

APPLICATION FOR TRANSFER 76412

ORIGINALLY 3 APPLICATIONS

73764

73765

75556

FOR 2 RELATED RESERVOIRS

BLACKHAWK LAKE (FORMERLY UPPER HAIT)

BANANA LAKE (FORMERLY LOWER HAIT)

COMBINED & RENUMBERED BY IDWR AS 76412

NO APPL FORM WITH THIS #

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75556

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST

APR 03 2009

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

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

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

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

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

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Letter from SPF to IDWR re: Amendment to Application 65-23042, dated April 5, 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Blackhawk Partners, LLC Phone 208-630-5070

Mailing address 112 N. 3rd St., McCall, Idaho 83638 Email _____

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

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

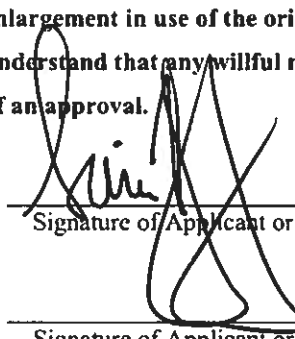
☐ No Representative

Name of Representative SPF Water Engineering, LLC Phone 208-383-4140

Mailing address c/o Jennifer Sukow, 300 E. Mallard Dr., Ste. 350, Boise, ID 83706 Email jsukow@spfwater.com

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

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



Signature of Applicant or Authorized Representative

Signature of Applicant or Authorized Representative

Sima Muroff, Principal, Manager

Print Name and Title if applicable

Print Name and Title if applicable

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☒ Other Remove point of diversion
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. The applicant proposes to change the nature of use from irrigation storage and irrigation from storage to aesthetic storage in Hait Reservoir (now known as "Blackhawk Lake"). This transfer application is filed on a recently decreed late claim, and is associated with pending transfer application no. 73764.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Diversion works consist of 36' dam impounding Hait Reservoir (also known as "Blackhawk Lake"). Diversion works will not change. Point of rediversion in NE SE Sec. 2 T17N R2E will no longer be used for water right 65-12136B. A staff gauge or other device can be installed for measuring reservoir level if required.

b. Who owns the property at the point(s) of diversion? Blackhawk Lake Property Owners Association (BLPOA)
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: This transfer application is submitted in accordance with a legal agreement between the applicant and BLPOA. If the transfer is approved by IDWR, the water right will be conveyed to BLPOA in accordance with the agreement.

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: No

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

d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: The applicant plans to develop a subdivision on the current place of use. The applicant intends to irrigate portions of the place of use using pending permit application 65-23042, water rights 65-7576C and 65-7653E, and the natural flow component of water right 65-7052E as described in the letter addressed to Lori Graves of IDWR, dated April 5, 2007 (Attachment #9).

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: Applicant has submitted similar transfer applications for water rights 65-2946C, 65-7052E, and 65-7535. Water rights 65-7576C, 65-7653E, and permit application 65-23042 also partially overlap the existing place of use for 65-12136B.

Water rights 65-2946B, 65-2946D, 65-7052D, and 65-7052F, which are also diverted at Hait Reservoir, are owned by other parties.

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

Yes No

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

If yes, describe: Not applicable, the SRBA court issued a partial decree for this water right on January 21, 2009.

2009 JAN 22 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-12136B

NAME AND ADDRESS: BLACKHAWK PARTNERS LLC
112 N 3RD ST
MCCALL, ID 83638

SOURCE: DUFFNER CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 584.40 AFY

PRIORITY DATE: 06/15/1978

POINT OF DIVERSION: T17N R02E S02 SENE Within Valley County
NESE (Rediversion)

Right Nos. 65-2946B, 65-2946C, 65-2946D, 65-7052D, 65-7052E, and
65-7052F are also diverted through the point(s) of diversion
described above.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	10-15 TO 06-01	584.40 AFY
	Irrigation from Storage	06-01 TO 10-15	584.40 AFY

PLACE OF USE:	Irrigation from Storage	Within Valley County
T17N R02E S01 LOT 5	(SWNE)23.0	LOT 5 (SENE) 1.0
	SENE 19.0	NESW 40.0
	NWSW 18.0	SWSW 33.0
	SESW 40.0	LOT 8 (NESE) 9.0
LOT 8	(NWSE)40.0	LOT 9 (SWSE)28.0
S12 LOT 2	(NWNE)10.0	LOT 3 (SWNE)14.0
	NENW 40.0	NWNW 31.0
	SWNW 33.0	SENE 40.0
LOT 6	(NESW)10.0	NWSW 9.0
438.0 Acres Total		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

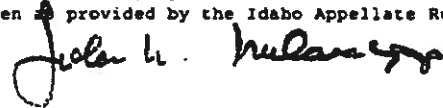
Use of water under this water right will be regulated by the
watermaster of State Water District No. 65.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.

FOR DEPARTMENT USE ONLY

Transfer contains 0 pages and 5 attachments. - 16 tabs
Received by DB Date 4-3-09 Prelim. Check by VLM Date 3/10/2010
Fee Paid \$450- Date 4-3-09 Received by DB Receipt # W037325
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

RECORDING REQUESTED BY
Blackhawk Partners, LLC

AND WHEN RECORDED MAIL TO:
Blackhawk Partners, LLC
112 N. 3rd Street
McCall, ID 83638

Accomodation Recording

Space Above This Line for Recorder's Use Only

WARRANTY DEED

For Value Received, **Blackhawk Partners, LLC**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Blackhawk Lake Property Owners, Inc.**, hereinafter called the Grantee, whose current address is PO Box 2426, McCall, ID 83638, the following described premises, situated in Valley County, Idaho, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Blackhawk Partners, LLC

By: Sima Muroff, Managing Member

Instrument # 323448

VALLEY COUNTY, CASCADE, IDAHO

2007-07-19

12:50:30 No. of Pages: 7

Recorded for: FIRST AMERICAN TITLE

ARCHIE N. BANBURY

Ex-Officio Recorder Deputy Chad Kersile Fee: 21.00

Index to: DEEDS

STATE OF Idaho)
ss.
COUNTY OF Valley)

On this 18 day of July, 2007, before me, a Notary Public in and for said State, personally appeared **Sima Muroff**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Blackhawk Partners, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.

