

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84517**

This is to certify that: GLASS CREEK LLC
6501 FRUITVALE AVE
BAKERSFIELD, CA 93308-2712

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-34983	WR/DECREED	9/20/1979	0.070 cfs	18.0 af	N/A	4.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-34983	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-34983	63-34983	0.070 cfs	18.0 af	N/A	4.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.070 cfs	18.0 af	N/A	4.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 16th day of December, 2020.

for, Patricia Kelly
Chief, Water Allocation Bureau

Transfer No. 84517

WATER RIGHT NO. 63-34983**As Modified by Transfer No. 84517**

In accordance with the approval of Transfer No. 84517, Water Right No. 63-34983 is now described as follows:

Right Holder: GLASS CREEK LLC
6501 FRUITVALE AVE
BAKERSFIELD, CA 93308-2712

Priority Date: 9/20/1979

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to 11/15	0.070 cfs	18.0 af
			0.070 cfs	18.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 30 Twp 04N Rge 02E ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	30												4.0					4.0

POU Total Acres: 4.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 18.0 af at the field headgate for the place of use.
3. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

Transfer No. 84517

WATER RIGHT NO. 63-34983

As Modified by Transfer No. 84517

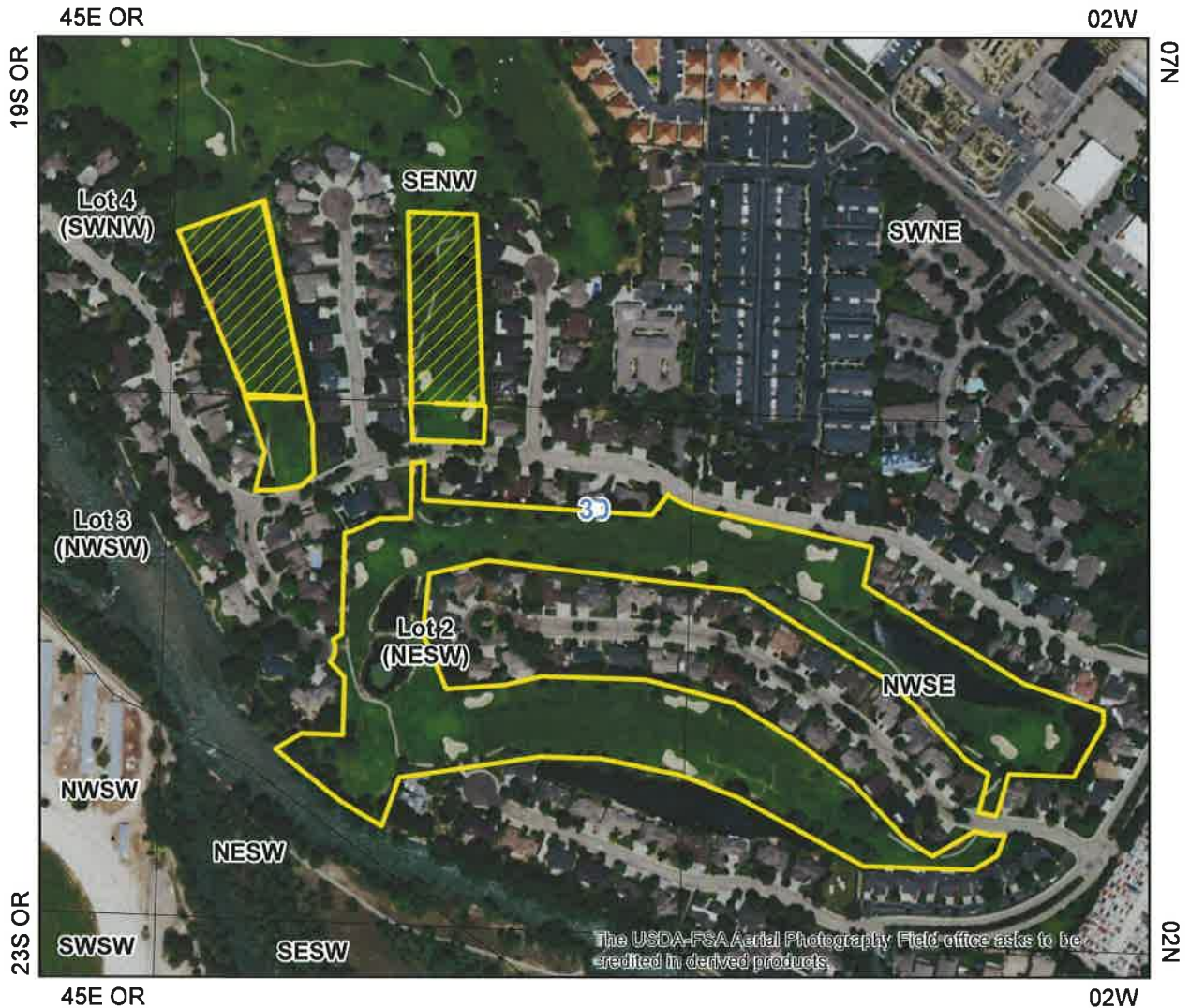
CONDITIONS OF APPROVAL

4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 10/02/07.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Attachment to Water Right Transfer 84517

63-34909, 63-9248

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.05 0.1 0.2 Miles

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Area Being Added



RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 84517

OCT 23 2020

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFERWATER RESOURCES
WESTERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Glass Creek, LLC

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

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

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
Quitclaim deed from water right owner of record allowing proposed correction, applicant's warranty deed for correct place of use
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☒ ☐ #10 Other. Please describe: Email chain with the Department describing the water right discrepancy and Department's direction for resolution.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Glass Creek, LLC Phone _____
Mailing address 6501 Fruitvale Ave, Bakersfield, CA 93308 Email _____

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

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

☐ No Representative

Name of Representative SPF Water Engineering Phone 208-383-4140
Mailing address 300 E Mallard Dr, Ste 350, Boise, ID 83706 Email lgraves@spfwater.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

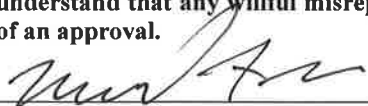
☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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


