

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78432**

This is to certify that: SWEET POTATO RANCH LLC
C/O JOE CLARK, AVIATION PARTNERS
7299 PERIMETER RD S
SEATTLE, WA 98108

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-1222	WR/DECREED	6/9/1911	0.400 cfs	N/A	N/A	185.0	DEMOCRAT GULCH
37-12396	WR/DECREED	8/23/1957	10.000 cfs	647.5 af	N/A	185.0	DEMOCRAT GULCH CREEK, LAMBS GULCH CREEK
37-2142	WR/DECREED	6/24/1909	1.500 cfs	N/A	122.4	95.5	HOT SPRINGS GULCH
37-4138	WR/DECREED	12/31/1948	0.150 cfs	N/A	N/A	185.0	HAILEY HOT SPRINGS
37-548	WR/DECREED	6/1/1880	3.600 cfs	N/A	N/A	180.0	DEMOCRAT GULCH CREEK, LAMBS GULCH CREEK
37-549	WR/DECREED	6/30/1882	3.110 cfs	N/A	N/A	95.5	CROY CREEK
37-8670	WR/LICENSE	8/13/1990	0.080 cfs	37.7 af	N/A	N/A	HAILEY HOT SPRINGS

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-1222	NO	NO	YES	YES	NO	NO
37-12396	NO	NO	YES	YES	NO	NO
37-2142	NO	NO	YES	NO	NO	NO
37-4138	NO	NO	YES	NO	NO	NO
37-548	NO	NO	YES	NO	NO	NO
37-549	NO	YES	YES	NO	NO	NO
37-8670	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-1222	37-1222	0.400 cfs	N/A	108.9	253.0	N/A	N/A	N/A	N/A	N/A
37-12396	37-12396	10.000 cfs	647.5 af	185.0	253.0	N/A	N/A	N/A	N/A	N/A
37-2142	37-2142	1.500 cfs	N/A	75.0	253.0	N/A	N/A	N/A	N/A	N/A
37-4138	37-4138	0.150 cfs	N/A	65.4	253.0	N/A	N/A	N/A	N/A	N/A
37-548	37-548	3.600 cfs	N/A	180.0	253.0	N/A	N/A	N/A	N/A	N/A
37-549	37-549	3.110 cfs	N/A	95.5	253.0	N/A	N/A	N/A	N/A	N/A
37-8670	37-8670	0.080 cfs	37.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Transfer No. 78432

SUPPORT DATA

37-548

IN FILE #

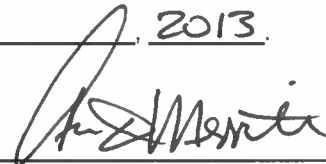
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78432

COMBINED TOTALS	18,840 cfs	N/A	198.5	253.0	N/A	N/A	N/A	N/A
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This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 5th day of August, 2013.



Southern Region Manager



WATER RIGHT NO. 37-548**As Modified by Transfer No. 78432**

In accordance with the approval of Transfer No. 78432, Water Right No. 37-548 is now described as follows:

Right Holder: SWEET POTATO RANCH LLC
7299 PERIMETER RD S
SEATTLE, WA 98108

Priority Date: 6/1/1880

Source: DEMOCRAT GULCH CREEK **Tributary:** CROY CREEK
Source: LAMBS GULCH CREEK **Tributary:** DEMOCRAT GULCH CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	3.600 cfs 3.600 cfs

LOCATION OF POINT(S) OF DIVERSION

DEMOCRAT GULCH CREEK	L2 (NESWNW)	Sec 18 Twp 02N Rge 18E	BLAINE County
DEMOCRAT GULCH CREEK	NWNWSE	Sec 18 Twp 02N Rge 18E	BLAINE County
LAMBS GULCH CREEK	SWNENW	Sec 18 Twp 02N Rge 18E	BLAINE County
DEMOCRAT GULCH CREEK	NESWSE	Sec 18 Twp 02N Rge 18E	BLAINE County
DEMOCRAT GULCH CREEK	L5 (NWSESE)	Sec 18 Twp 02N Rge 18E	BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							2.3	21	34	35							92.3
									L 3	L 4									
02N	18E	18			15		1.4	0.2	2.7	32	0.3		1.1	12	31	19	21	25	160.7
																		L 5	

Right Acre Limit: 180.0

POU Total Acres: 253.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 180 acres within the authorized place of use in a single irrigation season.
2. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250 and 37-22251 when combined shall not exceed a total diversion rate of 9.23 cfs and the irrigation of 198.5 acres.
3. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-22250, and 37-22251 when combined shall not exceed a total diversion rate of 9.08 cfs and the irrigation of 198.5 acres.
4. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440 and 37-22250 when combined shall not exceed a total diversion rate of 9.08 cfs.

