

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76740

This is to certify that: SV RANCH LLC
 C/O GREGORY VIK
 PO BOX 1607
 BELLEVUE WA 98009
 (425)460-2542

has requested a change to the water rights listed below. This change in water rights 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>
57-7034A	WR/License	12/29/1970	4.46 cfs	N/A	N/A	223.0	CASTLE CREEK
57-235	WR/Decreed	12/10/1907	1.1 cfs	N/A	N/A	63.0	CASTLE CREEK
57-11666	WR/License	12/29/1970	0.38 cfs	N/A	N/A	19.0	CASTLE CREEK
57-11667	WR/License	12/29/1970	5.84 cfs	N/A	N/A	292.0	CASTLE CREEK
57-11709	WR/License	12/29/1970	24.47 cfs	N/A	N/A	1,267.0	CASTLE CREEK

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>
57-7034A	NO	YES	YES	NO	NO	NO
57-235	NO	YES	YES	YES	NO	NO
57-11666	NO	YES	YES	NO	NO	NO
57-11667	NO	YES	YES	NO	NO	NO
57-11709	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>
57-7034A	57-7034A	4.46 cfs	N/A	223.0	2178.0		N/A	N/A	N/A	N/A
57-235	57-235	1.10 cfs	N/A	57.0	2178.0		N/A	N/A	N/A	N/A
57-11666	57-11666	0.38 cfs	N/A	19.0	2178.0		N/A	N/A	N/A	N/A
57-11667	57-11667	5.84 cfs	N/A	292.0	2178.0		N/A	N/A	N/A	N/A
57-11709	57-11709	24.47 cfs	N/A	1267.0	2178.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		36.25 cfs	N/A	1801.0	2178.0		N/A	N/A	N/A	N/A

Detailed Water Right Descriptions attached

Dated this 3rd day of November, 20 11

SUPPORT DATA

IN FILE # 57-235


 John Westra, Western Regional Manager

WATER RIGHT NO. 57-235
As Modified by Transfer No. 76740

In accordance with the approval of Transfer No. 76740, Water Right No. 57-235 is now described as follows.

Right Holder: SV RANCH LLC
 C/O GREGORY VIK
 PO BOX 1607
 BELLEVUE WA 98009

Priority Date: December 10, 1907

Source: CASTLE CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE STORAGE	04/01	to 10/15		21.0 AF
DIVERSION TO STORAGE	04/01	to 10/15	0.10 CFS	
IRRIGATION	04/01	to 10/15	1.00 CFS	
			1.10 CFS	

LOCATION OF POINTS OF DIVERSION:

CASTLE CREEK	NESE	Sec. 35, Twp 03S, Rge 01E, OWYHEE County
CASTLE CREEK	NESE	Sec. 13, Twp 04S, Rge 01E, OWYHEE County

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	
04S 01E 12																X	
04S 01E 13		X															

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	
04S 01E 1					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	19.0		358.0
04S 01E 2					40.0	40.4	40.0	40.0	40.6		40.0	40.0	40.0	40.0	40.0	40.0	601.0
04S 01E 11					40.0								40.0	40.0	40.0	40.0	360.0
04S 01E 12						19.0	19.0		40.0	40.0	40.0	40.0		20.0	20.0		398.0
04S 01E 13						21.0			40.0	40.0	40.0			40.0	40.0		221.0
04S 01E 14					40.0			40.0					40.0			40.0	160.0
04S 01E 23					40.0												40.0
04S 01E 24								40.0									40.0

Total Acres: 2178

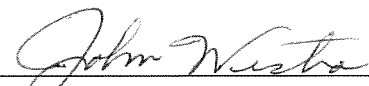
WATER RIGHT NO. 57-235
As Modified by Transfer No. 76740

