

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20554

Priority: June 26, 2001

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 3.3 AF

This is to certify, that SOUTH COVE VENTURES LLC
C/O CHUCK HILL
PO BOX 1607
BELLEVUE WA 98009

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.04 CFS	3.3 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NW¼NW¼	Sec. 17, Twp 02S, Rge 16E, B.M., CAMAS County
GROUND WATER	SE¼NW¼	Sec. 17, Twp 02S, Rge 16E, B.M., CAMAS County

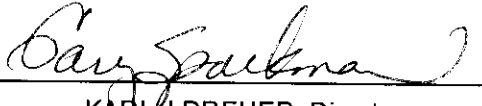
PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	16E	17						X											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2007**.
2. Subject to all prior water rights.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Stockwater use is for 500 range cattle.
6. The diversion and use of water authorized under this right shall not exceed 13,000 gallons per day.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 24th day of July, 2004.


FOR KARL J DREHER, Director

11/99

RECEIVED

JUL 15 2004

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

RECEIVED
MAY 18 2004
Department of Water Resources
Southern Region

I, Lonnie LeaVell aka Alonzo B. LeaVell, hereby assign to South Cove Ventures L.L.C.

of, c/o Chuck Hill, P.O. Box 1607, Bellevue, WA 98009

(Full Address)

(425) 460-2504

(Phone)

All my right, title, and interest in and to Application for Permit No. 37-20554
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____.

Lonnie LeaVell
Applicant(s)

State of Idaho)

County of Cassia)ss

On this 10 day of May, 2004, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

WILLIAM A. PARSONS
NOTARY PUBLIC
STATE OF IDAHO

SEAL

William Parsons
Notary Public residing at

Burley

My commission expires: 7/24/04

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

June 9, 2004

Mr. John Freitag
Water Resource Agent
IDAHO DEPARTMENT OF WATER RESOURCES
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301

RECEIVED

JUN 14 2004

Department of Water Resources
Southern Region

**Re: South Cove Ventures, LLC;
Various Applications for Permit and Applications for Transfer**

Dear John:

The following is a complete list of the officers of South Cove Ventures, LLC:

Charles E. Hill
David Koopmans

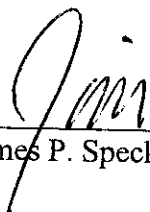
President & Vice President
Secretary and Treasurer

The mailing address for both Mr. Hill and Mr. Koopmans is Box 1607, 1 100th Avenue Northeast, Bellevue Washington 98009.

Pleas let me know if you need any additional information on this Applicant. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS/jef
cc: Chuck Hill
Rod Gonsales

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Patterson #1
Ident. No. 37-20554

1. Name of applicant Lonnie Leavell Phone (208) 934-8543
Post Office address P.O. Box 54, Gooding, ID 83330
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot _____
Sec. 17 Township 02S Range 16E B.M. Camas County; additional
points of diversion, if any: SENW Sec. 17, T2S R16E
4. Water will be used for the following purposes:
Amount 0.04/3.3 for Stockwater purposes from 4/1 to 9/30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity being appropriated is (a) 0.04 and/or (b) 3.3
cubic feet per second acre-feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Well and subsurface collector to pipeline to stock troughs.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is groundwater with a temperature of greater than 85 degrees being sought? No
 - e. If well is already drilled, when? 12/11/91; Drilling firm Eaton Drilling;
Well was drilled for (well owner) Applicant
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. 500 head range cattle
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households _____
 - e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
02S	16E	17						S											

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12.. Remarks: This filing is made to record a right established under the Part A domestic exemption (I.D. 42-111). Annual volume = 12 gpd/hd x 500 hd x 180 days.

