

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76739

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 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>
2-2173	WR/Decreed	03/01/1962	6 cfs	1524 af		279.0	SNAKE RIVER
2-7046E	WR/Decreed	07/30/1969	2.82 cfs	N/A		162.0	SNAKE RIVER
2-2357A	WR/Decreed	09/10/1964	2 cfs	N/A	100.0	100.0	SNAKE RIVER
2-2357B	WR/Decreed	09/10/1964	1.8 cfs	N/A		90.0	SNAKE RIVER
2-10244	WR/Decreed	07/30/1969	5.19 cfs	N/A		298.0	SNAKE RIVER
2-10235	WR/Decreed	07/30/1969	0.8 cfs	N/A		40.0	SNAKE RIVER
2-10396	WR/Decreed	07/30/1969	0.95 cfs	N/A	444.0	45.0	SNAKE RIVER
2-10469	WR/Decreed	07/30/1969	20.51 cfs	4614.3 af		1,025.4	SNAKE RIVER

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>
2-2173	NO	YES	YES	NO	NO	NO
2-7046E	NO	YES	YES	NO	NO	NO
2-2357A	NO	YES	YES	NO	NO	YES
2-2357B	NO	YES	YES	NO	NO	NO
2-10244	NO	YES	YES	NO	NO	NO
2-10235	NO	YES	YES	NO	NO	NO
2-10396	NO	YES	YES	NO	NO	NO
2-10469	NO	YES	YES	NO	NO	NO

SUPPORT DATA

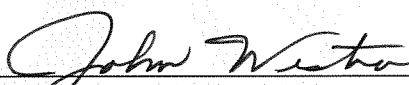
IN FILE # 2-2173

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
2-2173	2-2173	6 cfs	1524 af	279.0	2,178.0		N/A	N/A		N/A
2-7046E	2-7046E	2.82 cfs	N/A	162.0	2,178.0		N/A	N/A		N/A
2-2357A	2-2357A	2 cfs	N/A	97.0	2,178.0		N/A	N/A		N/A
2-2357B	2-2357B	1.8 cfs	N/A	90.0	2,178.0		N/A	N/A		N/A
2-10244	2-10244	5.19 cfs	N/A	298.0	2,178.0		N/A	N/A		N/A
2-10235	2-10235	0.8 cfs	N/A	40.0	2,178.0		N/A	N/A		N/A
2-10396	2-10396	0.95 cfs	N/A	45.0	2,178.0		N/A	N/A		N/A
2-10469	2-10469	20.51 cfs	4614.3 af	1,025.4	2,178.0		N/A	N/A		N/A
COMBINED TOTALS		40.07 cfs		2016.4	2178		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20th day of September, 20 11


 John Vestra, Western Regional Manager

WATER RIGHT NO. 2-2173
As Modified by Transfer No. 76739

In accordance with the approval of Transfer No. 76739, Water Right No. 2-2173 is now described as follows.

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

Priority Date: March 01, 1962

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	6.00 CFS	1,524.0 AF
			6.00 CFS	1,524.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER 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
							L 3	L 4											
04S	01E	2	40.0	40.0	40.0	40.0	41.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	601.0
			L 1	L 2			L 3												
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

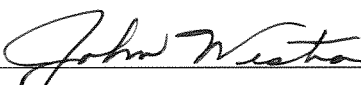
WATER RIGHT NO. 2-2173
As Modified by Transfer No. 76739

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. This right is limited to the irrigation of 279 acres within the place of use described above in a single irrigation season.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/11/2009.
7. Rights 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396 and 2-10469 when combined shall not exceed the irrigation of 2016.4 acres in a single irrigation season.
8. Rights 2-2173 and 57-11709 when combined shall not exceed a total combined annual diversion volume of 1360 AF.
9. 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 lands above.
10. The following rights are diverted through point of diversion described above: 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396, and 2-10469.

