

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 78141

This is to certify that: H PHILLIP CASH
 607 E 200 S
 FAIRFIELD ID 83327
 (208) 764-2323

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>
37-444	WR/Decreed	07/15/1887	4 cfs	N/A	314.0	445.0	CAMAS CREEK

Purpose of Transfer (Changes Proposed)

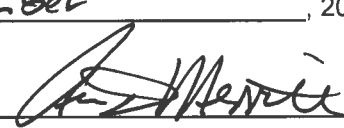
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-444	NO	YES	NO	NO	NO	NO

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>
37-444	37-444	4.00 cfs	N/A	314.0	445.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		4.00 cfs	N/A	314.0	445.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 14th day of November, 2012


 Southern Region Manager

WATER RIGHT NO. 37-444
As Modified by Transfer No. 78141

In accordance with the approval of Transfer No. 78141, Water Right No. 37-444 is now described as follows.

Right Holder: H PHILLIP CASH
607 E 200 S
FAIRFIELD ID 83327

Priority Date: July 15, 1887

Source: CAMAS CREEK

Tributary: BIG WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 10/31	4.00 CFS
STOCKWATER	01/01	to 12/31	0.02 CFS
			4.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

CAMAS CREEK NWNW Sec. 27 Twp 01S Rge 15E 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	15E	27					20.0	31.0	24.0	33.0	40.0		35.0						183.0
01S	15E	28	39.0	40.0	31.0	22.0									33.0	25.0	35.0	37.0	262.0

Total Acres: 445

PLACE OF USE: STOCKWATER

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	15E	27					X	X	X	X	X	X							
01S	15E	28	X	X	X	X									X	X	X	X	

CONDITIONS OF APPROVAL

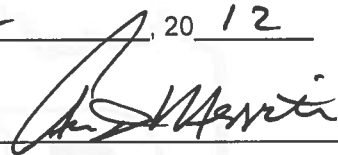
1. This right is limited to the irrigation of 314 acres within the authorized place of use in a single irrigation season.
2. Rights 37-444, 37-2541, and 37-7636A when combined shall not exceed the irrigation of 445 acres.
3. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

WATER RIGHT NO. 37-444
As Modified by Transfer No. 78141

4. 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.
5. 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).
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 14th day of November, 2012


Southern Region Manager

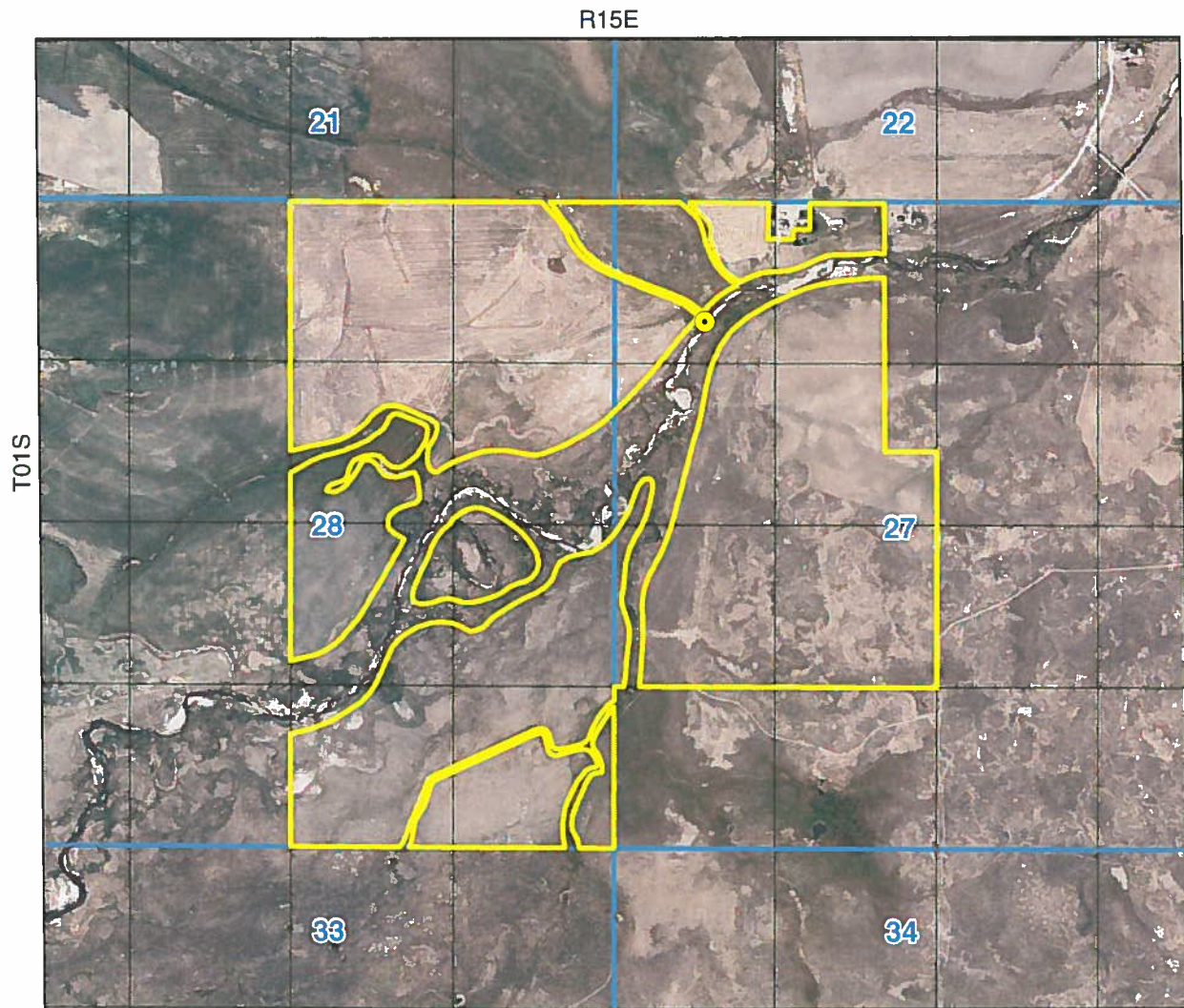
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 78141

