

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78433**

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>
37-22250	WR/LICENSE	8/3/1990	0.680 cfs	119.0 af	N/A	34.0	GROUND WATER
37-22251	WR/LICENSE	8/3/1990	1.820 cfs	318.5 af	91.0	164.5	GROUND WATER
37-4440	WR/DECREED	12/31/1950	0.470 cfs	191.1 af	15.5	185.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

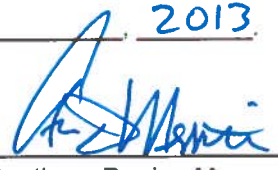
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-22250	NO	NO	YES	NO	NO	NO
37-22251	NO	NO	YES	NO	NO	NO
37-4440	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-22250	37-22250	0.680 cfs	119.0 af	34.0	253.0	N/A	N/A	N/A	N/A	N/A
37-22251	37-22251	1.820 cfs	318.5 af	91.0	253.0	N/A	N/A	N/A	N/A	N/A
37-4440	37-4440	0.470 cfs	191.1 af	65.4	253.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.970 cfs	628.6 af	190.4	253.0		N/A	N/A	N/A	N/A

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

Dated this 5th day of August, 2013.


Southern Region Manager

SUPPORT DATA

Transfer No. 78433

IN FILE # 37-4440

WATER RIGHT NO. 37-22250 **As Modified by Transfer No. 78433**

In accordance with the approval of Transfer No. 78433, Water Right No. 37-22250 is now described as follows:

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

Priority Date: 8/3/1990

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.680 cfs	119.0 af
			0.680 cfs	119.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESWSE 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	21.0	34.0	35.0							92.3
02N	18E	18			15.0		1.4	0.2	2.7	32.0	0.3		1.1	12.0	31.0	19.0	21.0	25.0	160.7
																		L 5	

Right Acre Limit: 34.0

POU Total Acres: 253.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 34 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. 78433

WATER RIGHT NO. 37-22250
As Modified by Transfer No. 78433

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 make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. Prior to the diversion and use of water under Transfer approval 78433, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
11. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
12. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
13. Place of use does not include federal public lands.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. 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. 37-4440**As Modified by Transfer No. 78433**

In accordance with the approval of Transfer No. 78433, Water Right No. 37-4440 is now described as follows:

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

Priority Date: 12/31/1950

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/15	to 10/31	0.470 cfs	186.1 af
RECREATION STORAGE	01/01	to 12/31		5.0 af
STOCKWATER	01/01	to 12/31	0.030 cfs	
			0.470 cfs	191.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNWSE	Sec 18 Twp 02N Rge 18E	BLAINE County	
GROUND WATER	NWNWSE	Sec 18 Twp 02N Rge 18E	BLAINE County	
GROUND WATER	NWNWSE	Sec 18 Twp 02N Rge 18E	BLAINE County	(I)
GROUND WATER	L5 (NWSESE)	Sec 18 Twp 02N Rge 18E	BLAINE County	(R)
GROUND WATER	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	21.0	34.0	35.0							92.3
02N	18E	18			15.0		1.4	0.2	2.7	32.0	0.3		1.1	12.0	31.0	19.0	21.0	25.0	160.7
																		L 5	

Right Acre Limit: 65.4

POU Total Acres: 253.0

PLACE OF USE: RECREATION 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	0.0
																		L 5	

PLACE OF USE: STOCKWATER

			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							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 5	

Transfer No. 78433

WATER RIGHT NO. 37-4440
As Modified by Transfer No. 78433

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 37-548, 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.
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. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
8. 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.
9. Prior to the diversion and use of water under Transfer approval 78433, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
11. Place of use does not include federal public lands.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 37-4440
As Modified by Transfer No. 78433

CONDITIONS OF APPROVAL

13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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. 37-22251
As Modified by Transfer No. 78433

In accordance with the approval of Transfer No. 78433, Water Right No. 37-22251 is now described as follows:

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

Priority Date: 8/3/1990

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	1.820 cfs	318.5 af
			1.820 cfs	318.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENESE 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	21.0	34.0	35.0							92.3
02N	18E	18			15.0		1.4	0.2	2.7	32.0	0.3		1.1	12.0	31.0	19.0	21.0	25.0	160.7
																		L 5	

Right Acre Limit: 91.0

POU Total Acres: 253.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 91 acres within the place of use described above 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.

