

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 78003

This is to certify that: SMOKEY DOME 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>
37-13303	WR/Decreed	07/01/1987	0.04 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

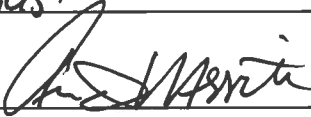
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-13303	NO	YES	YES	NO	NO	NO

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>
37-13303	37-13303	0.04 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.04 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 27th day of August, 20 12


Southern Region Manager

WATER RIGHT NO. 37-13303
As Modified by Transfer No. 78003

In accordance with the approval of Transfer No. 78003, Water Right No. 37-13303 is now described as follows.

Right Holder: SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

Priority Date: July 01, 1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
DOMESTIC	01/01	to 12/31	0.04 CFS
			0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNE Sec. 32 Twp 01N Rge 13E CAMAS County

PLACE OF USE: DOMESTIC

[illegible]

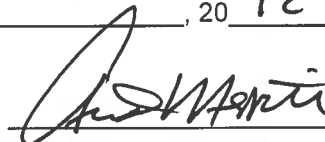
WATER RIGHT NO. 37-13303
As Modified by Transfer No. 78003

CONDITIONS OF APPROVAL

1. The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. The quantity of water under this right shall not exceed 13,000 gallons per day.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
7. Parcel No. RP01N13E320601

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 27th day of August, 20 12


Southern Region Manager

State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 78003

Rights: 37-13303

This map depicts the DOMESTIC 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 0.0425 0.085 0.17 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

August 28, 2012

SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

RE: Transfer No.: 78002
Water Right No(s): 37-13302

RE: Transfer No.: 78003
Water Right No(s): 37-13303

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 fluid and cursive, with a large initial "A" and "M".

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: SPECK & AANESTAD

CERTIFICATE OF SERVICE

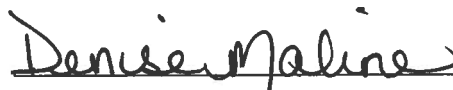
I hereby certify that on August 28, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 78002
WATER RIGHTS NOS. 37-13302**

**RE: TRANSFER NO. 78003
WATER RIGHTS NOS. 37-13303**

**SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009**

**SPECK & AANESTAD
JAMES P SPECK
PO BOX 987
KETCHUM ID 83340**

A handwritten signature in black ink, 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.

RECEIVED

AUG 20 2012

Water Resources Southern Region

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 1st day of August, 2012, and the date of the last publication was on the 8th day of August, 2012.

Edward Rogers

TRACY D. GILL
Notary Public
State of Idaho

Notary Public for Idaho
Residing in Fairfield
My commission expires: 5-6-2016

Number of lines in notice	<u>46</u>	Cost for advertisement: First run	\$ <u>36.80</u>
Number of runs	<u>2</u>	Additional runs	\$ <u>32.20</u>
		Total Cost	\$ <u>69.00</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

OVER →

✓ OK
DM 8/22/2012

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

CITY OF FAIRFIELD

NOTICE OF PUBLIC COMMENT PERIOD

The City of Fairfield is seeking public comments on the Environmental Information Document (EID) and addenda to the Water Facility Planning Study (FPS). The reports contain study findings, improvement alternatives, potential environmental impacts and funding options. Hard copies of the approved FPS as well as a draft copy of the FPS addendum and EID are available for review at the City of Fairfield, City Clerk's Office located at 407 Soldier Road Fairfield, ID 83327.

The intent of the proposed system improvements include:

- . Drilling a new well at lot 7 block 3 of the Mill Park Subdivision
- . Relocating the potable water storage tank and booster station that are recommended in the FPS to the new well site.

A public meeting is scheduled for **July 12, 2012 at 7:15pm** to discuss the findings of the addenda. The meeting will be held at the City hall located in the City of Fairfield at 407 Soldier Road Fairfield, ID 83327. The facilities are accessible to persons with disabilities. Special accommodations or alternative formats for non-English speaking persons will be available upon request with a minimum of five (5) days' notice to the city clerk prior to the meeting.

The public comment period will commence on Thursday June 27, 2012 at 5:00 p.m. and will run for fourteen (14) days. The comment period will conclude on July 11, 2012 at 5:00 p.m.. Please refer comments to Laura Escobar at the above address or email comments to clerkfairfield@frontier.com.

published on 8/1 & 8/8, 2012

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 78002 and 78003

SMOKEY DOME LLC, C/O GREGORY VIK, PO BOX 1607, BELLEVUE, WA 98009 has filed Application No(s). 78002 and 78003 for changes to the following water rights within CAMAS County(s): Right No(s). 37-13302, 37-13303; 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 correcting the legal description for the place of use and point of diversion on a 0.04 cfs domestic ground water right and adding a second point of diversion (existing well) to supplement irrigation of landscaping. Points of diversion and place of use are located approximately 2.6 miles north and 7.1 miles west of Fairfield.

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 August 20, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

published on August 1st & 8th, 2012

PUBLIC NOTICE

On **Tuesday, August 21, 2012** the Fairfield Planning & Zoning Commission will hold a **special 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:

Special Use Sign Application: A public hearing and consideration of a special use sign application for construction of a new LED sign located at Camas County School 610 Soldier Road, Fairfield, Idaho. The proposed sign will replace the existing sign and be 13' in height and 8' in width. The applicant is Camas County School and the property is within the Commercial Zoning District.

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 Planning & Zoning Office as soon as reasonably possible. Comments and questions prior to the hearings should be directed to the Fairfield City Planning 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 THE 26th DAY OF JULY, 2012

Megan Stelma, Planning & Zoning Administrator

CITY OF FAIRFIELD ~ ORDINANCE NO. 248

AN ORDINANCE OF THE CITY OF FAIRFIELD, CAMAS COUNTY, IDAHO, AMENDING ZONING ORDINANCE #223, CHAPTER 2 ZONING DEFINITIONS, CHAPTER 5 DISTRICT, SECTION 5-1, SUBSECTION C, HOME OCCUPATION, AND CHAPTER 8 OFF-STREET PARKING, DRIVEWAYS AND LOADING BY ADOPTING A NEW CHAPTER 8-7 REGULATING SIGNS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The following is a summary of Ordinance No. 248, passed by the City of Fairfield, Camas County, Idaho, on June 12, 2012:

Section 1: Amends Chapter 2-1 of the Fairfield Zoning Ordinance by designating all sign definitions as being included in Chapter 8-7 of the Fairfield Zoning Ordinance.

Section 2: Amends Chapter 5-1 of the Fairfield Zoning Ordinance by reducing the square footage limitations on home occupation signs.

Section 3: Adds a new Chapter 8-7, "Signs" to the Fairfield Zoning Ordinance. Establishes the intent and purpose of the new section; provides definitions; establishes permit requirements; establishes restrictions on signs; establishes size, design and location criteria for on-site and off-site signs; provides for exemptions from chapter; establishes review and approval of special use sign permits; provides regulations relating to non-conforming signs; establishes design and construction standards; establishes maintenance and repair standards and procedures relating to removal and disposal of signs.

Section 4: Provides a severability clause.

Section 5: Provides a repealer clause.

Section 6: Establishes an effective date.

The full text of Ordinance No. 248 is on file at Fairfield City Hall and is available for public inspection during normal business hours of the City Clerk.

Scott Marolf, Mayor

Attest: Laura Escobar, City Clerk

8-22-2012