Christina L. Gustafson

Notary Public of Idaho

Residing at: McCall, ID

Commission Expires: 10/27/12

Attachment 2B (10 pages) 2B,

THOMAS W. KERR
PLS 998

KERR SURVEYING
PO Box 853 404 E. Park
McCall, ID 83638
208-634-2686 / Fax 208-634-4042

ROD M. SKIFTUN
PLS 9585

June 6, 2007

BLACKHAWK LAKE PROPERTY OWNERS, INC.
Blackhawk Lake
Meandered Impoundment
97.173 Acres

A parcel of land situate in the N½ of the NE¼, the NE¼ of the SE¼ of the NW¼, and Government Lots 1, 2, and 3 of Section 2, T. 17 N., R. 2 E., and in the SE¼ of the SW¼, and the S½ of the SE¼ of Section 35, T. 18 N., R. 2 E., B.M., Valley County, Idaho, being the meandered body of water impounded by a dam, now known as Blackhawk Lake, more particularly described as follows:

Commencing at a 5/8" rebar marking the Southwest 1/16 Corner of Section 35, T. 18 N., R. 2 E., B.M., Valley County, Idaho, also marking the northwest corner of Open Space Parcel 1, Blackhawk Lake Estates, Phase 2, as shown on the official plat thereof recorded in Book 8, on Page 82 of Plats, in the Office of the Recorder of Valley County, Idaho; thence, S. 89°45'28" E., 721.74 feet along the northerly boundary of said Phase 2, to a 5/8" rebar marking the northeast corner of said Open Space Parcel 1 and the northwest corner of Lot 40, Amended Plat of Blackhawk Lake Estates, Phase 1, as shown on the official plat thereof recorded in Book 8, on Page 54 of Plats, in the Office of the Recorder of Valley County, Idaho; thence, S. 28°00'51" W., 318.53 feet along the boundary common to said Phase 1 and 2, to a 5/8" rebar marking the angle point common to Parcel E, said Phase 1, and Open Space Parcel 2, said Phase 2; thence, S. 00°30'45" W., 191.29 feet along the boundary common to said Phases 1 and 2, to a 5/8" rebar on the northerly meander line of Blackhawk Lake, the **REAL POINT OF BEGINNING**:

Thence, S. 89°29'15" E., 210.48 feet along said meander line of Blackhawk Lake and southerly boundary of said Parcel E,

Thence, continuing along the meander line of Blackhawk Lake and said Parcel E the following courses:

S. 69°29'15" E., 440.00 feet,
N. 68°30'45" E., 440.00 feet,
N. 44°30'45" E., 305.00 feet,
S. 85°29'15" E., 90.00 feet,
S. 25°29'15" E., 230.00 feet,
S. 49°29'15" E., 290.00 feet,
N. 82°30'45" E., 318.00 feet,
S. 37°29'15" E., 47.00 feet,
S. 14°30'45" W., 250.00 feet,

Thence, S. 39°29'15" E., 130.00 feet along said meander line to a 5/8" rebar marking the corner common to said Parcel E and Lot 33 of said Phase 1,

Thence, S. 04°53'06" E., 50.36 feet along said meander line to a 5/8" rebar marking the west corner common to Lots 32 and 33, of said Phase 1,



Blackhawk Lake Meander desc. Cont'd,

Thence, continuing S. 04°53'06" E., 169.88 feet along said meander line to a 5/8" rebar marking the northwest corner of Lot 2, The Reserve at Blackhawk Lake, as shown on the official plat thereof recorded as Instrument No. 301836, in Book 10, on Page 27 of Plats in the Office of the Recorder of Valley County, Idaho,

Thence, continuing in a southerly direction along the meander line and westerly boundary of said plat of The Reserve, the following courses:

S. 08°20'05" W., 22.23 feet,
S. 13°51'14" W., 84.36 feet,
S. 25°54'36" W., 60.27 feet,
S. 18°08'15" W., 69.32 feet,
S. 04°43'54" W., 60.25 feet,
S. 04°10'09" E., 59.25 feet,
S. 04°55'50" E., 80.72 feet,
S. 17°22'54" E., 47.04 feet,
S. 24°48'21" E., 47.74 feet,
S. 43°59'22" E., 55.50 feet,
S. 28°53'22" E., 76.21 feet,

Thence, S. 11°11'08" E., 42.66 feet along said meander line and westerly plat boundary to a 5/8" rebar marking the Southwest corner of said The Reserve, and the northwest corner of Lot 28, of said Phase 1,

Thence, continuing in a southerly direction along the meander line and westerly boundary of the said plat of Phase 1, the following courses:

S. 29°54'00" E., 176.14 feet,
S. 72°29'15" E., 260.00 feet,
S. 01°30'45" W., 290.00 feet,
S. 21°30'45" W., 375.00 feet,
S. 11°30'45" W., 130.00 feet,
S. 09°29'15" E., 90.00 feet,
S. 00°30'45" W., 90.00 feet,

Thence, S. 11°30'45" W., 260.00 feet along said meander line to a 5/8" rebar marking the corner of Lot 21, of said Phase 1,

Thence, S. 28°29'15" E., 28.15 feet along said meander line to a 5/8" rebar on the westerly boundary of said Lot 21, near the northeast corner of the dam,

Thence, S. 88°55'44" W., 392.07 feet along the north side of the dam,

Thence, N. 65°02'14" W., 77.69 feet to a point on the centerline of the overflow channel,

Thence, N. 36°34'11" W., 66.52 feet along said meander line,

Thence, continuing in a northwesterly and westerly direction along said meander line the following courses:

N. 43°39'15" W., 251.65 feet,
N. 34°35'58" W., 156.30 feet,
N. 70°27'29" W., 137.39 feet,
N. 54°51'57" W., 138.56 feet,
N. 46°00'40" W., 165.43 feet,
N. 47°29'22" W., 112.00 feet,
N. 81°33'09" W., 70.25 feet,

Blackhawk Lake Meander desc. Cont'd,

S. 70°45'29" W., 77.24 feet,
S. 33°10'43" W., 64.12 feet,
S. 62°43'24" W., 49.54 feet,
S. 26°17'41" W., 65.23 feet,

Thence, S. 80°18'09" W., 44.43 feet along said meander line to the northeast corner of Future Phases 3 and 4, Blackhawk Lake Estates, presently unplatted,

Thence, continuing along said meander line and northerly boundary of said Future Phases 3 and 4, the following courses:

N. 61°59'02" W., 37.96 feet,
S. 60°02'38" W., 53.63 feet,
N. 18°03'37" W., 45.55 feet,
S. 72°11'36" W., 77.61 feet,
S. 28°53'40" W., 50.70 feet,
S. 81°42'45" W., 100.04 feet,
N. 61°00'33" W., 85.08 feet,
N. 47°13'05" W., 101.27 feet,
N. 45°35'10" W., 90.32 feet,
N. 23°38'52" W., 59.91 feet,
N. 03°34'13" E., 50.58 feet,
N. 25°07'47" W., 92.47 feet,
N. 22°20'33" W., 100.44 feet,
N. 11°26'28" E., 94.15 feet,
N. 87°29'46" W., 104.29 feet,
N. 18°26'06" W., 75.56 feet,
N. 29°18'38" E., 121.57 feet,

Thence, N. 08°17'59" E., 132.95 feet along said meander line and future phase boundary to a 5/8" rebar marking the southeast corner of Open Space Parcel 3, said Blackhawk Lake Estates, Phase 2,

Thence, continuing along said meander line and Phase 2 boundary, the following courses:

N. 31°56'52" E., 149.42 feet,
N. 39°32'45" E., 151.35 feet,
S. 60°40'36" E., 44.96 feet,
N. 41°35'22" E., 29.03 feet,
S. 72°33'26" E., 186.73 feet,
S. 74°09'31" E., 251.42 feet,
S. 84°48'37" E., 154.88 feet,
N. 69°19'35" E., 140.27 feet,
N. 26°00'32" E., 162.72 feet,
N. 19°46'43" E., 96.94 feet,
N. 15°46'21" W., 94.35 feet,
N. 38°38'35" W., 179.59 feet,
N. 46°45'14" W., 91.85 feet,
N. 65°36'20" W., 182.90 feet,
N. 88°04'54" W., 163.00 feet,
N. 63°10'29" W., 100.08 feet,
N. 36°11'56" W., 289.08 feet,