13. MAP OF PROPOSED PROJECT ATTACHED _____ show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

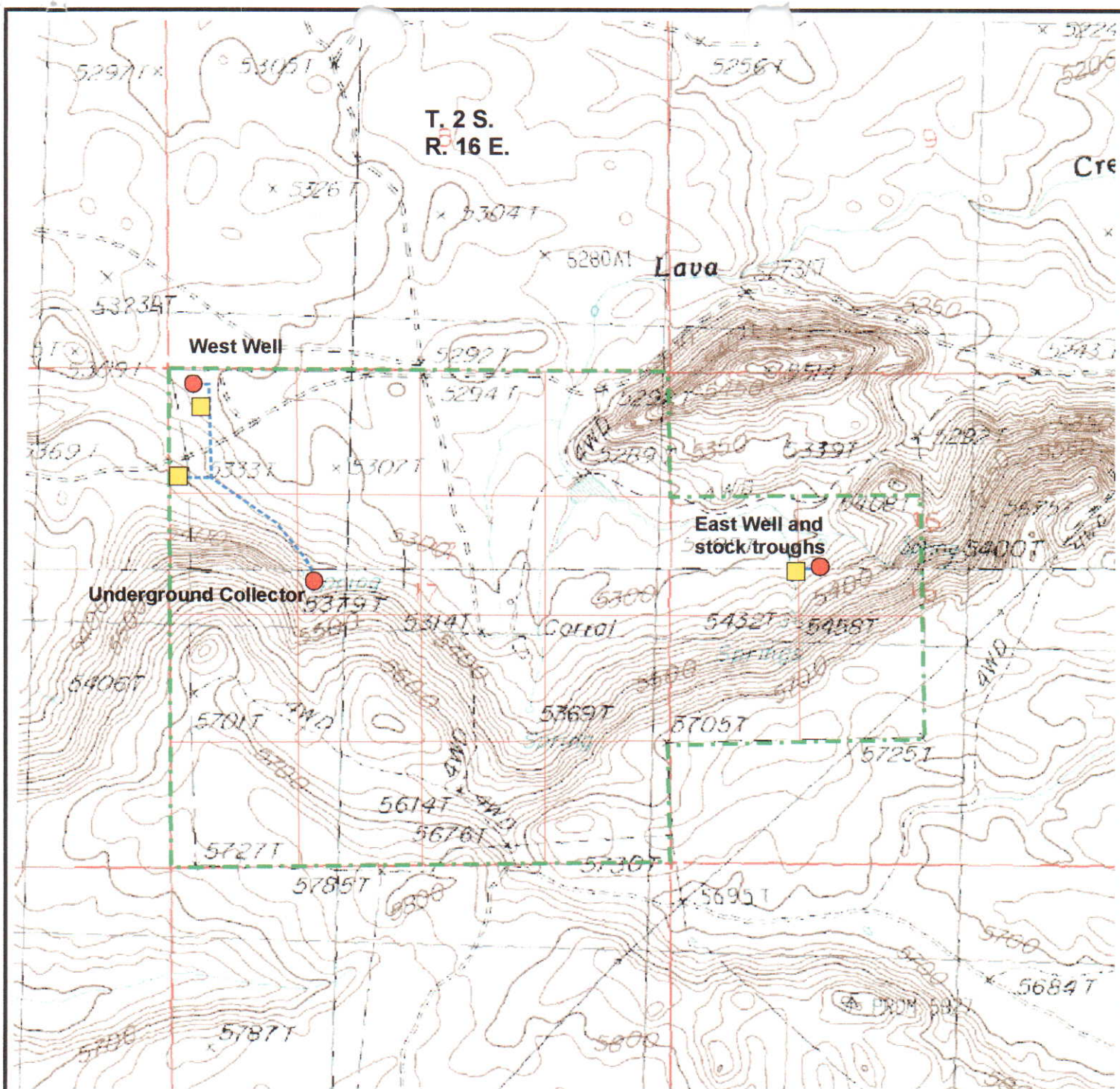
Jonnie L. Ladd
(Applicant)

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Received by _____ # _____ Date _____

Publication prepared by MB Date 6/10/04 Published in Camas Courier

Publication approved MB Date 7/9/04



- Point of Diversion
- Stock Trough - Place of Use
- Property Boundary

Permit #1 - West System
Permit #2 - East System

Application for Permit #1 and #2 Lonnie Leavell - Patterson Field

WATER RIGHT APPLICATIONS FOR LONNIE LEAVELL PATTERSON PROPERTY

Brockway Engineering, PLLC
June 6, 2001

1. Permit Applications

Application #1 is for 500 head of stock. The source is groundwater from one well in NWNW Sec. 17 (the Patterson west well) and a subsurface collector in SENW Sec. 17. See the attached map. Water is delivered from the points of diversion to a pipeline that feeds stock troughs. This permit is being acquired under the Part A exemption for stockwater, which allows 13,000 gpd, so no mitigation is required.

Application #2 is to cover an additional 500 head of stock, to be watered from a separate well and system in SENW Sec. 16 (the Patterson east well). Water is delivered from this well to stock troughs nearby. This permit is being acquired under the Part A exemption for stockwater, which allows 13,000 gpd, so no mitigation is required.

Both permit applications would be limited to a combined 13,000 gpd to meet the requirements of the Part A exemption. No other domestic exemptions, either Part A or Part B, have been previously invoked for any portion of this property.