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year 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. 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. 57C. Diversion of this right from the Snake River may be regulated by a watermaster with responsibility for the distribution of water from that source in the event curtailment is necessary in the future.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department for measuring the flow in Castle Creek at the original point of diversion, at the mouth of Castle Creek, and at the point of diversion from the Snake River.
6. The right holder shall maintain a measuring device and lockable controlling works, at the point of diversion located in NESE, S13, T04S, R01E, with a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. Diversion of water from the Snake River is limited to those times when water is available for diversion under this right and priority from Castle Creek. Availability of water from the Snake River shall be determined based on the lesser of the flow in Castle Creek at the authorized point of diversion or at the mouth of Castle Creek.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 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 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/24/2002.
9. This right is limited to the irrigation of 57 acres within the authorized place of use in a single irrigation season.
10. 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.
11. Rights 57-235, 57-7034A, 57-11666, 57-11667 and 57-11709 when combined shall not exceed the irrigation of 1801 acres within the authorized place of use in a single irrigation season.
12. The following rights are diverted through the point of diversion described above: 57-235, 57-7034A, 57-11666, 57-11667 and 57-11709.
13. This right mitigates for the evaporative losses caused by use of water under Right 57-11794.

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 3rd day of November, 20 11



John Westra, Western Regional Manager

WATER RIGHT NO. 57-7034A
As Modified by Transfer No. 76740

In accordance with the approval of Transfer No. 76740, Water Right No. 57-7034A is now described as follows.

Right Holder: SV RANCH LLC
 C/O GREGORY VIK
 PO BOX 1607
 BELLEVUE WA 98009

Priority Date: December 29, 1970

Source: CASTLE CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	4.46 CFS
			4.46 CFS

LOCATION OF POINT OF DIVERSION:

CASTLE CREEK NESE Sec. 35, Twp 03S, Rge 01E, OWYHEE 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	
04S 01E 1					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	19.0		358.0
04S 01E 2	40.0	40.4	40.0	40.0	L 3 40.6		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	601.0
04S 01E 11	40.0	40.0	40.0	40.0	40.0								40.0	40.0	40.0	40.0	360.0
04S 01E 12		19.0	19.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		20.0	20.0		398.0
04S 01E 13		21.0			40.0	40.0	40.0			40.0	40.0						221.0
04S 01E 14	40.0			40.0									40.0			40.0	160.0
04S 01E 23	40.0																40.0
04S 01E 24						40.0											40.0

Total Acres: 2178

CONDITIONS OF APPROVAL

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

WATER RIGHT NO. 57-7034A
As Modified by Transfer No. 76740

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. 57C. Diversion of this right from the Snake River may be regulated by a watermaster with responsibility for the distribution of water from that source in the event curtailment is necessary in the future.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department for measuring the flow in Castle Creek at the original point of diversion, at the mouth of Castle Creek, and at the point of diversion from the Snake River.
6. Diversion of water from the Snake River is limited to those times when water is available for diversion under this right and priority from Castle Creek. Availability of water from the Snake River shall be determined based on the lesser of the flow in Castle Creek at the authorized point of diversion or at the mouth of Castle Creek.
7. This right is limited to the irrigation of 223 acres within the authorized place of use in a single irrigation season.
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 57-235, 57-7034A, 57-11666, 57-11667 and 57-11709 when combined shall not exceed the irrigation of 1801 acres within the authorized place of use in a single irrigation season.
10. The following rights are diverted through the point of diversion described above: 57-235, 57-7034A, 57-11666, 57-11667 and 57-11709.

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 3rd day of November, 20 11



John Westra, Western Regional Manager

WATER RIGHT NO. 57-11666
As Modified by Transfer No. 76740

In accordance with the approval of Transfer No. 76740, Water Right No. 57-11666 is now described as follows.