Rights: 37-444

This map depicts the IRRIGATION and STOCKWATER 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 0.175 0.35 0.7 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

November 14, 2012

H PHILLIP CASH
607 E 200 S
FAIRFIELD ID 83327

RE: Transfer No.: 78141
Water Right No(s): 37-444

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". The signature is stylized with a large, sweeping initial "A" and a cursive "Merritt".

Allen Merritt
Southern Region Manager

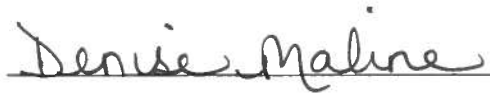
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 78141
WATER RIGHTS NOS. 37-444**

**H PHILLIP CASH
607 E 200 S
FAIRFIELD ID 83327**

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

November 14, 2012

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

Re: **APPROVED** Transfer No. 78162 (Heart Rock Ranch LLC)

Re: **APPROVED** Transfer No. 78141 (H Phillip Cash)

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".

Denise Maline
Administrative Assistant

Enclosure

AFFIDAVIT OF PUBLICATION

RECEIVED

NOV 13 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO)

ss.

County of Camas)

Edward Reagan, being first duly sworn, deposes and says that he/she is the designated agent for the publisher of The Camas Courier, a newspaper published every week in Fairfield, County of Camas, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to 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, a copy of which is hereto attached, 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 3rd day of October, 2012, and the date of the last publication was on the 10th day of October, 2012.

Edward Reagan

On this 9th day of November, in the year of 2012 before me, a Notary Public, personally appeared Edward Reagan, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.



Tracy D. Gill
Notary Public for Idaho
Residing in Fairfield
My commission expires: 5-6-2014

----- Cost of Publication

Number of lines in notice	<u>48</u>	Cost for advertisement: First run	\$ <u>38.40</u>
Number of runs	<u>2</u>	Additional runs	\$ <u>33.60</u>
		Total Cost	\$ <u>72.00</u>

Legal ad rates:
1st or single run - \$ 0.80 pcl
Additional run - \$0.70 pcl
(pcl - per column line)

Mail payment to:

THE CAMAS COURIER
Post Office Box 339
Fairfield, Idaho 83327

~ Legal Notices ~ Legal Notices ~ Legal Notices ~ Legal Notices ~

NOTICE OF TRUSTEE'S SALE

On January 22, 2013, at the hour of 12:00 o'clock PM of said day, in the lobby of the Camas County Courthouse, 501 Soldier Rd., Fairfield, ID, JUST LAW, INC., as Successor Trustee, will sell at public auction to the highest bidder, for cash, in lawful money of the United States, all payable at the time of sale, the following described real property, situated in the County of Camas, State of Idaho, and described as follows to wit:

Lots 7 and 8 in Block 2 of Fairfield Townsite, Camas County, Idaho, according to the plat thereof, recorded in the office of the County recorder of said County.

The Trustee has no knowledge of a more particular description of the above referenced real property, but for purposes of compliance with Section 60-113 Idaho Code, the Trustee has been informed the address of **814 E. 1st St., aka 814 1st St., East, Fairfield, ID**, is sometimes associated with the said real property.