Blackhawk Lake Meander desc. Cont'd,

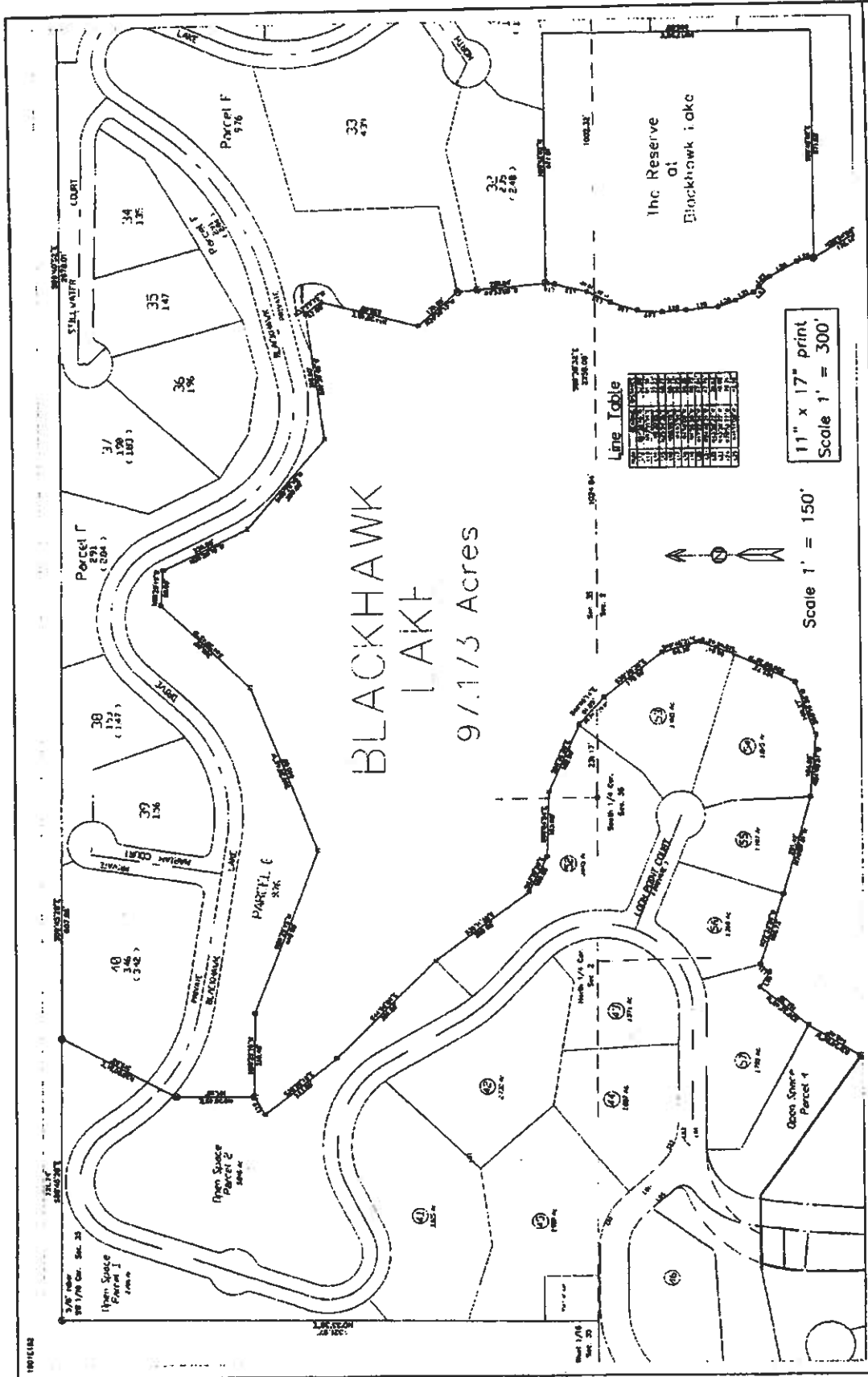
N. 44°59'04" W., 351.82 feet,

N. 38°52'15" W., 223.00 feet,

Thence, N. 61°30'45" E., 52.00 feet along said meander line and Phase 2 boundary, to the Point of Beginning, containing 97.173 acres.

Bearings based on Plat of Blackhawk Ranch, Phase I, Book 8, Page 83 of Plats.

SD



SITE SKETCH

Valley County, State of Idaho

BLACKHAWK LAKE

Situate in
Don't Lots 1, 2, and 3, N1/2 NE1/4,
and the NE1/4 SE1/4 NW1/4 of Section 2, T. 17 N., R. 2 E.,
SE1/4 SW1/4, and the S1/2 SE1/4
of Section 35, T. 18 N., R. 2 E., 8M.

Surveyed by
KERR SURVEYING
MCCALL, IDAHO
MAY 2007

LEGEND:

- o calc. point, no monument set
- found 5/8" rebar
- found monument as noted

SHEET 1 OF 2



NOTES:

This drawing is being prepared to show the courses from a preserved description for the remainder of Blackhawk Lake.

The remainder line follows the existing plat boundaries and the existing shoreline as shown on aerial photography.

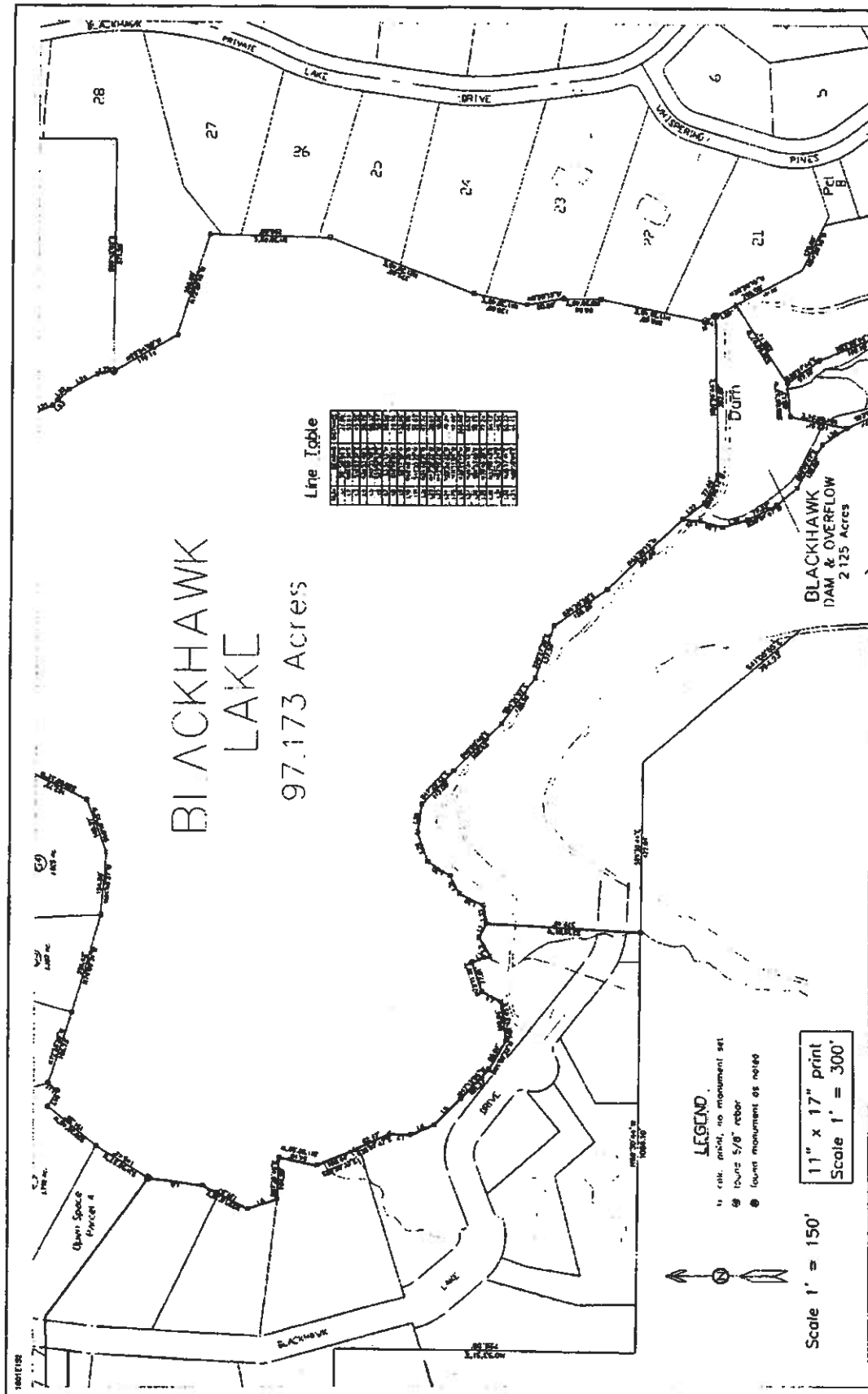
I, Rod M. Skiffum, a Professional Land Surveyor, do hereby certify that this sketch was prepared from aerial photography, existing plats, and previous survey data. No field work was performed for this survey. Only monuments known to exist by me were noted.

