

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR TRANSFER # 73904 IN THE)
NAME OF TUMBLEWEED)
DEVELOPMENT GROUP LLC)**
_____)

**PRELIMINARY ORDER
REJECTING APPLICATION**

FINDINGS OF FACT

1. On May 23, 2007, Tumbleweed Development Group LLC filed an application for transfer with the Idaho Department of Water Resources (IDWR).
2. IDWR sought additional information from the applicant on three (3) separate occasions. The first requested was made on June 18, 2008. The second request was made on July 24, 2008. The applicant was given a thirty (30) day deadline from that date to provide the requested information. A third and final request was made on September 3, 2008. To date, IDWR has not received a response or the requested information from the applicant.

CONCLUSIONS OF LAW

1. Idaho Code (IC)§ 42-204 and the Rules and Regulations of IDWR state that if an applicant does not submit the requested information to IDWR within the allotted time frame, IDWR may reject the application.
2. Tumbleweed Development Group LLC failed or refused to provide the requested information to IDWR. The application should be rejected.

ORDER

***IT IS HEREBY ORDERED that Application for Transfer #73904 in the name of
Tumbleweed Development Group LLC be REJECTED.***

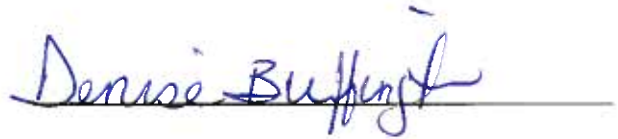
Dated this 23rd day of October, 2008



John Westra
Manager, Western Regional Office

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of October 2008, I mailed a true and correct copy of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

A handwritten signature in blue ink, reading "Denise Buffington", is written over a horizontal line.

Denise Buffington
Administrative Assistant

TUMBLEWEED DEVELOPMENT GROUP LLC
PO BOX 161
PAYETTE ID 83661

REJECTED

RECEIVED

Transfer No. 12904

MAY 24 2007

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHTS

Post Office address P.O. Box 161, Pavette, ID 83661 RECEIVED

RECEIVED

MAY 23 2007

DEPARTMENT OF
WATER RESOURCES

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes The applicant desires to subdivide its property and pump water into a pressurized system for the whole subdivision.

<u>1. Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
65-2455	2-23-1945	1.3 cfs	irrigation	to
				to
				to
				to

2. Total amount of water being transferred 1.3 cubic feet per second and/or acre-feet per annum.

3. Source of water groundwater tributary to

4. Point(s) of Diversion:

Lot	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	SW	26	9N	5W	Payette
		NE	SW	26	9N	SW	Payette
							Vistair Well

5. Lands irrigated or place of use:

[illegible]

Total Acres	70.04
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PART 1

6. General Information:

- a. Description of diversion system Existing well with 40 hp motor and 800 gal/min capacity with existing lines. Well #2 has capacity of 325 gal/min and existing irrigation lines.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The applicant is developing the property into a single family residential subdivision. The purpose of the transfer is to allow applicant to use its existing water rights for pressurized irrigation for the 70 acre subdivision. Therefore, applicant expects little affect on the land
- d. Remarks:
A copy of the subdivision plat along with a legal description for the property is attached.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No.

And the said application is hereby , subject to the following conditions:

Witness my hand this day of , 20 .

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:
- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 65-2455 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.
2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water groundwater tributary to _____
4. Date of priority 2/23/1945

5. Water is used for the following purposes:
- | | | | | | | | |
|-------------|---------|-----|------------|---------------|------|----|-------|
| amount | 1.3 cfs | for | irrigation | purposes from | 3/15 | to | 11/15 |
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |
| amount | | for | | purposes from | | to | |
| (cfs/ac-ft) | | | | | | | |

6. Total amount of water under right 1.3 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

[illegible]

8. Lands irrigated or place of use:

[illegible]

Total Acres	78
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9. Describe any other water rights used for the same purpose as described above: N/A

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) Total Acres remainder

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

Scale: 2 inches equal 1 mile. Draw plan in ink.

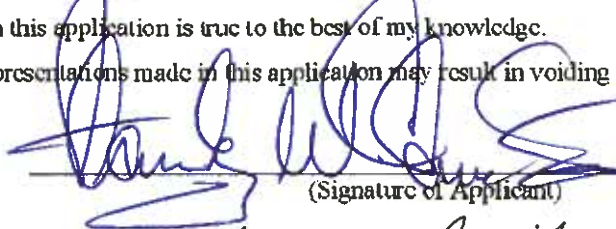
PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
 _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

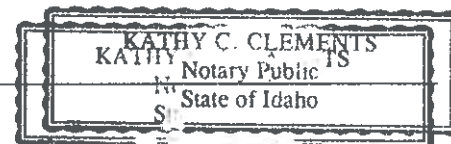
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.