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 20th day of September, 20 11



John Westra, Western Regional Manager

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

Tributary: COLUMBIA RIVER

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER NESE Sec. 35 Twp 03S Rge 01E OWYHEE County

PLACE OF USE: IRRIGATION

[illegible]

PLACE OF USE: WILDLIFE STORAGE

[illegible]

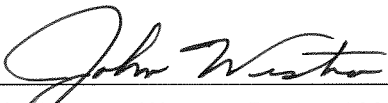
WATER RIGHT NO. 2-2357A
As Modified by Transfer No. 76739

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. This right is limited to the irrigation of 97 acres within the place of use described above in a single irrigation season.
6. This right mitigates for the evaporative losses caused by use of water under Right 2-10452.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/11/2009.
8. Rights 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396 and 2-10469 when combined shall not exceed the irrigation of 2016.4 acres in a single irrigation season.
9. Use of this right with Rights 57-235 and 57-11709 is limited to a total combined annual diversion volume of 500 af.
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 lands above.
11. The following rights are diverted through point of diversion described above: 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396, and 2-10469.

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 20th day of September, 20 11


John Westra, Western Regional Manager

WATER RIGHT NO. 2-2357B
As Modified by Transfer No. 76739

In accordance with the approval of Transfer No. 76739, Water Right No. 2-2357B is now described as follows.

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

Priority Date: September 10, 1964

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.80 CFS	
			1.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER 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 L 3	40.0 L 4	40.0	40.0	40.0	40.0	40.0	40.0	19.0	19.0			358.0
04S 01E 2	40.0 L 1	40.0 L 2	40.0	40.0	41.0 L 3		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

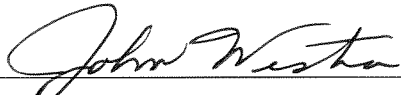
WATER RIGHT NO. 2-2357B
As Modified by Transfer No. 76739

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. This right is limited to the irrigation of 90 acres within the place of use described above in a single irrigation season.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/29/2009.
7. Rights 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396 and 2-10469 when combined shall not exceed the irrigation of 2016.4 acres in a single irrigation season.
8. Use of this right with Right Nos. 57-235, 57-7034A is limited to a total combined annual diversion volume of 450 AF.
9. 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 lands above.
10. The following rights are diverted through point of diversion described above: 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396, and 2-10469.

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 20th day of September, 20 11


John Westra, Western Regional Manager

WATER RIGHT NO. 2-7046E
As Modified by Transfer No. 76739

In accordance with the approval of Transfer No. 76739, Water Right No. 2-7046E is now described as follows.

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

Priority Date: July 30, 1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 10/31	2.82 CFS	
			2.82 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER 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					L 3	L 4											
04S 01E 11	40.0	40.0	40.0	40.0	41.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	601.0
	L 1	L 2			L 3												
04S 01E 12					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

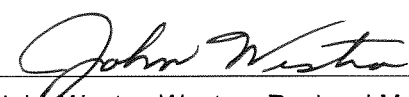
WATER RIGHT NO. 2-7046E
As Modified by Transfer No. 76739

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. This right is limited to the irrigation of 162 acres within the place of use described above in a single irrigation season.
6. The period of use for the irrigation described in this approval may be extended to 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 after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/28/2009.
7. Rights 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396 and 2-10469 when combined shall not exceed the irrigation of 2016.4 acres in a single irrigation season.
8. Use of this right with Right 57-7034A and 57-11709 is limited to a total combined annual diversion volume of 810 AF.
9. The rights listed below are limited to a total combined diversion rate of 32 cfs. Combined Right Nos.: 2-7046E, 2-10244, 2-10235, 2-10332 and 2-10422.
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 lands above.
11. The following rights are diverted through point of diversion described above: 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396, and 2-10469.

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 20th day of September, 20 11


John Westra, Western Regional Manager

WATER RIGHT NO. 2-10235
As Modified by Transfer No. 76739

In accordance with the approval of Transfer No. 76739, Water Right No. 2-10235 is now described as follows.