Signature of Applicant or Authorized Representative

Michael F Hair Managing Member
Print Name and Title if applicable

10/9/20
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

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

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☒ attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

Correct 4 acres erroneously decreed in the SESW (Boise River bed) that should have been decreed in the SENW as licensed and currently used. Correcting the record will allow the Department to include the 4 acres on applicant's recently split portion of water right 63-9248 represented by number 63-34909.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-9248	0.07/18	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.07 cfs and/or 18 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.07 cubic feet per second and/or 18 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2E	30								*4	3				1	6.6			14.6
											L2								
Total Acres (for irrigation use)																			14.6

*Correct location as originally licensed and currently used.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Well, pump, pressurized system. Measuring device and lockable controlling works will be accommodated upon Department request.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

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

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

n/a

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

n/a

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

Yes No

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

If yes, describe:

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-9248

Current Owner: NGP REALTY SUB LP
Priority Date: 9/20/1979
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.25 CFS	65.7 AF
	<u>Total Diversion</u>	0.25 CFS	65.7 AF

Location of Point(s) of Diversion

GROUND WATER
ADA County
NE1/4SW1/4 Sec. 30, Twp 04N, Rge 02E B.M.

Place of Use

IRRIGATION Within ADA County

T04N R02E S30	Lot 2	NESW	3.00	T04N R02E S30	SESW	4.00
T04N R02E S30		NESE	1.00	T04N R02E S30	NWSE	6.60
Total Acres: 34						

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. W44 Use of this right is combined with water from Boise Valley Irrigation Ditch Co.
3. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Decreed Date: 10/2/2007

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09248

Priority: September 20, 1979

Maximum Diversion Rate: 0.58 CFS
Maximum Diversion Volume:¹ 153.0 AF

This is to certify, that FIREMANS FUND MORTGAGE CORP.
6515 W. STATE ST.

BOISE ID 837030000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 12, 1979; and has submitted Proof of Beneficial Use on January 9, 1987. An examination indicates that the works have a diversion capacity of .580 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.58 CFS	153.0 AF

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 30, Township 04N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	02E	30	SENW 4	LOT 2(NESW) 14	NESE 1	34
			NWSE 15			
Total number of acres irrigated:						34

