

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 78153

This is to certify that: SV RANCH LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009
(425)460-2542

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-22790	WR/Decreed	06/21/1968	12.14 cfs	1821 af	607.2	612.8	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>
37-22790	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>
-----------------------	----------------------------------	----------------------	------------------------	-------------------	--------------------	------------------------------------	-----------------------	-------------------------	-----------------------------	------------------------------

37-22790	37-22790	12.14 cfs	1821 af	N/A	607.2	N/A	N/A	N/A	N/A	N/A
----------	-----------------	-----------	---------	-----	-------	-----	-----	-----	-----	-----

COMBINED

TOTALS		12.14 cfs	1821 af	N/A	607.2	N/A	N/A	N/A	N/A	N/A
---------------	--	------------------	----------------	------------	--------------	------------	------------	------------	------------	------------

Detailed Water Right Description(s) attached

Dated this 7th day of December, 2012



Southern Region Manager

WATER RIGHT NO. 37-22790
As Modified by Transfer No. 78153

In accordance with the approval of Transfer No. 78153, Water Right No. 37-22790 is now described as follows.

Right Holder: SV RANCH LLC
 C/O GREGORY VIK
 PO BOX 1607
 BELLEVUE WA 98009

Priority Date: June 21, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	12.14 CFS	1,821.0 AF
			12.14 CFS	1,821.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENESW	Sec. 15 Twp 01S	Rge 13E	CAMAS County
GROUND WATER	SWSWSE	Sec. 22 Twp 01S	Rge 13E	CAMAS County
GROUND WATER	NESESW	Sec. 27 Twp 01S	Rge 13E	CAMAS County
GROUND WATER	NENESE	Sec. 27 Twp 01S	Rge 13E	CAMAS County
GROUND WATER	NWNWNW	Sec. 35 Twp 01S	Rge 13E	CAMAS County
GROUND WATER	SWNWNW	Sec. 35 Twp 01S	Rge 13E	CAMAS County

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	13E	35																	7.2
02S	13E	1		26.0	17.8	.8	30.0	8.0	10.0	40.0	39.0	39.0	10.0	26.0	19.0	39.0	25.0	5.4	335.0
02S	13E	2	24.0	39.0	32.0	33.0	22.0			28.0	3.4				39.0	28.0	2.6	14.0	265.0

Total Acres: 607.2

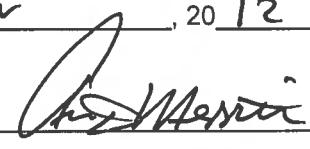
WATER RIGHT NO. 37-22790
As Modified by Transfer No. 78153

CONDITIONS OF APPROVAL

1. Rights 37-7028, 37-7029, 37-22788, 37-22789, 37-22790, and 37-22791 when combined shall not exceed a total diversion rate of 24.01 cfs.
2. Rights 37-7028, 37-22788, 37-22789, 37-22790, and 37-22791 when combined shall not exceed a total diversion rate of 14.84 cfs.
3. Prior to the diversion and use of water under Transfer approval 78153, 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.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.

This water right 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.

Dated this 7th day of December, 2012



Southern Region Manager

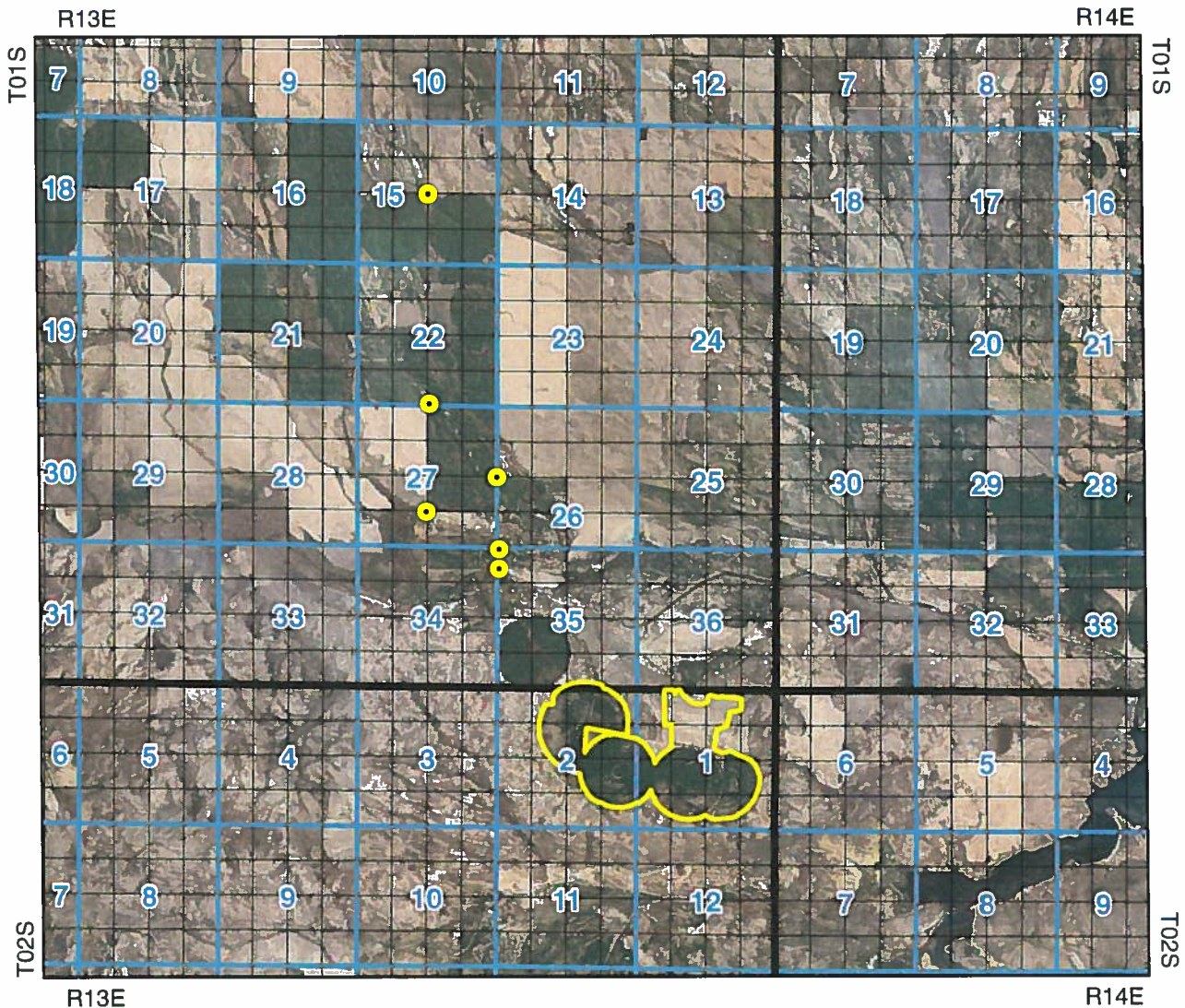
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 78153