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

Priority Date: July 30, 1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 10/31	0.80 CFS	180.0 AF
			0.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER 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 L 3	40.0 L 4	40.0	40.0	40.0	40.0	40.0	40.0	19.0	19.0			358.0
04S 01E 2	40.0 L 1	40.0 L 2	40.0	40.0	41.0 L 3		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

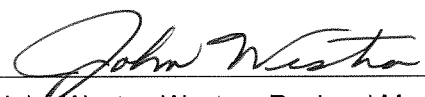
WATER RIGHT NO. 2-10235
As Modified by Transfer No. 76739

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
6. The period of use for the irrigation described in this approval may be extended to 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 after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/11/2009.
7. Rights 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396 and 2-10469 when combined shall not exceed the irrigation of 2016.4 acres in a single irrigation season.
8. The rights listed below are limited to a total combined diversion rate of 32 cfs. Combined Right Nos.: 2-7046E, 2-10244, 2-10235, 2-10332 and 2-10422.
9. The rights listed below are limited to the irrigation of a combined total of 1756 acres in a single irrigation season. Combined Right Nos.: 2-10235, 57-11666, 57-11708, 57-11709 and 57-11710.
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 lands above.
11. The following rights are diverted through point of diversion described above: 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396, and 2-10469.

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 20th day of September, 20 11


John Westra, Western Regional Manager

WATER RIGHT NO. 2-10244
As Modified by Transfer No. 76739

In accordance with the approval of Transfer No. 76739, Water Right No. 2-10244 is now described as follows.

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

Priority Date: July 30, 1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 10/31	5.19 CFS	1,341.0 AF
			5.19 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER 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 L 3	40.0 L 4	40.0	40.0	40.0	40.0	40.0	40.0		19.0	19.0		358.0
04S 01E 2	40.0 L 1	40.0 L 2	40.0	40.0	41.0 L 3		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

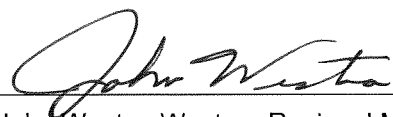
WATER RIGHT NO. 2-10244
As Modified by Transfer No. 76739

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. This right is limited to the irrigation of 298 acres within the place of use described above in a single irrigation season.
6. 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 3/15 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/11/2009.
7. Rights 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396 and 2-10469 when combined shall not exceed the irrigation of 2016.4 acres in a single irrigation season.
8. The rights listed below are limited to a total combined diversion rate of 32 cfs. Combined Right Nos.: 2-7046E, 2-10244, 2-10235, 2-10332 and 2-10422.
9. Right Nos. 2-10244 and 57-11667 are limited to the irrigation of a combined total of 322 acres 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 lands above.
11. The following rights are diverted through point of diversion described above: 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396, and 2-10469.

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 20th day of September, 20 11


John Westra, Western Regional Manager

WATER RIGHT NO. 2-10396
As Modified by Transfer No. 76739

In accordance with the approval of Transfer No. 76739, Water Right No. 2-10396 is now described as follows.

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

Priority Date: July 30, 1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 10/31	0.95 CFS	
			0.95 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER 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 L 3	40.0 L 4	40.0	40.0	40.0	40.0	40.0	40.0	19.0	19.0			358.0
04S 01E 2	40.0 L 1	40.0 L 2	40.0	40.0	41.0 L 3		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

WATER RIGHT NO. 2-10396
As Modified by Transfer No. 76739

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. This right is limited to the irrigation of 45 acres within the place of use described above in a single irrigation season.
6. The period of use for the irrigation described in this approval may be extended to 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 after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/8/2009.
7. Rights 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396 and 2-10469 when combined shall not exceed the irrigation of 2016.4 acres in a single irrigation season.
8. Use of this right with Right Nos. 57-7034A, 57-11708, 57-11709 and 57-11710 is limited to a total combined annual diversion volume of 2220 AF.
9. 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 lands above.
10. The following rights are diverted through point of diversion described above: 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396, and 2-10469.