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

FEB 10 1992

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-09248

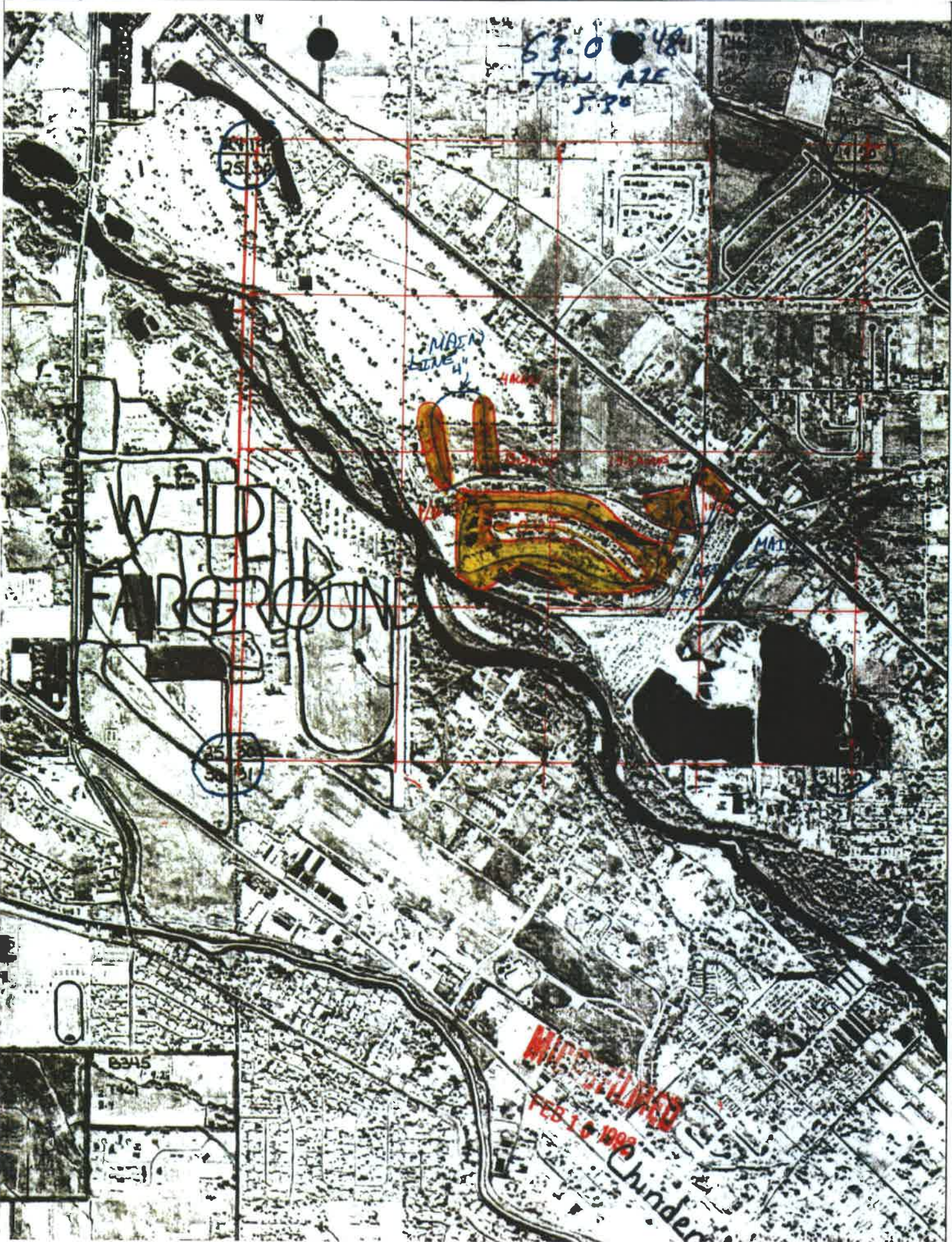
This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 22nd
day of JANUARY, 1992.

Acting for


R. Keith Higginson, Director

REC-10 1992

84517





0003655333

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***FOREIGN REGISTRATION STATEMENT (LIMITED LIABILITY COMPANY)**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$100.00 - Make Checks Payable to Secretary of State