2. Transfers for irrigation usage

3.0 acres of trees will be irrigated on the Patterson property from the groundwater sources described above:

2.0 acres in NWNW Sec. 17, T2S R16E from the Patterson west well
1.0 acre in SENW Sec. 16, T2S R16E from the Patterson east well

Since these are separate systems, two transfer applications are being filed to move acres from Magic Ranch (groundwater license 37-07395) to the two groundwater points of diversion on Patterson.

3. Other rights and SRBA claims and decrees for stockwater

There is an SRBA claim 37-12007 for stockwater and stockwater storage from springs on this property.

Monthly Shallow Pond Evaporation in Idaho for Region 4 Camas Prairie

Prepared by: Ina Sue Miller, Brockway Engineering

ASAE paper PNW 92-111-U of I - ag (1992)

ET data from Allen and Brockway (1983)

Evaporation data from NOAA Evaporation Atlas, Farnsworth et al. (1982),

Pochop et al (1985)

Pochop et al (1988)

	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Total
Percent	1.0	2.0	4.0	7.0	12.0	15.0	19.0	16.0	11.0	6.0	4.0	3.0	100.0
FWS Evap in inches	0.4	0.7	1.4	2.5	4.2	5.3	6.7	5.6	3.9	2.1	1.4	1.1	35.0

Monthly pond evaporation for each property in ac-ft

Tot Pond Surface		Jan (ac-ft)	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec	Total (ac-ft)
Rock House	0.16	0.005	0.009	0.019	0.033	0.056	0.070	0.089	0.075	0.051	0.028	0.019	0.014	0.467
Patterson	0.00	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Astorquia	0.09	0.003	0.005	0.011	0.019	0.033	0.041	0.052	0.043	0.030	0.016	0.011	0.008	0.271
Magic	7.61	0.22	0.44	0.89	1.55	2.66	3.33	4.22	3.55	2.44	1.33	0.89	0.67	22.20

4/1-10/1 evap (ac-ft)		July Peak Evap (af/day)	Number of range cattle a property may have under Idaho Statue 42-111 part A (13,000 gal/day), accounting for peak pond evaporation				July Peak Evap (gpd)	Number of range cattle allowed (at 12 gpd/hd)	
Rock House	0.37	0.0029	Rock House				932	1006	
Patterson	0.00	0.0000	Patterson				0	1083	
Astorquia	0.22	0.0017	Astorquia				542	1038	
Magic	17.76	0.1360	Magic				44327		
Total	18.35	0.1406							

NOTE: Only new ponds on the Magic Ranch property received transferred water from WR 37-7395.

New ponds that are classified as 'wetland to open water conversion' were not used.

Any other acreage for pond surface area not used in calculations are because they were either pre-existing ponds or runoff ponds with little or no water impoundment.

* Remainder of the year the ponds are dry

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Lonnie Leavell, hereby nominate and appoint
Charles G. Brockway as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water right
transfers before the Idaho Department of Water Resources for the following water right
transactions:

Permit applications for Rock House, Astorguia, Patterson, and Magic Ranch.

Transfers of portions of licenses 37-07395 and 37-02211 to the above properties.

in Camas County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorizing to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all
times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning
the said premises by virtue of these presents. This Limited Power of Attorney will become void
upon approval, denial or withdrawal of the above referenced applications.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal

Dated this 12 day of June 2001.

Lonnie Leavell
Signature

State of Idaho)

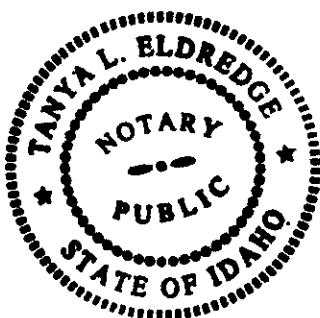
County of Twin Falls)

ss.

On this 12th Day of June, 2001, before me, a Notary Public
in and for said County and State, personally appeared Lonnie Leavell,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

S
E
A
L



Tanya L. Eldredge
Notary Public
In and for said State and County

12-18-06
My Commission Expires

Patterson

Camas County Title, L.L.C.
905 Shoshone Street North
Twin Falls, Idaho 83301

SCHEDULE A

LOT BOOK GUARANTEE

Order No.: C000031
Reference: LEAVELL PROPERTY

Guarantee No.: H 338764

Date of Guarantee: April 4, 2000 at 8:00 a.m.

