

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 22 2019

DEPARTMENT OF
WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-11196 +	Yes ☒	Yes ☐		Yes ☐	Yes ☐
63-34772 +	Yes ☐	Yes ☐		Yes ☐	Yes ☐
63-34773	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: TOM & Kari POINTS

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): TOM & Kari POINTS

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

26600 Gail Lane

Middleton

ID

93644

Mailing address

City

State

ZIP

209-930-8679

4@pointsranch.com

Telephone 209-930-8679

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.

☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: July 2004

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.

☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).

☒ Filing fee (see instructions for further explanation):

o \$25 per undivided water right.

☒ \$100 per split water right.

o No fee is required for pending adjudication claims.

☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.

☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature]

Signature of new owner/claimant

NA

Title, if applicable

7/12/2019

Date

- Signature: [Signature]

Signature of new owner/claimant

NA

Title, if applicable

7/12/2019

Date

For IDWR Office Use Only:

Received by [Signature] Date 7/22/19

Receipt No. C107260

Receipt Amt. 100

Active in the Water Supply Bank? Yes ☐ No ☐

If yes, forward to the State Office for processing

W-9 received? Yes ☐ No ☐

Name on W-9

Approved by

Processed by

Date



Canyon County Board of County Commissioners
Tom & Kari Points - Rezone Case No. RZ2018-0035

Development Services Department

April 3, 2019

Findings of Fact, Conclusions of Law, and Order

Findings of Fact

1. Tom & Kari Points are requesting a **Rezone** of approximately 8.30 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The applicant has proposed to divide the property into three (3) parcels.
2. The subject property is located at 26600 Gail Lane, Middleton, ID, in a portion of the NE ¼ of Section 21, T5N, R2W, BM, Canyon County, Idaho.
3. The average minimum lot size in an "R-R" (Rural Residential) zone is two (2) acres.
4. The subject property is currently zoned "A" (Agricultural).
5. The subject property is designated 'Residential' on the 2020 Canyon County Future Land Use Map. (Exhibit 11).
6. The subject property is not located within an Area of City Impact.
7. The subject property is located within Canyon Highway District No. 4, Middleton Fire District, Black Canyon Irrigation District, and Middleton School District.
8. The neighborhood meeting was held on 12/11/18 in accordance with CCZO §07-01-15.
9. The Planning & Zoning Commission recommended approval of the request on February 21, 2019.
10. Notice of the public hearing was provided as per CCZO §07-05-01: Agencies were notified on 3/12/19, property owners within 300 ft. were notified by mail on 3/12/19, Newspaper notice was provided on 3/16/19, and the property was posted on or before 3/27/19.
11. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on 2/21/19, 4/3/19, and all information contained in DSD case file, RZ2018-0035.

Conclusions of Law

For this request the Board of County Commissioners find and conclude the following regarding the Standards of Review for a Zoning Amendment (§07-06-05):

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed zone change is consistent with the 2020 Canyon County Comprehensive Plan and Future Land Use Map.

Finding: The proposed zone change is generally consistent with the Comprehensive Plan Future Land Use Map which designates the subject property as 'Residential' (Exhibit 11). The proposed rezone to "R-R" (Rural Residential) is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan including but not limited to:

Property Rights Policy No. 1- *"No person shall be deprived of private property without due process of law."*

Property Rights Policy No. 8- *"Promote orderly development that benefits the public good and protects the individual with a minimum of conflict."* The property is designated as "residential" on the 2020 Canyon County Future Land Use Map (Exhibit 11).

Population Policy No. 3- *"Encourage future population to locate in areas that are conducive to residential living and that do not pose an incompatible land use to other land uses."* The subject property is located within a platted subdivision and in an area that has been identified for residential uses on the Canyon County Future Land Use Map. The proposed rezone would not create an incompatible use to those that exist in the area.

Land Use Goal No. 1- *"To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services."* The subject property is identified on Canyon County's Future Land Use Map to be residential. The property lies within a platted subdivision. Approval of the rezone request for the creation of three (3) lots would not have an adverse impact on the properties in the vicinity.

Land Use Goal No. 6 – *"Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur."* The subject property is designated as "residential" on the 2020 Canyon County Future Land Use Map.

Land Use Policy No. 1- *"Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas."* The rezone of the parcel to create three (3) residential lots will be compatible with the residential uses that currently exist on the north, west, and south boundaries of the subject property. The development of the site would not be incompatible with the surrounding area.

Public Services, Facilities and Utilities Policy No. 3- *"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."* The subject property is located within Middleton Fire District.

B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?

Conclusion: The proposed zone change is more appropriate than the current zoning designation, and is consistent with the future land use map designation of "residential."

Finding: The proposed zone change as appropriate as the current zone designation of "A" (Agricultural), however the request to rezone the property is consistent with the Future Land Use map, which designates the subject property as "Residential" (Exhibit 11). The proposed zone change to "R-R" (Rural Residential) would be commensurate with the lots to the west and south of the subject property.

C. Is the proposed rezone compatible with surrounding land uses?

Conclusion: The proposed use is compatible with the surrounding land uses.

Finding: The proposed rezone is compatible with the surrounding land uses in the area. There are residential uses primarily to the north, west, and south of the property and agricultural uses to the east. The property is located within Lansing Heights Estates Subdivision which was platted in 1973. Within one (1) mile of the subject property there are 8 platted subdivisions for a total of 186 lots with an average lot size of 3.46 acres (Exhibit 8 and 8A). Immediately west of the subject property, parcels range in size from 1.42 acres to 3 acres. South of the subject property there are two parcels that are 2.24 acres in size (Exhibit 4).

D. Will the proposed use negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed use will not negatively affect the character of the area and no mitigation is proposed at this time.

Finding: The proposed use will not negatively impact the essential character of the area. The character of the area is a mix of agricultural and residential uses. However, there are residential uses primarily to the north, west, and south of the subject property with agricultural uses to the east. The property is within a platted subdivision, Lansing Heights Estates. No evidence has been provided that the proposed use would have a negative impact to the character of the area. No mitigation measures are proposed at this time.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed use?

Conclusion: Adequate sewer, drainage, irrigation, and storm water drainage facilities and utility systems will be provided to accommodate the proposed use at the time of development.

Finding: Individual septic systems are proposed for this development. All rules and requirements of Southwest District Health Department shall be adhered to at the time of development.

Individual domestic wells are proposed for the development. Domestic wells are under the jurisdiction of Idaho Department of Water Resources.

Drainage, irrigation, and other utilities will be addressed during the development of the property.

F. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: The property has access via Gail Lane and Kenn Way.

Finding: The subject property has access via Gail Lane and Kenn Way. Canyon Highway District No. 4 stated that access onto Gail Lane is preferred (Exhibit 15). The development will not require platting. Any dedications or easements requested by the district will be required to be shown on the Record of Survey for the development (Exhibit 22).

G. Does the proposed development require road improvements to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The rezone of the subject property will not cause undue interference with existing or future traffic patterns as proposed.

Finding: Canyon Highway District No 4 has stated that the development density for the rezone is not anticipated to materially impact the existing or future traffic road network. A traffic impact study will not be required for the project, as the projected trips are below the threshold required for a TIS (Exhibit 15). No mitigation measures are proposed at this time.

H. Will the proposed zone change amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: Canyon County Ambulance District, Middleton School District, Canyon County Sheriff, and Middleton Fire were notified of the request and did not provide responses to indicate that the proposed zone change amendment would have a negative impact. No mitigation measures are proposed at this time.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein the Board of County Commissioners **approve** Case # RZ2018-00335, a request to rezone parcel R23772, approximately 8.30 acres, from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone.