*For Office Use Only***-FILED-**

File #: 0003655333

Date Filed: 10/25/2019 2:11:28 PM

Foreign Registration Statement (Limited Liability Company)		
Select one: Standard, Expedited or Same Day Service (see descriptions below)		Expedited (+\$40; filing fee \$140)
1. The name this limited liability company will use in Idaho is:		
Type of Limited Liability Company	Foreign Limited Liability Company	
Entity name	Glass Creek, LLC	
2. Home Jurisdiction		
The jurisdiction of formation is:	CALIFORNIA	
3. The street address of its domestic principal office (if required by the laws of the jurisdiction of formation) is:		
Street Address	6501 FRUITVALE AVENUE BAKERSFIELD, CA 93308	
4. The mailing address of its domestic principal office (if required by the laws of the jurisdiction of formation) is:		
Mailing Address	6501 FRUITVALE AVENUE BAKERSFIELD, CA 93308	
5. The complete street address of the principal office is:		
Principal Office Address	6501 FRUITVALE AVENUE BAKERSFIELD, CA 93308	
6. The mailing address of the principal office is:		
Mailing Address	6501 FRUITVALE AVE BAKERSFIELD, CA 93308-2712	
7. Registered Agent Name and Address		
Registered Agent	C T CORPORATION SYSTEM Commercial Registered Agent Physical Address 921 S ORCHARD ST STE G BOISE, ID 83705 Mailing Address 921 S ORCHARD ST STE G BOISE, ID 83705	
8. Governors		
Name	Title	Address
Michael Hair Jr	Manager	6501 FRUITVALE AVE BAKERSFIELD, CA 93308-2712
Signature of individual authorized by the entity to sign:		
<i>Michael F. Hair, Jr.</i>		11/06/2019
Sign Here		Date
Signer's Title: Manager		

B0398-1014 11/06/2019 12:08 PM Received by ID Secretary of State Lawrence Denney

State of California Secretary of State

CERTIFICATE OF STATUS

ENTITY NAME: GLASS CREEK, LLC

FILE NUMBER: 201533610387
FORMATION DATE: 12/02/2015
TYPE: DOMESTIC LIMITED LIABILITY COMPANY
JURISDICTION: CALIFORNIA
STATUS: ACTIVE (GOOD STANDING)

I, ALEX PADILLA, Secretary of State of the State of California,
hereby certify:

The records of this office indicate the entity is authorized to
exercise all of its powers, rights and privileges in the State of
California.

No information is available from this office regarding the financial
condition, business activities or practices of the entity.



IN WITNESS WHEREOF, I execute this
certificate and affix the Great Seal
of the State of California this day of
November 5, 2019.

ALEX PADILLA
Secretary of State

CFG

After Recording
Return to:

Butler Spink, LLP
967 E. Parkcenter Blvd. #313
Boise, ID 83706

ADA COUNTY RECORDER Phil McGrane
BOISE IDAHO Pgs=1 BONNIE OBERBILLIG
BUTLER SPINK LLP

2020-126900
09/25/2020 01:43 PM
AMOUNT:\$15.00



00853707202001269000010014

FOR RECORDING INFORMATION

QUITCLAIM DEED

FOR VALUE RECEIVED, **NGP Realty Sub, L.P.**, a Delaware limited partnership, "**Grantor**", does hereby CONVEY, RELEASE, REMISE and FOREVER QUITCLAIM unto **Glass Creek, LLC**, a California limited liability company, "**Grantee**", whose current mailing address is 6501 Fruitvale Avenue, Bakersfield, California 93308, any and all right, title and interest that Grantor now has or ever had in and to the following described portion of water right appurtenant to real property located in Ada County, State of Idaho, more particularly described as follows, to wit:

Water Right #63-9248

Quantity: 0.07 cubic feet per second / 18 acre feet per year

Acres: 4.0 acres (SESW Section 30, T4N, R2E, Ada County, Idaho).

Dated this 11th day of September, 2020.

NGP Realty Sub, L.P., a Delaware limited partnership

By: NGP Realty Sub GP, LLC, a Delaware limited liability company
Its: General Partner

By: [Signature]
Lawrence A. Goodfield, Jr.,
Chief Financial Officer

STATE OF NEW YORK

County of NEW YORK

This record was acknowledged before me on September 11th, 2020 by Larry A. Goodfield, Jr., as the Chief Financial Officer of NGP Realty Sub GP, LLC, a Delaware limited liability company, the General Partner of NGP Realty Sub, L.P., a Delaware limited partnership.

Signature of notary public
(Stamp)

My commission expires: 8/25/2022

JENNA N SILVERMAN
Notary Public, State of New York
No. 02SI6310571
Qualified in New York County
Commission Expires August 25, 2022.