Transfer No. 78432

WATER RIGHT NO. 37-548
As Modified by Transfer No. 78432

CONDITIONS OF APPROVAL

5. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440, and 37-22250 when combined shall not exceed the irrigation of 185 acres.
6. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250, and 37-22251 are limited to the irrigation of a specific 198.5 acres within the 253 acre place of use authorized by this right in a single irrigation season. The specific 198.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 198.5 acres to be irrigated within the 253 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
10. Place of use does not include federal public lands.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 37-12396**As Modified by Transfer No. 78432**

In accordance with the approval of Transfer No. 78432, Water Right No. 37-12396 is now described as follows:

Right Holder: SWEET POTATO RANCH LLC
7299 PERIMETER RD S
SEATTLE, WA 98108

Priority Date: 8/23/1957

Source: LAMBS GULCH CREEK **Tributary:** DEMOCRAT GULCH CREEK
Source: DEMOCRAT GULCH CREEK **Tributary:** CROY CREEK

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	01/01	to 12/31	10.000 cfs	
IRRIGATION FROM STORAGE	04/15	to 10/31		647.5 af
IRRIGATION STORAGE	01/01	to 12/31		29.6 af
RECREATION STORAGE	01/01	to 12/31		29.6 af
STOCKWATER	01/01	to 12/31	0.030 cfs 10.000 cfs	647.5 af

LOCATION OF POINT(S) OF DIVERSION

LAMBS GULCH CREEK	SWNENW	Sec 18 Twp 02N Rge 18E	BLAINE County	
LAMBS GULCH CREEK	L2 (NESWNW)	Sec 18 Twp 02N Rge 18E	BLAINE County	(R)
LAMBS GULCH CREEK	L2 (SWNW)	Sec 18 Twp 02N Rge 18E	BLAINE County	(I)
DEMOCRAT GULCH CREEK	L2 (SWNW)	Sec 18 Twp 02N Rge 18E	BLAINE County	
DEMOCRAT GULCH CREEK	L5 (SESE)	Sec 18 Twp 02N Rge 18E	BLAINE County	(R)
DEMOCRAT GULCH CREEK	NWSE	Sec 18 Twp 02N Rge 18E	BLAINE County	(R)
LAMBS GULCH CREEK	NWSE	Sec 18 Twp 02N Rge 18E	BLAINE County	(R)

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							2.3	21.0	34.0	35.0							92.3
									L 3	L 4									
02N	18E	18			15.0		1.4	0.2	2.7	32	0.3		1.1	12	31	19	21	25	160.7
									L 1	L 2								L 5	

Right Acre Limit: 185.0

POU Total Acres: 253.0

PLACE OF USE: IRRIGATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	18						X	X						X			X	0.0
								L 1	L 2									L 5	

Transfer No. 78432

WATER RIGHT NO. 37-12396
As Modified by Transfer No. 78432

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	18						X	X						X			X	0.0
							L 1	L 2									L 5		

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							X	X	X	X							0.0
									L 3	L 4									
02N	18E	18			X		X	X	X	X	X		X	X	X	X	X	X	0.0
							L 1	L 2									L 5		

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 185 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
3. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
5. Place of use does not include federal public lands.
6. The 10 cfs flow rate represents diversion from the west channel of Lambs Gulch to the upper reservoir located in T02N, R18E W1/2 NW1/4 located on Democrat Gulch.
7. The point of diversion described as T02N R18E S18 SWNENW is located on the west channel of Lambs Gulch.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

WATER RIGHT NO. 37-8670
As Modified by Transfer No. 78432

In accordance with the approval of Transfer No. 78432, Water Right No. 37-8670 is now described as follows:

Right Holder: SWEET POTATO RANCH LLC
 7299 PERIMETER RD S
 SEATTLE, WA 98108

Priority Date: 8/13/1990

Source: HAILEY HOT SPRINGS **Tributary:** DEMOCRAT GULCH CREEK

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
HEATING	01/01	to 12/31	0.070 cfs	37.5 af
RECREATION	01/01	to 12/31	0.010 cfs	0.2 af
WILDLIFE	01/01	to 12/31	0.080 cfs	37.7 af
			0.080 cfs	37.7 af