11" x 17" print,
Scale 1" = 300'

Scale 1" = 150'

Line Table

1	112° 15' 00"	100.00	S 75° 00' 00" E
2	108° 00' 00"	100.00	S 75° 00' 00" E
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16	108° 00' 00"	100.00	S 75° 00' 00" E
17	108° 00' 00"	100.00	S 75° 00' 00" E
18	108° 00' 00"	100.00	S 75° 00' 00" E
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99	108° 00' 00"	100.00	S 75° 00' 00" E
100	1		



SITE SKETCH
Valley County, State of Idaho

RECORDING REQUESTED BY
Blackhawk Partners, LLC

AND WHEN RECORDED MAIL TO:
Blackhawk Partners, LLC
112 North 3rd Street
McCall, ID 83638

Instrument # 328493

VALLEY COUNTY, CASCADE, IDAHO
2008-01-16 04:37:41 No. of Pages: 3
Recorded for: BLACKHAWK LAKE PROPERTY OWNERS
ARCHIE N. BANBURY Fee: 3.00
Ex-Officio Recorder Deputy *[Signature]*
Index to: DESOS

Instrument # 327636
COUNTY, CASCADE, IDAHO
2007-12-14 11:30:25 No. of Pages: 3
Recorded for: BLACKHAWK LAKE PROPERTY OWNERS
ARCHIE N. BANBURY Fee: 3.00
Ex-Officio Recorder Deputy *[Signature]*
Index to: DESOS

Space Above This Line for Recorder's Use Only

WARRANTY DEED

Date: December 13, 2007

For Value Received, Blackhawk Partners, LLC, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Blackhawk Lake Property Owners, Inc., hereinafter called the Grantee, whose current address is P.O. Box 2426, McCall, Idaho 83638, the following described premises, situated in Valley County, Idaho, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

*This is to replace the previously signed & recorded deed,
that was lost. @*

Blackhawk Partners, LLC

[Signature]
By: Silma Muroff, Managing Member

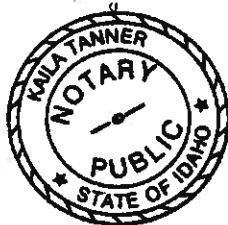
STATE OF Idaho)

ss.

COUNTY OF Valley)

On this 12/13/07 before me, a Notary Public in and for said State, personally appeared Silma Muroff, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the Blackhawk Partners, LLC, which is known or identified to me to be the entity whose name is subscribed to the within Instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.

Karla Tanner
Notary Public of Idaho
Residing at: McCall, Idaho
Commission Expires: 05/27/2011



@ 12/13/07

THOMAS W. KERR
PLS 998

KERR SURVEYING
PO Box 853 404 E. Park
McCall, ID 83638
208-634-2686 / Fax 208-634-4042

ROD M. SKIFTUN
PLS 9585

May 18, 2007

BLACKHAWK LAKE PROPERTY OWNERS, INC.
Blackhawk Lake Dam
2.128 Acres

A parcel of land situate in the SE¼ of the NE¼ of Section 2, T. 17 N., R. 2 E., B.M., Valley County, Idaho, being the earth filled dam and overflow spillway area impounding the body of water known as Blackhawk Lake (formerly Hait Reservoir), more particularly described as follows:

Commencing at a brass cap marking the Center East 1/16 Corner of Section 2, T. 17 N., R. 2 E., B.M., Valley County, Idaho, as shown on that particular Record of Survey, recorded in Book 1, on Page 160 of Surveys, in the Office of the Recorder of Valley County, Idaho; thence, S. 89°33'21" E., 354.92 feet along the northerly boundary of the NE¼ of the SE¼ of said Section 2, to the westerly meander line of Blackhawk Pond; thence, N. 23°08'58" W., 118.38 feet along said meander line of Blackhawk Pond (aka. Banana Pond), the **REAL POINT OF BEGINNING**:

Thence, N. 35°19'30" W., 73.93 feet departing from the meander of said Pond,
Thence, N. 60°10'47" W., 126.08 feet,
Thence, N. 40°56'56" W., 63.19 feet,
Thence, N. 28°01'47" W., 79.52 feet,
Thence, N. 16°49'59" W., 62.63 feet,
Thence, N. 15°56'43" E., 55.10 feet,
Thence, N. 04°46'29" E., 44.63 feet to the meander line of Blackhawk Lake,
Thence, S. 36°34'11" E., 66.52 feet along said meander line to the centerline of the overflow channel,
Thence, S. 65°02'14" E., 77.69 feet along said meander to the north side of the dam,
Thence, N. 88°55'44" E., 392.07 feet along said dam to the westerly boundary of Lot 21, Amended Plat of Blackhawk Lake Estates, Phase I, as shown on the official plat thereof recorded in Book 8, on Page 54 of Plats, in the Office of the Recorder of Valley County, Idaho,
Thence, S. 28°29'15" E., 55.97 feet along said westerly lot boundary,
Thence, S. 56°56'07" W., 226.14 feet to the meander line of Blackhawk Pond,
Thence, S. 85°06'53" W., 82.13 feet along said meander,
Thence, S. 11°00'24" W., 142.51 feet along said meander to the Point of Beginning, containing 2.128 acres, more or less.

Bearings based on Plat of Blackhawk Ranch, Phase I, Book 8, Page 83 of Plats.



I, Rod M. Stiffun, a Professional Land Surveyor, do hereby certify that this sketch was prepared from aerial topography, existing plots, and previous survey data. No field work was performed for this survey. Only monuments known to exist by me were noted.