APPROVED this 3 day of April, 2019

BOARD OF COUNTY COMMISSIONERS

CANYON COUNTY,

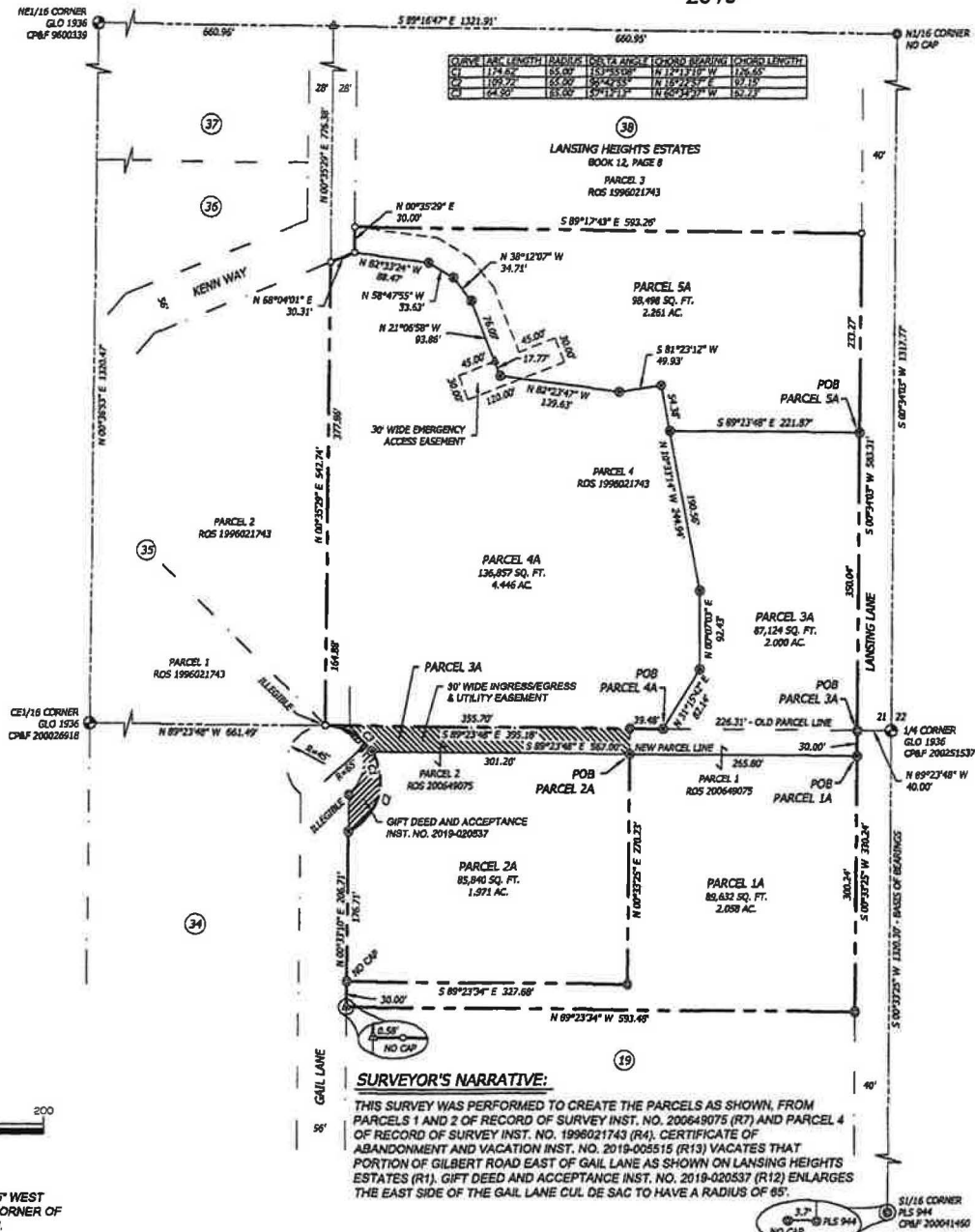
	Yes	No	Did Not Vote
 _____ Commissioner White	☒	_____	_____
 _____ Commissioner Dale	☒	_____	_____
 _____ Commissioner Van Beek	☒	_____	_____

Attest: Chris Yamamoto, Clerk

By: 

Jamie Miller, Deputy

**RECORD OF SURVEY PROPERTY BOUNDARY ADJUSTMENT
FOR TOM & KARI POINTS
PARCELS OF LAND BEING A PORTION OF LOTS 19 AND 38, LANSING HEIGHTS SUBDIVISION
LOCATED IN THE E1/2 OF SECTION 21, T. 5 N., R. 2 W., B.M.,
CANYON COUNTY, IDAHO
2019**



N

SCALE
1" = 100 FT.

BASIS OF BEARINGS IS SOUTH 00°33'25" WEST
BETWEEN THE E1/4 CORNER AND S1/16 CORNER OF
SECTION 21, T. 5 N., R. 2 W., B.M.
I.S.P.C.S. WEST ZONE



2019-028273

RECORDED

06/25/2019 03:37 PM



00447900201900282730040045

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=4 PBRIDGES

\$15.00

DEED

POINTS RANCH LLC

**Canyon County
Recorder's Office
Document
Cover Sheet**

RECEIVED

AUG 22 2019

DEPT OF WATER RESOURCES



QUITCLAIM DEED

FOR VALUE RECEIVED, THOMAS & KARI POINTS, Grantor, does hereby convey, release, remise and forever quitclaim unto

POINTS RANCH LLC, whose address is _____, the following

described premises, to-wit:

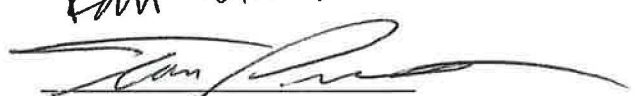
SEE ATTACHED PARCEL 3A

_____, _____ county.

Together with the appurtenances.

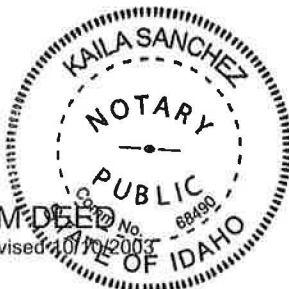
This deed is intended to convey to the Grantee all right, title, and interest of the Grantor in and to said property, now owned or hereafter acquired.

Date June 25, 2019

Kari Points

Signature, Grantor

STATE OF IDAHO)
) ss.
County of _____)

On this 25 day of June, 2019 before me, the undersigned, a Notary Public in and for said state, personally appeared Kari & Thomas Points, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that s/he executed the same.