Right Holder: SV RANCH LLC
 C/O GREGORY VIK
 PO BOX 1607
 BELLEVUE WA 98009

Priority Date: December 29, 1970

Source: CASTLE CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	0.38 CFS
			0.38 CFS

LOCATION OF POINT OF DIVERSION:

CASTLE CREEK NESE Sec. 35, Twp 03S, Rge 01E, OWYHEE 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	
04S 01E 1					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	19.0		358.0
04S 01E 2	40.0	40.4	40.0	40.0	L 3 40.6		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	601.0
04S 01E 11	40.0	40.0	40.0	40.0	40.0								40.0	40.0	40.0	40.0	360.0
04S 01E 12		19.0	19.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		20.0	20.0		398.0
04S 01E 13		21.0			40.0	40.0	40.0			40.0	40.0						221.0
04S 01E 14	40.0			40.0									40.0			40.0	160.0
04S 01E 23	40.0																40.0
04S 01E 24						40.0											40.0

Total Acres: 2178

CONDITIONS OF APPROVAL

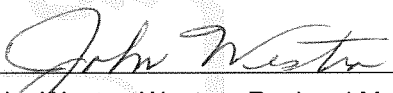
1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho 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.

WATER RIGHT NO. 57-11666
As Modified by Transfer No. 76740

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. 57C. Diversion of this right from the Snake River may be regulated by a watermaster with responsibility for the distribution of water from that source in the event curtailment is necessary in the future.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department for measuring the flow in Castle Creek at the original point of diversion, at the mouth of Castle Creek, and at the point of diversion from the Snake River.
6. Diversion of water from the Snake River is limited to those times when water is available for diversion under this right and priority from Castle Creek. Availability of water from the Snake River shall be determined based on the lesser of the flow in Castle Creek at the authorized point of diversion or at the mouth of Castle Creek.
7. This right is limited to the irrigation of 19 acres within the authorized place of use in a single irrigation season.
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 57-235, 57-7034A, 57-11666, 57-11667 and 57-11709 when combined shall not exceed the irrigation of 1801 acres within the authorized place of use in a single irrigation season.
10. The following rights are diverted through the point of diversion described above: 57-235, 57-7034A, 57-11666, 57-11667 and 57-11709.

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 3rd day of November, 20 11



John Westra, Western Regional Manager

WATER RIGHT NO. 57-11667
As Modified by Transfer No. 76740

In accordance with the approval of Transfer No. 76740, Water Right No. 57-11667 is now described as follows.

Right Holder: SV RANCH LLC
 C/O GREGORY VIK
 PO BOX 1607
 BELLEVUE WA 98009

Priority Date: December 29, 1970

Source: CASTLE CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	5.84 CFS
			5.84 CFS

LOCATION OF POINT OF DIVERSION:

CASTLE CREEK NESE Sec. 35, Twp 03S, Rge 01E, OWYHEE 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	
04S 01E 1					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	19.0		358.0
04S 01E 2	40.0	40.4	40.0	40.0	L 3 40.6		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	601.0
04S 01E 11	40.0	40.0	40.0	40.0	40.0								40.0	40.0	40.0	40.0	360.0
04S 01E 12		19.0	19.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		20.0	20.0		398.0
04S 01E 13		21.0			40.0	40.0	40.0			40.0	40.0						221.0
04S 01E 14	40.0			40.0									40.0			40.0	160.0
04S 01E 23	40.0																40.0
04S 01E 24						40.0											40.0

Total Acres: 2178

CONDITIONS OF APPROVAL

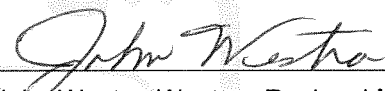
1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho 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.

WATER RIGHT NO. 57-11667
As Modified by Transfer No. 76740

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. 57C. Diversion of this right from the Snake River may be regulated by a watermaster with responsibility for the distribution of water from that source in the event curtailment is necessary in the future.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department for measuring the flow in Castle Creek at the original point of diversion, at the mouth of Castle Creek, and at the point of diversion from the Snake River.
6. Diversion of water from the Snake River is limited to those times when water is available for diversion under this right and priority from Castle Creek. Availability of water from the Snake River shall be determined based on the lesser of the flow in Castle Creek at the authorized point of diversion or at the mouth of Castle Creek.
7. This right is limited to the irrigation of 292 acres within the authorized place of use in a single irrigation season.
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 57-235, 57-7034A, 57-11666, 57-11667 and 57-11709 when combined shall not exceed the irrigation of 1801 acres within the authorized place of use in a single irrigation season.
10. The following rights are diverted through the point of diversion described above: 57-235, 57-7034A, 57-11666, 57-11667 and 57-11709.

