

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-22777

Priority: December 05, 1979

Maximum Diversion Rate: 3.18 CFS
Maximum Diversion Volume: 556.2 AF

It is hereby certified that AUBREY SPRING RANCH LLC
130 TREASURE LANE
HAILEY ID 83333 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated December 5, 1979; and has
submitted Proof of Beneficial Use on September 09, 1993. An examination confirms water is diverted
from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	3.18 CFS	556.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW1/4NW1/4	Sec. 24, Twp 01S, Rge 19E, B.M.
BLAINE County	(Rediversion)	
GROUND WATER	SE1/4NE1/4	Sec. 14, Twp 01S, Rge 19E, B.M.
BLAINE County		
GROUND WATER	SW1/4SW1/4	Sec. 13, Twp 01S, Rge 19E, B.M.
BLAINE County	(Injection)	

PLACE OF USE: IRRIGATION

Twp Rge Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
01S 19E 13							10.0		10.0	36.0	30.0	1.6					87.6
01S 19E 14				3.2												3.1	6.3
01S 19E 23	36.0			29.0													65.0

Total Acres: 158.9

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. 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. 37M.

State of Idaho
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Water Right License

WATER RIGHT NO. 37-22777

3. 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).
4. The right holder shall install and maintain acceptable measuring devices at the point of injection into Loving Creek and at the point of rediversion from Loving Creek.
5. Rights 37-22777, 37-2553A and 37-8571 when combined shall not exceed a total diversion rate of 5.46 cfs.
6. 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.
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 for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. An intake screen acceptable to Idaho Fish & Game shall be installed at the point of rediversion on Loving Creek to prevent any negative impact on juvenile fish.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 14th day of January, 2013.

FOR



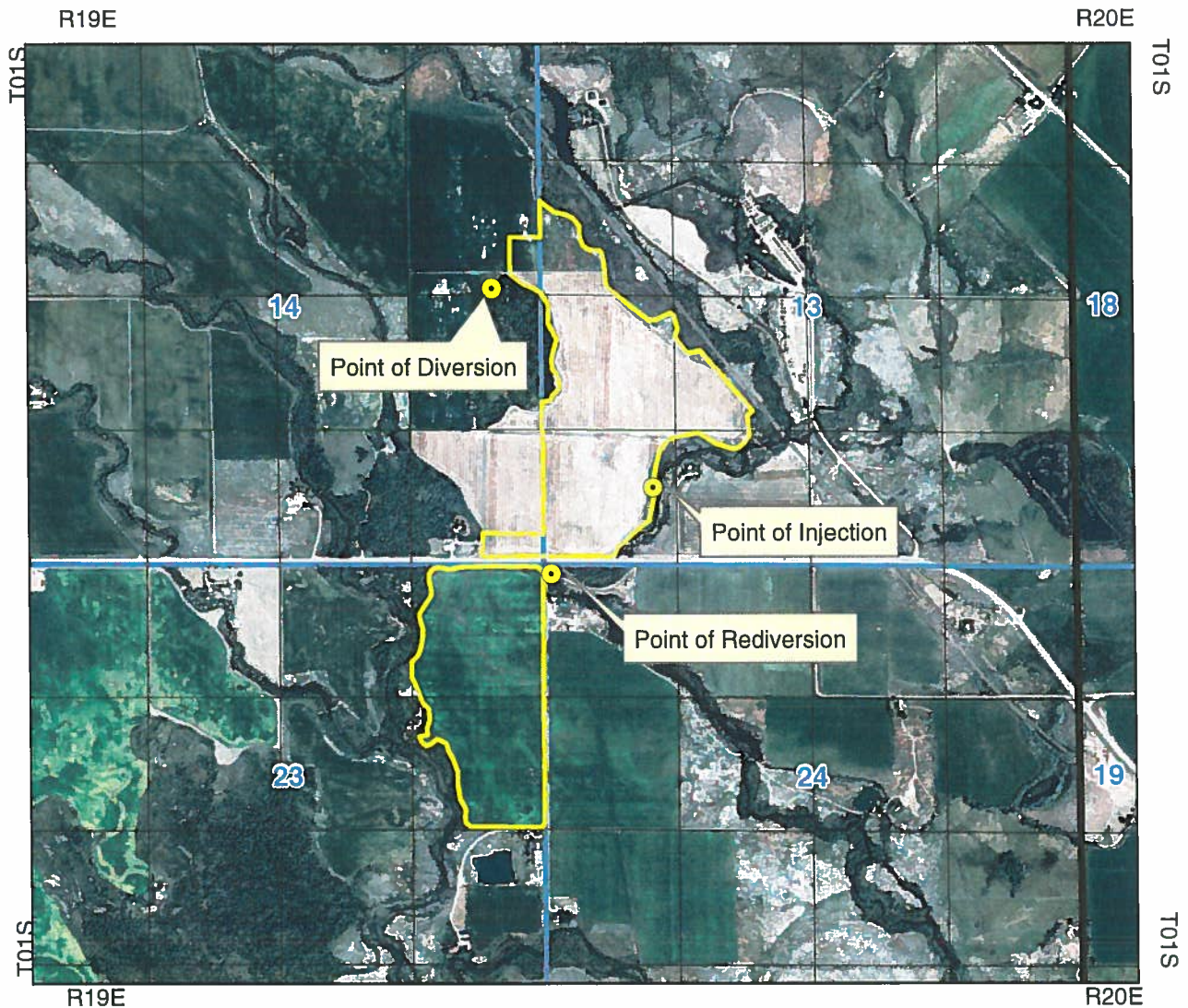
GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License

