

RECEIVED

JUN 21 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78002

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Filed Notice of Change in Water Right Ownership

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78002

JUN 21 2012 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Smokey Dome LLC

Phone (425) 460-2542

Mailing address c/o Gregory Vik, PO Box 1607, Bellevue, WA 98009

Email gregv@pistolcreek.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative James P. Speck

Phone (208) 726-4421

Mailing address PO Box 987, Ketchum, ID 83340

Email jim@speckandaanestad.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Gregory Vik President
Print Name and Title if applicable

6/15/12
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Water right was decreed to the wrong quarter-quarter section. Applicant is now the owner of the correct quarter-section and has had a change of ownership processed (see Attachment #9). Approval of this application will put the point of diversion and place of use in the correct location.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	37-13302	0.04 cfs	domestic	Jan. 1 to Dec. 31	ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.04 cfs cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.04 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
*#1		NW	NW	NE	32	1N	18E 13E	Camas	ground water	
*#2		SW	NW	NE	32	1N	18E 13E	Camas	ground water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
* 1N	18E 13E	32		D															

* See attached email from Jim Speck

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: _____

Domestic well and pump to home. Second well used only to irrigate landscaping. No measuring device required.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

None.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

37-13303 uses POD #1

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

Total Acres (for irrigation use) _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-13302

Current Owner: SMOKEY DOME LLC

Priority Date: 7/1/1987

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.04 CFS	
	<u>Total Diversion</u>	0.04 CFS	

Location of Point(s) of Diversion

GROUND WATER

NW1/4SE1/4 Sec. 32, Twp 01N, Rge 13E B.M.

CAMAS County

Place of Use

DOMESTIC Within CAMAS County

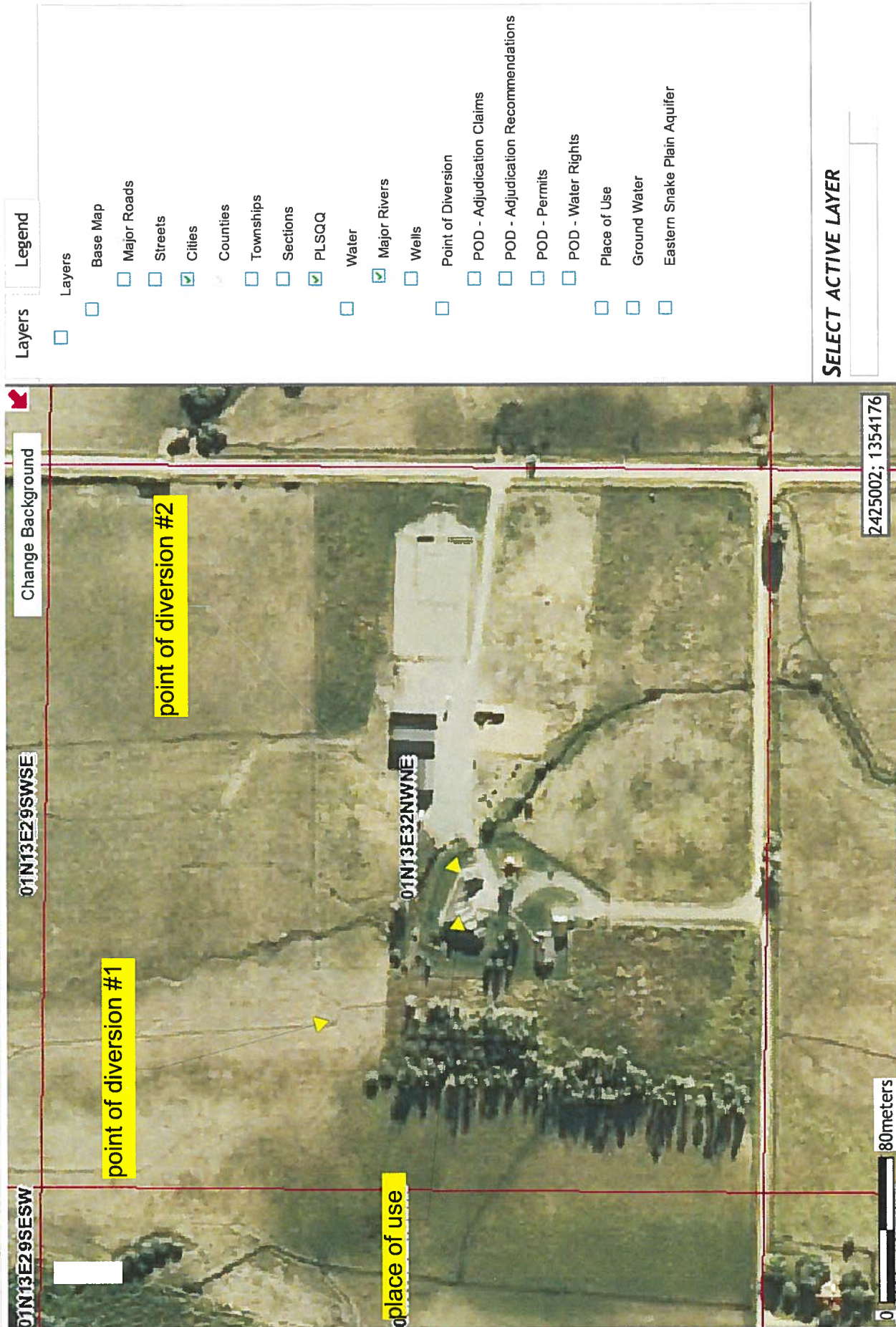
T01N R13E S32 NWSE

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. PARCEL RP01N13E320600T
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Decreed Date: 1/12/2001

Transfer contains 6 pages and 2 attachments.
Received by _____ Date 6-21-2012 Prelim. Check by H Date 6/25/2012
Fee Paid 200.00 Date 6/25/12 Received by H Receipt # 5032638
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



78002

ATTACHMENT 7a



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

RECEIVED

C.L. "BUTCH" OTTER
Governor

July 7, 2011

JUL 13 2011 GARY SPACKMAN
Interim Director

By PCC

SMOKEY DOME LLC
C/O GREG VIK
PO BOX 1607
BELLEVUE ID 98009

RE: Change of Ownership for Water Right Nos. 37-13302, 37-13303.