Liability: \$275.00

- A) Assured: LONNIE LEAVELL
- B) Assurances, given without examination of the documents listed or referred to and only to the specifically named documents and no others:

- 1) Description of the land:

See Attached Exhibit "A"

PROPERTY ADDRESS KNOWN AS: NNA, FAIRFIELD, ID 83327

- 2) The last recorded instrument in the public records purporting to transfer title to the said land was:

1. A Quitclaim Deed from Charmianne Upshaw Leavell, a married person, to ALONZO B. LEAVELL, a married person, recorded April 7, 1994 as Instrument No. 68438 in Book 29 of Deeds. page 25, as to Parcel 2 & 3.. A Quitclaim Deed from Charmianne Leavell, spouse of grantee to ALONZO B. LEAVELL, a married man, recorded August 10, 1999 in Book 31 of Deeds, page 465, as to Parcel 2 & part of 1.. A Quitclaim Deed from Charmianne Leavell to ALONZO B. Leavell a married man recorded January 11, 2000 in Book 31 of Deeds, page 612 as to part of Parcel 1.. A Second Amended Personal Representative's Deed executed by Kathleen J. Cooper, as Personal Representative of the Estate of Orie S. Leavell, deceased, to ALONZO LEAVELL, recorded September 9, 1996 as Instrument No. 394181, as to Parcel 4.. A Warranty Deed from Alonzo B. Leavell, a married person, dealing in his sole and separate property, to DONNA ROSE, A single woman as to Parcel 5..

- 3) That there are no mortgages or deeds of trust describing the land that have not been released or reconveyed by an instrument recorded in the public records, other than those shown below under Exceptions.
- 4) That there are no contracts for sale, contracts for deed, including memorandums giving notice of such contracts, attachments, tax deeds recorded within the last 9 years, which purport to affect the land other than those shown below under Exceptions.

- C) Exceptions:

1. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$71.78, Parcel No. RP01S15E276000, Bill No. 2415, No Homeowners Filed)
Market Value \$7,444 as to Parcel 1

(Continued)

LOT BOOK GUARANTEE (CONTINUED)

Order No.: C000031

Guarantee No.: H 338764

2. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$97.16, Parcel No. RP01S15E330100, Bill No. 2435, No Homeowners Filed)
Market Value \$10,079 as to Parcel 1
3. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$90.20, Parcel No. RP01S15E342400, Bill No. 2441, No Homeowners Filed)
Market Value \$9,354 as to Parcel 1
4. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$101.74, Parcel No. RP01S15E270100, Bill No. 2411, Homeowners Filed)
Market Value \$10,550 as to Parcel 1
5. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$24.78, Parcel No. RP02S15E240100, Bill No. 2807, No Homeowners Filed)
Market Value \$2,572 as to Parcel 2
6. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$112.98, Parcel No. RP02S15E132400, Bill No. 2796, No Homeowners Filed)
Market Value \$11,719 as to Parcel 2
7. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$23.76, Parcel No. RP02S15E140100, Bill No. 2797, No Homeowners Filed)
Market Value \$2,465 as to Parcel 2
8. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$73.50, Parcel No. RP02S16E181800, Bill No. 2820, No Homeowners Filed)
Market Value \$7,624 as to Parcel 2
9. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$23.88, Parcel No. RP02S16E192400, Bill No. 2821, No Homeowners Filed)
Market Value \$2,477 as to Parcel 2
10. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$51.48, Parcel No. RP02S16E164200, Bill No. 2818, No Homeowners Filed)
Market Value \$5,339 as to Parcel 3
11. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$212.02, Parcel No. RP02S16E170100, Bill No. 2819, No Homeowners Filed)
Market Value \$21,988 as to Parcel 3

(Continued)

LOT BOOK GUARANTEE (CONTINUED)

Order No.: C000031

Guarantee No.: H 338764

12. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$572.98, Parcel No. RP02S170015620, Bill No. 17475, No Homeowners Filed)
Market Value \$95,212 as to Parcel 4
13. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$192.76, Parcel No. RP02S17E029000, Bill No. 2828, No Homeowners Filed)
Market Value \$19,991 - as to Parcel 5
14. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$711.98, Parcel No. RP02S17E110101, Bill No. 2831, No Homeowners Filed)
Market Value \$66,084 - as to parcel 5
15. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$40.50, Parcel No. RP02S17E112400, Bill No. 2832, No Homeowners Filed)
Market Value \$3,760 - as to parcel 5
16. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$24.12, Parcel No. RP02S17E113601, Bill No. 2834, No Homeowners Filed)
Market Value \$2,504 - as to parcel 5
17. Personal Property Taxes for 1999 in the amount of \$257.04 are one-half paid and one-half due, Bill No. 2922.
18. General Taxes for 2000 are an accruing lien, not yet due or payable.
19. Real Estate Mortgage dated August 4, 1999 to secure an indebtedness in the principal sum of \$435,165.00, and any other amounts and/or obligations secured thereby.