QUITCLAIM DEED
CAO GL 02 Revised 10/10/2003

Kaila Sanchez
NOTARY PUBLIC for Idaho
Residing at: 500 12th Ave S Nampa, ID 83651
My Commission Expires: Sept 20, 2022



Sawtooth Land Surveying, LLC

2030 S. Washington Ave.
Emmett, ID 83617
P: (208) 398-8104
F: (208) 398-8105

1044 Northwest Blvd., Ste. G
Coeur d'Alene, ID 83814
P: (208) 714-4544
F: (208) 292-4453

141 1st Avenue East
Jerome, ID 83338
P: (208) 329-5303
F: (208) 324-3821

Parcel 3A Legal Description

A parcel of land being a portion of Parcel 4 of Record of Survey Instrument No. 1996021743 and a portion of Parcels 1 and 2 of Record of Survey Instrument No. 200649075, and also being a portion of Lansing Heights Estates, Book 12, Page 8, Canyon County Records, located in the NE1/4 SE1/4 and the SE1/4 NE1/4 of Section 21, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the E1/4 corner of said Section 21, marked by a 1936 G.L.O. brass cap, from which the S1/16 corner common to Sections 21 and 22, marked by a 5/8 inch rebar/cap PLS 944, bears South 00°33'25" West, 1320.30 feet;

Thence North 89°23'48" West, coincident with the north line of the NE1/4 SE1/4 of said Section 21, a distance of 40.00 feet to the northeast corner of said Parcel 1, marked by a 5/8 inch rebar/cap PLS 6901 and the **POINT OF BEGINNING**;

Thence South 00°33'25" West, coincident with the east line of said Parcel 1, a distance of 30.00 feet to a 5/8 inch rebar/cap PLS 10561;

Thence North 89°23'48" West, parallel with and offset 30.00 feet south of the north line of said Parcels 1 and 2, a distance of 567.00 feet to a 5/8 inch rebar/cap PLS 10561 and the beginning of a non-tangent curve to the left;

Thence 64.90 feet along the arc of said curve to the left, having a radius of 65.00 feet, a central angle of 57°12'13", and being subtended by a chord bearing of North 60°34'37" West, 62.23 feet to the northwest corner of said Parcel 2, marked by a 1/2 inch rebar/cap illegible;

Thence South 89°23'48" East, coincident with the north line of said Parcels 1 and 2, a distance of 395.18 feet to a 5/8 inch rebar/cap PLS 10561;

Thence North 31°15'42" East, 82.14 feet to a 5/8 inch rebar/cap PLS 10561;

Thence North 00°07'03" East, 92.43 feet to a 5/8 inch rebar/cap PLS 10561;

Thence North 10°33'14" West, 190.56 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 89°23'48" East, parallel with the north line of said Parcel 1, a distance of 221.87 feet to the east line of said Parcel 4, marked by a 5/8 inch rebar/cap PLS 10561;

Thence South 00°34'03" West, coincident with said east line of Parcel 4, a distance of 350.04 feet to the **POINT OF BEGINNING**.

The above described parcel contains 2.000 acres, more or less.

SUBJECT TO

A 30.00 wide easement for ingress/egress and utilities, over/across and under, a portion of vacated E. Gilbert Road, Certificate of Abandonment and Vacation Instrument No. 2019-005515, being a portion of Lansing Heights Estates, Book 12, Page 8, Canyon County Records, located in the NE1/4 SE1/4 of Section 21, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the E1/4 corner of said Section 21, marked by a 1936 G.L.O. brass cap, from which the S1/16 corner common to Sections 21 and 22, marked by a 5/8 inch rebar/cap PLS 944, bears South 00°33'25" West, 1320.30 feet;

Thence North 89°23'48" West, coincident with the north line of the NE1/4 SE1/4 of said Section 21, a distance of 305.79 feet to a 5/8 inch rebar/cap PLS 6901 and the **POINT OF BEGINNING**;

Thence South 00°33'25" West, parallel with the east line of said NE1/4 SE1/4, a distance of 30.00 feet to a 5/8 inch rebar/cap PLS 10561;

Thence North 89°23'48" West, parallel with and offset 30.00 feet south of said north line of the NE1/4 SE1/4, a distance of 301.20 feet to a 5/8 inch rebar/cap PLS 10561 and the beginning of a non-tangent curve to the left;

Thence 64.90 feet along the arc of said curve to the left, having a radius of 65.00 feet, a central angle of 57°12'13", and being subtended by a chord bearing of North 60°34'37" West, 62.23 feet to said north line of the NE1/4 SE1/4, marked by a 1/2 inch rebar/cap illegible;

Thence South 89°23'48" East, coincident with said north line of the NE1/4 SE1/4, a distance of 355.70 feet to the **POINT OF BEGINNING**.

BASIS OF BEARING for this description is South 00°33'25" West between the E1/4 of Section 21 and the S1/16 corner common to Sections 21 and 22, located in T. 5 N., R. 2 W., B.M., Canyon County, Idaho.





**Canyon County
Recorder's Office
Document
Cover Sheet**



2019-028274

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06/25/2019 03:38 PM



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CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=5 PBRIDGES

\$15.00

DEED

POINTS RANCH LLC

RECEIVED

AUG 22 2019

DEPT OF WATER RESOURCES

QUITCLAIM DEED

FOR VALUE RECEIVED, THOMAS & KARI POINTS, Grantor, does hereby convey, release, remise and forever quitclaim unto

THOMAS & KARI POINTS, whose address is _____, the following

described premises, to-wit:

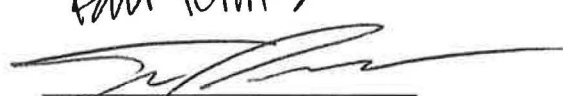
SEE ATTACHED PARCEL SA

_____ county.

Together with the appurtenances.

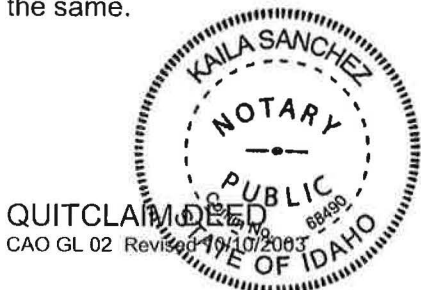
This deed is intended to convey to the Grantee all right, title, and interest of the Grantor in and to said property, now owned or hereafter acquired.

Date June 25, 2019

Kari Points

Signature, Grantor

STATE OF IDAHO)
County of _____) ss.

On this 25 day of June, 2019, before me, the undersigned, a Notary Public in and for said state, personally appeared Kari & Thomas Points, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that s/he executed the same.



Kaila Sanchez
NOTARY PUBLIC for Idaho
Residing at: 500 12th Ave S Nampa ID 83051
My Commission Expires: Sept 20, 2022



Sawtooth Land Surveying, LLC

2030 S. Washington Ave.
Emmett, ID 83617
P: (208) 398-8104
F: (208) 398-8105

1044 Northwest Blvd., Ste. G
Coeur d'Alene, ID 83814
P: (208) 714-4544
F: (208) 292-4453

141 1st Avenue East
Jerome, ID 83338
P: (208) 329-5303
F: (208) 324-3821

Parcel 5A Legal Description

A parcel of land being a portion of Parcel 4 of Record of Survey Instrument No. 1996021743, being a portion of Tract 38 of Lansing Heights Estates, Book 12, Page 8, Canyon County Records, located in the SE1/4 NE1/4 of Section 21, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the E1/4 corner of said Section 21, marked by a 1936 G.L.O. brass cap, from which the S1/16 corner common to Sections 21 and 22, marked by a 5/8 inch rebar/cap PLS 944, bears South 00°33'25" West, 1320.30 feet;

Thence North 89°23'48" West, coincident with the north line of the NE1/4 SE1/4 of said Section 21, a distance of 40.00 feet to a 5/8 inch rebar/cap PLS 6901;

Thence North 00°34'03" East, coincident with the prolongation of the west line and the west line of said Parcel 4, a distance of 350.04 feet to a 5/8 inch rebar/cap PLS 10561 and the **POINT OF BEGINNING**;

Thence North 89°23'48" West, parallel with the south line of said Parcel 4, a distance of 221.87 feet to a 5/8 inch rebar/cap PLS 10561;

Thence North 10°33'14" West, 54.38 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 81°23'12" West, 49.93 feet to a 5/8 inch rebar/cap PLS 10561;

Thence North 82°23'47" West, 139.63 feet to a 5/8 inch rebar/cap PLS 10561;

Thence North 21°06'58" West, 93.86 feet to a 5/8 inch rebar/cap PLS 10561;

Thence North 38°12'07" West, 34.71 feet to a 5/8 inch rebar/cap PLS 10561;

Thence North 58°47'55" West, 33.63 feet to a 5/8 inch rebar/cap PLS 10561;

Thence North 82°30'36" West, 88.34 feet to an angle point on the west line of said Parcel 4, marked by a 1/2 inch rebar/cap PLS 3627;

Thence North 00°35'29" East, coincident with said west line, 30.00 feet to the northwest corner of said Parcel 4, marked by a 1/2 inch rebar/cap PLS 3627;

Thence South 89°17'43" East, coincident with the north line of said Parcel 4, a distance of 593.26 feet to a 1/2 inch rebar/cap PLS 3627;

South 00°34'03" West, coincident with the east line of said Parcel 4, a distance of 233.27 feet to the **POINT OF BEGINNING**.