LOCATION OF POINT(S) OF DIVERSION

HAILEY HOT SPRINGS	NWNWSE	Sec 18 Twp 02N Rge 18E	BLAINE County	
HAILEY HOT SPRINGS	NWSE	Sec 18 Twp 02N Rge 18E	BLAINE County	(Injection)
HAILEY HOT SPRINGS	NWSE	Sec 18 Twp 02N Rge 18E	BLAINE County	(Rediversion)

PLACE OF USE: HEATING

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	18													X				0.0

PLACE OF USE: RECREATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	18													X			X	0.0

PLACE OF USE: WILDLIFE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	18													X				0.0
																		L 5	

CONDITIONS OF APPROVAL

1. Water used under this right if discharged into a natural channel shall meet Idaho Water Quality Standards.

Transfer No. 78432

WATER RIGHT NO. 37-8670
As Modified by Transfer No. 78432

CONDITIONS OF APPROVAL

2. Use of water under this right shall be non-consumptive.
3. Low temperature geothermal water diverted under this right shall not be used for wildlife purposes unless it is first used for heating and recreation purposes.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



WATER RIGHT NO. 37-549**As Modified by Transfer No. 78432**

In accordance with the approval of Transfer No. 78432, Water Right No. 37-549 is now described as follows:

Right Holder: SWEET POTATO RANCH LLC
7299 PERIMETER RD S
SEATTLE, WA 98108

Priority Date: 6/30/1882

Source: CROY CREEK

Tributary: BIG WOOD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 10/31

Diversion Rate

3.110 cfs

3.110 cfs

LOCATION OF POINT(S) OF DIVERSION

CROY CREEK

L5 (SESE)

Sec 18 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							2.3	21	34	35							92.3
									L 3	L 4									
02N	18E	18			15		1.4	0.2	2.7	32	0.3		1.1	12	31	19	21	25	160.7
																		L 5	

Right Acre Limit: 95.5

POU Total Acres: 253.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 95.5 acres within the authorized place of use in a single irrigation season.
2. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250 and 37-22251 when combined shall not exceed a total diversion rate of 9.23 cfs and the irrigation of 198.5 acres.
3. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-22250, and 37-22251 when combined shall not exceed a total diversion rate of 9.08 cfs and the irrigation of 198.5 acres..
4. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440 and 37-22250 when combined shall not exceed a total diversion rate of 9.08 cfs.
5. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440, and 37-22250 when combined shall not exceed the irrigation of 185 acres.

Transfer No. 78432

WATER RIGHT NO. 37-549

As Modified by Transfer No. 78432

CONDITIONS OF APPROVAL

6. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250, and 37-22251 are limited to the irrigation of a specific 198.5 acres within the 253 acre place of use authorized by this right in a single irrigation season. The specific 198.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 198.5 acres to be irrigated within the 253 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
10. Place of use does not include federal public lands.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 37-1222

As Modified by Transfer No. 78432

In accordance with the approval of Transfer No. 78432, Water Right No. 37-1222 is now described as follows:

Right Holder: SWEET POTATO RANCH LLC
7299 PERIMETER RD S
SEATTLE, WA 98108

Priority Date: 6/9/1911

Source: DEMOCRAT GULCH CREEK **Tributary:** CROY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>		<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31		0.400 cfs
				0.400 cfs

LOCATION OF POINT(S) OF DIVERSION

DEMOCRAT GULCH CREEK L2 (NESWNW)	Sec 18 Twp 02N Rge 18E	BLAINE County
DEMOCRAT GULCH CREEK NESWSE	Sec 18 Twp 02N Rge 18E	BLAINE County
DEMOCRAT GULCH CREEK L5 (NWSESE)	Sec 18 Twp 02N Rge 18E	BLAINE County
DEMOCRAT GULCH CREEK NWSE	Sec 18 Twp 02N Rge 18E	BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							2.3	21	34	35							92.3
									L 3	L 4									
02N	18E	18			15.0		1.4	0.2	2.7	32	0.3		1.1	12	31	19	21	25	160.7
																		L 5	

Right Acre Limit: 108.9
POU Total Acres: 253.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 108.9 acres within the authorized place of use in a single irrigation season.
2. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250 and 37-22251 when combined shall not exceed a total diversion rate of 9.23 cfs and the irrigation of 198.5 acres.
3. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-22250, and 37-22251 when combined shall not exceed a total diversion rate of 9.08 cfs and the irrigation of 198.5 acres.
4. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440 and 37-22250 when combined shall not exceed a total diversion rate of 9.08 cfs.