This Trustee's Sale is subject to a bankruptcy filing, a payoff, a reinstatement or any other conditions of which the Trustee is not aware that would cause the cancellation of this sale. Further, if any of these conditions exist, this sale may be null and void, the successful bidder's funds shall be returned, and the Trustee and the Beneficiary shall not be liable to the successful bidder for any damages.

Said sale will be made without covenant or warranty regarding title, possessions or encumbrances to satisfy the obligation secured by and pursuant to the power of sale conferred in the Deed of Trust executed by Billy Neal McGinnis and Relva McGinnis, husband and wife, as Grantor(s) with Accredited Home Lenders, Inc. as the Beneficiary, under the Deed of Trust recorded December 27, 2000, as Instrument No. 74275, in the records of Camas County, Idaho. The Beneficial interest of said Deed of Trust was subsequently assigned to EquiCredit Corporation of America, recorded June 5, 2001, as Instrument No. 74529, in the records of said County.

THE ABOVE GRANTORS ARE NAMED TO COMPLY WITH SECTION 45-1506(4)(a), IDAHO CODE. NO REPRESENTATION IS MADE THAT THEY ARE, OR ARE NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION.

The default for which this sale is to be made is the failure to pay the amount due under the certain Promissory Note and Deed of Trust, in the amounts called for thereunder as follows: Monthly payments in the amount of \$520.39 for the months of April 2012 through and including to the date of sale, together with late charges and monthly payments accruing. The sum owing on the obligation secured by said Deed of Trust is \$52,910.00 as principal, plus service charges, attorney's fees, costs of this foreclosure, any and all funds expended by Beneficiary to protect their security interest, and interest accruing at the rate of 9.99% from March 1, 2012, together with delinquent taxes plus penalties and interest to the date of sale. The Beneficiary elects to sell or cause the trust property to be sold to satisfy said obligation.

Dated this 19th day of September, 2012.

Tammie Harris, Trust Officer for Just Law, Inc.

published on 10/03, 10/10, 10/17 & 10/24, 2012

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78141**

H PHILLIP CASH, 607 E 200 S, FAIRFIELD, ID 83327 has filed Application No. 78141 for changes to the following water rights within CAMAS County(s): Right No(s). 37-444; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion for a 4.0 cfs Camas Creek water right used to irrigate 314 acres within a farm located approximately 2.3 - 3.3 miles south and 5.5 - 6.5 miles east of the center of Fairfield. The proposed change in point of diversion will consist of moving the existing Camas Creek point of diversion on the farm to a new location located approximately 0.8 miles downstream on the farm.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before October 22, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

published on October 3rd & 10th, 2012

✓ OK DM

PUBLIC NOTICE

11-13-2012

On Thursday, October 18, 2012 the Fairfield City Council will hold a regular meeting beginning at 7:00 p.m. at Fairfield City Hall located at 407 Soldier Road in Fairfield. Items on their agenda include the following:

Amendments to Non-Permanent Special Use Permits: A public hearing for an amendment to Ordinance Number 223 Zoning Ordinance of the City of Fairfield, Idaho, Chapter 5 Districts, Section 5-1.B.2. Non-Permanent Special Use Permits, Section 5-2.B.2. Non-Permanent Special Use Permits, Section 5-3.B.2. Non-Permanent Special Use Permits, Chapter 9 Permits, Section 2-2.G Action by Commission: by deleting non-permanent special use permits and amending possible conditions for a special use permit. The Planning & Zoning Commission recommended such changes on June 12, 2012.

NOTICE IS FURTHER GIVEN that at the aforementioned time and place, all interested persons may appear and shall be given an opportunity to comment on the matters stated above. Any person needing special accommodations to participate in the above noticed meeting should contact the City Office as soon as reasonably possible. Comments and questions prior to the hearings should be directed to the Planning & Zoning Administrator, P.O. Box 336, Fairfield, ID 83327 a minimum of five (5) days prior to the scheduled hearing. Plans and supporting documents are on file at the Fairfield City Hall and available for public review.

Dated this 29th Day of September, 2012

Megan Stelma

Planning & Zoning Administrator

published on October 3, 2012

Send your News & Articles to
News4u@gmx.com or call 764-3322

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

Transfer Application No.: 78141 Water Right No(s): 37-444

Transfer Applicant's Name: H PHILLIP CASH
607 E 200 S
FAIRFIELD, ID 83327

RECEIVED
OCT 10 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Watermaster's Recommendation:

- a) ☒ 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 10th day of October, 2012

Water District No. 37

Kevin Lacey
Watermaster's Signature

Kevin Lacey
Printed Name