QUITCLAIM DEED

84517

Path: S:\PROJECTS\THRU H\PROJECTS\Glass Creek_153300010_Plantation GC Water Rights\PROJECT\GIS\AveMap_Proyects\WFR Map.mxd



Legend

- Irrigation area described on decree record
- Irrigation area per IDWR GIS shapefile for decree record
- Proposed (corrected) 4-acre irrigation point



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Transfer Attachment 7A & 7B

Glass Creek, LLC

DATE: 7/17/2020

CREATOR: Igraves

PROJECT: 819.0030



Absolute Scale: 1:7,264
0 500 1,000 Feet

84517



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

December 16, 2020

GLASS CREEK LLC
6501 FRUITVALE AVE
BAKERSFIELD CA 93308-2712

RE: Transfer No: 84517
Water Right No(s): 63-34983

Transfer Approval Notice

Dear Water Right Holder (and other Interested Persons):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the

Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,



Lynne Evans

for: Patrick Kelly
Water Rights Supervisor

Enclosure(s)

CC:

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84517
Water Right No(s): 63-34983

GLASS CREEK LLC
6501 FRUITVALE AVE
BAKERSFIELD CA 93308-2712

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660



Lynne Evans
Office Specialist II

MEMORANDUM

TO: Transfer No. 84517
FROM: Kate Huelse
DATE: 12/07/20
RE: Evaluation of Application

Summary of Information Submitted

Glass Creek, LLC filed an application for Transfer no. 84517 to change 4 acres decreed in the SESW, which should have been decreed in the SENW as licensed and currently used. Correcting the record will allow the Department to include the 4 acres on applicants recently split portion of water right 63-9248 represented by number 63-34909.

Lori Graves of SPF Water Engineers is the representative of the transfer. Mrs. Graves can be reached at (208) 383-4140 or lgraves@spfwater.com

Authority to File

The transfer was filed in the name of Glass Creek LLC. Glass Creek LLC is the current owner of water right 63-34909 and the property owner at the proposed Place of Use. The transfer was signed by Michael Hair, the Idaho Secretary of State annual report depict Michael Hair as the Managing Member for Glass Creek, and therefore he has the authority to sign on behalf of the company.

The decreed 4 acres in the SESW are recorded under the parent water right 63-9428 in the name of NGP Realty, the current owner and decree owner of record. As such NGP Realty has agreed to quitclaim the 4 acres of irrigation to Glass Creek, LLC. Glass Creek split the 4 acres in the SENW from parent right 63-9248 into child right 63-34983 and subsequently proposes to transfer the 4 acres to the SENW.

Water Right Validity

The water right no 63-9248 was licensed on 9/20/1979. The water right was decreed in 2007 on public land with portions located in the bed of the Boise River. The right is presumed to be valid since beneficial use has occurred within the last five years on the property described on the original license. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Injury to Other Water Rights

None anticipated. The 4 acres subject to transfer were decreed to riverbed property not owned by a private party, therefore any water right appurtenant to private lands will not be affected. Beneficial use of the 4 acres of irrigation has continued to be irrigated within the SENW since it was licensed in 1979.

Enlargement of Use

Enlargement of use is not of concern. The parent water right no. 63-9428 was split into child right no. 63-34983 in order to recognize 4 acres in the name of Glass Creek LLC. Transfer 84517 subsequently proposes to transfer the 4 acres from the SESW to the SENW. Limits to rate, volume, and acres will remain consistent post-transfer.

Local Public Interest

No information has been made available to suggest a conflict with the local public interest.

Beneficial Use/Conservation of Water Resources

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.



SPF WATER
ENGINEERING

RECEIVED

OCT 23 2020

WATER RESOURCES
WESTERN REGION

October 21, 2020

Patrick Kelly, Water Rights Supervisor
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Notice of Change in Water Right Ownership

Dear Patrick,

Enclosed on behalf of Glass Creek, LLC, is an *Application for Transfer* seeking the correct 4 acres erroneously decreed in the SESW (Boise River bed) that should have been decreed in the SENW as licensed and currently used. Correcting the record will allow the Department to include the 4 acres on applicant's recently split portion of water right 63-9248 represented by number 63-34909.

As you recall, to allow the Department to process the transfer and change the water right accordingly, a recorded quitclaim deed is required from the water right holder or land owner of the property where the 4 acres are incorrectly decreed, quitclaiming the associated water to Glass Creek. The problem in this situation is that the 4 acres to which the water rights were decreed consist of public land located in the bed of the Boise River. SPF requested direction from IDWR on how to proceed in this situation. Following internal review, IDWR agreed to accept a quitclaim deed from the decree owner of record, NGP Reality Sub LP, quitclaiming to Glass Creek any irrigation water right associated with 4 acres decreed in the SESW of Section 30. The requested quitclaim deed is attached.