Rights: 37-22790

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 0.75 1.5 3 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

December 7, 2012

SV RANCH LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

RE: Transfer No.: 78153
Water Right No(s): 37-22790

RE: Transfer No.: 78154
Water Right No(s): 37-22791 37-7029

RE: Transfer No.: 78155
Water Right No(s): 37-22786

RE: Transfer No.: 78156
Water Right No(s): 37-22787 37-22789

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 homepage 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", with a stylized flourish at the end.

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: BROCKWAY ENGINEERING PLLC

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 78153
 WATER RIGHTS NOS. 37-22790**

**RE: TRANSFER NO. 78154
 WATER RIGHTS NOS. 37-22791 37-7029**

**RE: TRANSFER NO. 78155
 WATER RIGHTS NOS. 37-22786**

**RE: TRANSFER NO. 78156
 WATER RIGHTS NOS. 37-22787 37-22789**

**SV RANCH LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009**

**BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
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.

MEMORANDUM

Date: December 4, 2012
To: Transfer 78153 & 78154 File
From: Jeff Cooper
Re: Evaluation of Sufficiency of Information Submitted

Application 78154 proposes to change the place of use (POU) for groundwater irrigation right 37-7029 (1.81 CFS, 132 acres) and change the POU and point of diversion (POD) for a 5.6-acre (0.11 CFS, 16.8 AFA) portion of groundwater irrigation right 37-7031C (now 37-22791). Right 37-7029 is currently authorized to provide irrigation on a farm located approximately 4.4 to 4.9 mi. W & 3.6 to 4.0 mi. S of Fairfield from a well located approximately 4.9 mi. W & 3.6 mi. S of Fairfield. Right 37-7031C currently provides up to 12.25 CFS (612.8 Acres, 1838 AFA) from an adjacent farm located approximately 2.9 to 4.6 mi. W & 4.1 to 5.1 mi. S of Fairfield from six wells located the following approximate distances from Fairfield: 5.4 mi. W & 0.6 mi. S, 5.4 mi. W & 2.1 mi. S, 4.9 mi. W & 2.6 mi. S, 5.4 mi. W & 2.9 mi. S, 4.9 mi. W & 3.1 mi. S, and 4.9 mi. W & 3.3 mi. S. Application proposes to create a 136.7-acre (1.92 CFS, 412.8 AFA) POU for an existing pivot by shifting 11 acres within the currently described POU of right 37-7029, to adjacent acres, located approximately 4.4 to 4.9 mi. W & 4.0 to 4.2 mi. S of Fairfield. Applicant proposes to transfer portions of right 37-7031C, located within the described POU of 37-7031C, for the additional 5.6 acres required for the pivot. Applicant proposes to change the POD for the 5.6-acre portion of right 37-7031C from the authorized six wells to the single well currently authorized under right 37-7029 as described above.

Application 78153 proposes to change the place of use (POU) for the remaining portion (12.14 CFS, 607.2 acres) of water right 37-7031C (now 37-22790) to match current irrigation practices on ground within and adjacent to the current authorized POU.

Due to the nature of these transfers, it is recommended that T78154 be processed with a public notice & protest period and T78153 be processed without a public notice and protest period.

- **Authority to File:**
The Departments database indicates that rights 37-7029 & 37-7031C are currently owned by SV Ranch LLC. According to filing with the Idaho Secretary of State, Greg Vik is an authorized member/manager of SV Ranch LLC.
- **Water Right Validity:**
Right 37-7029 & 37-7031C were partially decreed in the SRBA in June of 2008, so forfeiture is not an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.

- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

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

|--|