

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77883

This is to certify that: LOON CREEK LAND CO LLC
4799 BALSAM DR
PARK CITY UT 84098
(801)706-3154

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>
77-14285	WR/Decreed	01/01/1900	0.68 cfs	N/A	N/A	34.0	DEER CREEK, TRAIL CREEK

Purpose of Transfer (Changes Proposed)

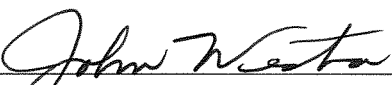
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
77-14285	NO	NO	YES	NO	NO	NO

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>
77-14285	77-14285	0.68 cfs	N/A	N/A	44.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.68 cfs	N/A	34.0	44.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of October, 20 12


JOHN WESTRA, Western Regional Manager

WATER RIGHT NO. 77-14285
As Modified by Transfer No. 77883

In accordance with the approval of Transfer No. 77883, Water Right No. 77-14285 is now described as follows.

Right Holder: LOON CREEK LAND CO. LLC
 C/O JOHN SHORT
 4799 BALSAM DR
 PARK CITY UT 84098

Priority Date: January 01, 1900

Source: DEER CREEK
 TRAIL CREEK

Tributary: LOON CREEK
 LOON CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/01	0.68 CFS
			0.68 CFS

LOCATION OF POINT(S) OF DIVERSION:

DEER CREEK	SWNE	Sec. 15 Twp 14N	Rge 13E	CUSTER County
DEER CREEK	SWNE	Sec. 15 Twp 14N	Rge 13E	CUSTER County
TRAIL CREEK	NENW	Sec. 22 Twp 14N	Rge 13E	CUSTER County
TRAIL CREEK	NWNW	Sec. 22 Twp 14N	Rge 13E	CUSTER 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	
14N	13E	14							1.0				2.0						3.0
14N	13E	15												8.0	1.0	16.0	16.0		41.0

Total Acres: 44

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

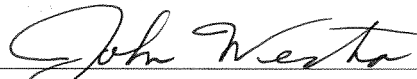
WATER RIGHT NO. 77-14285
As Modified by Transfer No. 77883

CONDITIONS OF APPROVAL

4. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Place of use does not include any National Forest System Land.
6. This right is limited to the irrigation of 34 acres within the authorized place of use in a single irrigation season.
7. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/8/2007.
8. The following rights are diverted through points of diversion described above: 77-14285 and 77-14286.

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 17th day of October, 20 12


JOHN WESTRA, Western Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 17, 2012

LOON CREEK LAND CO LLC
4799 BALSAM DR
PARK CITY UT 84098

RE: Transfer No.: 77883
Water Right No(s): 77-14285

Transfer Approval Notice

Dear Water Right Holder:

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.

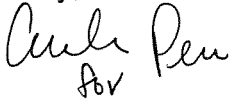
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra". The signature is written in a cursive style with a large "J" and "W".

John Westra

Western Regional Manager

Enclosure(s)

cc: GIVENS PURSLEY LLP

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77883
WATER RIGHTS NOS. 77-14285

GIVENS PURSLEY LLP
C/O MICHAEL P LAWRENCE
PO BOX 2720
BOISE ID 83701-2720

LOON CREEK LAND CO. LLC
C/O JOHN SHORT
4799 BALSAM DR
PARK CITY UT 84098

A handwritten signature in black ink, appearing to read "Mandi Pearson", is written over a horizontal line.

Mandi Pearson
Office Specialist II

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.

AFFIDAVIT OF PUBLIC MON

State of Idaho, County of Custer, ss:

I, Susan Callahan, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated 9/20 2012 and ending with the issue dated 9/27 2012

Susan Callahan

STATE OF IDAHO)

COUNTY OF CUSTER)

On this 1st day of OCT. in the year of 2012, before me, a Notary Public,

personally appeared Susan Callahan 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 executed the same.

Rina Sue Tappan

Notary Public for Idaho

Residing at Challis, ID

My commission expires: 12-8-14

IDWR PROPOSED CHANGE OF WATER RIGHT(S)

Loon Creek Land Company, LLC of 4799 Balsam Drive, Park City, UT 84098 filed Application No. 77883 to transfer a water right with a 1900 priority date from Deer Creek and Trail Creek totaling 0.68 cfs. The purpose of the transfer is to move 3 acres into a 44 acre defined permissible place of use; with the limitation of 34 acres being irrigated each irrigation season within that place of use. This area is located approximately 3 miles southeast of Runyon Point, near Boyle Landing Strip in the Challis National Forest.

For additional information concerning the property location, please contact Western Region office at 208-334-2190 or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before October 9, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published: September 20 and 27, 2012

OK UP
10-12-12

RECEIVED

OCT 11 2012

ACCTS. PAYABLE

RECEIVED

OCT 12 2012

WATER RESOURCES
WESTERN REGION

