

**SPF**Water Engineering, LLC
water resource consultants

WAX

RECEIVED**MAY 30 2008**DEPARTMENT OF
WATER RESOURCES

May 30, 2008

Debbie Gibson
IDWR State Office
PO Box 83720
Boise, ID 83720-0098**Subject: Request for Extension of Time, Permit 63-32003**

Dear Debbie,

Enclosed on behalf of Jim Shervik, Manager of West River, LLC, is a *Request for Extension of Time* for Permit 63-32003. The permit is currently listed in the name of Marlin Land Owners, LLC, however, is in the process of being assigned to West River, LLC. Please see the attached letter from Jim Shervik explaining the property ownership history for the place of use listed on the permit. Because of time constraints, Jim is filing this request prior to an *Assignment of Permit*. The assignment will be submitted as soon as Stephen Peisner, owner of Marlin Land Owners, LLC, gets back to town. Attached is a copy of the assignment form waiting for Stephen's signature. I will submit the signed assignment form to IDWR for processing once received and a copy to you.

Please let me know if there are any questions concerning this request. Thanks Debbie.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Jim Shervik

Enclosures

SPF file number: 432.0010



SHERVIK
B·U·I·L·D·E·R·S

James D. Shervik

www.ShervikBuilders.com

"Quality is not expensive. It's priceless."

May 30, 2008

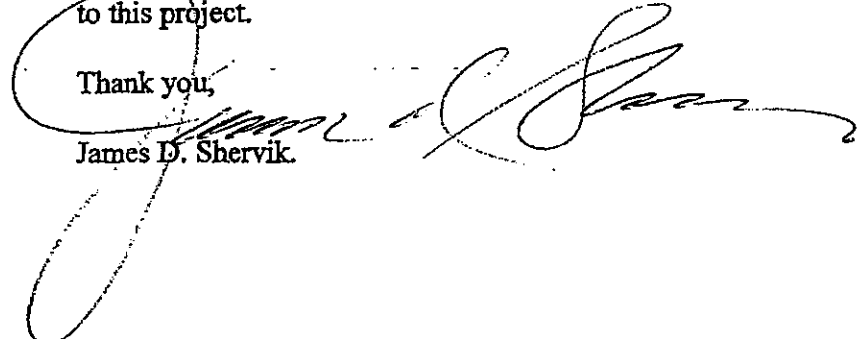
Dear Sirs;

Here is a brief history of what has happened with West River Subdivision.

I, James D. Shervik have been involved since the very start of the concept, in 1998. I purchased the property from Donna Shiley, with my then current partner, under S & R Development, a partnership. My partner was not able to fulfill his financial obligations necessary to move the project forward, so we transferred the property to a different partnership I had, called Sher-Fire Properties in 2003. In 2004, I moved the property into my LLC, Sher-Fire Properties, LLC. I decided to create West River LLC as a separate entity for this specific project, and transferred the property from Sher-Fire to West River in 2005. Later in 2005, I brought in a partial, minor interest partner to help secure the large financing needed to move the project forward. We decided to form another LLC to specifically hold this project. The new partner wanted the duty of forming and signing for said new LLC, but again, he was a minority owner. He formed Marsing Land LLC for himself, and together with West River LLC, we formed Marlin Land Owners LLC. It must have been during this time that we applied for the water rights. Within a short time, he (Peisner) decided that he did not have the risk tolerance for such a project, and I gave him his money back, and he/we deeded the entire project back to West River LLC in April of 2006. This is evidenced by Quitclaim Deed numbers 200631873 and 200631874. Neither himself, nor either of those entities have any interest in the parcel anymore, and in fact, since they were created specifically for this project, they have both been dissolved.

Since then, I have deeded the property back and forth between my 2 LLCs for financing reasons, but the current deed and ownership runs to West River, LLC, which is correct. I am the managing member, and I have complete authority to deal with anything necessary to this project.

Thank you,


James D. Shervik.



1997 Idaho Builder of Year

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Water Permit Report

05/30/2008

WATER RIGHT NO. 63-32003

Owner Type	Name and Address
Current Owner	MARLIN LAND OWNERS LLC 984 W CORPORATE LN #201 NAMPA, ID 83651 (208) 466-2500
Original Owner	SHERFIRE PROPERTIES 984 W CORPORATE LN, STE 201 NAMPA, ID 83651 (208) 466-2500
Original Owner	JIM SHERVIK C/O SHERFIRE PROPERTIES 984 W CORPORATE LN STE 201 NAMPA, ID 83651 (208) 466-2500

Priority Date: 10/15/2004
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
DOMESTIC	01/01	12/31	0.12 CFS	10.1 AFA
FIRE PROTECTION	01/01	12/31	0.26 CFS	
Total Diversion			0.26 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSE	Sec. 06	Township 02N	Range 03W	CANYON County
GROUND WATER	SESWSE	Sec. 06	Township 02N	Range 03W	CANYON County

