

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77917

This is to certify that: MID-VALLEY WATER COMPANY, LLC
C/O THE KIRK GROUP
PO BOX 4380
KETCHUM ID 83340

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>
37-8119	WR/Decreed	06/15/1983	0.97 cfs	174 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

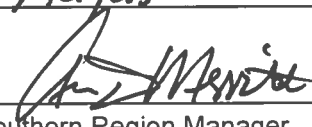
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-8119	NO	NO	YES	YES	NO	NO

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>
37-8119	37-8119	0.97 cfs	174 af	N/A			N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.97 cfs	174 af	N/A			N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 10th day of August, 20 12



Southern Region Manager

WATER RIGHT NO. 37-8119
As Modified by Transfer No. 77917

In accordance with the approval of Transfer No. 77917, Water Right No. 37-8119 is now described as follows.

Right Holder: MID-VALLEY WATER COMPANY, LLC
C/O THE KIRK GROUP
PO BOX 4380
KETCHUM ID 83340

Priority Date: 06/15/1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	to 12/31	0.97 CFS	174.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESWNE	Sec. 31 Twp 04N Rge 18E BLAINE County
GROUND WATER	NENWSE	Sec. 31 Twp 04N Rge 18E BLAINE County
GROUND WATER	SENWSE	Sec. 31 Twp 04N Rge 18E BLAINE County

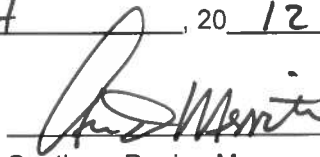
WATER RIGHT NO. 37-8119
As Modified by Transfer No. 77917

CONDITIONS OF APPROVAL

1. The quantity of water diverted under this right for municipal purposes is limited to the amount necessary for 145 homes and the irrigation of 15 acres.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
3. Place of use is within the area served by the public water supply system of Mid-Valley Water Company, LLC. The place of use is generally located within Section 31, Township 4N, Range 18E.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