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 3rd day of November, 20 11



John Westra, Western Regional Manager

WATER RIGHT NO. 57-11709
As Modified by Transfer No. 76740

In accordance with the approval of Transfer No. 76740, Water Right No. 57-11709 is now described as follows.

Right Holder: SV RANCH LLC
 C/O GREGORY VIK
 PO BOX 1607
 BELLEVUE WA 98009

Priority Date: December 29, 1970

Source: CASTLE CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	24.47 CFS
			24.47 CFS

LOCATION OF POINT OF DIVERSION:

CASTLE CREEK NESE Sec. 35, Twp 03S, Rge 01E, OWYHEE 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	
04S 01E 1					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		19.0	19.0		358.0
04S 01E 2	40.0	40.4	40.0	40.0	40.6		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	601.0
04S 01E 11	40.0	40.0	40.0	40.0	40.0								40.0	40.0	40.0	40.0	360.0
04S 01E 12		19.0	19.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		20.0	20.0		398.0
04S 01E 13		21.0			40.0	40.0	40.0			40.0	40.0						221.0
04S 01E 14	40.0			40.0									40.0			40.0	160.0
04S 01E 23	40.0																40.0
04S 01E 24						40.0											40.0

Total Acres: 2178

CONDITIONS OF APPROVAL

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

WATER RIGHT NO. 57-11709
As Modified by Transfer No. 76740

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. 57C. Diversion of this right from the Snake River may be regulated by a watermaster with responsibility for the distribution of water from that source in the event curtailment is necessary in the future.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department for measuring the flow in Castle Creek at the original point of diversion, at the mouth of Castle Creek, and at the point of diversion from the Snake River.
6. Diversion of water from the Snake River is limited to those times when water is available for diversion under this right and priority from Castle Creek. Availability of water from the Snake River shall be determined based on the lesser of the flow in Castle Creek at the authorized point of diversion or at the mouth of Castle Creek.
7. This right is limited to the irrigation of 1267 acres within the authorized place of use in a single irrigation season.
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 57-235, 57-7034A, 57-11666, 57-11667 and 57-11709 when combined shall not exceed the irrigation of 1801 acres within the authorized place of use in a single irrigation season.
10. Rights 57-235, 57-11708, 57-11709 and 57-11710 when combined shall not exceed the irrigation of 1716 acres.
11. The following rights are diverted through the point of diversion described above: 57-235, 57-7034A, 57-11666, 57-11667 and 57-11709.

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 3rd day of November, 20 11


John Westra, Western Regional Manager



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 3, 2011

SV RANCH LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

RE: Transfer No.: 76740
 Water Right No(s): 57-11667 57-11709 57-235 57-7034A 57-11666

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,


John Westra
Western Regional Manager

Enclosure(s)

cc: BROCKWAY ENGINEERING PLLC

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

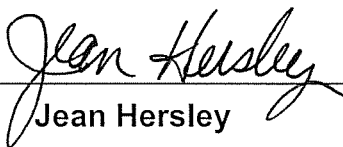
RE: TRANSFER NO. 76740
WATER RIGHTS NOS. 57-11667 57-11709 57-235 57-7034A
57-11666

BROCKWAY ENGINEERING PLLC
C/O CHARLES G BROCKWAY
2016 N WASHINGTON ST STE 4
TWN FALLS ID 83301

SV RANCH LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

AGRICAP FINANCIAL CORPORATION
350 S FIGUEROA ST STE 501
LOS ANGELES CA 90071

HFM CASTLEVIEW LLC
C/O MIKE IHLI
643 S SCHOOL AVE
KUNA ID 83634



Jean Hersley
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 Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

OCT 31 2011

WATER RESOURCES
WESTERN REGION

I, Robert E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the president of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