Dear Water Right Holders:

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Carrie Hahn
Clerk
Enclosures

ATTACHMENT 9



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

July 27, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **CAMAS COURIER on 8/1/2012 and 8/8/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**August 20, 2012**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc:

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

Maline, Denise

From: Maline, Denise
Sent: Friday, July 27, 2012 9:09 AM
To: Camas Courier
Subject: LEGAL NOTICE
Attachments: Camas Courier Cover Letter.docx; Camas Courier Ad.docx

Attached please find (1) legal notice being submitted for publication on August 1st & 8th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

July 27, 2012

LEGAL NOTICE DEPARTMENT
CAMAS COURIER
PO BOX 339
FAIRFIELD, ID 83327

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

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

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before August 20, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**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



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
Interim Director

July 12, 2012

James V. Stewart
22430 98th Ave SW
Vashon, WA 76710

Dear Mr. Stewart,

The Idaho Department of Water Resources has recently received two applications for transfer intending to modify two domestic water rights, 37-13302 and 37-13303, currently owned by Smoky Dome LLC. The transfer applications seek to correct the recorded locations of these water rights. They are currently recorded in Twp 01N, Rge 13E, Sec. 32 NWSE1/4, which according to taxlot records is property that may currently be owned by James V Stewart LLC. The transfers, if approved, will place the water rights on two developed properties owned by Smoky Dome LLC in Twp 01N, Rge 13E, Sec. 32 NWNE1/4.

The purpose of this letter is simply to inform you of the intent of the current water right owner to change the recorded locations of these water rights. These transfer applications will be advertised to provide public notice and give anyone that may be impacted by the potential change to the water right the opportunity to protest the transfer application.

If you have any questions or concerns, please feel free to contact me at 208-736-3033 or by email at william.mills@idwr.idaho.gov.

Sincerely,

Bill Mills
Water Resource Agent

Mills, William

From: Jim Speck [jim@speckandaanestad.com]
Sent: Tuesday, July 10, 2012 5:33 PM
To: Mills, William
Subject: RE: Legal Descriptions on Applications for Transfer for Water Rights 37-13302 & 37-13303

Bill,

You are absolutely correct and thank you for catching that mistake on our part. The Range for the legal descriptions in Sections B.3 & B.4 of Part 1 of both Applications should be corrected from 18 East to 13 East.
You are authorized to make that correction.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue North
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

-----Original Message-----

From: Mills, William
Sent: Tuesday, July 10, 2012 4:43 PM
To: Jim Speck

Jim,

The Department recently received two transfer applications from your office for water rights 37-13302 and 37-13303 owned by Smokey Dome LLC.
The legal descriptions on both applications list the places of use and points of diversion in Range 18E on both applications. Our records and the maps you provided indicate they are actually located in Range 13E and not 18E. If you or someone from your office could look into this matter and provide me with an email stating what the correct legal descriptions should be on the transfer applications, then I can make the proper corrections and proceed with processing of the applications.

Thank you,

Bill Mills

MEMORANDUM

Date: July 9, 2012
To: Transfer 78002 File
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the legal description for the place of use and point of diversion for domestic ground water right 37-13302, which apparently was decreed in the wrong quarter-quarter section. Application also proposes adding a second point of diversion to the water right to irrigate landscaping. The corrected place of use and points of diversion are recorded as Twp 01N Rge 13E Sec 32 NWNE1/4. The currently recorded place of use and point of diversion, in the NWSE1/4 of Twp 01N Rge 13E Sec 32, appears to be an undeveloped tract when viewed in aerial and satellite imagery. The corrected point of diversion and place of use are located approximately 2.6 miles north and 7.1 miles west of the intersection of Hwy 20 and Soldier Road in Fairfield.

- **Authority to File:**
IDWR records indicate the applicant currently owns the water right and lands the right is being transferred to.
- **Water Right Validity:**
Water right 37-13302 was decreed in the SRBA on 1/12/2001. Home site and irrigated lot are visible in 2011 aerial imagery and 2010 satellite imagery.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

June 20, 2012

Mr. Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RECEIVED
JUN 21 2012
IDaho DEPT. OF WATER RESOURCES
SOUTHERN REGION

**RE: Applications for Transfer of Water Rights Nos. 37-13302 & 37-13303
Smokey Dome LLC**

Dear Allen:

Enclosed please find two original Applications for Transfer of Water Right for the above water rights along with one copy of each. Please receipt date-stamp the copies and return them to us in the enclosed postage-paid envelope I have included.

Also enclosed is our check in the amount of \$400.000 (\$200 for each application) for the required fees.

Thank you for your help. Please let me know if you have any questions or need further information from us.

Sincerely,

SPECK & AANESTAD
A Professional Corporation



Jennifer Talmadge
Asst. to James P. Speck

Enclosures

CC: Greg Vik