The above described parcel contains 2.261 acres, more or less.

SUBJECT TO

An easement for emergency access, over and across a portion of Parcel 4 of Record of Survey Instrument No. 1996021743, and also being a portion of Tract 38 of Lansing Heights Estates, Book 12, Page 8, Canyon County Records, located in the NE1/4 SE1/4 of Section 21, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the E1/4 corner of said Section 21, marked by a 1936 G.L.O. brass cap, from which the S1/16 corner common to Sections 21 and 22, marked by a 5/8 inch rebar/cap PLS 944, bears South 00°33'25" West, 1320.30 feet;

Thence North 89°23'48" West, coincident with the north line of the NE1/4 SE1/4 of said Section 21, a distance of 661.49 feet to a 1/2 inch rebar/cap illegible;

Thence North 00°35'29" East, coincident with the prolongation of and the west line of said Parcel 4 of Record of Survey Instrument No. 1996021743, a distance of 542.74 feet to an angle point on said west line, marked by a 1/2 inch rebar/cap illegible;

Thence North 68°04'01" East, coincident with said west line, 30.31 feet to an angle point on said west line, marked by a 1/2 inch rebar/cap illegible and the **POINT OF BEGINNING**;

Thence South 82°30'36" East, 88.34 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 58°47'55" East, 33.63 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 38°12'07" East, 34.71 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 21°06'58" East, 76.09 feet;

Thence South 68°53'02" West, 45.00 feet;

Thence South 21°06'58" East, 30.00 feet;

Thence North 68°53'02" East, 120.00 feet;

Thence North 21°06'58" West, 30.00 feet;

Thence South 68°53'02" West, 45.00 feet;

Thence North 21°06'58" West, 80.59 feet;

Thence North 38°12'07" West, 44.66 feet;

Thence North 58°47'55" West, 45.38 feet;

Thence North 82°30'36" West, 96.42 feet to the north line of said Parcel 4;

Thence North 89°17'43" West, coincident with said north line, 1.84 feet to the northwest corner of said Parcel 4, marked by a 1/2 inch rebar/cap PLS 3627;

Thence South 00°35'29" West, coincident with the west line of said Parcel 4, a distance of 30.00 feet to the **POINT OF BEGINNING**.

BASIS OF BEARING for this description is South 00°33'25" West between the E1/4 of Section 21 and the S1/16 corner common to Sections 21 and 22, located in T. 5 N., R. 2 W., B.M., Canyon County, Idaho.





**Canyon County
Recorder's Office
Document
Cover Sheet**



2019-028275

RECORDED

06/25/2019 03:38 PM



00447902201900282750050054

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=5 PBRIDGES

\$15.00

DEED

POINTS RANCH LLC

RECEIVED

AUG 22 2019

DEPT OF WATER RESOURCES

QUITCLAIM DEED

FOR VALUE RECEIVED, THOMAS & KARI POINTS, Grantor, does hereby convey, release, remise and forever quitclaim unto

POINTS RANCH LLC, whose address is _____, the following

described premises, to-wit:

SEE ATTACHED PARCEL 4A

_____ county.

Together with the appurtenances.

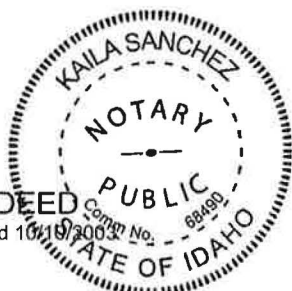
This deed is intended to convey to the Grantee all right, title, and interest of the Grantor in and to said property, now owned or hereafter acquired.

Date June 25, 2019.

Kari Points
[Signature]
Signature, Grantor

STATE OF IDAHO)
County of _____) ss.

On this 25 day of June, 2019, before me, the undersigned, a Notary Public in and for said state, personally appeared Kari & Thomas Points, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that s/he executed the same.



QUITCLAIM DEED
CAO GL 02 Revised 10/19/2003

Kaila Sanchez
NOTARY PUBLIC for Idaho
Residing at: 500 12th Ave S Nampa, ID 83651
My Commission Expires: Sept 20, 2022



Sawtooth Land Surveying, LLC

2030 S. Washington Ave.
Emmett, ID 83617
P: (208) 398-8104
F: (208) 398-8105

1044 Northwest Blvd., Ste. G
Coeur d'Alene, ID 83814
P: (208) 714-4544
F: (208) 292-4453

141 1st Avenue East
Jerome, ID 83338
P: (208) 329-5303
F: (208) 324-3821

Parcel 4A Legal Description

A parcel of land being a portion of Parcel 4 of Record of Survey Instrument No. 1996021743, and also being a portion of Lansing Heights Estates, Book 12, Page 8, Canyon County Records, located in the SE1/4 NE1/4 of Section 21, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the E1/4 corner of said Section 21, marked by a 1936 G.L.O. brass cap, from which the S1/16 corner common to Sections 21 and 22, marked by a 5/8 inch rebar/cap PLS 944, bears South 00°33'25" West, 1320.30 feet;

Thence North 89°23'48" West, coincident with the north line of the NE1/4 SE1/4 of said Section 21, a distance of 266.31 feet to a 5/8 inch rebar/cap PLS 10561 and the **POINT OF BEGINNING**;

Thence continuing North 89°23'48" West, coincident with said north line, 395.18 feet to a 1/2 inch rebar/cap illegible;

Thence North 00°35'29" East, coincident with the prolongation of the west line and the west line of said Parcel 4 of Record of Survey Instrument No. 1996021743, a distance of 542.74 feet to an angle point on said west line, marked by a 1/2 inch rebar/cap 3627;

Thence North 68°04'01" East, coincident with said west line, 30.31 feet to an angle point on said west line, marked by a 1/2 inch rebar/cap 3627;

Thence South 82°30'36" East, 88.34 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 58°47'55" East, 33.63 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 38°12'07" East, 34.71 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 21°06'58" East, 93.86 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 82°23'47" East, 139.63 feet to a 5/8 inch rebar/cap PLS 10561;

Thence North 81°23'12" East, 49.93 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 10°33'14" East, 244.94 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 00°07'03" West, 92.43 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 31°15'42" West, 82.14 feet to the **POINT OF BEGINNING**.

The above described parcel contains 4.446 acres, more or less.