Recorded: August 9, 1999, Instrument No. 73359

Mortgagor: Alonzo B. Leavell aka A.B. Leavell, a married man dealing
with his sole and separate property

Mortgagee: Eastern Idaho Agricultural Credit Association

COVERS ADDITIONAL LAND --as to Parcel 1 & 2

20. Real Estate Mortgage dated November 8, 1999 to secure an indebtedness in the principal sum of \$250,000.00, and any other amounts and/or obligations secured thereby.

Recorded: November 15, 1999, Instrument No. 73533

Mortgagor: Donna Rose, an unmarried woman

Mortgagee: Noswal, L.L.C.

as to Parcel 5

(Continued)

LOT BOOK GUARANTEE (CONTINUED)

Order No.: C000031

Guarantee No.: H 338764

21. Real Estate Mortgage dated January 3, 2000 to secure an indebtedness in the principal sum of \$47,100.00, and any other amounts and/or obligations secured thereby.

Recorded: January 11, 2000, Instrument No. 73655

Mortgagor: Alonzo B. Leavell aka A.B. Leavell, a married man dealing
with his sole and separate property

Mortgagee: Idaho Agricultural Credit Association

COVERS ADDITIONAL LAND ---as to Parcel 1 & 2

NOTE: We have done a judgment and lien search for matters recorded in the County Records and filed with the Secretary of State pursuant to Chapter 19, Title 45, Idaho Code, against all parties involved in this transaction, and as of the Commitment date, we find: NONE

Astorguia

**EXHIBIT A continued
C000031**

PARCEL 2 – CAMAS COUNTY

Township 2 South, Range 16 East of the Boise Meridian, Camas County, Idaho

Section 18: Government Lots 3 and 4, The Southeast Quarter of the Northeast Quarter,
The East One-Half of the Southwest Quarter, and the Southeast Quarter.

Section 19: Government Lot 1, The Northeast Quarter of the Northwest Quarter:

Township 2 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 13: The South One-Half of the Northeast Quarter, The Northwest Quarter,
The East One-Half of the Southwest Quarter, and the Southeast Quarter.

Section 14: The North One-Half of the Northeast Quarter, and the Southeast Quarter
of the Northeast Quarter.

Section 24: The North One-Half of the Northeast Quarter.

PARCEL 3 – CAMAS COUNTY

Patterson

Township 2 South, Range 16 East of the Boise Meridian, Camas County, Idaho.

Section 16: The South one-half of the Northwest Quarter, and the North one-half
of the Southwest Quarter.

Section 17: All



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 26, 2004

SOUTH COVE VENTURES LLC
C/O CHUCK HILL
PO BOX 1607
BELLEVUE WA 98009

RE: Permit No. 37-20554

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 a party 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-20554

**SOUTH COVE VENTURES LLC
C/O CHUCK HILL
PO BOX 1607
BELLEVUE WA 98009**



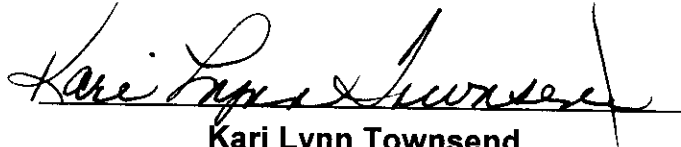
**Kari Lynn Townsend
Secretary**

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-20554

**SOUTH COVE VENTURES LLC
C/O CHUCK HILL
PO BOX 1607
BELLEVUE WA 98009**


**Kari Lynn Townsend
Secretary**

**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.

Comment Report

37-20554

1. jfreitag 6/8/2004 2:39:36 PM Special Administration Area Notes
Comment: Special Administration Areas : Eastern Snake River Plain Area
(Moratorium Area)
Exempt: Y
Reason:
Doc Attached:
Explanation:

Special Administration Areas : Big Wood River (Groundwater Management Area)
Exempt: Y
Reason:
Doc Attached:
Explanation:

Special Administration Areas : Trust Water Area (Trust Water Area)
Exempt: Y
Reason:
Doc Attached:
Explanation:

2. jfreitag 6/8/2004 Legal Notice Remarks
Comment: Application is for an existing well and subsurface collector to provide water for stock.
Located 10.5 miles east and 6.5 miles south of Fairfield, Idaho.