Transfer No. 78432

WATER RIGHT NO. 37-1222

As Modified by Transfer No. 78432

CONDITIONS OF APPROVAL

5. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440, and 37-22250 when combined shall not exceed the irrigation of 185 acres.
6. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250, and 37-22251 are limited to the irrigation of a specific 198.5 acres within the 253 acre place of use authorized by this right in a single irrigation season. The specific 198.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 198.5 acres to be irrigated within the 253 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
10. Place of use does not include federal public lands.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 37-2142**As Modified by Transfer No. 78432**

In accordance with the approval of Transfer No. 78432, Water Right No. 37-2142 is now described as follows:

Right Holder: SWEET POTATO RANCH LLC
7299 PERIMETER RD S
SEATTLE, WA 98108

Priority Date: 6/24/1909

Source: HOT SPRINGS GULCH **Tributary:** CROY CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

to 10/31

To**Diversion Rate**

1.500 cfs

1.500 cfs

LOCATION OF POINT(S) OF DIVERSION

HOT SPRINGS GULCH L4 (SWSW) Sec 18 Twp 02N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							2.3	21	34	35							92.3
									L 3	L 4									
02N	18E	18			15		1.4	0.2	2.7	32	0.3		1.1	12	31	19	21	25	160.7
																		L 5	

Right Acre Limit: 75.0

POU Total Acres: 253.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 75 acres within the authorized place of use in a single irrigation season.
2. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250 and 37-22251 when combined shall not exceed a total diversion rate of 9.23 cfs and the irrigation of 198.5 acres.
3. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-22250, and 37-22251 when combined shall not exceed a total diversion rate of 9.08 cfs and the irrigation of 198.5 acres.
4. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440 and 37-22250 when combined shall not exceed a total diversion rate of 9.08 cfs.
5. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440, and 37-22250 when combined shall not exceed the irrigation of 185 acres.

Transfer No. 78432

WATER RIGHT NO. 37-2142
As Modified by Transfer No. 78432

CONDITIONS OF APPROVAL

6. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250, and 37-22251 are limited to the irrigation of a specific 198.5 acres within the 253 acre place of use authorized by this right in a single irrigation season. The specific 198.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 198.5 acres to be irrigated within the 253 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
10. Place of use does not include federal public lands.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 37-4138**As Modified by Transfer No. 78432**

In accordance with the approval of Transfer No. 78432, Water Right No. 37-4138 is now described as follows:

Right Holder: SWEET POTATO RANCH LLC
7299 PERIMETER RD S
SEATTLE, WA 98108

Priority Date: 12/31/1948

Source: HAILEY HOT SPRINGS **Tributary:** DEMOCRAT GULCH CREEK

BENEFICIAL USE

IRRIGATION

From

04/15

to 10/31

To**Diversion Rate**

0.150 cfs

0.150 cfs

LOCATION OF POINT(S) OF DIVERSION

HAILEY HOT SPRINGS	L5 (NWSESE)	Sec 18 Twp 02N Rge 18E	BLAINE County	(R)
HAILEY HOT SPRINGS	NWNWSE	Sec 18 Twp 02N Rge 18E	BLAINE County	(I)
HAILEY HOT SPRINGS	NWNWSE	Sec 18 Twp 02N Rge 18E	BLAINE County	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	17							2.3	21	34	35							92.3
									L 3	L 4									
02N	18E	18			15.0		1.4	0.2	2.7	32	0.3		1.1	12	31	19	21	25	160.7
																		L 5	

Right Acre Limit: 65.4

POU Total Acres: 253.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 65.4 acres within the authorized place of use in a single irrigation season.
2. Rights 37-4138 and 37-4139 when combined shall not exceed a total diversion rate of 0.15 cfs.
3. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250 and 37-22251 when combined shall not exceed a total diversion rate of 9.23 cfs and the irrigation of 198.5 acres.
4. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-4440, and 37-22250 when combined shall not exceed the irrigation of 185 acres.