TOGETHER WITH

A 30.00 wide easement for ingress/egress and utilities, over/across and under, a portion of vacated E. Gilbert Road, Certificate of Abandonment and Vacation Instrument No. 2019-005515, being a portion of Lansing Heights Estates, Book 12, Page 8, Canyon County Records, located in the NE1/4 SE1/4 of Section 21, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the E1/4 corner of said Section 21, marked by a 1936 G.L.O. brass cap, from which the S1/16 corner common to Sections 21 and 22, marked by a 5/8 inch rebar/cap PLS 944, bears South 00°33'25" West, 1320.30 feet;

Thence North 89°23'48" West, coincident with the north line of the NE1/4 SE1/4 of said Section 21, a distance of 305.79 feet to a 5/8 inch rebar/cap PLS 6901 and the **POINT OF BEGINNING**;

Thence South 00°33'25" West, parallel with the east line of said NE1/4 SE1/4, a distance of 30.00 feet to a 5/8 inch rebar/cap PLS 10561;

Thence North 89°23'48" West, parallel with and offset 30.00 feet south of said north line of the NE1/4 SE1/4, a distance of 301.20 feet to a 5/8 inch rebar/cap PLS 10561 and the beginning of a non-tangent curve to the left;

Thence 64.90 feet along the arc of said curve to the left, having a radius of 65.00 feet, a central angle of 57°12'13", and being subtended by a chord bearing of North 60°34'37" West, 62.23 feet to said north line of the NE1/4 SE1/4, marked by a 1/2 inch rebar/cap illegible;

Thence South 89°23'48" East, coincident with said north line of the NE1/4 SE1/4, a distance of 355.70 feet to the **POINT OF BEGINNING**.

SUBJECT TO

An easement for emergency access, over and across a portion of Parcel 4 of Record of Survey Instrument No. 1996021743, and also being a portion of Tract 38 of Lansing Heights Estates, Book 12, Page 8, Canyon County Records, located in the NE1/4 SE1/4 of Section 21, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the E1/4 corner of said Section 21, marked by a 1936 G.L.O. brass cap, from which the S1/16 corner common to Sections 21 and 22, marked by a 5/8 inch rebar/cap PLS 944, bears South 00°33'25" West, 1320.30 feet;

Thence North 89°23'48" West, coincident with the north line of the NE1/4 SE1/4 of said Section 21, a distance of 661.49 feet to a 1/2 inch rebar/cap illegible;

Thence North 00°35'29" East, coincident with the prolongation of and the west line of said Parcel 4 of Record of Survey Instrument No. 1996021743, a distance of 542.74 feet to an angle point on said west line, marked by a 1/2 inch rebar/cap illegible;

Thence North 68°04'01" East, coincident with said west line, 30.31 feet to an angle point on said west line, marked by a 1/2 inch rebar/cap illegible and the **POINT OF BEGINNING**;

Thence South 82°30'36" East, 88.34 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 58°47'55" East, 33.63 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 38°12'07" East, 34.71 feet to a 5/8 inch rebar/cap PLS 10561;

Thence South 21°06'58" East, 76.09 feet;

Thence South 68°53'02" West, 45.00 feet;

Thence South 21°06'58" East, 30.00 feet;

Thence North 68°53'02" East, 120.00 feet;

Thence North 21°06'58" West, 30.00 feet;

Thence South 68°53'02" West, 45.00 feet;

Thence North 21°06'58" West, 80.59 feet;

Thence North 38°12'07" West, 44.66 feet;

Thence North 58°47'55" West, 45.38 feet;

Thence North 82°30'36" West, 96.42 feet to the north line of said Parcel 4;

Thence North 89°17'43" West, coincident with said north line, 1.84 feet to the northwest corner of said Parcel 4, marked by a 1/2 inch rebar/cap PLS 3627;

Thence South 00°35'29" West, coincident with the west line of said Parcel 4, a distance of 30.00 feet to the **POINT OF BEGINNING.**

BASIS OF BEARING for this description is South 00°33'25" West between the E1/4 of Section 21 and the S1/16 corner common to Sections 21 and 22, located in T. 5 N., R. 2 W., B.M., Canyon County, Idaho.



VISION

2019-021179

RECORDED

05/17/2019 02:23 PM



00439590201900211790010012

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=1 DLSTEPHENS

\$5.00

SURVEY

SAWTOOTH LAND SURVEY

LEGEND

	PROPERTY BOUNDARY LINE
	OTHER DEED LINE
	NEW PARCEL LINE
	SECTIONAL LINE
	EASEMENT LINES
	EXISTING WIRE FENCE
	FOUND BRASS CAP MONUMENT
	FOUND 5/8" REBAR PLS 6901 OR AS NOTED
	FOUND 1/2" REBAR PLS 3627 OR AS NOTED
	SET 5/8" REBAR/CAP PLS 10561
	CALCULATED POINT
POB	POINT OF BEGINNING
	TRACT NUMBER LANSING HEIGHTS ESTATES

RECEIVED

AUG 22 2019

DEPT OF WATER RESOURCES

REFERENCES:

- 1) LANSING HEIGHTS ESTATES, BOOK 12, PAGE 8
- 2) RECORD OF SURVEY INST. NO. 1985026976
- 3) RECORD OF SURVEY INST. NO. 1996018246
- 4) RECORD OF SURVEY INST. NO. 1996021743
- 5) RECORD OF SURVEY INST. NO. 200678609
- 6) RECORD OF SURVEY INST. NO. 200626816
- 7) RECORD OF SURVEY INST. NO. 200649075
- 8) 1936 DEPENDENT RESURVEY OF SUBDIVISIONS & SECTIONS
- 9) WARRANTY DEED INST. NO. 2018-054073
- 10) WARRANTY DEED INST. NO. 2018-054072
- 11) QUITCLAIM DEED INST. NO. 2013-038304
- 12) GIFT DEED AND ACCEPTANCE INST. NO. 2019-020537
- 13) CERTIFICATE OF ABANDONMENT AND VACATION INST. NO. 2019-005515

CERTIFICATE OF SURVEYOR

KEVIN M. BORAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY ON THE GROUND UNDER MY DIRECT SUPERVISION, AND ACCURATELY REPRESENTS THE POINTS MAPPED HEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS, SURVEYS, AND THE CORNER PERPETUATION AND FILING ACT, IDAHO CODE.

KEVIN M. BORAH, P.L.S. 10561



SURVEY INDEX NO. 524-21-0-0-0-12-08



SAWTOOTH
Land Surveying, LLC

2030 S. WASHINGTON AVE.
EMMETT, ID 83617
(208) 398-8104
FAX (208) 398-8105

WWW.SAWTOOTHLS.COM

DWG#: 19087-PBA

SHEET:	DATE:	DRAWN BY:	CHECKED BY:	JOB#:
1 OF 1	5/2019	KB	DS	19087



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

August 22, 2019

TOM POINTS
KARI POINTS
POINTS RANCH LLC
26600 GAIL LN
MIDDLETON ID 83644-5040

Re: Change in Water Right Ownership: 63-11196 (Split into 63-11196 and **63-34772 & 63-34773**)

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

Hersley, Jean

From: Tom Points <pointst@cityofnampa.us>
Sent: Thursday, August 22, 2019 11:06 AM
To: Hersley, Jean
Cc: '4@pointsranch.com'; 'VOGTRealEstate@msn.com'
Subject: Splitting water right 63-11196
Attachments: lot 5A deed.pdf; survey ref number.pdf; 19087-PBA.pdf; Lot 3A deed.pdf; lot 4A deed.pdf

Jean:

Here are the warranty deeds and instrument number for our survey to supplement our information already submitted to split our water right under the referenced water right number. We are under contract to sell lot 3A and the buyers are ready to close contingent on the water right transfer. Please let me know what additional information you need to process this request.