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 20th day of September, 20 11


John Westra, Western Regional Manager

WATER RIGHT NO. 2-10469
As Modified by Transfer No. 76739

In accordance with the approval of Transfer No. 76739, Water Right No. 2-10469 is now described as follows.

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

Priority Date: July 30, 1969

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 10/31	20.51 CFS	4,614.3 AF
			20.51 CFS	4,614.3 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER 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 L 3	40.0 L 4	40.0	40.0	40.0	40.0	40.0	40.0		19.0	19.0		358.0
04S 01E 2	40.0 L 1	40.0 L 2	40.0	40.0	41.0 L 3		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

WATER RIGHT NO. 2-10469
As Modified by Transfer No. 76739

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. This right is limited to the irrigation of 1025.4 acres within the place of use described above in a single irrigation season.
6. The period of use for the irrigation described in this approval may be extended to 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 after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/9/2009.
7. Rights 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396 and 2-10469 when combined shall not exceed the irrigation of 2016.4 acres in a single irrigation season.
8. Rights 2-10422, 2-10423, 2-10469, 2-10470, 57-11708, 57-11709, 57-11710 and 57-11666 when combined shall not exceed a total diversion rate of 42.52 cfs, and the irrigation of 2126 acres.
9. Rights 2-7046E, 2-10422, 2-10423, 2-10235, 2-10244, 2-10469 and 2-10470 when combined shall not exceed a total diversion rate of 32 cfs.
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 lands above.
11. The following rights are diverted through point of diversion described above: 2-2173, 2-2357A, 2-2357B, 2-7046E, 2-10235, 2-10244, 2-10396, and 2-10469.

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 20th day of September, 2011


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

September 21, 2011

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

RE: Transfer No.: 76739
 Water Right No(s): 2-2173 2-10469 2-2357A 2-2357B 2-7046E
 2-10235 2-10244 2-10396

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

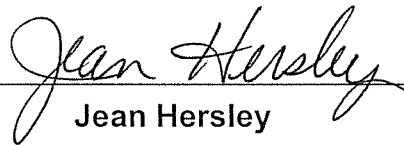
I hereby certify that on September 22, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 76739

WATER RIGHTS NOS.	2-2173	2-10469	2-2357A	2-2357B	2-7046E
	2-10235	2-10244	2-10396		

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



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

SEP 07 2011

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

WATER RESOURCES
WESTERN REGION

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):

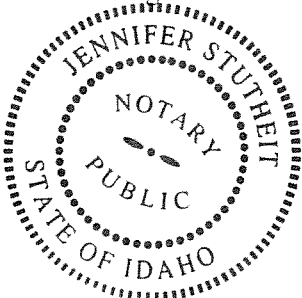
AUGUST 3, 10, 2011

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 6 day of Sept 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:

2-10452 SV RANCH LLC ✓
C/O GREGORY VIK, PO BOX 1607, BELLEVUE, WA 98009
Point of Diversion L7(NESE)
S35 T03S R01E OWYHEE
County Source SNAKE RIVER
Tributary COLUMBIA RIVER
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.9 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 3.0 AF

Total Diversion: 0.9 CFS

Date Filed: 8/9/2010

Place Of Use: WILDLIFE STORAGE

T04S R01E S11 SWSE

PROPOSED CHANGE OF WATER RIGHTS ✓

SV Ranch LLC, c/o Gregory Vik, PO Box 1607, Bellevue, WA, 98009, filed Application No. 76738 to transfer three water rights with 1952 through 1971 priority dates from the Snake River totaling 8.12 cfs. The purpose of the transfer is to modify an existing permissible place of use and correct the location of a pump station which has been moved to the east of the original location within the same 40-acre tract. Water will be used at the current place of use on the south side of the Snake River, northwest of Castle Butte at Henderson Flats.