 (Signature of Applicant)

Subscribed and sworn to before me this 25th day of April, 20 07.


 (Notary Public)



My commission expires 6/30/12 **MY COMMISSION EXPIRES**
June 30, 2012
 BONDED THRU NOTARY PUBLIC UNDERWRITERS

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments
 Received by AMB Date 5.23.07 Protest filed by _____
 Prelim. Check by _____ Fee _____
 Received by AMB/CO84184 Date 5.23.07
 Published in _____ Copies of protest forwarded by _____
 Pub. Dates _____ Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
 _____ received _____ by _____

Copy of transfer sent to lien holder _____

Idaho Department of Water Resources

Claim Number: 65-02455

Legal: T09N, R05W, S26

Reviewed By:

● Point of Diversion



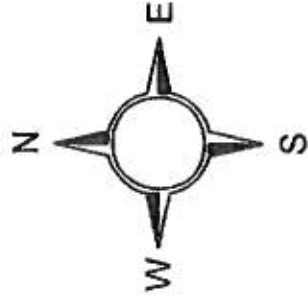
Place of Use



Section Lines



Quarter Quarter Lines



1987 Napp Photo

0 0.25 0.5 0.75 1 Miles

329916
WARRANTY DEED

P20398

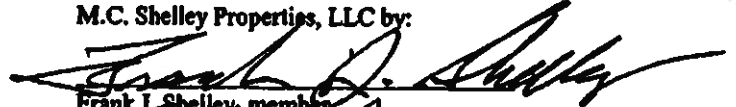
For Value Received, M.C. Shelley Properties, LLC, an Idaho Limited Liability Company, and Franklin Jefferson Shelley, a married man as his his sole and separate property, the Grantors, do hereby grant, bargain, sell and convey unto
Tumbleweed Development Group, LLC
an Idaho Limited Liability Company
whose address is PO Box 161, Payette, ID 83661,
the Grantee, the following described premises, to-wit:

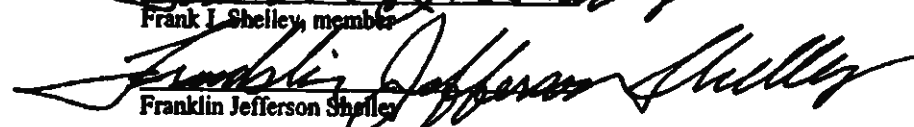
SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE.

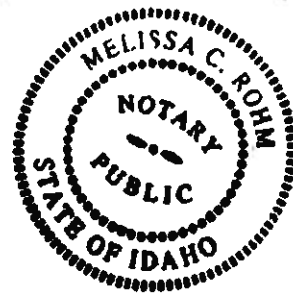
TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 2005 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: September 30, 2005

M.C. Shelley Properties, LLC by:


Frank I. Shelley, member


Franklin Jefferson Shelley



State of Idaho)

ss

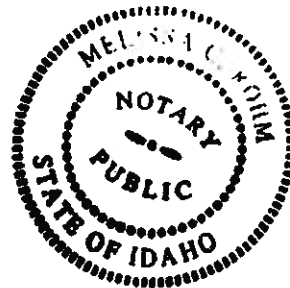
County of Payette)

On this 3rd day of October, 2005 before me Melissa C. Rohm, a notary public in and for said State, personally appeared Franklin Jefferson Shelley known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public

Residing at: Payette, ID

Commission Expires: 09-03-2011

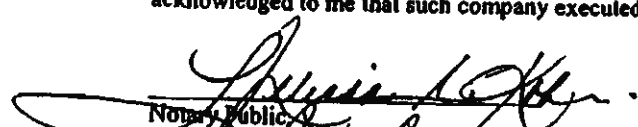


State of Idaho)

ss

County of Payette)

On this 3rd day of October, 2005 before me Melissa C. Rohm, a notary public in and for said State, personally appeared Frank Jefferson Shelley known to me to be a member of the Limited Liability Company that executed the within instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.