3. jfreitag 6/8/2004 Comment/Analysis
Comment: Application is for 500 cattle.

Brockway states that this application and accompanying application 37-20554 are together less than 13,000 GPD.

4. kwalker 7/22/2004 Permit Review
Comment: App falls within ESRPA, Big Wood River GWMA and trust water area. Can approve since use will be less than 13,000 gpd.

MEMORANDUM

TO: Files 37-20550, 37-20551, 37-20552, 37-20553, 37-20554 and 37-20555

FROM: KAY WALKER

RE: Priority Dates

Date: July 22, 2004

.....

During review of application for permit 37-20550 I noticed that there was no information on the application form to establish a priority date. I looked at the advertisement from the newspaper and found that each of the above applications were advertised with various date received dates. I then called John Freitag, who had staffed the applications at Southern to find out what had happened with these.

These applications were received by Southern Region on 6/20/2001 with a cover letter from Charles G. Brockway. John faxed me a copy of the cover letter today and once I received that I then noticed that no money was submitted with the submittal of the applications (pursuant to the cover letter). I then searched the computer receipt records and located Receipt S024070 issued to Leavell Cattle, Lonnie Leavell on June 26, 2001.

In light of the above information I recommend a priority date of June 26, 2001 for each of the above applications.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

June 19, 2001

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED

JUN 20 2001

Department of Water Resources
Southern Region

Re: Applications for Permit and Transfer – Lonnie Leavell
Project No. 431-02-2001

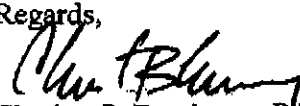
Dear Allen:

Enclosed are six (6) permit applications and six (6) transfer applications in the name of Lonnie Leavell. The applications apply to one of four properties in the Camas Prairie area, known as Rock House, Astorquia, Patterson, and Magic Ranch. The enclosed vicinity map shows each of these properties.

The intent of the applications is to cover stockwater usage under domestic exemptions, and to move portions of a groundwater irrigation right from Magic Ranch to each of the other properties. In our meeting of June 6, 2001, we discussed the intent and general structure of the applications.

For each property, I have prepared a brief narrative, calculations, and several maps to explain the applications. The attached Summary of Water Right Applications and Fees shows every application, the diversion rate and volume for each, and the application fee. At the bottom of this sheet is the effect on license 37-07395 after all transfers, i.e. how it should look if all transfers are approved. If you need additional information, please do not hesitate to call.

Regards,


Charles G. Brockway, P.E.

Enc: Summary of applications and fees
Vicinity map
Water right permit applications (6)
Transfer applications (6)
Narratives and maps
Limited Power of Attorney – Leavell to Brockway
Property descriptions – proof of ownership

cc: Lonnie Leavell

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

*Transfer
all*

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

SS.

County of Camas)

Edward Reagan, being first duly sworn, deposes and says that he/she is the designated agent for the publisher of The Camas Courier, a newspaper published every week in Fairfield, County of Camas, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145, that the annexed advertisement, a copy of which is hereto attached, was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 16th day of June, 2004, and the date of the last publication was on the 23rd day of June, 2004.

Edward Reagan

On this 7th day of July, in the year of 2004, before me, a Notary Public, personally appeared Edward Reagan, 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.

Bobbie D. Walter
Notary Public for Idaho
Residing in Fairfield.
My commission expires: D. Clerk

THE CAMAS COURIER
Post Office Box 339
Fairfield, Idaho

Cost of Publication

Number of lines in notice	<u>130</u>
Number of insertions	<u>2</u>
Cost for advertisement First insertion	\$ <u>45.50</u>
Second insertion(s)	\$ <u>39.00</u>
Total cost	\$ <u>84.50</u>

OK
MB
7/9/04

RECEIVED
JUL 09 2004
Department of Water Resources
Southern Region

OK MB 7/9/04

RECEIVED

JUL 09 2004

Page 10 June 16, 2004

the Camas Courier

Department of Water Resources
Southern Region
Serving with all guidelines and standards those who have eyes.