See Reverse →
for remainder
of ad.

✓ OK DB 9/8/2011

**PROPOSED CHANGE OF
WATER RIGHTS**

SV Ranch LLC, c/o Gregory Vik, PO Box 1607, Bellevue, WA, 98009, filed Application No. 76739 to transfer eight water rights with 1962 through 1969 priority dates from the Snake River totaling 40.07 cfs. The purpose of the transfer is to change the point of diversion to a new pumping station, create a permissible place of use to reflect actual irrigation practices, and convert a portion of one water right from irrigation to a wildlife wetland. Three acres of irrigation will be dried up to mitigate for the wildlife use. 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.

Published in the Owyhee Avalanche on August 3rd & 10th, 2011, and the Idaho Statesman, Times News, Post Register, and Lewiston Tribune on August 4th & 11th, 2011.

For a full description of the rights &/or proposed transfers, please see 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. Permits will be subject to all prior water rights. 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 August 22, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim
Director
8/3,10/11

✓ OK DB 9/8/2011

**Proof of Publication
The Post Register**

RECEIVED

AUG 15 2011

State of Idaho
Bonneville County:

WATER RESOURCES
WESTERN REGION

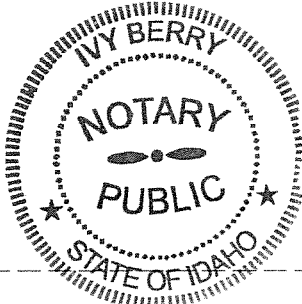
I, ~~Hilary Witt~~ or Staci Dockery, first being duly sworn, depose and say: That I am the Classifieds Manager or Legal Notice Representative of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday 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: **407017**, for **2** consecutive (days) weeks, between **08/04/2011** and **08/11/2011**,

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.

Staci Dockery

Subscribed and sworn to before me, this 11 day of August 2011



Ivy Berry
Notary Public

My Commission expires: 5/25/2013

7/10/13

attached jurat

STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

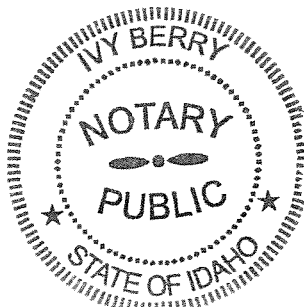
Subscribed and sworn to before me, this 11 day of August 2011, before me, the undersigned, a Notary public for said state, personally appeared ~~Hilary Witt~~ or Staci Dockery, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly 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.

Ivy Berry
Notary Public for The Post Company
Residing at: Idaho Falls

My Commission expires: 5/25/2013

7/10/13



*✓ OK
DB*

PROPOSED CHANGE OF WATER RIGHTS

SV Ranch LLC, c/o Gregory Vik, PO Box 1607, Bellevue, WA, 98009, filed Application No. 76739 to transfer eight water rights with 1962 through 1969 priority dates from the Snake River totaling 40.07 cfs. The purpose of the transfer is to change the point of diversion to a new pumping station, create a permissible place of use to reflect actual irrigation practices, and convert a portion of one water right from irrigation to a wildlife wetland. Three acres of irrigation will be dried up to mitigate for the wildlife use. 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.

Published in the Owyhee Avalanche on August 3rd & 10th, 2011, and the Idaho Statesman, Times News, Post Register, and Lewiston Tribune on August 4th & 11th, 2011.

Please see

[www.idwr.idaho.gov/apps/ExtSearch/WRFiling](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp)

[g.asp](http://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 August 22, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published: August 4 and 11, 2011

(407017)

✓ ok DB 8/29/2011

TRIBUNE PUBLISHING COMPANY, INC

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: 08/11/2011 INVOICE NO. 44545
Account No. 964760
Description 44545 PROPOSED
Times 2 Lines 66
Tab. lines
RECEIVED \$ 94.05
AUG 15 2011 PO# No. 76739

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.

