

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77039

This is to certify that: SANDS LLC
 C/O STEVE LOOMIS
 7154 W STATE ST #187
 BOISE ID 83714
 (208)793-4420

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>
65-2035	WR/Decreed	09/26/1905	0.42 cfs	N/A	N/A	21.0	UNNAMED STREAM
65-11141	WR/Decreed	06/01/1896	N/A	32 af	N/A	21.0	HOME LAKE, SIPHON LAKES

Purpose of Transfer (Changes Proposed)

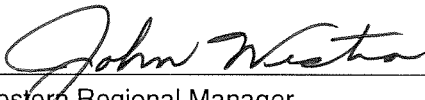
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-2035	NO	YES	YES	NO	NO	NO
65-11141	NO	YES	YES	YES	NO	NO

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>
65-2035	65-2035	0.42 cfs	N/A	21.0	30.0		N/A	N/A	N/A	N/A
65-11141	65-11141	N/A	32 af	21.0	30.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		0.42 cfs	N/A	21.0	30.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20th day of August, 20 12


 Western Regional Manager

SUPPORT DATA

IN FILE # 63-2035

WATER RIGHT NO. 65-2035
As Modified by Transfer No. 77039

In accordance with the approval of Transfer No. 77039, Water Right No. 65-2035 is now described as follows.

Right Holder: SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE ID 83714

Priority Date: September 26, 1905

Source: UNNAMED STREAM

Tributary: ROBBS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	0.42 CFS
			0.42 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM	SWNE	Sec. 8	Twp 06N	Rge 02E	BOISE County
UNNAMED STREAM	SENE	Sec. 8	Twp 06N	Rge 02E	BOISE County
UNNAMED STREAM	NESW	Sec. 8	Twp 06N	Rge 02E	BOISE 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	
06N	02E	8			6.0				10.0	14.0									30.0

Total Acres: 30

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one years 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.
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.

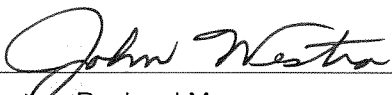
WATER RIGHT NO. 65-2035
As Modified by Transfer No. 77039

CONDITIONS OF APPROVAL

5. 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. 65, Payette River.
6. This right is limited to the irrigation of 21 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 a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
9. Rights 65-2035 and 65-11141 when combined shall not exceed the irrigation of 21 acres within the place of use identified above in a single irrigation season.

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 20th day of August, 2012


Western Regional Manager

WATER RIGHT NO. 65-11141
As Modified by Transfer No. 77039

In accordance with the approval of Transfer No. 77039, Water Right No. 65-11141 is now described as follows.

Right Holder: SANDS LLC
 C/O STEVE LOOMIS
 7154 W STATE ST #187
 BOISE ID 83714

Priority Date: June 01, 1896

Source: HOME LAKE
 SIPHON LAKES
 UNNAMED STREAM

Tributary: ROBBS CREEK
 ROBBS CREEK
 ROBBS CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Volume</u>
IRRIGATION FROM STORAGE	04/01	to 11/01	32.0 AF
			32.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM (Rediversion)	SWNE	Sec. 8	Twp 06N	Rge 02E	BOISE County
UNNAMED STREAM (Rediversion)	SENE	Sec. 8	Twp 06N	Rge 02E	BOISE County
UNNAMED STREAM (Rediversion)	NESW	Sec. 8	Twp 06N	Rge 02E	BOISE County
UNNAMED STREAM (Injection)	NESW	Sec. 8	Twp 06N	Rge 02E	BOISE County
HOME LAKE	NESW	Sec. 8	Twp 06N	Rge 02E	BOISE County
SIPHON LAKES	SWSW	Sec. 8	Twp 06N	Rge 02E	BOISE County

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02E	8			6.0					10.0	14.0								30.0

Total Acres: 30

CONDITIONS OF APPROVAL

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

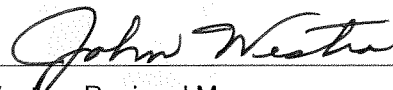
WATER RIGHT NO. 65-11141
As Modified by Transfer No. 77039

CONDITIONS OF APPROVAL

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.
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. 65, Payette River.
5. This right is limited to the irrigation of 21 acres within the authorized place of use in a single irrigation season.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/18/2002.
7. Rights 65-2035 and 65-11141 when combined shall not exceed the irrigation of 21 acres within the place of use identified above in a single irrigation season.

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 20th day of August, 20 12


Western Regional Manager

MEMORANDUM

TO: Sascha Marston
FROM: Mandi Pearson
DATE: September 4, 2012
RE: Refund: Application for Transfer

Sands LLC submitted an Application for Transfer of a Water Right in February 2011 with a payment of \$500. The Agent who reviewed the file found they overpaid by \$250.

NAME: LOOMIS, STEVEN J / HOLLAND, SUSAN T

ADDRESS: 7154 W STATE ST #187
BOISE ID 83714

RECEIPT #: W038970

Thank you.

Mandi Pearson
Office Specialist II



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

August 20, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE ID 83714

RE: Transfer No.: 77039
 Water Right No(s).: 65-2035 65-11141

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", with the word "for" written in smaller letters below the signature.

John Westra

Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC
JERRY A KISER
Watermaster, District #65, Payette River

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77039
WATER RIGHTS NOS. 65-2035 65-11141

JERRY A KISER
PO BOX 8389
BOISE ID 83707

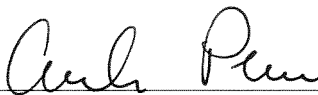
SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE ID 83714

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

IVA E WEBSTER
PO BOX 37
HORSESHOE BEND ID 83629

JOE A WEBSTER
PO BOX 37
HORSESHOE BEND ID 83629

RON SHURTLEFF, WATERMASTER
102 N MAIN
PAYETTE ID 83661



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.

The Idaho World

P.O. Box 50248
Boise, ID 83705
(208) 429-1606

State of Idaho)
)
County of Boise)

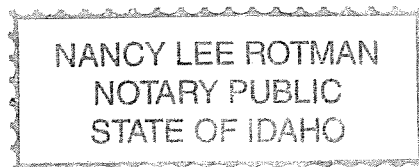
Teri Hart, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with July 18, 2012 and ending with the issue of July 25, 2012.

OK
MP
8-13-12

RECEIVED

AUG 10 2012

WATER RESOURCES
WESTERN REGION



State of Idaho)
)
County of Ada)

On this 6th day of August in the year 2012, before me, a notary public, personally appeared Teri Hart 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 she executed the same.

Nancy Lee Rotman

Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires 8-3-2013

PROPOSED CHANGE OF WATER RIGHTS

Sands LLC, c/o Steve Loomis of 7154 W. State St., #187, Boise, ID 83714, filed Application No. 77039 to transfer two water rights with 1896 and 1905 priority dates from Siphon Lakes, Home Lake and an unnamed stream aka Webster Creek totaling 0.42 cfs and 32 afa. The purpose of the transfer is to move the points of diversion and redirection and the place of use from where the rights have been historically used to property owned by the owner of the water rights. The new place of use is approximately 0.75 mile to the southwest of the historical place of use and is approximately 2 miles southwest of Horseshoe Bend, Idaho.

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 8/6/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published in the Idaho World July 18 and 25, 2012. IDOW 37