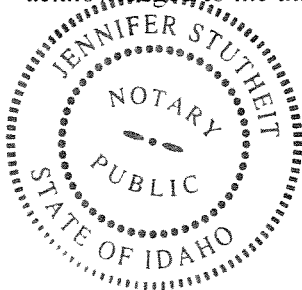
OCTOBER 5, 12, 2011

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 27 day of OCT in the year of 2011 before me, a

Notary Public, personally appeared ROBERT E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Jennifer Stutheit
Notary Public of Idaho

Residing at HOMEDALE, IDAHO

My commission expires: JANUARY 3, 2015

THE FOLLOWING
APPLICATION(S)
HAVE BEEN FILED TO
APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO:

SV RANCH LLC C/O
GREGORY VIK, PO BOX 1607,
BELLEVUE, WA 98009

Application 57-11794

Point of Diversion: NESE
S13 T04S R01E OWYHEE
County Source CASTLE CREEK
Tributary SNAKE RIVER

Use: DIVERSION TO
STORAGE 01/01 to 12/31 1.2
CFS

Use: WILDLIFE STORAGE
01/01 to 12/31 6 AF

Total Diversion: 1.2 CF

Date Filed: 8/9/2010

Place Of Use: WILDLIFE
STORAGE T04S R01E S12
SWSE & S13 NWNE

PROPOSED CHANGE OF
WATER RIGHTS:

Application No. 76740 to transfer 5 irrigation water rights with 1907 to 1970 priority dates from Castle Creek tributary to the Snake River totaling 36.25 cfs. The purpose of the transfer is to change the point of diversion from Castle Creek to a pumping station on the Snake River and change the place of use to a permissible place of use on 2178 acres. The application also proposes to change a portion of the 1907 right to mitigate for development of wetlands (see Application 57-11794). Water for mitigation will be diverted at the existing Castle Creek point of diversion. Water will be used at the current place of use on the south side of the Snake River, west of Castle Butte and north of Highway 78. Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-203A (permit) and 42-222 (transfer), Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before October 24, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim
Director

10/5,12/11

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Sold To: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

Date:	10/13/2011	INVOICE NO.	48928
Account No.	964760		
Description	48928 PROPOSED		
Times	2	Lines	72
		Tab. lines	
		\$	102.60

RECEIVED

OCT 17 2011

PO#

WATER RESOURCES
WESTERN REGION

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

**PROPOSED CHANGE OF
WATER RIGHTS**

SV Ranch LLC c/o Gregory Vik of PO Box 1607, Bellevue WA 98009, filed Application No. 76740 to transfer 5 irrigation water rights with 1907 to 1970 priority dates from Castle Creek tributary to the Snake River totaling 36.25 cfs. The purpose of the transfer is to change the point of diversion from Castle Creek to a pumping station on the Snake River and change the place of use to a permissible place of use on 2178 acres. The application also proposes to change a portion of the 1907 right to mitigate for development of wetlands (see Application 57-11794). Water for mitigation will be diverted at the existing Castle Creek point of diversion. Water will be used at the current place of use on the south side of the Snake River, west of Castle Butte and north of Highway 78, Owyhee County.

J. R. Simplot Company of PO Box 27, Boise ID 83707, filed Application No. 77479 to transfer 2 water rights with 1963 priority dates from the Snake River totaling 28.56 cfs. The purpose of the transfer is to move the rights to an existing pump station to irrigate 1428 acres. Water will be moved to a place of use about 8 miles southwest of Mountain Home Air Force Base, Elmore County.

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 October 24, 2011. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN.

Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 48928 PROPOSED attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune,

2 time(s). Publication being on 10/06, or once a Week for 2 consecutive Week, the first publication thereof being on the 10/06/2011, and the last publication thereof being on the 10/13/2011, and said 48928 PROPOSED was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

State of Idaho

S.S.

County of Nez Perce

On this _____ day of _____ in the year of _____, before me, a Notary Public, personally appeared Karen J. Lewis, 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 he executed the same.