Thanks
Tom Points
208-830-8679

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 24, 2019

RECEIVED

JUL 31 2019

DEPARTMENT OF
WATER RESOURCES

TOM POINTS
KARI POINTS
26600 GAIL LN
MIDDLETON ID 83644-5040

RE: Change in Ownership Water Right No(s): 63-11196

Dear Interested Parties:

Thank you for submitting the requested information for your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

☒ The documents you provided from Canyon County Board of County Commissioners acknowledges that approximately 8.3 acres of your property was re-zoned from Agriculture zone to Rural Residential zone. The Department will need documentation that subdivides your one (1) parcel into three (3).

See attached 7/29/19 Sat. Thanks, Jean.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)



Canyon County Board of County Commissioners
Tom & Kari Points - Rezone Case No. RZ2018-0035

Development Services Department

April 3, 2019

Findings of Fact, Conclusions of Law, and Order

Findings of Fact

1. Tom & Kari Points are requesting a **Rezone** of approximately 8.30 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The applicant has proposed to divide the property into three (3) parcels.
2. The subject property is located at 26600 Gail Lane, Middleton, ID, in a portion of the NE ¼ of Section 21, T5N, R2W, BM, Canyon County, Idaho.
3. The average minimum lot size in an "R-R" (Rural Residential) zone is two (2) acres.
4. The subject property is currently zoned "A" (Agricultural).
5. The subject property is designated 'Residential' on the 2020 Canyon County Future Land Use Map. (Exhibit 11).
6. The subject property is not located within an Area of City Impact.
7. The subject property is located within Canyon Highway District No. 4, Middleton Fire District, Black Canyon Irrigation District, and Middleton School District.
8. The neighborhood meeting was held on 12/11/18 in accordance with CCZO §07-01-15.
9. The Planning & Zoning Commission recommended approval of the request on February 21, 2019.
10. Notice of the public hearing was provided as per CCZO §07-05-01: Agencies were notified on 3/12/19, property owners within 300 ft. were notified by mail on 3/12/19, Newspaper notice was provided on 3/16/19, and the property was posted on or before 3/27/19.
11. The record consists of exhibits as provided as part of the public hearing staff report, exhibits submitted during the public hearing on 2/21/19, 4/3/19, and all information contained in DSD case file, RZ2018-0035.

Conclusions of Law

For this request the Board of County Commissioners find and conclude the following regarding the Standards of Review for a Zoning Amendment (§07-06-05):

A. Is the proposed zone change generally consistent with the comprehensive plan?

Conclusion: The proposed zone change is consistent with the 2020 Canyon County Comprehensive Plan and Future Land Use Map.

Finding: The proposed zone change is generally consistent with the Comprehensive Plan Future Land Use Map which designates the subject property as 'Residential' (Exhibit 11). The proposed rezone to "R-R" (Rural Residential) is consistent with multiple goals and policies of the 2020 Canyon County Comprehensive Plan including but not limited to:

Property Rights Policy No. 1- *"No person shall be deprived of private property without due process of law."*

Property Rights Policy No. 8- *"Promote orderly development that benefits the public good and protects the individual with a minimum of conflict."* The property is designated as "residential" on the 2020 Canyon County Future Land Use Map (Exhibit 11).

Population Policy No. 3- *"Encourage future population to locate in areas that are conducive to residential living and that do not pose an incompatible land use to other land uses."* The subject property is located within a platted subdivision and in an area that has been identified for residential uses on the Canyon County Future Land Use Map. The proposed rezone would not create an incompatible use to those that exist in the area.

Land Use Goal No. 1- *"To encourage growth and development in an orderly fashion, minimize adverse impacts on differing land uses, public health, safety, infrastructure and services."* The subject property is identified on Canyon County's Future Land Use Map to be residential. The property lies within a platted subdivision. Approval of the rezone request for the creation of three (3) lots would not have an adverse impact on the properties in the vicinity.

Land Use Goal No. 6 – *"Designate areas where rural type residential development will likely occur and recognize areas where agricultural development will likely occur."* The subject property is designated as "residential" on the 2020 Canyon County Future Land Use Map.

Land Use Policy No. 1- *"Review all residential, commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas."* The rezone of the parcel to create three (3) residential lots will be compatible with the residential uses that currently exist on the north, west, and south boundaries of the subject property. The development of the site would not be incompatible with the surrounding area.

Public Services, Facilities and Utilities Policy No. 3- *"Encourage the establishment of new development to be located within the boundaries of a rural fire protection district."* The subject property is located within Middleton Fire District.

B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation?

Conclusion: The proposed zone change is more appropriate than the current zoning designation, and is consistent with the future land use map designation of "residential."

Finding: The proposed zone change as appropriate as the current zone designation of "A" (Agricultural), however the request to rezone the property is consistent with the Future Land Use map, which designates the subject property as "Residential" (Exhibit 11). The proposed zone change to "R-R" (Rural Residential) would be commensurate with the lots to the west and south of the subject property.

C. Is the proposed rezone compatible with surrounding land uses?

Conclusion: The proposed use is compatible with the surrounding land uses.

Finding: The proposed rezone is compatible with the surrounding land uses in the area. There are residential uses primarily to the north, west, and south of the property and agricultural uses to the east. The property is located within Lansing Heights Estates Subdivision which was platted in 1973. Within one (1) mile of the subject property there are 8 platted subdivisions for a total of 186 lots with an average lot size of 3.46 acres (Exhibit 8 and 8A). Immediately west of the subject property, parcels range in size from 1.42 acres to 3 acres. South of the subject property there are two parcels that are 2.24 acres in size (Exhibit 4).

D. Will the proposed use negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed use will not negatively affect the character of the area and no mitigation is proposed at this time.

Finding: The proposed use will not negatively impact the essential character of the area. The character of the area is a mix of agricultural and residential uses. However, there are residential uses primarily to the north, west, and south of the subject property with agricultural uses to the east. The property is within a platted subdivision, Lansing Heights Estates. No evidence has been provided that the proposed use would have a negative impact to the character of the area. No mitigation measures are proposed at this time.

E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed use?

Conclusion: Adequate sewer, drainage, irrigation, and storm water drainage facilities and utility systems will be provided to accommodate the proposed use at the time of development.

Finding: Individual septic systems are proposed for this development. All rules and requirements of Southwest District Health Department shall be adhered to at the time of development.

Individual domestic wells are proposed for the development. Domestic wells are under the jurisdiction of Idaho Department of Water Resources.

Drainage, irrigation, and other utilities will be addressed during the development of the property.

F. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: The property has access via Gail Lane and Kenn Way.

Finding: The subject property has access via Gail Lane and Kenn Way. Canyon Highway District No. 4 stated that access onto Gail Lane is preferred (Exhibit 15). The development will not require platting. Any dedications or easements requested by the district will be required to be shown on the Record of Survey for the development (Exhibit 22).

G. Does the proposed development require road improvements to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts?

Conclusion: The rezone of the subject property will not cause undue interference with existing or future traffic patterns as proposed.

Finding: Canyon Highway District No 4 has stated that the development density for the rezone is not anticipated to materially impact the existing or future traffic road network. A traffic impact study will not be required for the project, as the projected trips are below the threshold required for a TIS (Exhibit 15). No mitigation measures are proposed at this time.

H. Will the proposed zone change amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

Finding: Canyon County Ambulance District, Middleton School District, Canyon County Sheriff, and Middleton Fire were notified of the request and did not provide responses to indicate that the proposed zone change amendment would have a negative impact. No mitigation measures are proposed at this time.