Notary Public

Residing at: Payette, ID

Commission Expires: 09-03-2011

Instrument # 329916

PAYETTE COUNTY

2005-10-05 04:08:00 No. of Pages: 4

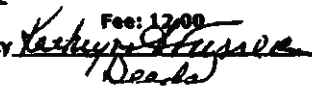
Recorded for: AMERITITLE

BETTY J DRESSEN

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 12.00



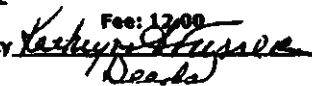


EXHIBIT A

Parcel I

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

**In Section 26: The SW1/4SW1/4 EXCEPTING the South 652.87 feet of the West 717.3 feet thereof;
ALSO EXCEPTING the North 653.83 feet of the West 738.28 feet;**

ALSO EXCEPT a tract of land in the SW1/4SW1/4 described as follows:

**Commencing at the Northwest corner of said SW1/4SW1/4;
Thence North 89°40'40" East along the North boundary of said SW1/4SW1/4 a distance of
738.28 feet to the TRUE POINT OF BEGINNING;
Thence South 0°26'00" East along a line parallel with the said West boundary a distance of
654.70 feet;
Thence North 89°29'06" East, a distance of 586.60 feet;
Thence North 0°26'00" West a distance of 652.73 feet;
Thence South 89°40'40" West along the North boundary of said SW1/4SW1/4 a distance of
586.6 feet to the TRUE POINT OF BEGINNING.**

Parcel II

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 26:

**A tract of land situated in the SE1/4SW1/4 described as follows:
Commencing at the Southeast corner of said SE1/4SW1/4;
Thence South 89°28'30" West and coincident with the South line of said SE1/4SW1/4 1273.18
feet to the Point of Beginning;
Thence North 00°24'08" West 328.51 feet;
Thence North 89°26'30" West 25.00 feet;
Thence North 1°34'29" West 973.80 feet to a point on the North line thereof;
Thence South 89°40'13" West and coincident with said North line 8.19 feet to the Northwest
corner of said SE1/4SW1/4;
Thence South 0°24'08" East and coincident with the West line thereof 1302.18 feet to a point
on the South line of said SE1/4SW1/4;
Thence North 89°28'30" East and coincident with said South line 52.30 feet to the Point of
Beginning.**

**AND a parcel of land situated in the SE1/4SW1/4 and SW1/4SE1/4 more particularly described as
follows:**

**Beginning at the South Quarter corner of said Section 26;
Thence North 00°22'17" West and coincidental with the East line of SE1/4SW1/4 of said
Section, 25.00 feet to the TRUE POINT OF BEGINNING;
Thence South 89°28'30" West, 1273.18 feet;
Thence North 00°24'08" West 303.51 feet;
Thence North 89°28'30" West 25.00 feet;
Thence North 01°34'29" West 973.80 feet;
Thence North 89°40'13" East, and coincident with the North line of said SE1/4SW1/4 1317.99
feet;**

Thence South 89°55'39" East and coincidental with the North line of said SW1/4SE1/4 1321.39 feet;

Thence South 00°15'53" East and coincidental with the East line of said SW1/4SE1/4 676.73 feet;

Thence North 89°45'00" West 290.4 feet and parallel with the South line of said Section;

Thence South 00°15'53" East and parallel with the East line of said SW1/4SE1/4 600.00 feet;

Thence North 89°45'00" West 1027.94 feet to the TRUE POINT OF BEGINNING.

SAVE AND EXCEPT the West 50 feet of the SW1/4SE1/4.

AND EXCEPTING FROM BOTH PARCEL I and II the following described parcel:

A portion of the SW1/4SW1/4 and of the SE1/4SW1/4 of Section 26, Township 9 North, Range 5 West of the Boise Meridian and is more particularly described as follows:

Commencing at the Southeast corner of said SE1/4SW1/4;

Thence South 89°28'30" West along the Southerly boundary of said SE1/4SW1/4 a distance of 1273.18 feet to the TRUE POINT OF BEGINNING;

Thence continuing South 89°28'30" West a distance of 186.02 feet along said Southerly boundary and along the Southerly boundary of said SW1/4SW1/4;

Thence North 0°28'00" West parallel with the Easterly boundary of said SW1/4SW1/4 a distance of 328.51 feet;

Thence North 89°28'30" East parallel with said Southerly boundary of said SW1/4 a distance of 186.02 feet;

Thence South 0°28'00" East parallel with said Easterly boundary of said SW1/4SW1/4 a distance of 328.51 feet to the TRUE POINT OF BEGINNING

FURTHER EXCEPTING FROM PARCEL II:

Township 9 North, Range 5 West, B.M., Payette County, Idaho:

Section 26: A portion of the SW1/4SE1/4 more particularly described as follows:

Commencing at the South Quarter corner of said Section:

thence North 00°22'17" West and coincident with the West line of the Southwest Quarter of the Southeast Quarter of said Section 26 a distance of 25.00 feet;

thence South 89°45'00" East and parallel with the South line of said Southwest Quarter of the Southeast Quarter, 1027.94 feet;

thence North 00°25'53" West and parallel with the East line of said Southwest Quarter of the Southeast Quarter, 600 feet to the True Point of Beginning;

thence South 89°45'00" East and parallel with the South line of said Southwest Quarter of the Southeast Quarter, 290.40 feet;

thence North 00°25'53" West along the East line of said SW1/4SE1/4 a distance of 676.73 feet, more or less, to the NE corner of said SW1/4SE1/4;

thence North 89°45'00" West along the North line of said SW1/4SE1/4 290.40 feet;

thence South 00°25'53" East a distance of 676.73 feet, more or less, to the True Point of Beginning.

FURTHER EXCEPTING FROM PARCEL II:

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 26: A parcel of land situated in the SW1/4SE1/4, more particularly described as follows:
Beginning at the South 1/4 corner of said Section 26;

Order No. 0020398

329916

thence North $00^{\circ}22'17''$ West and coincidental with the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section, 25.00 feet;
thence South $89^{\circ}45'00''$ East 1027.94 feet to the True Point of Beginning;
thence North $00^{\circ}15'53''$ West and parallel with the East line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ 500.00 feet;
thence North $89^{\circ}45'00''$ West 500.00 feet;
thence South $00^{\circ}15'53''$ East and parallel with the East line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ 500.00 feet;
thence South $89^{\circ}45'00''$ East 500.00 feet to the True Point of Beginning.

Parcel III

Lot 1 of Block 4 of the Replat of Vistair Subdivision as set forth on the Official Plat, Book 5, Page 46, Plat Records, Payette County, Idaho.

329917

WARRANTY DEED

P20398

For Value Received, Melita Ellen Shelley, an unmarried woman, the Grantor, does hereby grant, bargain, sell and convey unto Tumbleweed Development Group, LLC an Idaho Limited Liability Company whose address is PO Box 161, Payette, ID 83661, the Grantee, the following described premises, to-wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 2005 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

Melita Ellen Shelley
Melita Ellen Shelley

Instrument # 329917

PAYETTE COUNTY

2005-10-05

04:10:00 No. of Pages: 4

Recorded for: AMERITITLE

BETTY J DRESSEN

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 12.00

State of Idaho)

ss

County of Bonner)

On this 4 day of September, 2005 before me Melita Ellen Shelley a notary public in and for said State, personally appeared Melita Ellen Shelley known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Emily Wohali
Notary Public

Residing at: Sandpoint, Idaho

Commission Expires: 9/9/2011



EXHIBIT A

Parcel I

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 26: The SW1/4SW1/4 EXCEPTING the South 652.87 feet of the West 717.3 feet thereof;
ALSO EXCEPTING the North 653.83 feet of the West 738.28 feet;

ALSO EXCEPT a tract of land in the SW1/4SW1/4 described as follows:

Commencing at the Northwest corner of said SW1/4SW1/4;
Thence North 89°40'40" East along the North boundary of said SW1/4SW1/4 a distance of
738.28 feet to the TRUE POINT OF BEGINNING;
Thence South 0°26'00" East along a line parallel with the said West boundary a distance of
654.70 feet;
Thence North 89°29'06" East, a distance of 586.60 feet;
Thence North 0°26'00" West a distance of 652.73 feet;
Thence South 89°40'40" West along the North boundary of said SW1/4SW1/4 a distance of
586.6 feet to the TRUE POINT OF BEGINNING.

Parcel II

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 26:

A tract of land situated in the SE1/4SW1/4 described as follows:

Commencing at the Southeast corner of said SE1/4SW1/4;
Thence South 89°28'30" West and coincident with the South line of said SE1/4SW1/4 1273.18
feet to the Point of Beginning;
Thence North 00°24'08" West 328.51 feet;
Thence North 89°26'30" West 25.00 feet;
Thence North 1°34'29" West 973.80 feet to a point on the North line thereof;
Thence South 89°40'13" West and coincident with said North line 8.19 feet to the Northwest
corner of said SE1/4SW1/4;
Thence South 0°24'08" East and coincident with the West line thereof 1302.18 feet to a point
on the South line of said SE1/4SW1/4;
Thence North 89°28'30" East and coincident with said South line 52.30 feet to the Point of
Beginning.