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____

501K
88 10/27

TRIBUNE PUBLISHING COMPANY INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date: 10/13/2011 INVOICE NO. 48928
Account No. 964760
Description 48928 PROPOSED
Times 2 Lines 72
Tab. lines

**LEGAL ADVERTISING
INVOICE****RECEIVED**\$ 102.60

Sold To: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

OCT 17 2011

PO#

WATER RESOURCES
WESTERN REGION

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION**PROPOSED CHANGE OF
WATER RIGHTS**

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State of Idaho

S.S.

County of Nez Perce

On this _____ day of _____ in the year of _____, before me, a Notary Public, personally appeared Karen J. Lewis, 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 he executed the same.

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____

1 OK
88 10/27

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date:	<u>10/13/2011</u>	INVOICE NO.	<u>48928</u>
Account No.	<u>964760</u>		
Description	<u>48928 PROPOSED</u>		
Times	<u>2</u>	Lines	<u>72</u>
		Tab. lines	

**LEGAL ADVERTISING
INVOICE****RECEIVED**\$ 102.60

Sold To: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

OCT 17 2011

PO#

WATER RESOURCES
WESTERN REGION

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
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2 time(s). Publication being on 10/06, or once a week for 2 consecutive weeks, the first publication thereof being on the 10/06/2011, and the last publication thereof being on the 10/13/2011, and said **48928 PROPOSED** was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 13th day of October in the year of 2011, before me, a Notary Public, personally appeared Karen J. Lewis, 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 he executed the same.

Carol L Peterson

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 9-1-2017

✓ OK
SB 10/17

RECEIVED

OCT 17 2011

WATER RESOURCES
WESTERN REGION

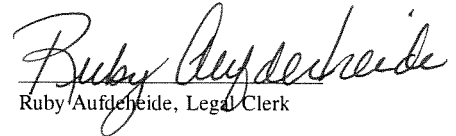
Affidavit of Publication

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 6th day of October, 2011 and ending with the issue dated 13th day of October, 2011

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.


Ruby Aufderheide, Legal Clerk

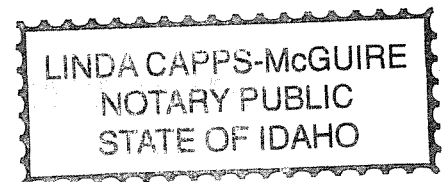
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 14th day of October, 2011, before me,

a Notary Public, personally appeared Ruby Aufderheide, 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 he executed the same.


Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5-19-15



PROPOSED CHANGE OF WATER RIGHTS

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GARY SPACKMAN, Interim Director

Published on 10/6/2011 and 10/13/2011

✓ OK
SAB 10/17

**Proof of Publication
The Post Register**

RECEIVED

OCT 17 2011

State of Idaho
Bonneville County:

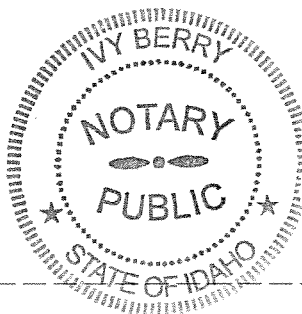
WATER RESOURCES
WESTERN REGION

I, ~~Hilary Witt~~ or Staci Dockery, first being duly sworn, depose and say: That I am the ~~Classifieds Manager~~ or Legal Notice Representative of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under this ad number: **422942**, for **2** consecutive (days) weeks, between **10/06/2011** and **10/13/2011**,

and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 13 day of October 2011



[Signature]
Notary Public

My Commission expires: 1/10/2015

----- attached jurat -----

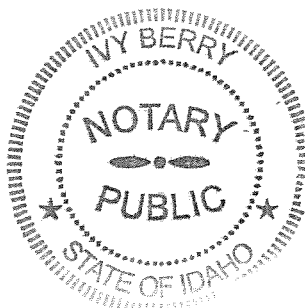
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 13 day of October 2011, before me, the undersigned, a Notary public for said state, personally appeared ~~Hilary Witt~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have herunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public for The Post Company
Residing at: Idaho Falls
My Commission expires: 1/10/2015