Legal Advertisements

Legal Advertisements

Legal Advertisements

NOTICE OF APPLICATIONS FOR WATER PERMIT

The following applications have been filed by **SOUTH COVE VENTURES LLC, C/O CHUCK HILL, PO BOX 1607; BELLEVUE WA 98009** to appropriate the public waters of the State of Idaho, Camas County for diversion from ground water as listed:

Application No. 37-20550

- **Point(s) of Diversion:** within S13, T02S, R15E; & S18 & S19, T02S, R16E
Use: 01/01 To 12/31 STOCKWATER STORAGE (5 AFA)
- Date Filed:** 10/17/2001
- Place Of Use:** S13, T02S, R15E & S18, T02S, R16E
- Remark:** Application is for several new ponds dug in natural swales. Located 9 miles east and 7 miles south of Fairfield, ID

Application No. 37-20551

- Point(s) of Diversion:** within S13, T02S, R15E; and S19, T02S, R16E
Use: 01/01 To 12/31 STOCKWATER (0.04 CFS, 6.6 AFA)
- Date Filed:** 02/27/2001
- **Place Of Use:** S13, T02S, R15E & S18, T02S, R16E
- Remark:** Application is proposing to provide water for stock from an existing well and a subsurface collector. Located 9 miles east and 7 miles south of Fairfield, Idaho.

Application No. 37-20552

- Point(s) of Diversion & Place of Use:** within S33, T01S, R15E
Use: 01/01 To 12/31 STOCKWATER (0.04 CFS)
STOCKWATER STORAGE (1.9 AFA)
DIVERSION TO STORAGE (0.04 CFS)
- Total Diversion:** (0.04 CFS, 1.9 AFA)
- **Date Filed:** 09/26/2001
- Remark:** Application is for an existing well to provide water for stock. Application is also for ponds dug to shallow groundwater for stockwater storage. Located 5 miles east and 3.5 miles south of Fairfield, Idaho.

Application No. 37-20553

- Point(s) of Diversion & Place of Use:** within S27 & S34, T01S, R15E
Use: 01/01 To 12/31 STOCKWATER (0.04 CFS)
STOCKWATER STORAGE (1.6 AFA)
- Total Diversion:** (0.04 CFS, 1.6 AFA)
- **Date Filed:** 06/27/2001

Application No. 37-20554

- Point(s) of Diversion & Place of Use:** within S17, T02S, R16E
Use: 01/01 To 12/31 STOCKWATER (0.04 CFS, 3.3 AFA)
- Date Filed:** 06/27/2001
- Remark:** Application is for an existing well and subsurface collector to provide water for stock. Located 10.5 miles east and 6.5 miles south of Fairfield, Idaho.

Application No. 37-20555

- Point(s) of Diversion & Place of Use:** S16, T02S, R16E
Use: 01/01 To 12/31 STOCKWATER (0.04 CFS)
STOCKWATER STORAGE (3.3 AFA)
- Total Diversion:** (0.04 CFS, 3.3 AFA)
- Date Filed:** 06/27/2001
- Remark:** Application is for an existing well to provide water for stock. Located 10.5 miles east and 6.5 miles south of Fairfield, Idaho.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before July 6, 2004. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

published in the Camas Courier on June 16 & 23, 2004.

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Planning & Zoning Commission will hold a public hearing in the Camas County Courthouse Annex's Commissioners Room on Tuesday the 6th day of July 2004, at 7:20 p.m. The purpose of this hearing is for the public and the Commission to hear Steve Claridge's application for a variance on the Streamside Ordinance. The property is located 6 miles North of Fairfield. Is a portion of Section 16, T1N, R14E, B.M. Camas County, Idaho.

published on June 16, 23 & 30, 2004

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Planning & Zoning Commission will hold a public hearing in the Camas County Courthouse Annex's Commissioners Room on Tuesday the 6th day of July 2004, at 7:30 p.m. The purpose of this hearing is for the public and the Commission to hear Brian Clark's application for a preliminary plat for the Mountain View Too Sub Division. This property is located in Section 3, T1S, R14E, B.M. approx. 2 miles north of Fairfield on East side of road.

published on June 16, 23 & 30, 2004

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

IN THE MATTER OF THE ESTATE OF) Case No. SP 04-07
AUDREY M. SCOGGIN,)
Deceased.) **NOTICE TO
CREDITORS**

NOTICE IS HEREBY GIVEN that Doriyta J. Strub has been appointed Personal Representative of the estate of the above named decedent. All persons having claims against the decedent or the estate are required to present their claims within four (4) months after the date of the first publication of this notice or said claims will be forever barred. Claims must be presented to the Personal Representative at the law office of Severt Swenson, Jr., 122 Fourth Avenue West, Gooding, Idaho 83330, or filed with the Clerk of the Court.

DATED: This 3rd day of June, 2004.