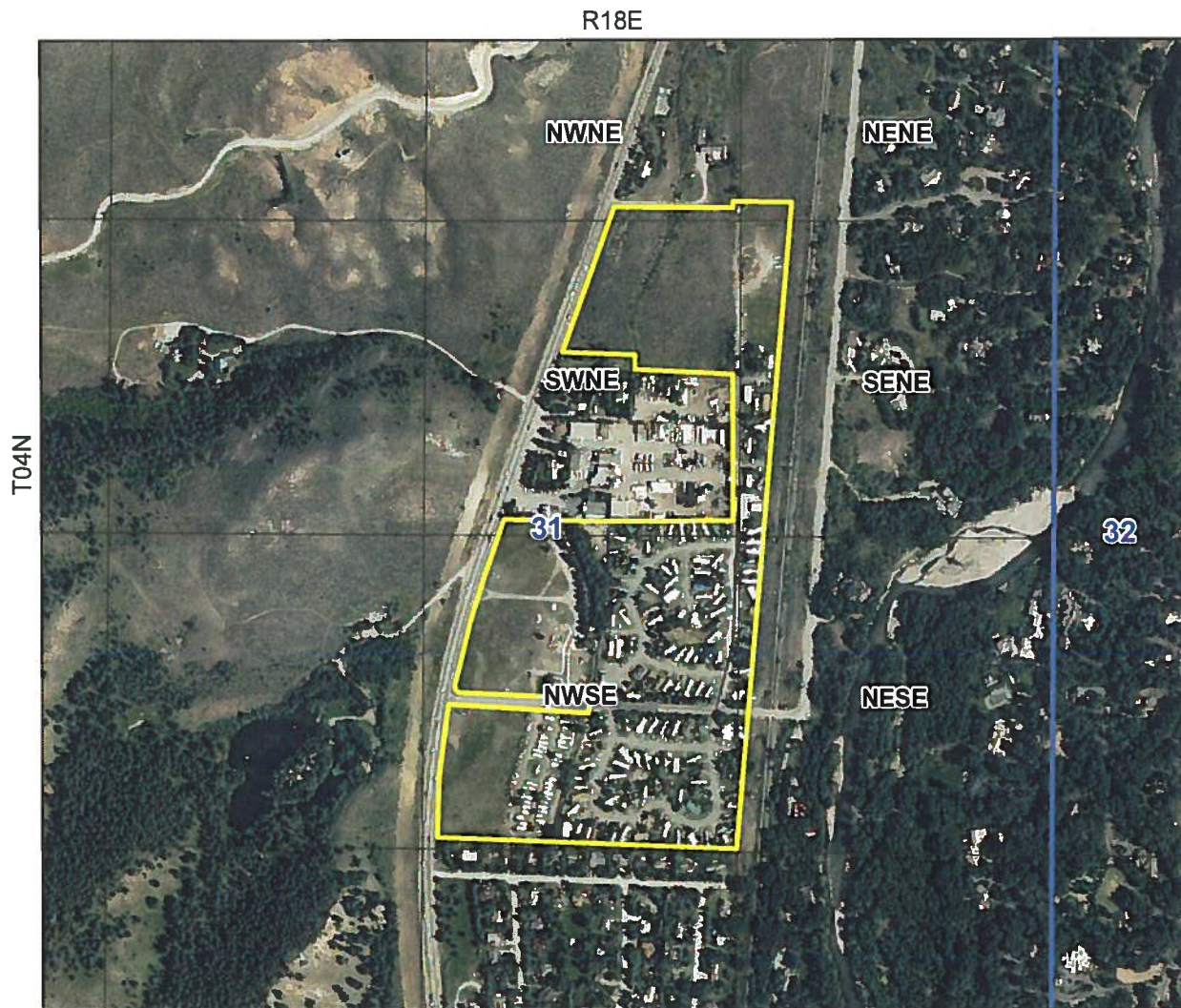
Dated this 10th day of August, 20 12


Southern Region Manager

State of Idaho
Department of Water Resources
Transfer Of Water Right

Transfer No. 77917

Water Service Area Boundary for Mid-Valley Water Company, Llc
Rights: 37-8119



0 0.075 0.15 0.3 Miles

-  Water Service Area 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 10, 2012

MID-VALLEY WATER COMPANY, LLC
C/O THE KIRK GROUP
PO BOX 4380
KETCHUM ID 83340

THE MEADOWS LLC
C/O THE KIRK GROUP
PO BOX 4380
333 S MAIN ST STE 211
KETCHUM ID 83340

RE: Transfer No.: 77912
Water Right No(s): 37-458B 37-2125

RE: Transfer No.: 77917
Water Right No(s): 37-8119

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

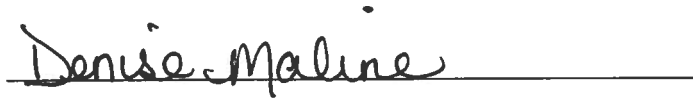
I hereby certify that on August 10, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 77912
 WATER RIGHTS NOS. 37-458B 37-2125**

**MID-VALLEY WATER COMPANY, LLC
C/O THE KIRK GROUP
PO BOX 4380
KETCHUM ID 83340**

**THE MEADOWS LLC
C/O THE KIRK GROUP
PO BOX 4380
333 S MAIN ST STE 211
KETCHUM ID 83340**

**BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST, STE 4
TWIN FALLS ID 83301**

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid 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.

AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

Pam Morris

, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior 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 was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

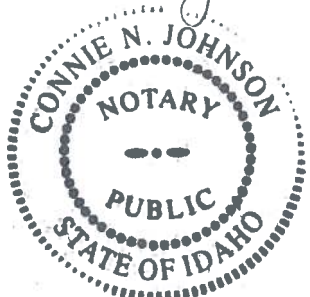
publication of said advertisement was on the 23 day of

May, 20 12, and the date of the last publication was on the 30 day of May, 20 12

Subscribed and sworn to before me this 30 day of

May, 20 12.

Connie N. Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2012

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 68
Number of Insertions 2

_____	Lines tabular at	_____	9.0 cents/pica
<u>68</u>	Lines straight at	<u>62.56</u>	8.0 cents/pica
<u>68</u>	Subsequent lines at	<u>54.74</u>	7.0 cents/pica
TOTAL COST		<u>\$117.30</u>	

RECEIVED
MAY 31 2012
DEPT. OF AGRICULTURE
SOUTHERN REGION

COPY OF NOTICE

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 77912

MID-VALLEY WATER COMPANY, LLC, C/O THE KIRK GROUP, PO BOX 4380, KETCHUM, ID 83340 has filed Application No. 77912 for changes to the following water rights within BLAINE County(s): Right No(s). 37-2125, 37-458B. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to create a 24.6 acre permissible place of use and add a point of Re-Diversion to two surface water rights, one from Clear Creek another from an Unnamed stream. The surface water rights currently authorize a combined diversion of 0.46 cfs and the irrigation of 11.5 acres. The approximate location of the proposed permissible place of use is 2.8-3.5 miles south and 0.3-0.5 miles east of the City of Ketchum.

See reverse →
for remainder
of ad.

✓ OK DM 6/7/2012

✓

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 77917**

MID-VALLEY WATER COMPANY, LLC, C/O THE KIRK GROUP, PO BOX 4380, KETCHUM, ID 83340 has filed Application No. 77917 for changes to the following water rights within BLAINE County(s): Right No(s). 37-8119. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to add 2 new points of diversions and change the place of use for a Municipal ground water right. The ground water right currently allows for the diversion of 0.97 cfs and the irrigation of 15.0 acres from an existing well. The approximate location of the proposed place of use is 2.8-3.5 miles south and 0.3-0.5 miles east of the City of Ketchum.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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 June 11, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

**PUBLISH:
IDAHO MOUNTAIN EXPRESS
May 23 & 30, 2012**



✓ OK DM 6/7/2012