

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-22711

Priority: March 27, 2012

Maximum Diversion Rate: 0.14 CFS
Maximum Storage Volume: 14.1 AF

This is to certify, that THREE CREEKS RANCH LLC
1901 BAYADERE TERR
CORONA DEL MAR CA 92625

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM**Tributary:** LOVING CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>STORAGE VOLUME</u>
IRRIGATION	04/15 to 10/31	0.14 CFS	
RECREATION STORAGE	01/01 to 12/31		14.1 AF
WILDLIFE STORAGE	01/01 to 12/31		14.1 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM

SE1/4SW1/4

Sec. 11, Twp 01S, Rge 19E, B.M.

BLAINE 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	
01S	19E	11											2.0	5.0					7.0

Total Acres: 7

PLACE OF USE: RECREATION 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	
01S	19E	11												X					

PLACE OF USE: WILDLIFE 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	
01S	19E	11												X					

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-22711

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2013**.
2. Subject to all prior water rights.
3. 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. 37M.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
6. Wildlife and recreation storage is for the initial, one time, fill and ongoing storage of water including annual evaporative losses associated with a pond having a surface area of 2.7 acres and a storage capacity of 7.6 acre-feet.
7. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the right, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
37-2553B	Irrigation	0.10	N/A	9.6

The land that will no longer be irrigated under this right is located within the SWNW, Section 14, Township 01S, Range 19E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

8. During the year of the initial filling of the pond 3.6 acres of water right 37-2553B, in addition to the 9.6 acres identified for mitigation, shall be dried up within the SENW and SWNE of Section 14, Township 01 South, Range 19 East, B. M.
9. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
10. If the pond authorized by this permit is ever emptied, it shall not be refilled without the approval of a mitigation plan by the Department.
11. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-22711

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 25th day of May, 20 12.

FOR



GARY SPACKMAN, Interim Director

State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

37-22711

This map depicts the IRRIGATION 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

Attachment To Permit to Appropriate Water

37-22711

This map depicts the RECREATION STORAGE and WILDLIFE STORAGE 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.

R19E



0 0.03 0.06 0.12 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
Interim Director

May 29, 2012

THREE CREEKS RANCH LLC
1901 BAYADERE TERR
CORONA DEL MAR CA 92625

RE: Permit No. 37-22711

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 a party 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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Please note that pursuant to the 37-22711 approval, the official water right record for water right 37-2553B has been changed to show that diversion and use of a portion of the right is not authorized because it is dedicated to mitigation purposes. A copy of a proof report of right 37-2553B, reflecting this change, is enclosed for your reference.

Also, 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 stylized with a large initial "A" and a cursive "Merritt".

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: FISHER & ASSOCIATES
SPECK & AANESTAD

CERTIFICATE OF SERVICE

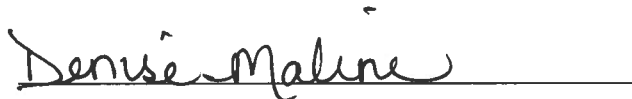
I hereby certify that on May 29, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-22711

**THREE CREEKS RANCH LLC
1901 BAYADERE TERR
CORONA DEL MAR CA 92625**

**FISHER & ASSOCIATES
6640 HWY 200 E
MISSOULA MT 59802**

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

A handwritten signature in cursive script, 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.



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

May 29, 2012

KEVIN D LAKEY
WATER DISTRICT #37
107 W 1ST
SHOSHONE, ID 83352

RE: APPROVED Permit No(s). 37-22711 (Three Creeks Ranch LLC)

Dear Mr. Lakey:

For your information and records, we have enclosed a copy of an APPROVED Application for Permit within your district.

If you have any difficulty obtaining or reading the documents, or if you have other questions, please feel free to contact our office.

Sincerely,

Denise Maline
Administrative Assistant
Southern Region

Enclosure

736 - 3037

State of Idaho
Department of Water Resources
Transfer of water right (s)

RECOMMENDATION OF WATERMASTER

RECEIVED
APR 27 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Application No
Water Right No. (s) 37-22711
Applicant's Name: Three Creeks Ranch LLC

Watermaster's Recommendation:

- a) I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:

Wiers need to be installed at outlets of both ponds. Measuring and control devices need to be installed on any diversions delivering the remainder of 37-2553 B.

- c) I oppose approval of this application for the following reasons:
- d) Additional Comment:

Dated

April 27, 2012

Water Districts 37 and 37M

Watermaster Signature

RECEIVED

Pg. 1 of 2

AFFIDAVIT OF PUBLICATION

APR 26 2012

COPY OF NOTICE

State of Idaho
County of BlaineDEPT. OF WATER RESOURCES
SOUTHERN REGION

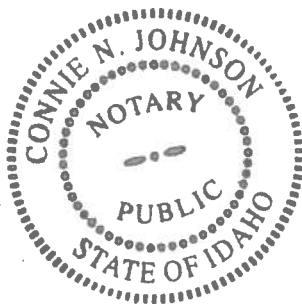
Pam Morris, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight 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 18 day of April, 20 12, and the date of the last publication was on the 25 day of April, 20 12

Subscribed and sworn to before me this 25 day of April, 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 195

Number of Insertions 2

Lines tabular at 9.0 cents/pica

195 Lines straight at 179.40 8.0 cents/pica

195 Subsequent lines at 154.98 7.0 cents/pica

TOTAL COST \$ 334.38

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

✓
THE FOLLOWING APPLICATION(S)
HAVE BEEN FILED TO APPROPRI-
ATE THE PUBLIC WATERS OF THE
STATE OF IDAHO:

37-22354

JUDE P AND JULIA MANDEVILLE
DAMASCO TRUST
700 MONTE VISTA WAY
HALF MOON BAY, CA 94019
Point of Diversion NESW S33 T03N
R18E BLAINE County Source INDIAN
CREEK Tributary BIG WOOD RIVER
Use: AESTHETIC 01/01 to 12/31
0.74 CFS
Use: RECREATION 01/01 to 12/31
0.74 CFS
Use: WILDLIFE 01/01 to 12/31
0.74 CFS
Use: AESTHETIC STORAGE 01/01
to 12/31 73 AF
Use: DIVERSION TO STORAGE
01/01 to 12/31 0.74 CFS
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 73 AF
Use: RECREATION STORAGE
01/01 to 12/31 73 AF
Use: WILDLIFE STORAGE 01/01 to
12/31 73 AF
Total Diversion: 0.74 CFS 73 AF
Date Filed: 4/27/2007
Place Of Use: AESTHETIC,
RECREATION, WILDLIFE,
AESTHETIC STORAGE, RECREATION
STORAGE, WILDLIFE STORAGE,
FIRE PROTECTION STORAGE
T02N R18E S4 L3(NENW)
T03N R18E S33 SESW
Amended application for permit seeks
to appropriate 0.74 cfs and 73 afa from
Indian Creek for uses associated with
an existing pond located along the east
side of Buttercup Road approximately
1.6 miles north and 0.2 miles west of
the center of Hailey. Water from Indian
Creek will be diverted at its confluence
with the Hiawatha Canal and delivered
to the pond via the Hiawatha Canal.

✓ OK
DM 5/3/2012

37-22711

THREE CREEKS RANCH LLC
1901 BAYADERE TERR
CORONA DEL MAR, CA 92625
Point of Diversion SESW S11 T01S
R19E BLAINE County Source
UNNAMED STREAM Tributary
LOVING CREEK

Use: IRRIGATION 04/15 to 10/31
0.14 CFS

Use: RECREATION STORAGE
01/01 to 12/31 14.1 AF

Use: WILDLIFE STORAGE 01/01 to
12/31 14.1 AF

Total Diversion: 0.14 CFS 14.1 AF

Date Filed: 3/27/2012

Place Of Use: IRRIGATION

T01S R19E S11 SWSW SESW

Place Of Use: RECREATION
STORAGE, WILDLIFE STORAGE

T01S R19E S11 SESW

Total Acres: 7

Application proposes appropriating
14.1 acre-feet of water for wildlife and
aesthetic storage associated with a
new pond on an unnamed stream tribu-
tary to Loving Creek. The application
also proposes appropriating 0.14 cfs
of water to be pumped from the pond
for irrigation of 7 acres. The pond and
irrigation site is located approximately
2.7 miles north and 5.1 miles west of
Picabo. A mitigation plan has been
submitted with the application to allow
for processing of the application in the
moratorium area.

37-22712

LEGACY RESIDENTIAL LLC

C/O TOM ELLISON

400 112TH AVE N.E., STE 230

BELLEVUE, WA 98004

Point of Diversion SWNE S13 T04N

R17E BLAINE County Source

GROUNDWATER Tributary

Use: COOLING 01/01 to 12/31 0.75
CFS

Use: DOMESTIC 04/01 to 10/31
0.04 CFS

Use: HEATING 01/01 to 12/31 0.75
CFS

Total Diversion: 0.75 CFS

Date Filed: 3/8/2012

Place Of Use: HEATING, COOLING,
DOMESTIC

T04N R17E S13 SWNE

Application for permit proposes to divert
up to 0.75 cfs for domestic, heating,
and cooling use from a ground water
well to be drilled. The heating and cool-
ing water use will be non-consumptive
and re-injected into the same aquifer.
The well and place of use will be locat-
ed on Lots 1B and 2C in Goose Island
Subdivision west of the city of Ketchum
and east of the Big Wood River.

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

TRANSFER NO. 77861

NATHAN D BACHMAN and LYNDIA
A BACHMAN, PO BOX 2388, SUN
VALLEY, ID 83353 has filed Application
No. 77861 for changes to the following
water rights within BLAINE County(s):
Right No(s). 37-13039. The purpose of
the transfer is to change a portion of
the above rights as follows: Application
proposes changing the location of the
recorded point of diversion, adding a
second point of diversion location, and
changing the recorded place of use
associated with a domestic ground
water right (37-13039) for Lot 9 of
Stonegate Subdivision (located approx-
imately 4.45 miles north and 0.9 miles
west of the center of Ketchum) to reflect
the actual locations of diversion and
use. Application proposes diverting up
to 0.04 cfs from the existing Stonegate
Subdivision community well and an
existing well on Lot 9 for domestic use
on Lot 9.

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

TRANSFER NO. 73743

JUDE P AND JULIA MANDEVILLE
DAMASCO TRUST, 700 MONTE
VISTA WAY, HALF MOON BAY, CA
94019 has filed Application No. 73743
for changes to the following water rights
within BLAINE County(s): Right No(s).
37-297D, 37-20359. The purpose of
the transfer is to change a portion of
the above rights as follows: Amended
transfer application proposes convert-
ing a 0.95 acre (0.06 cfs) portion of
two Big Wood River rights to wildlife,
recreation, and aesthetic uses associ-
ated with an existing pond located
along the east side of Buttercup Road
approximately 1.6 miles north and 0.2
miles west of the center of Hailey. The
converted rights, along with the remain-
ing irrigation portions, will continue to
be diverted from the Big Wood River
and delivered to the place of use via the
Hiawatha Canal. The amended trans-
fer application serves as mitigation for
companion amended application for
permit 37-22354.

Permits will be subject to all prior
water rights. For additional informa-
tion concerning the property location,
contact Southern Region office at
(208) 736-3033; or for a full description
of the rights &/or proposed transfer,
please see [www.idwr.idaho.gov/apps/
ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp). Protests may
be submitted based on the criteria of
Sec 42-222 and 42-203A, Idaho Code.
Any protest against the approval of this
application(s) must be filed with the
Director, Dept. of Water Resources,
Southern Region, 1341 Fillmore St,
Suite 200, Twin Falls, ID 83301 togeth-
er with a protest fee of \$25.00 for each
application on or before May 7, 2012.
The protestant must also send a copy
of the protest to the applicant.

GARY SPACKMAN, Interim Director

PUBLISH:

IDAHO MOUNTAIN EXPRESS

April 18 & 25, 2012

✓ OK DM
5/3/2012

Fax
736-3037

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

Application No.: 37-22711
Applicant's Name: THREE CREEKS RANCH LLC
1901 BAYADERE TERRACE
CORONA DEL MAR, CA 92625

RECEIVED
APR 18 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) X I do not oppose approval of this application if it is conditioned as follows:
+ POD's
Measuring devices for all wells including those for 32-7811.
Also wires at the outlets of both ponds.
(Measuring Devices)
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this 18th day of April, 2012

Water District No. 37M

Kevin Lakey
Watermaster's Signature

Kevin Lakey
Printed Name