PROPOSED CHANGE OF WATER RIGHTS

SV Ranch LLC c/o Gregory Vik of PO Box 1607, Bellevue WA 98009, filed **Application No. 76740** to transfer 5 irrigation water rights with 1907 to 1970 priority dates from Castle Creek tributary to the Snake River totaling 36.25 cfs. The purpose of the transfer is to change the point of diversion from Castle Creek to a pumping station on the Snake River and change the place of use to a permissible place of use on 2178 acres. The application also proposes to change a portion of the 1907 right to mitigate for development of wetlands (see Application 57-11794). Water for mitigation will be diverted at the existing Castle Creek point of diversion. Water will be used at the current place of use on the south side of the Snake River, west of Castle Butte and north of Highway 78, Owyhee County.

J. R. Simplot Company of PO Box 27, Boise ID 83707, filed **Application No. 77479** to transfer 2 water rights with 1963 priority dates from the Snake River totaling 28.56 cfs. The purpose of the transfer is to move the rights to an existing pump station to irrigate 1428 acres. Water will be moved to a place of use about 8 miles southwest of Mountain Home Air Force Base, Elmore County.

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 October 24, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published: October 6 and 13, 2011 (422942)

V OK
SB 10/17

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000570852	LEGAL NOTICE	SVRanchLLC	\$172.95	2	51

Attention: Steve Lester

IDAHO DEPT WATER RESOURCE

2735 AIRPORT WAY

BOISE

ID

83705

**LEGAL NOTICE
PROPOSED CHANGE OF WATER RIGHTS**

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Blue Valley LLC of 24681 La Plaza #380, Dana Point, CA 92629 filed Application No. 77125 to transfer one water right with a 1977 priority date from ground water totaling 0.70 cfs and 240 afa. The purpose of the transfer is to change ownership, place of use and points of diversion, and change nature of use of 0.30 cfs and 12 afa for diversion to storage and aesthetic storage. The nature of use change is to offset evaporation from the on-site pond. Water will be used at the current place of use in Boise for Blue Valley mobile home park southwest of Eisenman Road and Blue Ridge Lane, Ada County.

The City of Garden City, City Hall, 6015 Glenwood St, Garden City ID 83714, filed Application No. 77404 to transfer 11 water rights with 1951 to 1990 priority dates from ground water totaling 24.91 and 438 afa. The purpose of the transfer is to incorporate all of the points of diversion into the City's municipal diversion system and municipal service area. The transfer also changes ownership and nature of use from domestic and fire protection to municipal use for one right the City recently acquired. Water will be used at the current place of use in the City's municipal service area in Ada County.

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GARY SPACKMAN, Interim Director

Pub. Oct. 6,13, 2011

0000570852-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 10/06/2011

Ending issue of: 10/13/2011

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

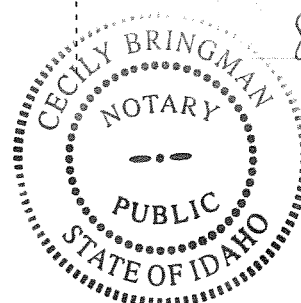
On this 13 day of October in the year of 2011 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Cecily Bringman

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

8-27-15



✓ OK
8/8 10/17

MEMORANDUM

TO: Transfer No. 76740
FROM: Kay Walker *kay*
DATE: August 25, 2011
RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the point of diversion of the applicants Castle Creek water rights to a pumping station on the Snake River and create a permissible place of use to reflect the actual irrigation practices. The transfer also proposes to reduce irrigation under the senior right to provide water for mitigation of Application for Permit 57-11794 for the development of wet lands.

The site is located on the south side of the Snake River, west of Castle Butte, north of Hwy. 78 and south of Henderson Flats.

Contact person for the applicant is Charles G. Brockway, P.E., 2016 Washington St. North, No. 4, Twin Falls, ID 83301. He can be reached at 208-736-8543.

Deviations from Transfer Policy Standards

The transfer application was initially reviewed and more information was requested which was not submitted in a timely manner. We issued a preliminary order rejecting the application and then received a response to our request for more information. An order granting petition for reconsideration was issued and we are again reviewing the application.