Transfer No. 78432

WATER RIGHT NO. 37-4138
As Modified by Transfer No. 78432

CONDITIONS OF APPROVAL

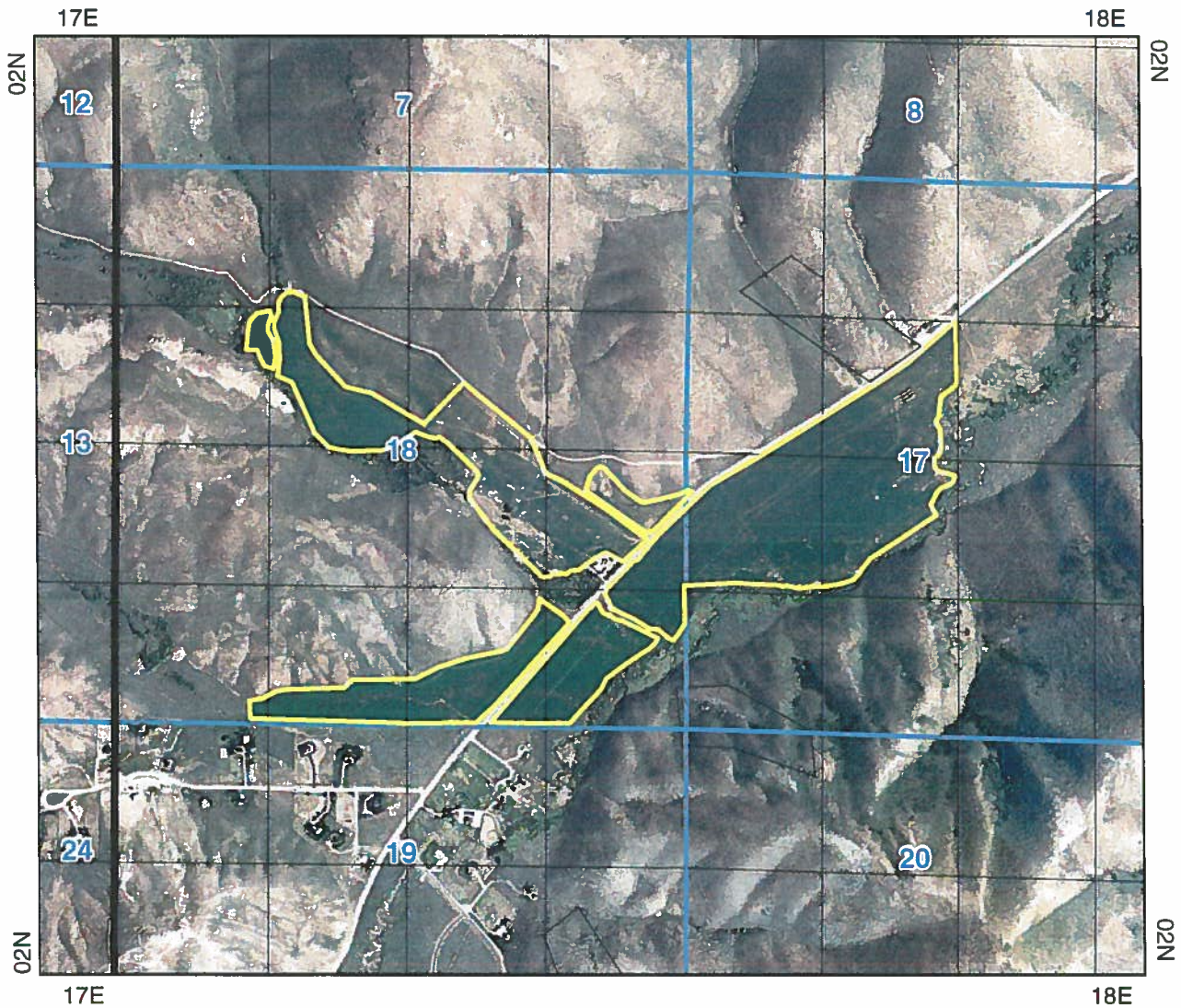
5. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250, and 37-22251 are limited to the irrigation of a specific 198.5 acres within the 253 acre place of use authorized by this right in a single irrigation season. The specific 198.5 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right and are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 198.5 acres to be irrigated within the 253 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
9. Place of use does not include federal public lands.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho
Department of Water Resources

Attachment To Transfer No. 78432

Rights: 37-548, 37-549, 37-1222, 37-2142, 37-4138 and 37-12396

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



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.2 0.4 0.8 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 6, 2013

SWEET POTATO RANCH LLC
C/O JOE CLARK AVIATION PARTNERS
7299 PERIMETER RD S
SEATTLE WA 98108

Re: Transfer No: 78432
Water Right No(s): 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-8670, 37-12396

Re: Transfer No: 78433
Water Right No(s): 37-4440, 37-22250, 37-22251

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large initial "A" and a cursive "Merritt".