AND a parcel of land situated in the SE1/4SW1/4 and SW1/4SE1/4 more particularly described as follows:

Beginning at the South Quarter corner of said Section 26;
Thence North 00°22'17" West and coincidental with the East line of SE1/4SW1/4 of said
Section, 25.00 feet to the TRUE POINT OF BEGINNING;
Thence South 89°28'30" West, 1273.18 feet;
Thence North 00°24'08" West 303.51 feet;
Thence North 89°28'30" West 25.00 feet;
Thence North 01°34'29" West 973.80 feet;
Thence North 89°40'13" East, and coincident with the North line of said SE1/4SW1/4 1317.99
feet;

Thence South 89°55'39" East and coincidental with the North line of said SW1/4SE1/4 1321.39 feet;
Thence South 00°15'53" East and coincidental with the East line of said SW1/4SE1/4 676.73 feet;
Thence North 89°45'00" West 290.4 feet and parallel with the South line of said Section;
Thence South 00°15'53" East and parallel with the East line of said SW1/4SE1/4 600.00 feet;
Thence North 89°45'00" West 1027.94 feet to the TRUE POINT OF BEGINNING.

SAVE AND EXCEPT the West 50 feet of the SW1/4SE1/4.

AND EXCEPTING FROM BOTH PARCEL I and II the following described parcel:

A portion of the SW1/4SW1/4 and of the SE1/4SW1/4 of Section 26, Township 9 North, Range 5 West of the Boise Meridian and is more particularly described as follows:

Commencing at the Southeast corner of said SE1/4SW1/4;
Thence South 89°28'30" West along the Southerly boundary of said SE1/4SW1/4 a distance of 1273.18 feet to the TRUE POINT OF BEGINNING;
Thence continuing South 89°28'30" West a distance of 186.02 feet along said Southerly boundary and along the Southerly boundary of said SW1/4SW1/4;
Thence North 0°28'00" West parallel with the Easterly boundary of said SW1/4SW1/4 a distance of 328.51 feet;
Thence North 89°28'30" East parallel with said Southerly boundary of said SW1/4 a distance of 186.02 feet;
Thence South 0°28'00" East parallel with said Easterly boundary of said SW1/4SW1/4 a distance of 328.51 feet to the TRUE POINT OF BEGINNING

FURTHER EXCEPTING FROM PARCEL II:

Township 9 North, Range 5 West, B.M., Payette County, Idaho:

Section 26: A portion of the SW1/4SE1/4 more particularly described as follows:

Commencing at the South Quarter corner of said Section:
thence North 00°22'17" West and coincident with the West line of the Southwest Quarter of the Southeast Quarter of said Section 26 a distance of 25.00 feet;
thence South 89°45'00" East and parallel with the South line of said Southwest Quarter of the Southeast Quarter, 1027.94 feet;
thence North 00°25'53" West and parallel with the East line of said Southwest Quarter of the Southeast Quarter, 600 feet to the True Point of Beginning;
thence South 89°45'00" East and parallel with the South line of said Southwest Quarter of the Southeast Quarter, 290.40 feet;
thence North 00°25'53" West along the East line of said SW1/4SE1/4 a distance of 676.73 feet, more or less, to the NE corner of said SW1/4SE1/4;
thence North 89°45'00" West along the North line of said SW1/4SE1/4 290.40 feet;
thence South 00°25'53" East a distance of 676.73 feet, more or less, to the True Point of Beginning.

FURTHER EXECPTING FROM PARCEL II:

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 26: A parcel of land situated in the SW¼SE¼, more particularly described as follows:
Beginning at the South ¼ corner of said Section 26;

Order No. 0020398

329917

thence North 00°22'17" West and coincidental with the West line of said SW¼SE¼ of said Section, 25.00 feet;
thence South 89°45'00" East 1027.94 feet to the True Point of Beginning;
thence North 00°15'53" West and parallel with the East line of said SW¼SE¼ 500.00 feet;
thence North 89°45'00" West 500.00 feet;
thence South 00°15'53" East and parallel with the East line of said SW¼SE¼ 500.00 feet;
thence South 89°45'00" East 500.00 feet to the True Point of Beginning.

Parcel III

Lot 1 of Block 4 of the Replat of Vistair Subdivision as set forth on the Official Plat, Book 5, Page 46, Plat Records, Payette County, Idaho.

No. W 38294	Due no later than Apr 30, 2007 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. TUMBLEWEED DEVELOPMENT GROUP, LLC STANLEY W CLEMENTS PO BOX 161 PAYETTE ID 83661		STANLEY W CLEMENTS 921 CENTER AVE PAYETTE ID 83661		3. New Registered Agent Signature:*	
	4. Limited Liability Companies: Enter Names and Addresses of Managers OR Members.					
Office Held MEMBER	Name STANLEY W CLEMENTS	Street or PO Address PO BOX 161	City PAYETTE	State ID	Country USA	Postal Code 83661
5. Organized Under the Laws of: ID W 38294	6. Annual Report must be signed.* Signature: Stanley W Clements Name (type or print): Stanley W Clements Date: 05/31/2007 Title: Member					
Processed 05/31/2007 *Electronically provided signatures are accepted as original signatures.						



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

DAVID R. TUTHILL, JR.
Director

October 23, 2008

TUMBLEWEED DEVELOPMENT GROUP LLC
PO BOX 161
PAYETTE ID 83661

RE: Preliminary Order in the matter of Application for Transfer No. 73904

Dear Applicant:

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed yellow information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

for: Denise Buffington

John Westra
Manager, Western Regional Office

Enclosures

JW:db

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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 issuance 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.

Music, Vicky

From: Music, Vicky
Sent: Wednesday, September 03, 2008 10:44 AM
To: 'allvalleyagencyinc@msn.com'
Subject: FW: transfer 73904 for water rt no. 65-2455

Attachments: img-805153222.pdf

Stan – I have not received the revised place of use map from you. You were to redraw the place of use deleting the 5 acres that were sold, and adding the point of diversion referenced below. Please send that to me as soon as possible so we can continue processing this application.

Thanks – Vicky Music

From: Music, Vicky
Sent: Tuesday, August 05, 2008 4:40 PM
To: 'allvalleyagencyinc@msn.com'
Subject: transfer 73904 for water rt no. 65-2455

Stan –

Attached is an aerial photo with the place of use and point of diversion for water right no. 65-2455. Please redraw the place of use for the proposed subdivision and add the “new” point of diversion. You described this additional point of diversion as an existing well located on property owned by the development but not on the historical place of use for 65-2455.

Please scan and email it back to me or post it to the address below.

thanks.



mg-805153222.pdf
(79 KB)

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

July 24, 2008

Tumbleweed Development Group, LLC
P.O. Box 161
Payette, ID 83771

Re: Application for Transfer of Water Right No. 73904
Water Right No. 65-2455

Dear Tumbleweed Development Group:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right(s). Additional information is needed to evaluate and process this application. On June 18, 2008, I sent you a letter regarding deficiencies in your Application for Transfer of Water Right referenced above. I have enclosed a copy of that letter here. As of today, I have not received the documentation I need to continue to process this application.

The applicant may seek additional time to provide the information by making a written request to delay processing. A written response including the requested information, or a request for more time to seek the information, must be received by August 25, 2008.

Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Vicky Music
Sr. Water Resource Agent
IDWR/ Western Region

Enclosure: Letter dated June 18, 2008.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

June 18, 2008

Tumbleweed Development Group, LLC
P.O. Box 161
Payette, ID 83771

Re: Application for Transfer of Water Right No. 73904
Water Right No. 65-2455

Dear Tumbleweed Development Group:

In May of 2007, you filed an Application for Transfer of Water Right for water right no. 65-2455 or a portion thereof. The transfer application has been assigned to me for review and processing, and upon review of the transfer application there are some errors and omissions that must be corrected. I'll list them here and have enclosed a copy of the application for your reference.

1 – Part 1(B)(1) on page 1 of the application states that 1.3 cfs is the quantity after the changes proposed by the transfer. However, this is the quantity of the original right for 78 acres irrigation. Part 1(B)(5) lists that the place of use after the changes will be 70.04 acres. What happened to the remaining 7.96 acres?

2 – Part 1(B)(6)(d) on page 2 of the application states that a subdivision plat map is attached. However, the plat was not attached. Please submit the plat map with the locations of the current and proposed wells denoted on the plat.

3 - . Part 2(A)(2) states that a warranty deed is attached but it is not. Please forward a copy of the warranty deed for the subject property.

I will not proceed with processing the transfer until I hear from you as to how you would like to correct these deficiencies. Please contact me at 208-334-2190 and thank you for your attention to these matters.

Sincerely,

Vicky Musc
Sr. Water Resource Agent
IDWR/ Western Region

Enclosure: Application for Transfer of Water Right