LEGEND

- ① cdc spot, no monument set
- ② found 5/8" rebar
- ③ found monument as noted



Scale 1" = 100'

11" x 17" print

Scale 1" = 200'

NOTES

This drawing is being prepared to show the courses from a prepared description for the monument of Blackhawk Pond and the dam structures. The monomer line refers the existing plot boundaries and the existing shoreline as shown on aerial topography.

SITE SKETCH

Valley County, State of Idaho

BLACKHAWK POND & DAMS

Subdivided in

Gov't Lots 1, 2, and 3, N1/2 NE1/4,

and the NE1/4 SE1/4 NW1/4 of Section 2, T. 17 N., R. 2 E.,

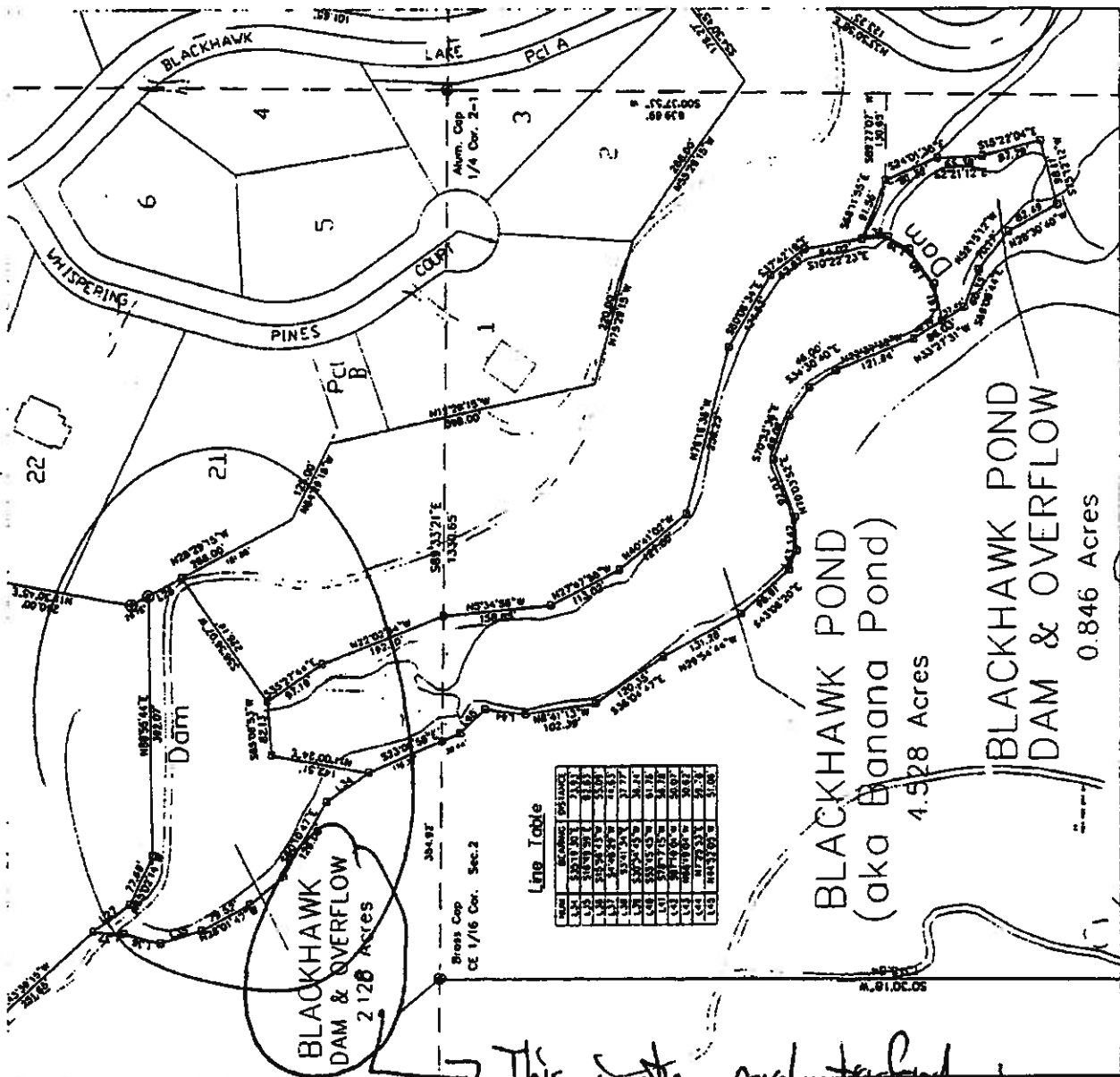
SE1/4 SW1/4, and the S1/2 SE1/4

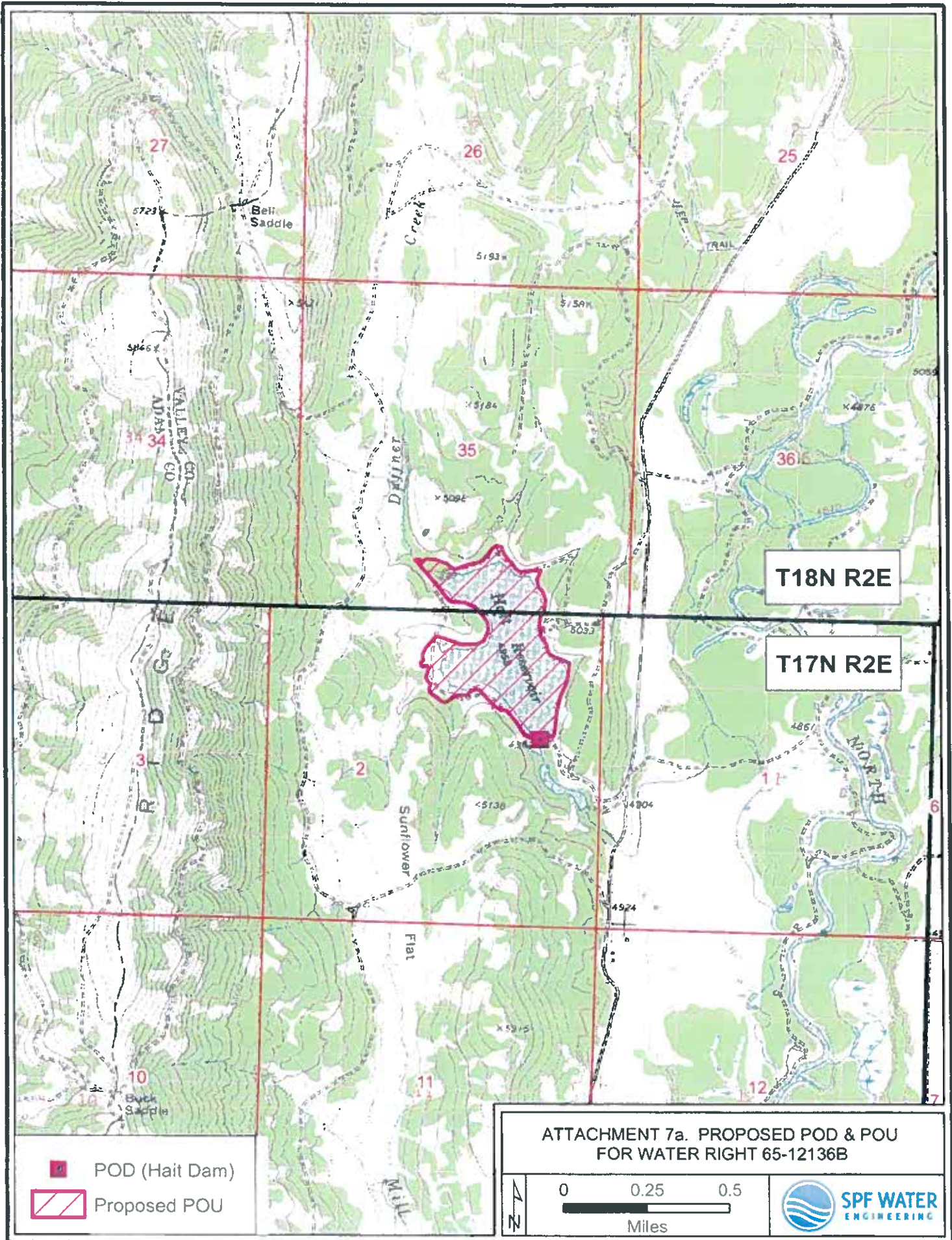
of Section 35, T. 18 N., R. 2 E., B.M.

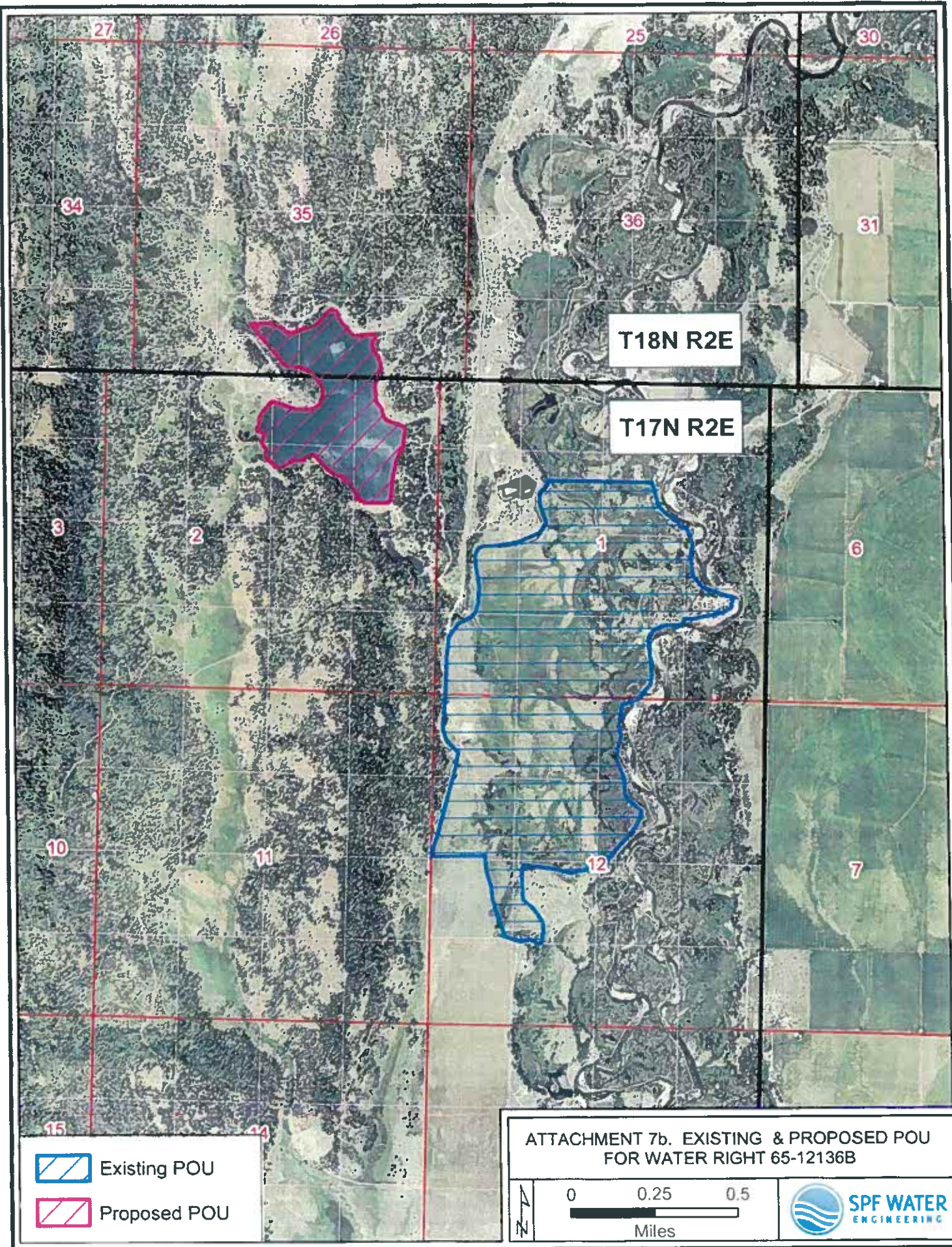
Surveyed by Rod M. Stiffun, Professional Land Surveyor, No. 9385, State of Idaho.