DOMESTIC Use:
Number of homes: 36

Place(s) of use:

Place of Use Legal Description: DOMESTIC CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	03W	6		NWSE			SWSE							

Place of Use Legal Description: FIRE PROTECTION same as DOMESTIC

Conditions of Approval:

- WB5 Domestic use is for 36 homes and does not include lawn, garden, landscape, or other types of irrigation.
- 071 The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
- 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
- X59 Points of diversion are located within Lot 10, Blk. 2; and Lot 2, Block 3; West River Subdivision.
- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- Water bearing zone to be appropriated is from 250 to 500 feet.
- Only one well may be operated at a time under this water right except in the case of a fire unless the Department expressly approves a method of measurement and reporting that insures adherence to annual volume limitations while water is pumped from both wells simultaneously.
- X49 Prior to diversion of water under this right, the water right holder must install an in-line measuring device in the mainline from its wells that will accurately measure the instantaneous flow from the wells, record the maximum flow for a given month, and will measure, total, and record the total volume of water diverted from the wells. The totalizer function of the measuring devices must be capable of totalizing several years of volume diverted, and must not allow the operator to reset the volume totalizer. The measuring devices must be a propeller, ultrasonic, magnetic meter or another meter expressly approved by IDWR. The measuring devices must be calibrated after installation with an independent, reliable, portable measuring device that has been pre-calibrated to a known flow rate. The measuring devices must be re-calibrated at least every three years after the first calibration.
- The water right holder must read the measuring devices and record the information read at least monthly. The water right holder must read and record the maximum flow rate diverted from each well and the totalizer readings of volume diverted. The water right holder must also maintain records of the dates of measuring device calibration, the method of calibration, and who performed the calibration. These records must be maintained by the water right holder at all times and must be submitted to the Department at any time the Department requests the records.
- X60 Place of use is located within Lots 1-6, Blk. 1; Lots 1-12, Blk. 2; and Lots 1-18, Blk. 3; West River Subdivision.
- 121 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

Dates:

Proof Due Date: 06/01/2008
Proof Made Date:
Approved Date: 05/03/2006
Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date: 10/15/2004
Protest Deadline Date: 02/07/2005
Number of Protests: 1
Field Exam Date:
Date Sent to State Off:
Date Received at State Off:

Other Information:

State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

[Close](#)

11/99

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

COPY

I, Stephen Peisner, owner of Marlin Land Owners, LLC, hereby assign to West River, LLC
of 984 Corporate Ln, Ste 201, Nampa, ID 83651 208.466.2500

All my right, title, and interest in and to Application for Permit No. 63-32003

to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Application for
Permit No. _____ to appropriate the public waters of the State of Idaho.

(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this _____ day of _____, 20 _____

Applicant(s)

State of Idaho)
)ss
County of)

On this _____ day of _____, 20 _____, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at

SEAL

My commission expires: _____



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

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MARLIN LAND OWNERS, LLC

PO BOX 2237
EAGLE, ID 83616

Type of Business: LIMITED LIABILITY COMPANY

Status: DISSOLVED 20 Jul 2007

State of Origin: IDAHO

Date of 29 Sep 2005

Origination/Authorization:

Current Registered Agent: STEPHEN E PEISNER
2876 W TIMBER DR
EAGLE, ID 83616

File Number: W43267

Date of Last Annual Report: 14 Jul 2006

Original Filing:

Filed 29 Sep 2005 ARTICLES OF
ORGANIZATION

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Amendments:

Amendment Filed 20 Jul 2007 ARTICLES OF
DISSOLUTION

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Annual Reports:

Report for year 2006 ANNUAL
REPORT

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Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov

No. **W 29160**

Due no later than March 31, 2008
Annual Report Form

2. Registered Agent and Office **NO PO BOX**

Return to:

SECRETARY OF STATE
450 NORTH FOURTH STREET
PO BOX 83720
BOISE, ID 83720-0080

1. Mailing Address - Correct in this box, if applicable

WEST RIVER, LLC
984 CORPORATE LN STE 201
NAMPA, ID 83651

JAMES D SHERVIL
984 W CORPORATE LN STE 201
NAMPA, ID 83651

3. New Registered Agent Signature

☐ FILING FEE IF
RECEIVED BY DUE DATE

4. Limited Liability Companies: Enter Names and Addresses of Managers.

Office held Name Street or P.O. Address City State Zip

MANAGER JAMES SHERVIL 984 W Corporate Lane, 201 NAMPA ID 83651

5. Organized Under the Laws of:

IDAHO
W 29160

6. Signature

Date

Name (Typed)

JAMES D SHERVIL

Title

MANAGER

Issued 01/02/2008

Do Not Tape or Staple

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