A check for \$50 required for correcting the record is enclosed. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Bob Taunton

Enclosures

SPF file number: 1533.0010

From: Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>
Sent: Friday, July 17, 2020 10:15 AM
To: Lori Graves <LGraves@spfwater.com>
Cc: Bob Taunton <bobtaunton@tautongroup.com>; Terry Scanlan <TScanlan@spfwater.com>
Subject: RE: Glass Creek POU Correction

Lori, it sounds like we can move forward with a quit-claim from NGP Realty Sub LP if you can track them down.

From: Lori Graves [<mailto:LGraves@spfwater.com>]
Sent: Thursday, July 16, 2020 12:45 PM
To: Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>
Cc: Bob Taunton <bobtaunton@tautongroup.com>; Terry Scanlan <TScanlan@spfwater.com>
Subject: RE: Glass Creek POU Correction

The 4 acres subject to transfer were erroneously decreed to riverbed property not owned by a private party. I think that gives us wiggle room since we are not affecting any of the water right appurtenant to private lands.

From: Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>
Sent: Thursday, July 16, 2020 12:39 PM
To: Lori Graves <LGraves@spfwater.com>
Subject: RE: Glass Creek POU Correction

Lori,

Looking into this further and as you have probably discovered, this is more complicated than just a POU transfer. When situations like this have occurred in the past, the applicant seeking to make changes to the right on land that they do not own must obtain the consent of the property owner to gain authority to make the change. This has been done by securing a quit-claim deed of the water right from the property owner to the applicant. In the case of Glass Creek, they would need to secure a quit-claim from property owners in the SESW. That is not likely to happen given there are 30 or so different parcels within the QQ.

Glass Creek would have to file a late objection form to the SRBA and ask the court to set aside the decree. This is basically asking the courts to re-open the SRBA. I will say that it is not likely that may happen, since it would allow another party to file an objection on an unrelated issue. I think the answer they will get is that it was decreed in 2007 and the previous owners (NGP Realty Sub?) failed to file an objection when they had the chance.

Patrick

From: Lori Graves [<mailto:LGraves@spfwater.com>]
Sent: Wednesday, July 15, 2020 9:28 AM
To: Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>
Subject: RE: Glass Creek POU Correction

I have prepared a transfer for Glass Creek on water right 63-9248 and will send to the client for signature as soon as you respond to my email below. Thanks Patrick.

From: Lori Graves
Sent: Tuesday, July 14, 2020 12:51 PM
To: 'Kelly, Patrick' <Patrick.Kelly@idwr.idaho.gov>
Subject: RE: Glass Creek POU Correction

Patrick,

Glass Creek currently has child right 63-32909 for a 19.4 acres of parent right 63-9248 that they own. To fix the 4-acre discrepancy, Glass Creek would file a transfer on 63-9248, even though they only own 4 acres of the right? If so, the Department will then amend child right 63-32909 to reflect 23.4 acres rather than 19.4 acres?

From: Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>
Sent: Monday, July 13, 2020 1:02 PM
To: Lori Graves <LGraves@spfwater.com>
Cc: Shearer, Justin <Justin.Shearer@idwr.idaho.gov>; Evans, Lynne <Lynne.Evans@idwr.idaho.gov>
Subject: FW: Glass Creek POU Correction

Hey Lori,

In reference to the Glass Creek ownership change, they would need to file a transfer to "fix" the right since they can no longer appeal to the court. Since nothing is proposed to change physically, it would qualify for the \$50 fee.

Patrick

From: Evans, Lynne
Sent: Friday, July 10, 2020 2:39 PM
To: Shearer, Justin <Justin.Shearer@idwr.idaho.gov>; Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>
Subject: Glass Creek POU Correction

Hey fellas,

Lori Graves from SPF called today and said that there's an issue with the Glass Creek water rights we recently did an ownership change on. The parent right is 63-9248, and the child right is 63-34909. She says that when the SRBA decreed that right, they recorded it incorrectly: the reports we have and the SRBA decree both list 4 acres in the SESW, and Lori says that is actually supposed to be 4 acres in the SENW. She says the POU maps also show it correctly in the SENW, so they want to get the reports corrected and have that 4 acres added to their split portion 63-34909.

Can one of you get in touch with her about resolving this? SPF's number is 383-4140. The docs from the split are still in my pile to be profiled, but if you need them I can make you a copy or a scan. Let me know if there's anything else you need from me on this.

Thanks,

Lynne Evans | Office Specialist II
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov