

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77125

This is to certify that: BLUE VALLEY LLC
24681 LA PLAZA #380
DANA POINT CA 92629
(949)661-7719

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-8401	WR/Decreed	01/06/1977	0.7 cfs	240 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-8401	NO	YES	YES	NO	NO	YES

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>
63-8401	63-8401	0.7 cfs	240 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.7 cfs	240 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of November, 20 11


John Westra, Western Regional Manager

WATER RIGHT NO. 63-8401
As Modified by Transfer No. 77125

In accordance with the approval of Transfer No. 77125, Water Right No. 63-8401 is now described as follows.

Right Holder: BLUE VALLEY LLC
 24681 LA PLAZA #380
 DANA POINT CA 92629

Priority Date: January 06, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DIVERSION TO STORAGE	01/01	to 12/31	0.30 CFS	
AESTHETIC STORAGE	01/01	to 12/31		12.0 AF
DOMESTIC	01/01	to 12/31	0.40 CFS	228.0 AF
			0.70 CFS	240.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENE Sec. 12 Twp 02N Rge 02E ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	02E	12	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
						X													

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	02E	12	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X	X													
02N	03E	7						X											
								L 2											

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.

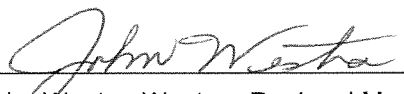
WATER RIGHT NO. 63-8401
As Modified by Transfer No. 77125

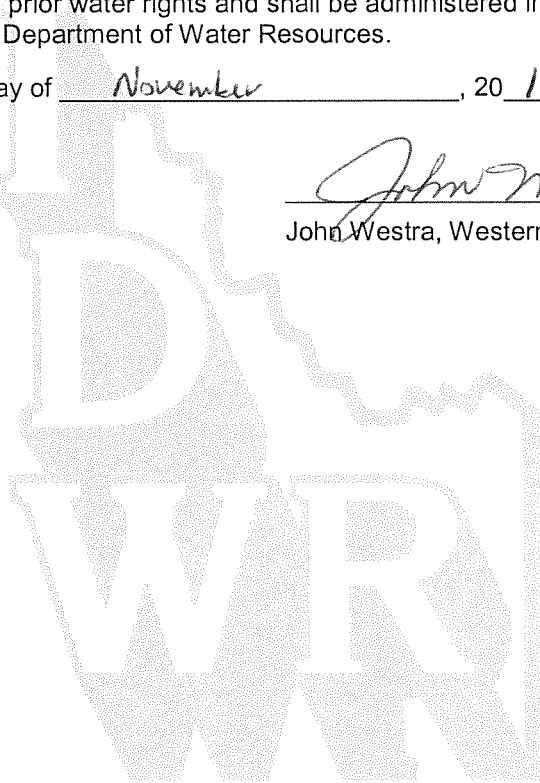
CONDITIONS OF APPROVAL

4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Domestic use is for internal use in 200 mobile homes. Irrigation associated with domestic use is authorized for the mobile homes located in Township 2 North, Range 2 East, Section 8, SENE and Township 2 North, Range 3 East, Section 7, SWNW. Irrigation associated with domestic use is not authorized in Township 2 North, Range 2 East, Section 8, SWNE.

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

BLUE VALLEY LLC
24681 LA PLAZA #380
DANA POINT CA 92629

RE: Transfer No.: 77125
 Water Right No(s): 63-8401

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,


for John Westra
Western Regional Manager

Enclosure(s)

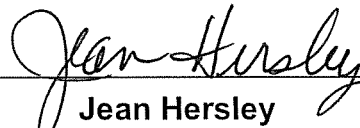
CERTIFICATE OF SERVICE

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. 77125

WATER RIGHTS NOS. 63-8401

BLUE VALLEY LLC
24681 LA PLAZA #380
DANA POINT CA 92629

A handwritten signature in cursive script, reading "Jean Hersley", is written over a horizontal line.

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.

OCT 14 2011

WATER RESOURCES
WESTERN REGION**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**

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 in Owyhee County.

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.

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

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 InsertionsBeginning issue of: 10/06/2011Ending issue of: 10/13/2011

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

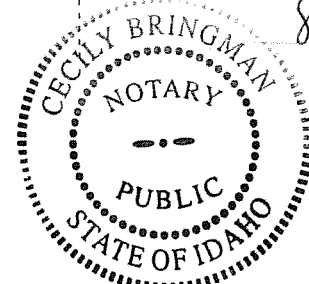
On this 13 day of October in the year of 2011 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged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

Cecily Brangan

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

8-27-15



✓ 10/24/11
SB

TO: Transfer No. 77125 File

FROM: Vicky Music

DATE: September 9, 2011

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes changes to water right no. 63-8401 to correct the place of use [POU], change the points of diversion [PODs] from 3 wells to 1 well, change the ownership of the right and change a portion of the domestic right to diversion to storage and aesthetic storage for the pond described in water right no. 63-30386.

The site is in southeast Boise, and southwest of the intersection of S Eisenman Rd. and Blue Ridge Ln. Contact person is the applicant.

Deviations from Transfer Policy Standards

The application is very complete. There are no deviations from IDWR transfer policy that should delay the processing of this transfer.