**PROPOSED CHANGE OF
WATER RIGHTS**

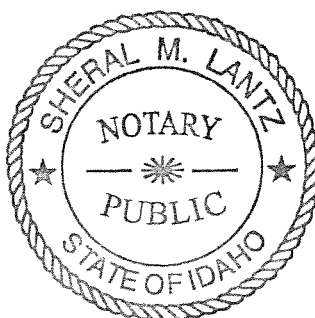
SV Ranch LLC, c/o Gregory Vik, PO Box 1607, Bellevue, WA, 98009, filed Application No. 76739 to transfer eight water rights with 1962 through 1969 priority dates from the Snake River totaling 40.07 cfs. The purpose of the transfer is to change the point of diversion to a new pumping station, create a permissible place of use to reflect actual irrigation practices, and convert a portion of one water right from irrigation to a wildlife wetland. Three acres of irrigation will be dried up to mitigate for the wildlife use. 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.

Published in the Owyhee Avalanche on August 3rd & 10th, 2011, and the Idaho Statesman, Times News, Post Register, and Lewiston Tribune on August 4th & 11th, 2011.

Please 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 August 22, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Interim Director

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✓ OK
DB 8/29/2011

AFFIDAVIT OF PUBLICATION

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 44545 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 08/04, or once a week for 2 consecutive weeks, the first publication thereof being on the 08/04/2011, and the last publication thereof being on the 08/11/2011, and said 44545 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 12th day of Aug 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.

Sheral M. Lantz

Notary Public in and for the State of Idaho,
residing at Lewiston therein
Commission Expires 6/04/15

TRIBUNE PUBLISHING COMPANY, INC

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: 08/11/2011 INVOICE NO. 44545
Account No. 964760
Description 44545 PROPOSED
Times 2 Lines 66
Tab. lines
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GARY SPACKMAN,
Interim Director

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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 _____

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

RECEIVED

AUG 15 2011

WATER RESOURCES
WESTERN REGION

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 4th day of August, 2011 and ending with the issue dated 11th day of August, 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

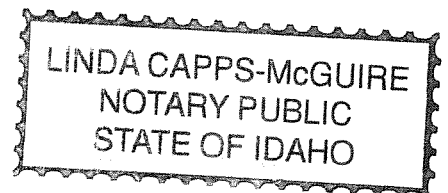
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 11th day of August, 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



✓ OK
DB

PROPOSED CHANGE OF WATER RIGHTS

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GARY SPACKMAN, Interim Director

PUBLISH: August 4 and 11, 2011

✓ OK 8/29/2011

AUG 12 2011

WATER RESOURCES
WESTERN REGION**LEGAL PROOF OF PUBLICATION**

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000562565	LEGAL NOTICE		\$114.45	2	32

Attention: Denise Buffington

IDAHO DEPT WATER RESOURCE

2735 AIRPORT WAY

BOISE ID 83705

**LEGAL NOTICE
PROPOSED CHANGE OF WATER RIGHTS**

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Published in the Owyhee Avalanche on August 3rd & 10th, 2011, and the Idaho Statesman, Times News, Post Register, and Lewiston Tribune on August 4th & 11th, 2011.

Pub: Aug 4, 11, 2011

0000562565-01

✓ OK DB 8/29/2011

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: 08/04/2011Ending issue of: 08/11/2011

Janice Hildreth
(Legals Clerk)

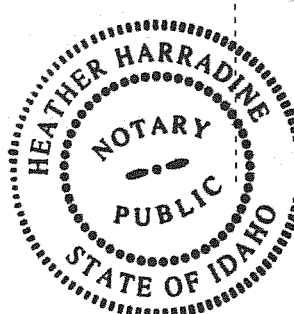
STATE OF IDAHO)
.SS

COUNTY OF ADA)

On this 11 day of August 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.