KCR Surveying, Inc., Boise, Idaho

MAY 2007







Attachment #8a to Application for Transfer of 65-12136B

The proposed change in nature of use is not expected to result in an enlargement or increased consumptive use. Water stored in Hait Reservoir would have historically provided irrigation for the existing place of use when other partially overlapping water rights were seasonally unavailable. After the proposed transfer is completed, the consumptive use associated with use of stored water for irrigation purposes will be eliminated. Consumptive use due to evaporation loss from the reservoir will continue to occur and may be slightly greater than when the reservoir level was lower part of the year, but the overall consumptive use under this water right is expected to be less than when stored water was used for irrigation.



SPF Water Engineering, LLC
water resource consultants

April 5, 2007

Lori Graves
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Amendments to Applications for Permit 65-23042 and 65-23043 – Blackhawk Partners, LLC

Dear Ms. Graves:

Enclosed on behalf of Blackhawk Partners, LLC is an amended application for domestic, irrigation, and fire protection use at the proposed Blackhawk development in Valley County, Idaho. The original application was submitted to IDWR on May 9, 2006 and has not yet been advertised. A previous amendment to the application was submitted on February 8, 2007. The application number is 65-23042. Also enclosed are two amended applications for permit application 65-23043. A separate application for each pond and a proposed mitigation plan are provided per your comments.

The purpose of the attached amendment to 65-23042 is to change points of diversion, place of use, and allow for potential development of two separate public water systems. The applicant plans to construct a separate public water system for developments on the south end of the Blackhawk property if adequate well capacity can be developed in NE SE Section 1, T17N R2E. If adequate well capacity cannot be developed in that section, the proposed place of use will be served from existing wells located in the SE SE Section 25, T18N R2E and will be connected to the existing public water system at Blackhawk on the River. The final design of the public water system(s) is dependent on available well capacity and cannot be determined until wells are drilled in the NE NE Section 1, T17N R2E.

As mentioned in my February 8, 2007 letter, the intent of the permit application is to apply for groundwater as the sole water source for irrigation of residential lots served by the public water system. Irrigation of residential lots will be limited by the subdivision's governing documents to less than 1/2-acre per lot. The applicant does not believe it is feasible to construct a separate pressurized irrigation system to deliver appurtenant surface water to residential lots for the following reasons.

- 1) The applicant and the Blackhawk Lake Property Owners Association (BLPOA) have agreed that the applicant will file a transfer application to change the nature of use of the storage components of water rights 65-2946C, 65-7052E, and 65-7535 to aesthetic and recreation storage. Members of the BLPOA purchased homes along Blackhawk Lake (Hait Reservoir) from a prior developer with the apparent understanding that

Blackhawk Lake and Banana Lake (Lower Hait Reservoir) would be maintained as aesthetic and recreational amenities. The prior developer did not obtain a transfer to change the nature of use of the water rights associated with these reservoirs. This transfer application was submitted to IDWR on April 5, 2007.

- 2) Other surface water appurtenant to the area served by the public water system includes natural flow from Duffner Creek (65-7052E), dispersed springs (65-7576C), and natural flow from the Payette River (65-7653E). These sources are not expected to provide a reliable water source for most of the irrigation season due to limited seasonal availability from Duffner Creek and the springs. The Payette River water right has at most a 7-acre overlap with the proposed public water system place of use. Water right 65-7653E is also a junior water right (8/24/1976) and is commonly not in priority for much of the irrigation season.
- 3) The applicant will have to provide irrigation water from groundwater sources to provide a reliable water source to homeowners throughout the irrigation season. This water can most effectively be delivered through the potable water system. The additional cost to construct a separate pressurized irrigation system for the residential lots is expected to be approximately \$1.1 million. A separate pressurized irrigation system would also add to ongoing operation and maintenance costs for the homeowner's association. Given the apparent limited seasonal availability of the appurtenant surface water rights, it is not economically feasible to provide a separate pressurized irrigation system to deliver water to homeowners for a few weeks each year.

The applicant does intend to continue irrigating common areas using surface water rights 65-7576C and 65-7653E, and to resume irrigation of common areas using natural flow from Duffner Creek (65-7052E). Irrigation of common areas from surface water can be accomplished with limited improvements to existing infrastructure. Irrigation of common areas when surface water is seasonally unavailable can be accomplished by purchasing surface water from the Water District 65 Rental Pool when available. Rental pool water can be delivered to common areas using the same infrastructure.

On behalf of Blackhawk Partners, LLC, SPF Water Engineering requests that application 65-23042 be processed as an application to appropriate groundwater as the sole water source for irrigation of the proposed residential lots, and that any language requiring use of surface water sources for irrigation of residential lots be omitted from the permit. We also request that the application be processed independent of the aforementioned transfer application to minimize delays to construction of the proposed project.

April 5, 2007

A check for \$290 is enclosed to cover the balance of the application fees for these permits. The total application fee for the amended permits is \$990 (\$140 for the public water system application, and \$290 for each of the pond applications). A total of \$700 was paid for filing of the original applications.

Sincerely,



Jennifer S. Sukow, P.E., P.G.
Senior Project Engineer

cc: Sima Muroff, Blackhawk Partners, LLC
Dave Powell, P.E., RiveRidge Engineering Co.