37-22777

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



0 0.2 0.4 0.8 Miles

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





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

January 16, 2013

AUBREY SPRING RANCH LLC
130 TREASURE LANE
HAILEY ID 83333

RE: License No. 37-8569, 37-8571, 37-22777, 37-22778

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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

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,

Allen Merritt
Southern Region Manager

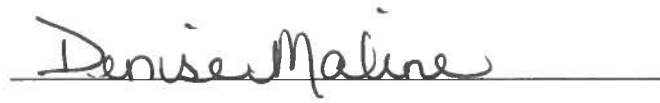
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 37-8569, 37-8571, 37-22777, 37-22778

**AUBREY SPRING RANCH LLC
130 TREASURE LANE
HAILEY ID 83333**

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**RECEIVED****NOV 28 2012**DEPT. OF WATER RESOURCES
SOUTHERN REGION**CHANGE IN ADDRESS**This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

[] Water Right Number(s): 37-252; 37-712; 37-2553A;
37-2575; 37-2646D; 37-7598D;
37-8569; 37-8571; 37-22777; 37-22778[] Name(s): Aubrey Spring Ranch LLC[] Old Mailing Address: 8836 N Hess St Ste D
Hayden, ID 83835[] New Mailing Address: 130 Treasure Lane
Hailey, ID 83333Telephone Number: (650) 644 - 9516Email: rw56@earthlink.net[] Signature(s) of Owner(s) Stephen T. Barnard
Owner
(Include your title if on behalf of company or organization)Date: 11/27/2012

Send a signed original to your closest regional office:

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-22777

RECEIVED**OCT 16 2012****DEPT. OF WATER RESOURCES
SOUTHERN REGION****Date of Priority:** December 05, 1979

Maximum Diversion Rate: 3.18 CFS

Maximum Diversion Volume: 556.2 AF

Comes now AUBREY SPRING RANCH LLC
8836 N HESS ST STE D

HAYDEN ID 83835

and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 37-22777, and requests that the permit be changed as follows:**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/31	3.18 CFS	556.2 AF

LOCATION OF POINT(S) OF DIVERSION:

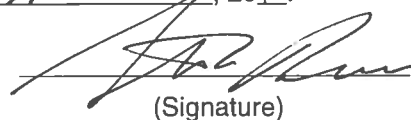
GROUND WATER	NW1/4NW1/4	Sec. 24, Twp 01S, Rge 19E, B.M.
BLAINE County	(Rediversion)	
GROUND WATER	SE1/4NE1/4	Sec. 14, Twp 01S, Rge 19E, B.M.
BLAINE County		
GROUND WATER	SW1/4SW1/4	Sec. 13, Twp 01S, Rge 19E, B.M.
BLAINE County	(Injection)	

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 19E 13							10.0		10.0	36.0	30.0	1.6					87.6
01S 19E 14				3.2											3.1		6.3
01S 19E 23	36.0			29.0													65.0

Total Acres: 158.9

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 12 day of October, 2012



(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-22777

FOR DEPARTMENT USE ONLY

Preliminary check by H Fee = 100- Received by H # S032853 Date 10/17/12

ACTION OF THE DEPARTMENT OF WATER RESOURCES

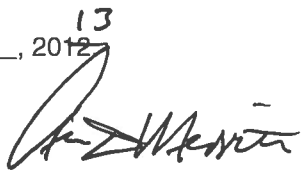
I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-22777 with the following:

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. 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.
4. 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.
5. The right holder shall install and maintain acceptable measuring devices at the point of injection into Loving Creek and at the point of rediversion from Loving Creek.
6. An intake screen acceptable to Idaho Fish & Game shall be installed at the point of rediversion on Loving Creek to prevent any negative impact on juvenile fish.

Witness my hand this 14th day of January, 201²¹³

FOR



GARY SPACKMAN
Director