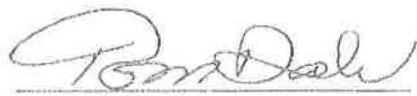
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein the Board of County Commissioners **approve** Case # RZ2018-00335, a request to rezone parcel R23772, approximately 8.30 acres, from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone.

APPROVED this 3 day of April, 2019

BOARD OF COUNTY COMMISSIONERS

CANYON COUNTY,

	Yes	No	Did Not Vote
 _____ Commissioner White	<u>✓</u>	_____	_____
 _____ Commissioner Dale	<u>✓</u>	_____	_____
 _____ Commissioner Van Beek	<u>✓</u>	_____	_____

Attest: Chris Yamamoto, Clerk

By:  Deputy

SURVEYOR'S NARRATIVE:

LEGEND

- REFERENCES:**

- CERTIFICATE OF SURVEYOR**

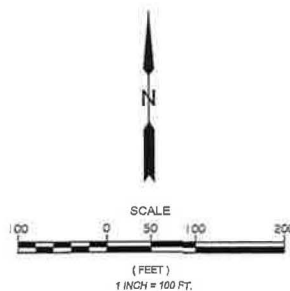
KEVIN M. BORAH, P.L.S. 10561

SURVEY INDEX NO. 524-21-0-0-

203



SHEET:	DATE:	DRAWN BY:
1 OF 1	5/2019	KB



BASIS OF BEARINGS IS SOUTH 00°33'25" WEST
BETWEEN THE E1/4 CORNER AND S1/16 CORNER OF
SECTION 21, T. 5 N., R. 2 W., B.M.
I.S.P.C.S., WEST ZONE



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 24, 2019

TOM POINTS
KARI POINTS
26600 GAIL LN
MIDDLETON ID 83644-5040

RE: Change in Ownership Water Right No(s): 63-11196

Dear Interested Parties:

Thank you for submitting the requested information for your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

☒ The documents you provided from Canyon County Board of County Commissioners acknowledges that approximately 8.3 acres of your property was re-zoned from Agriculture zone to Rural Residential zone. The Department will need documentation that subdivides your one (1) parcel into three (3).

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 3, 2019

TOM POINTS
KARI FREDERICK
26600 GAIL LN
MIDDLETON ID 83644

RE: Splitting Water Right 63-11196

Dear Water Right Holders:

The Department received your letter asking to split water right 63-11196. The Department will need a Notice of Change in Water Right Ownership form (enclosed) filled out and \$100 filing fee for splitting a water right. Also needed, is the documentation from the county, for the boundary adjustments. There should be some sort of a deed recorded for subdividing the parcel.

Water right 63-11196 is an irrigation right for 4.9 acres, 0.08 cfs and 22.1 af. Below is a table of what each water right would look like after the split. Each parcel cannot have 0.08 cfs due to the limitation of the water right.

Parcel	Acres	percent	water right acres after split	Water right by rate after split	Water right by volume after split
3A	2.00	22.97%	1.1	0.02	5.1
4A	4.45	51.06%	2.5	0.04	11.3
5A	2.26	25.97%	1.3	0.02	5.7
total	8.71	100.00%	4.9	0.08	22.1

Please let me know if you have any questions regarding the information in this letter. Thank you.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure

see attached:
• application ✓
• \$100 Fee ✓
• Deed: AFO + Conty Split ✓

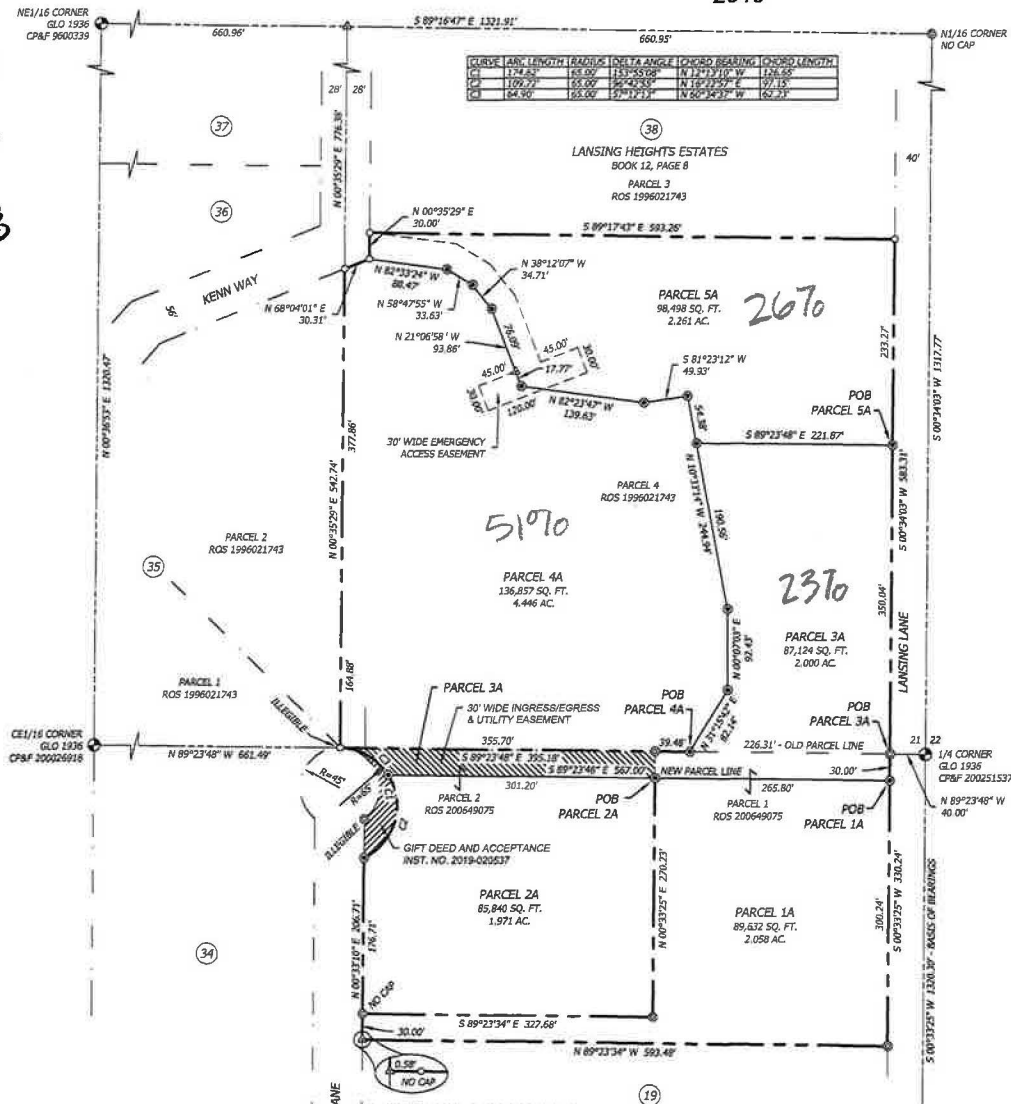
**RECORD OF SURVEY PROPERTY BOUNDARY ADJUSTMENT
FOR TOM & KARI POINTS
PARCELS OF LAND BEING A PORTION OF LOTS 19 AND 38, LANSING HEIGHTS SUBDIVISION
LOCATED IN THE E1/2 OF SECTION 21, T. 5 N., R. 2 W., B.M.,
CANYON COUNTY, IDAHO
2019**