Allen Merritt
Southern Region Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC
C/O ZACH LATHAM
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78432

Water Right No(s): 37-548, 37-549, 37-1222, 37-2142, 37-4138, 37-8670, 37-12396

Re: Transfer No: 78433

Water Right No(s): 37-4440, 37-22250, 37-22251

**SWEET POTATO RANCH LLC
C/O JOE CLARK AVIATION PARTNERS
7299 PERIMETER RD S
SEATTLE WA 98108**

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

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 6, 2013

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

Re: **APPROVED Transfer No. 78432 & 78433 (Sweet Potato ranch LLC)**

Dear Mr. Lakey:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

RECEIVED

APR 16 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

Transfer Application No.: 78432

Water Right No(s): 37-1222, 37-12396, 37-2142,
37-4138, 37-548, 37-549, 37-8670

Transfer Applicant's Name: SWEET POTATO RANCH LLC
C/O JOE CLARK, AVIATION PARTNERS
7299 PERIMETER RD S
SEATTLE, WA 98108

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this 16th day of April, 2013

Water District No. 37

Kevin Lakey

Watermaster's Signature

Kevin Lakey

Printed Name

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho
County of Blaine

APR 12 2013

Pam Morris

being the first duly

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

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

publication of said advertisement was on the 3 day of

April, 20 13, and the date of the last publication was

on the 10 day of April, 20 13

Subscribed and sworn to before me this 10 day of

April, 20 13.

Connie N. Johnson
NOTARY PUBLIC

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

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

COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 93

Number of Insertions 2

Lines tabular at 93 9.0 cents/pica

Lines straight at 85.56 8.0 cents/pica

Subsequent lines at 74.87 7.0 cents/pica

TOTAL COST \$140.43

COPY OF NOTICE

Pg. 1

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

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

37-22815
BLAINE COUNTY SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY, ID 83333
Point of Diversion SENE S13 T04N R17E BLAINE County Source GROUND WATER Tributary
Use: HEATING 01/01 to 12/31 1.2 CFS
Use: COOLING 01/01 to 12/31 1.2 CFS
Total Diversion: 1.2 CFS
Date Filed: 3/19/2013
Place Of Use: HEATING & COOLING T04N R17E S13 SWNE SENE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO(S). 78432 & 78433
SWEET POTATO RANCH LLC, C/O JOE CLARK, AVIATION PARTNERS, 7299 PERIMETER RD S, SEATTLE, WA 98108; has filed Application No. 78432 for changes to the following water rights within BLAINE County(s): Right No(s). 37-1222, 37-12396, 37-2142, 37-4138, 37-548, 37-549, 37-8670 AND Application No. 78433 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22250, 37-22251, 37-4440.

SEE REVERSE FOR REMAINDER OF LEGAL NOTICE:

✓ OK DA
4-16-2013

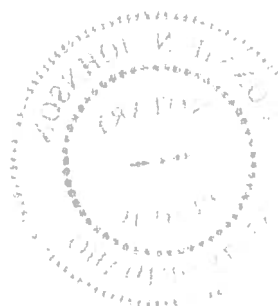
✓

The purpose of the transfer is to change a portion of the above rights as follows: Applications for transfer 78432 & 78433 propose to change the place of use (POU) for the irrigation portions of surface and ground-water rights (9.08 CFS, 198.5 Acres) appurtenant to property located approximately 1.1 to 2.3 mi. W & 0.6 to 1.4 mi. S of Hailey. Applications propose to create a 253-acre permissible place of use (PPU) by including ground adjacent to the authorized POU. Upon approval, rights will be limited to 198.5 acres of irrigation annually, currently authorized under the rights, within the 253-acre PPU. Application 78432 also proposes to add an existing point of diversion (POD) on Democrat Gulch Creek, located approximately 2.0 mi. W & 0.9 mi. S of Hailey, as an authorized POD for Democrat Gulch irrigation rights 37-1222 & 37-12396. Application 78432 also proposes adding a point of injection and redirection to describe this additional Democrat Gulch Creek POD for wildlife, recreation, and heating purposes associated with right 37-8670 (0.08 CFS, Hailey Hot Springs). This application also proposes to change the POD for right 37-549 (3.11 CFS, Croy Creek), currently located approximately 2.1 mi. W & 1.8 mi. S of Hailey, to a new POD located downstream approximately 1.7 mi. W & 1.4 mi. S of Hailey.

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 April 22, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH:
IDAHO MOUNTAIN EXPRESS
April 3 & 10, 2013



✓ OK. AM 4-16-2013