The application requests a change in point of diversion from a Castle Creek diversion to a pumping station on the Snake River. We had issues with this proposal and requested the applicant provide information showing this would not injure other water rights on Castle Creek. We also noticed that the senior right held by the applicant is a fairly junior right in regard to rights on Castle Creek and wondered how this right could be used to mitigate a new use on Castle Creek. The applicants representative responded in a letter dated June 28, 2011, and resolved our concerns regarding both issues.

The change in point of diversion can be accomplished if considered under the enhanced water supply provision in Admin. Memo 24, page 30. We can process this type of transfer as long as the rights are subject to conditions limiting the diversion at the new point of diversion to times when water is available under the

SCANNED

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priority date at the original point of diversion. The source of water will not change; the water will be diverted from the main stem which happens to be the Snake River. Since the tributary water enters the main stem at the natural mouth there is no need to include injection and re-diversion descriptions under this proposal.

After review of the proposed permissible place of use (ppu) and government lot plats it was determined that this proposal only encompasses 2178 acres, rather than the 2193 shown on the application form. This correction does not need to be made to the application form for us to proceed with advertisement of the application. The applicants representative has been advised of the correction to be made and is in agreement with our findings.

Summary of Information Submitted

Authority to File:

The applicant is the current water right holder of record. This was accomplished by ownership change submitted in July of 2009.

Water Right Validity:

Right 57-7034A presumed to be valid based on license issued in 2004 and the water right being held in water supply bank from May, 2005 until July, 2010 when IDWR received a request to release it from the bank.

Other rights involved in this transfer were not involved with the Water Supply Bank and appear to have been minimally used. Aerial photography does not show much use of water on the land; however, these rights are pretty junior on Castle Creek and there may not have been any water available for use.

Injury to Other Water Rights:

Injury was a big question while reviewing this proposal since there are no measuring devices in place on Castle Creek rights and a water master is not currently active on the Snake River. The applicants representative has submitted information to resolve any questions regarding injury to other rights. See letter of 6/28/2011.

Enlargement of Use:

No enlargement should occur if the proposal is conditioned to limit the use of water to the existing rights.

Local Public Interest:

It is within the public interest to allow a property owner flexibility in the way he irrigates his land as long as it does not injure another party.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Additional Information/Analysis

Watermaster comments will be solicited from Castle Creek Water District. The watermaster has already provided information to the applicants representative regarding this proposal and it does not appear that he has any issues.

Discussion

Data entry affected the correct records. Partial decree for senior right has been migrated to water right records. The other rights involved are based on licenses issued and the records are correctly identified.

Overlapping rights at existing &/or proposed POU are rights owned by the applicant from the Snake River. The applicant has submitted an additional transfer application (No. 76739) to place his Snake River rights on the same permissible place of use (ppu).

I found three acres decreed to Murdochs in the NWNW, Sec. 24, T4S, R1E, that belong to SV Ranch. At the time recommendations were made in B57 we had no tax lot data available so errors were made. Since the overlapping rights are from Catherine Creek and ground water, a condition limiting all rights to an inch per acre would resolve the situation.

Overlapping rights at existing POD are rights under this transfer application and sibling rights in the name of HFM Castlevue LLC and Mike and Linda Ihli. Each of the rights has the same 1970 priority date and originally developed under one permit, numbered 57-7034. The proposed mitigation portion of Rt. 57-235 will be the only right in the applicants name remaining at this point. Overlapping rights at the proposed point of diversion will be rights 02-2100A and 02-7086, both owned by the applicant in the amount of 7.44 cfs.

Mitigation is proposed under Rt. 57-235 which has a 1907 priority date. Although this date is not senior on Castle Creek, the applicants representative has submitted information to show that there is water available under this right and that the applicant is aware when this right is cut his wildlife area would be without water.

Rights are not enrolled in the Water Supply Bank at this time. Right 57-7034A had been enrolled in the bank but was withdrawn when applicant purchased this property.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.