Summary of Information Submitted

Authority to File:

The applicant provided a warranty deed conveying the property from the IDWR owner of record, Blue Valley Mobile Home Park, to the applicant, Blue Valley LLC. Hence, the applicant has the authority to file this application.

Water Right Validity:

The mobile home development has been using municipal water for its domestic use [including irrigation] for several years. However, the right is presumed to be valid because the SRBA Court issued the partial decree for 63-8401 on 2/16/2007, within the past five year period.

Injury to Other Water Rights:

No injury is expected because right no. 63-8401 is a valid water right and has a 1/1977 priority date, which is senior to all but 2 ground water rights within 0.75 miles.

Enlargement of Use:

Enlargement of the diversion rate, diversion volume and consumptive use volume is not proposed or expected from the transfer of a portion of right no. 63-8401 to aesthetic storage. The consumptive use analysis described here will prevent any enlargement from occurring.

A consumptive use analysis was provided by the applicant and reviewed by me. Right no. 63-8401 is for 0.70 cfs for domestic uses for the Blue Valley mobile home development. It was IDWR policy when the right was licensed to include the irrigation use in the domestic use for residential development if the irrigation use did not exceed the 0.5 acre per home. Current IDWR policy is to describe the domestic and irrigation uses separately.

It is clear from the remark on the right that “Domestic use is for 200 mobile homes and irrigation” that the 0.70 cfs was not just for internal domestic use. Because of the change in IDWR policy, the consumptive use analysis will use the irrigation for turf grass as proposed in the transfer and not internal domestic use.

The surface area of the pond is estimated to be 5.5 acres. The application proposes to retire the 3.7 irrigated acres associated with the 11.5 acres located in the T2N R2E S12 SWNE. This QQ will not be deleted from the domestic POU, but IDWR Workflow remarks will make it clear that even if domestic use for internal use in the homes located in this QQ resumes in the future, the water right cannot be used to irrigate the yards.

A theoretical calculation indicates that 0.30 cfs is a reasonable diversion rate to aesthetic storage based on the 25 hp pump set at 497’ bgl and using 50 psi. My calculation for evapotranspiration from the pond, using the current “2009: *Evapotranspiration and Consumptive Irrigation Water Requirement for Idaho*,” for turf grass yields 12 afa ET, which is the volume proposed by the transfer.

Local Public Interest:

There are no apparent local public interest issues.

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 and Discussion

No additional information is required of the applicant. The SO will not be contacted because the application is not being parallel processed.

I consulted Angie Grimm, P.G. and IDWR Sr. Water Resource Agent, because the mobile home park is within both the Boise Front GWMA and the S Boise GWMA. Ms. Grimm is very familiar with both GWMA's and this site. It is not necessary to consult other programs within IDWR regarding this application.

Regarding the site location in the Boise Front GWMA; the well is 503 feet bgl and the water-bearing zone is 417’ to 496’ bgl, below a sandy clay aquitard, so the producing aquifer is not tributary to the Boise River. Though the water temperature is not provided on the log, this is not a low temperature geothermal well as are those in the Boise Front GWMA.

The site is also located within the SE Boise GWMA. This is not an issue because this application does not propose additional ground water withdrawals but seeks to transfer a portion of a valid water right.

Watermaster comments are not needed and will not be solicited.

The transfer proposes to “correct” the POU to include about 8.2 acres of land located about 0.12 miles northwest of the trailer park, in the T2N R2E S12 NWNE. The 8.2 parcel was not licensed nor was it claimed in the SRBA. The parcel is not nor ever has been used for domestic purposes. The applicant confirmed via an email that the source of the wastewater ponds in the NWNE is the municipal water, and the ponds are not associated at all with the water rights used for the trailer park

This harmless error occurred because an IDWR staff member assisted the applicant in filling out the transfer application and inquired about the property owned by the applicant. She was told that the 8.2 acres is owned by the applicant and so, it was inadvertently added to the transfer application. The POU description includes this QQ.

The confusion likely arose during licensing, before we had the GIS accuracy we have now. When the licensing exam was conducted in 1986, we had no aerial coverage to show the developed mobile home park. A map used to show the POU that was to be licensed, includes some acres in the NWNE and the NENE of Section 12. However, arials of the development from 1986, 1992, 2004, 2006 and 2009, confirm that the park is not located in the NWNE or NENE of Section 12. The change to the POU will delete the NWNE and NENE of Section 12. The POU will be described as T2N R2E S12, SWNE and SENE; T2N R3E S7, SWNE.

The application also seeks to change the PODs from 3 wells to one. IDWR has a record for the original well/POD for the mobile home development. The second well is in T2N, R3E, S 7, on property not owned by the mobile home development. This well will be deleted from the water right because it is not used and the history of why this was even included on the right is unclear. Well no. 3 was approved under transfer no.3593 in 1992 but was never drilled and will likewise be deleted from the POD description.

Data entry affected the correct record. The partial decree was issued & results were migrated to wr records.

The SRBA status was reported above.

The only overlapping right is 63-30386 which is aesthetic storage for the pond. There are no other overlaps at the existing or proposed POD or POU.

There are no mitigation or water bank issues.

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.

Condition 046 n/a because new wells are not proposed.