as assignment of applic of trustee 71364 to South Cove

EXHIBIT A
C040070

PARCEL 1:

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$

SUBJECT TO a road right of way 35 feet in width along the West boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPTING THEREFROM the Northerly 20 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NE $\frac{1}{4}$ NW $\frac{1}{4}$

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the Highway

Lot 3 Block 2 MAGIC RANCH SUBDIVISION No. 11 , filed in the office of the Camas County, Idaho Recorder as Instrument No. 76224.

PARCEL 2:

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 2: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ excepting therefrom that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the Highway;

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Township 2 South, Range 17 East, Boise Meridian, Camas County, Idaho

Section 11: NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Lots 2 and 3 MAGIC RANCH SUBDIVISION No. 1, Camas County, Idaho, according to the official plat filed in the office of the Camas County as Instrument No. 76003.

Lots 1, 2, 4 and 5 MAGIC RANCH SUBDIVISION No. 3 , filed in the office of the Camas County, Idaho Recorder as Instrument No. 76005, and replatted as Instrument No. 76784.

Lots 1 and 2 Block 2 MAGIC RANCH SUBDIVISION No. 11 , filed in the office of the Camas County, Idaho Recorder as Instrument No. 76224.

PARCEL 3:

Lots 2A, 2B, 3 and 4A Block 1 MAGIC RANCH SUBDIVISION No. 2, Camas County, Idaho, according to the official plat filed in the office of the Camas County as Instrument No. 76004 and replatted as Instrument No. 76797.

" E 2637.53'

S 89°58'31" E 2638.69'

SW 1/4

Black Hills Ranch

Chuck Hill
of 70 Acres
p. 16 of 9000

Willow

Cedar

Lloyd

Chick

SITE 1
27 acres

CENTER PIVOT
IRRIGATION SYSTEM

PIVOT
POINT

25W1/4

S1/2SE1/4

4.5

1 12 0

0 12 0