Transfer No. 78433

WATER RIGHT NO. 37-22251
As Modified by Transfer No. 78433

CONDITIONS OF APPROVAL

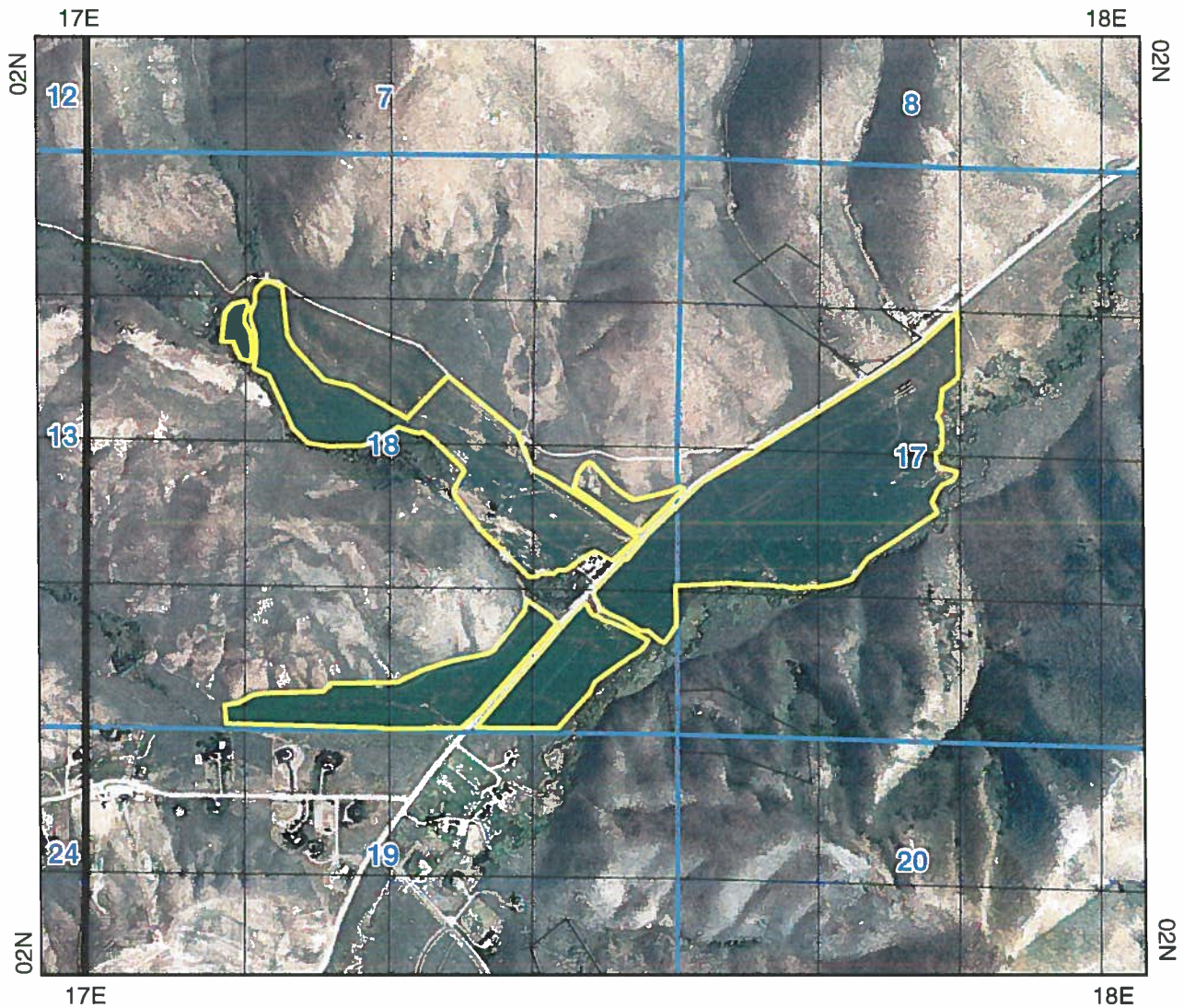
4. Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, 37-4138, 37-22250, and 37-22251 are limited to the irrigation of a specific 198.5 acres within the 253 acre place of use authorized by this right in a single irrigation season. The specific 198.5 acres to be irrigated by the right holder shall be identified 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.
5. 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.
6. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. Prior to the diversion and use of water under Transfer approval 78433, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
10. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
11. Place of use does not include federal public lands.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

State of Idaho
Department of Water Resources

Attachment To Transfer No. 78433

Water Rights: 37-4440, 37-22249 and 37-22251

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 0.175 0.35 0.7 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

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

RECEIVED
APR 16 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 78433 **Water Right No(s):** 37-22250, 22251, 37-4440

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 _____ 9.0 cents/pica
93 Lines straight at 85.56 8.0 cents/pica
93 Subsequent lines at 74.87 7.0 cents/pica
TOTAL COST \$160.43

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 rediversion 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