Heather Harradine
Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

2/08/2014

MEMORANDUM

TO: Transfer No. 76739

FROM: Kay Walker

DATE: July 7, 2011

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to create a permissible place of use (ppu) for Snake River rights, change the point of diversion to a new pumping station, and change the nature of use of a small portion of water for mitigation use in a wildlife pond that may be developed under Application 02-10452.

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.

Summary of Information Submitted

The transfer application is in good form. There are no identified deviations from an acceptable transfer application. Mr. Brockway attached a memo to the transfer application that explains each of the applications submitted. We did find that there a couple of mathematical errors that had to be addressed in order to proceed.

1. After a thorough overlap analysis of the rights involved it was determined that the rights covered only 2050.5 acres rather than 2055.5 as described on page 4 of Mr. Brockways memo dated July 5, 2010. The land in the NWNW, S1, T4S, R1E was decreed under Rt. 02-2357A for 17 acres and again under 02-2357B for 28 acres for a total of 45 acres in the 40 acre tract.
2. When the data entry of the transfer was completed, the computer came up with acres to be irrigated as 2036.4. This is close but not correct. In overlap analysis, and Brockway review of overlap, it was determined that there is overlap of 18 acres within the SENE, S14. This land is covered under Rts. 02-10235 and 02-10244. When overlap analysis of rights before transfer was completed it appeared that the total acres under the rights were 2073.5. I found only 2050.5 acres due to the 18 acres described above and the 5 acres described in item 1 above. $2073.5 \text{ minus } 23 = 2050.5$. This also explains the discrepancy in acres to be irrigated. $2050.5 \text{ acres minus } 34.1 \text{ acres (being transferred to the North under$

Transfer 76738) therefore, ending up with 2016.4 total acres remaining under the water rights.

3. After review of the proposed ppu and government lot plats it was determined that proposal only encompassed 2178 acres, rather than 2193. These corrections do not need to be made to the application form for us to proceed with advertisement of the application.

Authority to File:

The transfer applicant is the owner of each of the water rights involved in the application.

Water Right Validity:

Rights are presumed to be valid because the partial decrees were issued within the past five year period, all signed by the court during 2009.

Injury to Other Water Rights:

The change in point of diversion should not create a problem for any other water users. However, there are still water rights (02-10395, 02-10398, 02-10420 and 02-10422) owned by other parties that will remain at the existing point. The proposed point of diversion will be downstream of the existing point. We may want to advise them of this proposal and solicit their comments in regard to this change. The proposed point of diversion is downstream from a neighboring diversion owned by Nettleton. The applicant has several diversions for other Snake River rights along this same stretch of river. There are 2 instream stock water rights, for the Bureau of Land Management, which have earlier priority dates than the rights involved in the transfer application that should not be impacted since the stock drink directly out of the river.

Enlargement of Use:

The permissible place of use will contain limits to the number of acres originally decreed and as long as the rights are conditioned appropriately there should be no enlargement. The rates of diversion and consumptive use of the rights should not be enlarged since the rights involved in the transfer are each limited to a specific amount of water.

Local Public Interest:

It is in the local public interest to allow a property owner to change their irrigation system to make it more efficient.

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.

Discussion

Data entry affected the correct records. All of the rights have been decreed and migrated into water rights.

Overlapping rights at the existing and proposed POU are rights owned by the applicant. They are proposing to file an additional transfer creating a ppu of the water rights they own from Castle Creek. The transfer application has been submitted, however, it had problems and we are awaiting resolution before proceeding with that review.

I found three acres decreed to Murdochs in the NWNW, S24, T4S, and 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 the proposed point of diversion are discussed above under the injury to other water rights section.

Mitigation is proposed for the pond that may be developed under Application 02-10452. The Snake River rights, even though they have later priority dates of 1969 vintage, would be deliverable in most water years. There is no water master on the Snake River at this time to cut rights when water becomes scarce and therefore they may be mitigation candidates.

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.