Severt Swenson, Jr.

Attorney for Personal Representative

published in the Camas Courier on June 9, 16 & 23, 2004

65 X 2 columns = 130 lines

130 X .35 = 45.5

130 X .30 = 39.0

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN Regional Manager
1341 FILLMORE STREET-SUITE #200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

June 10, 2004

EDWARD REAGAN EDITOR
CAMAS COURIER
PO BOX 339
FAIRFIELD ID 83327

Dear Mr. Reagan:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your prompt cooperation is appreciated.

Sincerely

A handwritten signature in cursive script that reads "Mary A. Baldwin".

Mary A. Baldwin
Administrative Assistant

NOTICE OF APPLICATIONS FOR WATER PERMIT

The following applications have been filed by **SOUTH COVE VENTURES LLC, C/O CHUCK HILL, PO BOX 1607; BELLEVUE WA 98009** to appropriate the public waters of the State of Idaho, Camas County for diversion from ground water as listed:

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Date Filed: 10/17/2001

Place Of Use: S13, T02S, R15E & S18, T02S, R16E

Remark: Application is for several new ponds dug in natural swales. Located 9 miles east and 7 miles south of Fairfield, ID

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Use: 01/01 To 12/31 STOCKWATER (0.04 CFS, 6.6 AFA)

Date Filed: 02/27/2001

Place Of Use: S13, T02S, R15E & S18, T02S, R16E

Remark: Application is proposing to provide water for stock from an existing well and a subsurface collector. Located 9 miles east and 7 miles south of Fairfield, Idaho.

Application No. 37-20552

Point(s) of Diversion & Place of Use: within S33, T01S, R15E

Use: 01/01 To 12/31

STOCKWATER (0.04 CFS)

STOCKWATER STORAGE (1.9 AFA)

DIVERSION TO STORAGE (0.04 CFS)

Total Diversion: (0.04 CFS, 1.9 AFA)

Date Filed: 09/26/2001

Remark: Application is for an existing well to provide water for stock. Application is also for ponds dug to shallow groundwater for stockwater storage. Located 5 miles east and 3.5 miles south of Fairfield, Idaho.

Application No. 37-20553

Point(s) of Diversion & Place of Use: within S27 & S34, T01S, R15E

Use: 01/01 To 12/31

STOCKWATER (0.04 CFS)

STOCKWATER STORAGE (1.6 AFA)

Total Diversion: (0.04 CFS, 1.6 AFA)

Date Filed: 06/27/2001

Application No. 37-20554

Point(s) of Diversion & Place of Use: within S17, T02S, R16E

Use: 01/01 To 12/31

STOCKWATER (0.04 CFS, 3.3 AFA)

Date Filed: 06/27/2001

Remark: Application is for an existing well and subsurface collector to provide water for stock. Located 10.5 miles east and 6.5 miles south of Fairfield, Idaho.

Application No. 37-20555

Point(s) of Diversion & Place of Use: S16, T02S, R16E

Use: 01/01 To 12/31

STOCKWATER (0.04 CFS)

STOCKWATER STORAGE (3.3 AFA)

Total Diversion: (0.04 CFS, 3.3 AFA)

Date Filed: 06/27/2001

Remark: Application is for an existing well to provide water for stock. Located 10.5 miles east and 6.5 miles south of Fairfield, Idaho.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.- Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before July 6, 2004. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

June 10, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHARLES G. BROCKWAY P E
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

RE: Six Applications for Permit, No. 37-20550, 37-20551, 37-20552, 37-20553, 37-20554, 37-20555 (**South Cove Ventures, LLC**)

Dear Mr. Brockway:

The Department of Water Resources acknowledges receipt of the water right applications as referenced above. Please refer to the above referenced numbers in all future correspondence regarding these applications.

A legal notice of the applications has been prepared for publication in the **Camas Courier** on 6/16 & 6/23/04. Submittal of protests to the application will be allowed for a period ending ten days after the second publication. (**July 6, 2004**)

If an application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an un-protested application is about eight weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

MEMORANDUM

Date: June 08, 2004
To: Water Right File 37-20554
From: jfreitag
Re: Legal Notice Remarks

Application is foer an existing well and subsurface collector to provide water for stock.

Located 10.5 miles east and 6.5 miles south of Fairfield, Idaho.

MEMORANDUM

Date: June 08, 2004
To: Water Right File 37-20554
From: jfreitag
Re: Comment/Analysis

Application is for 500 cattle.

Brockway states that tis application and accompanying application 37-20555 are together less than 13,000 GPD.