Lot 3A = 2.000Ac = 23%

Lot 4A = 4.446Ac = 51%

Lot 5A = 2.261Ac = 26%

8.707Ac =



LEGEND

- PROPERTY BOUNDARY LINE
- OTHER DEED LINE
- NEW PARCEL LINE
- SECTIONAL LINE
- EASEMENT LINES
- EXISTING WOOD FENCE
- EXISTING WIRE FENCE
- FOUND BRASS CAP MONUMENT
- ⊙ FOUND 5/8" REBAR PLS 6901 OR AS NOTED
- FOUND 1/2" REBAR PLS 3627 OR AS NOTED
- ⊙ SET 5/8" REBAR/CAP PLS 10561
- △ CALCULATED POINT
- POB POINT OF BEGINNING
- ① EXISTING LOT NUMBER

REFERENCES:

- R1) LANSING HEIGHTS ESTATES, BOOK 12, PAGE 8
- R2) RECORD OF SURVEY INST. NO. 1985026976
- R3) RECORD OF SURVEY INST. NO. 1996018246
- R4) RECORD OF SURVEY INST. NO. 1996021743
- R5) RECORD OF SURVEY INST. NO. 200878609
- R6) RECORD OF SURVEY INST. NO. 200626818
- R7) RECORD OF SURVEY INST. NO. 200649075
- R8) 1936 DEPENDENT RESURVEY OF SUBDIVISIONS
- R9) WARRANTY DEED INST. NO. 2018-054073
- R10) WARRANTY DEED INST. NO. 2018-054072
- R11) QUITCLAIM DEED INST. NO. 2013-038304
- R12) GIFT DEED AND ACCEPTANCE INST. NO. 2019-020537
- R13) CERTIFICATE OF ABANDONMENT AND VACATION

CERTIFICATE OF SURVEYOR

I, KEVIN M. BORAH, DO HEREBY CERTIFY THAT I AM A SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS SURVEY WAS MADE FROM AN ACTUAL SURVEY ON THE GROUND UNDER MY PERSONAL SUPERVISION AND ACCURATELY REPRESENTS THE POINTS MAPED AND THE CORNER PERPETUATION AND FILING ACT.

KEVIN M. BORAH, P.L.S. 10561



SURVEY INDEX NO. 524-21-0-0-0

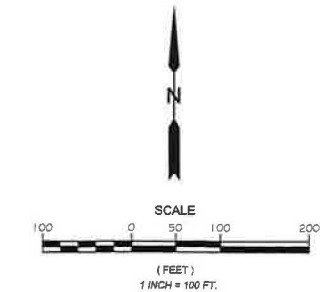
SAWTOOTH
Land Surveying, LLC

2030

SHEET: 1 OF 1 DATE: 5/2019 DRAWN BY: KB

SURVEYOR'S NARRATIVE:

THIS SURVEY WAS PERFORMED TO CREATE THE PARCELS AS SHOWN, FROM PARCELS 1 AND 2 OF RECORD OF SURVEY INST. NO. 200649075 (R7) AND PARCEL 4 OF RECORD OF SURVEY INST. NO. 1996021743 (R4). CERTIFICATE OF ABANDONMENT AND VACATION INST. NO. 2019-020537 (R13) VACATES THAT PORTION OF GILBERT ROAD EAST OF GAIL LANE AS SHOWN ON LANSING HEIGHTS ESTATES (R1). GIFT DEED AND ACCEPTANCE INST. NO. 2019-020537 (R12) ENLARGES THE EAST SIDE OF THE GAIL LANE CUL DE SAC TO HAVE A RADIUS OF 65'.



BASIS OF BEARINGS IS SOUTH 00°33'25" WEST BETWEEN THE E1/4 CORNER AND S1/16 CORNER OF SECTION 21, T. 5 N., R. 2 W., B.M. I.S.P.C.S., WEST ZONE

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-11196

WATER RIGHT NUMBER: 63-11196

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TOM POINTS
Current Owner	KARI FREDERICK
	2660 GAIL LN
	MIDDLETON, ID 83644
	(208) 585-2517
Previous Owner	SHAWN BEAN
Previous Owner	JACKIE MAKI
	26600 GAIL LN
	MIDDLETON, ID 83644

Priority Date: 03/06/1990

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.080 CFS	22.10 AF
	<u>Total Diversion:</u>	0.080 CFS	22.10 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 21, Twp 05N, Rge 02W, B.M.
CANYON County		

Place of Use

IRRIGATION Within CANYON County

T05N R02W S21 SENE 4.9

Total Acres: 4.9

Conditions of Approval:

1. R32 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 irrigation of the lands above.

Dates and Other Information:

Licensed Date: 7/22/1996

Split Calculation for Parcels Owned by Tom and Kari Points**7/1/2019**

Total Water Right	0.08	cfs	4.5	AF/acre	22.1	AF/year	4.9	acres irrigation
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Water Right Number 63-11196

Parcel	Acres	Percent	Water Right by size (acre)	Water Right by volume (AF/acre)	Water Right by volume (AF/year)
3A	2.000	23.0%	1.126	1.034	5.076
4A	4.446	51.1%	2.502	2.298	11.285
5A	2.261	26.0%	1.272	1.169	5.739
Total	8.707	100.0%	4.900	4.500	22.100



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 3, 2019

TOM POINTS
KARI FREDERICK
26600 GAIL LN
MIDDLETON ID 83644

RE: Splitting Water Right 63-11196

Dear Water Right Holders:

The Department received your letter asking to split water right 63-11196. The Department will need a Notice of Change in Water Right Ownership form (enclosed) filled out and \$100 filing fee for splitting a water right. Also needed, is the documentation from the county, for the boundary adjustments. There should be some sort of a deed recorded for subdividing the parcel.

Water right 63-11196 is an irrigation right for 4.9 acres, 0.08 cfs and 22.1 af. Below is a table of what each water right would look like after the split. Each parcel cannot have 0.08 cfs due to the limitation of the water right.

Parcel	Acres	percent	water right acres after split	Water right by rate after split	Water right by volume after split
3A	2.00	22.97%	1.1	0.02	5.1
4A	4.45	51.06%	2.5	0.04	11.3
5A	2.26	25.97%	1.3	0.02	5.7
total	8.71	100.00%	4.9	0.08	22.1

Please let me know if you have any questions regarding the information in this letter. Thank you.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure

July 1, 2019

Idaho Department of Water Resources
322 East Front, PO Box 83720
Boise, ID 83720-0098

RECEIVED
JUL 03 2019
DEPARTMENT OF
WATER RESOURCES

RE: Split water rights for 63-11196:

TO WHOM IT MAY CONCERN:

The purpose of this letter is to request the water right as referenced above be divided from one water right to 3 water rights. The proposed split shows that the net water volume for 3 new rights would not change. The rationale for the split of the water right is that we have recently split our 8.707-acre parcel into 3 parcels with Canyon County. We would like to split the water rights by the various size of lots. We would like to maintain a diversion right of 0.08 cfs on each of the 3 lots. The volume of water division would be as follows:

Parcel	Acres	Percent	Water Right by size (acre)	Water Right by volume (AF/acre)	Water Right by volume (AF/year)
3A	2.000	23.0%	1.126	1.034	5.076
4A	4.446	51.1%	2.502	2.298	11.285
5A	2.261	26.0%	1.272	1.169	5.739
Total	8.707	100.0%	4.900	4.500	22.100

We looked online and could not find an applicable form to cover this request and when we called to ask several months ago your staff indicated to send a letter. Let us know if there is fee to process this request. Should you have any questions, please don't hesitate to contact me at 208-830-8679 or 4@pointsranch.com

Sincerely,



Tom and Kari Points

Three Attachments: 1) map; 2.) table of split calculation 3.) Existing Right