

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80551**

This is to certify that: LAYNE THORNTON AND/OR
WILMA M THORNTON
2800 FORREY RD
KUNA, ID 83634

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>
63-2986	WR/DECREED	4/12/1954	0.920 cfs	360.0 af	80.0	446.0	GROUND WATER
63-31951	WR/DECREED	4/16/1964	3.600 cfs	652.5 af	225.0	446.0	GROUND WATER
63-31952	WR/DECREED	10/1/1971	0.480 cfs	112.5 af	N/A	25.0	GROUND WATER
63-31953	WR/DECREED	10/1/1971	1.330 cfs	315.0 af	70.0	446.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
63-31950	WR/DECREED	4/16/1964	0.080 cfs	18.0 af		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>
63-2986	NO	NO	NO	YES	NO	NO
63-31951	NO	NO	NO	YES	NO	NO
63-31952	YES	NO	NO	YES	NO	NO
63-31953	NO	NO	NO	YES	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>
63-2986	63-2986	0.920 cfs	360.0 af	80.0	446.0	N/A	N/A	N/A	N/A	N/A
63-31951	63-31951	3.600 cfs	652.5 af	225.0	446.0	N/A	N/A	N/A	N/A	N/A
63-31952	63-34286	0.070 cfs	17.1 af	N/A	3.8	63-31952	0.390 cfs	90.0 af	N/A	20.0
63-31953	63-31953	1.330 cfs	315.0 af	70.0	446.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.690 cfs	1344.6 af	299.8	449.8		0.390 cfs	90.0 af	N/A	20.0

SUPPORT DATA

Transfer No. 80551

IN FILE # 63-2986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80551

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 22nd day of September, 2017.


for Chief, Water Allocation Bureau

WATER RIGHT NO. 63-2986**As Modified by Transfer No. 80551**

In accordance with the approval of Transfer No. 80551, Water Right No. 63-2986 is now described as follows:

Right Holder: LAVAR THORNTON
WILMA M THORNTON
2800 FORREY RD
KUNA, ID 83634

Priority Date: 4/13/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.920 cfs	360.0 af
			0.920 cfs	360.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 3	Twp 01N Rge 01E	ADA County
GROUND WATER	SENE	Sec 3	Twp 01N Rge 01E	ADA County
GROUND WATER	NESE	Sec 3	Twp 01N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 34	Twp 02N Rge 01E	ADA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	2								40.0	40.0		23.0	33.0					136.0
01N	01E	3	40.0	40.0	40.0	40.0					36.0	20.0			40.0	40.0		14.0	310.0
			L 1	L 2															

Right Acre Limit: 80.0
POU Total Acres: 446.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. Rights 63-2986 and 63-31951 when combined shall not exceed a total diversion rate of 4.50 cfs and the irrigation of 226 acres.
3. Rights 63-2986, 63-31951 and 63-31953 when combined shall not exceed a total diversion rate of 5.62 cfs, and the irrigation of 296 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 80551

WATER RIGHT NO. 63-2986
As Modified by Transfer No. 80551

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, 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.

WATER RIGHT NO. 63-31951**As Modified by Transfer No. 80551**

In accordance with the approval of Transfer No. 80551, Water Right No. 63-31951 is now described as follows:

Right Holder: WILMA M THORNTON
LAVAR THORNTON
2800 FORREY RD
KUNA, ID 83634

LORI THORNTON
LAYNE THORNTON
3224 SWAN FALLS RD
KUNA, ID 83634

Priority Date: 4/16/1964

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

3.600 cfs

3.600 cfs

Diversion Volume

652.5 af

652.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 3	Twp 01N Rge 01E	ADA County
GROUND WATER	SENE	Sec 3	Twp 01N Rge 01E	ADA County
GROUND WATER	NESE	Sec 3	Twp 01N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 34	Twp 02N Rge 01E	ADA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	2								40.0	40.0		23.0	33.0					136.0
01N	01E	3	40.0	40.0	40.0	40.0					36.0	20.0			40.0	40.0		14.0	310.0
			L 1	L 2															

Right Acre Limit: 225.0

POU Total Acres: 446.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 225 acres within the place of use described above in a single irrigation season.
2. Rights 63-2986 and 63-31951 when combined shall not exceed a total diversion rate of 4.50 cfs and the irrigation of 226 acres.

Transfer No. 80551

WATER RIGHT NO. 63-31951
As Modified by Transfer No. 80551

CONDITIONS OF APPROVAL

3. Rights 63-2986, 63-31951 and 63-31953 when combined shall not exceed a total diversion rate of 5.62 cfs, and the irrigation of 296 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 02/16/2007.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, 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.

WATER RIGHT NO. 63-31953**As Modified by Transfer No. 80551**

In accordance with the approval of Transfer No. 80551, Water Right No. 63-31953 is now described as follows:

Right Holder: LAVAR THORNTON
WILMA M THORNTON
2800 FORREY RD
KUNA, ID 83634

LAYNE THORNTON
LORI THORNTON
3224 SWAN FALLS RD
KUNA, ID 83634

Priority Date: 10/1/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	1.330 cfs	315.0 af
			1.330 cfs	315.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 3	Twp 01N Rge 01E	ADA County
GROUND WATER	SENE	Sec 3	Twp 01N Rge 01E	ADA County
GROUND WATER	NESE	Sec 3	Twp 01N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 34	Twp 02N Rge 01E	ADA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01E	2								40.0	40.0		23.0	33.0					136.0
01N	01E	3	40.0	40.0	40.0	40.0					36.0	20.0			40.0	40.0		14.0	310.0

Right Acre Limit: 70.0

POU Total Acres: 446.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 70 acres within the place of use described above in a single irrigation season.
2. Rights 63-2986, 63-31951 and 63-31953 when combined shall not exceed a total diversion rate of 5.62 cfs, and the irrigation of 296 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 80551

WATER RIGHT NO. 63-31953

As Modified by Transfer No. 80551

CONDITIONS OF APPROVAL

4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 02/16/2007.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, 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.

WATER RIGHT NO. 63-31952**As Modified by Transfer No. 80551**

In accordance with the approval of Transfer No. 80551, Water Right No. 63-31952 is now described as follows:

Right Holder: THE MILLER FAMILY LIVING TRUST
10597 KUNA MORA RD
KUNA, ID 83634

Priority Date: 10/1/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.390 cfs	90.0 af
			0.390 cfs	90.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENENE)	Sec 3 Twp 01N Rge 01E ADA County
GROUND WATER	SENESE	Sec 3 Twp 01N Rge 01E 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	
01N	01E	2							20.0										20.0

POU Total Acres: 20.0

CONDITIONS OF APPROVAL

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 02/16/2007.
2. Pursuant to Section 42-1412(6), Idaho Code, 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.

Transfer No. 80551

WATER RIGHT NO. 63-34286**As Modified by Transfer No. 80551**

In accordance with the approval of Transfer No. 80551, Water Right No. 63-34286 is now described as follows:

Right Holder: LAVAR THORNTON
WILMA M THORNTON
2800 FORREY RD
KUNA, ID 83634

Priority Date: 10/1/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.070 cfs	17.1 af
			0.070 cfs	17.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 3	Twp 01N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 34	Twp 02N Rge 01E	ADA County
GROUND WATER	SENE	Sec 3	Twp 01N Rge 01E	ADA County
GROUND WATER	L1 (NENE)	Sec 3	Twp 01N Rge 01E	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	
01N	01E	3															3.8		3.8

POU Total Acres: 3.8

CONDITIONS OF APPROVAL

1. Rights 63-2986, 63-31951 and 63-31953 when combined shall not exceed a total diversion rate of 5.62 cfs, and the irrigation of 296 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 02/16/2007.

Transfer No. 80551

WATER RIGHT NO. 63-34286
As Modified by Transfer No. 80551

CONDITIONS OF APPROVAL

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, 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.

WATER RIGHT NO. 63-31950

As Modified by Transfer No. 80551

In accordance with the approval of Transfer No. 80551, Water Right No. 63-31950 is now described as follows:

Right Holder: THE MILLER FAMILY LIVING TRUST
10597 KUNA MORA RD
KUNA, ID 83634

Priority Date: 4/16/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.080 cfs	18.0 af
			0.080 cfs	18.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENENE)	Sec 3	Twp 01N Rge 01E	ADA County
GROUND WATER	SENESE	Sec 3	Twp 01N Rge 01E	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	
01N	01E	2							4.0										4.0

POU Total Acres: 4.0

CONDITIONS OF APPROVAL

- The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 02/16/2007.
- Pursuant to Section 42-1412(6), Idaho Code, 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.

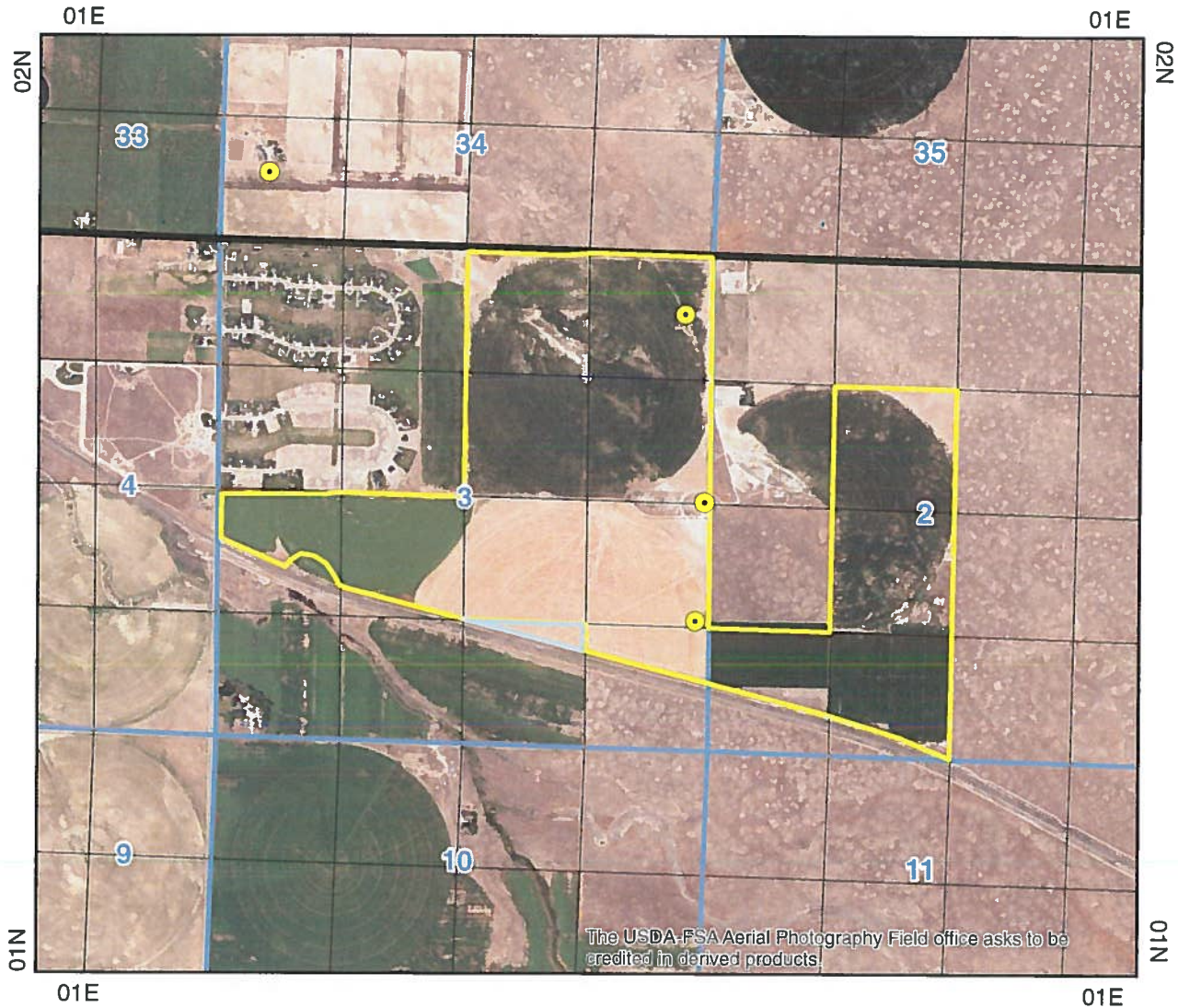
Transfer No. 80551

State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 80551

63-2986, 63-31951, 63-31953 and 63-34286

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.



● Point of Diversion

63-34286 Place of Use

63-2986, 63-31951, 63-31953 Place of Use

Townships

PLS Sections



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 23 2015

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s)
 ☒ Add diversion point(s)
 ☐ Ownership change
 ☒ Ownership split

1. **APPLICANT(S)** Lavar, Wilma and/or Layne Thornton Phone 922-5779

2. **MAILING ADDRESS** 2800 Forrey Rd City Kuna

State ID Zip 83634 Email _____

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ 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.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 63-2986, 63-31951, 63-31952 (portion), 63-31953

☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 5.72 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N	1		NE	NE	3	1N	1E	Ada	Ground Water	D0057946
N			SE	NE	3	1N	1E	Ada	Ground Water	D0064612
N			NE	SE	3	1N	1E	Ada	Ground Water	u/k
N			SW	SW	34	2N	1E	Ada	Ground Water	098981

6. 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:

Four existing wells, integrated irrigation system. One well has been equipped; remaining wells will be accommodated upon Department's request.

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

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

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☒ Yes ☐ No
☐ If yes and there are multiple owners, attach a Lessor Designation form. **63-31952 lease expires 12/31/2015 and will not be renewed.**
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Saman Thornton LAVAR THORNTON 11/16/2015
Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 30 pages of attachments. Received by CS Date 11/23/15
Fee paid \$1,000.00 Date 11/23/15 Received by CS Receipt # W043699
Preliminary review by DM, PK Date 2-23-16 Active in the Water Supply Bank? Yes ☐ No ☐
W-9 received? Yes ☐ No ☒ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 - confidential information is held by fiscal only)

App for Transfer
pt. 2A

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/12/2015

WATER RIGHT NO. 63-2986

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAVAR THORNTON
Current Owner	WILMA M THORNTON 2800 FORREY RD KUNA, ID 83634 (208)922-5779
Original Owner	ALFRED DUEROCK , ID
Original Owner	KARL WOODALL & SONS INC PO BOX 64 HAGERMAN, ID 83332 (208)837-4703
Original Owner	ANTHONY MILLER 10597 E KUNA MORA RD KUNA, ID 83634 (208)362-5388

Priority Date: 04/12/1954

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.92 CFS	360 AFA

Total Diversion | 0.92 CFS

Location of Point(s) of Diversion:

GROUND WATER | NENENE Lt 1 | Sec. 03 | Township 01N | Range 01E | ADA County

GROUND WATER | SENESE | Sec. 03 | Township 01N | Range 01E | ADA County

IRRIGATION Use:

Acre Limit: 80

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	01E	2		SENW	40									
				NESW	40		SWSW	23		SESW	33			
		3	1	NENE	40	2	NWNE	40		SWNE	40		SENE	40
				NESW	36		NWSW	20						
				NESE	40		NWSE	40		SESE	14			

Total Acres: 446

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. T07 The right holder shall accomplish the change authorized by Transfer 71321 within one year of the date of the approval.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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- | | |
|--------|--|
| 5. WB4 | The total instantaneous diversion of water from all points of diversion under Rights 63-2986, 63-31951 and 63-31953 shall not exceed 5.62 cfs, nor a total combined annual volume of 1327.5 af and the irrigation of 296 acres within the place of use described above. |
| 6. X27 | This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season. |
| 7. 01Q | After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department. |
| 8. X35 | Rights 63-2986 and 63-31951 when combined shall not exceed a total diversion rate of 4.50 cfs and the irrigation of 226 acres. |
| 9. X36 | Rights 63-31950, 63-31951, 63-31952 and 63-31953 are also diverted through the points of diversion described above. |

Dates:

Licensed Date:

Decreed Date: 02/16/2007

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 6.16

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

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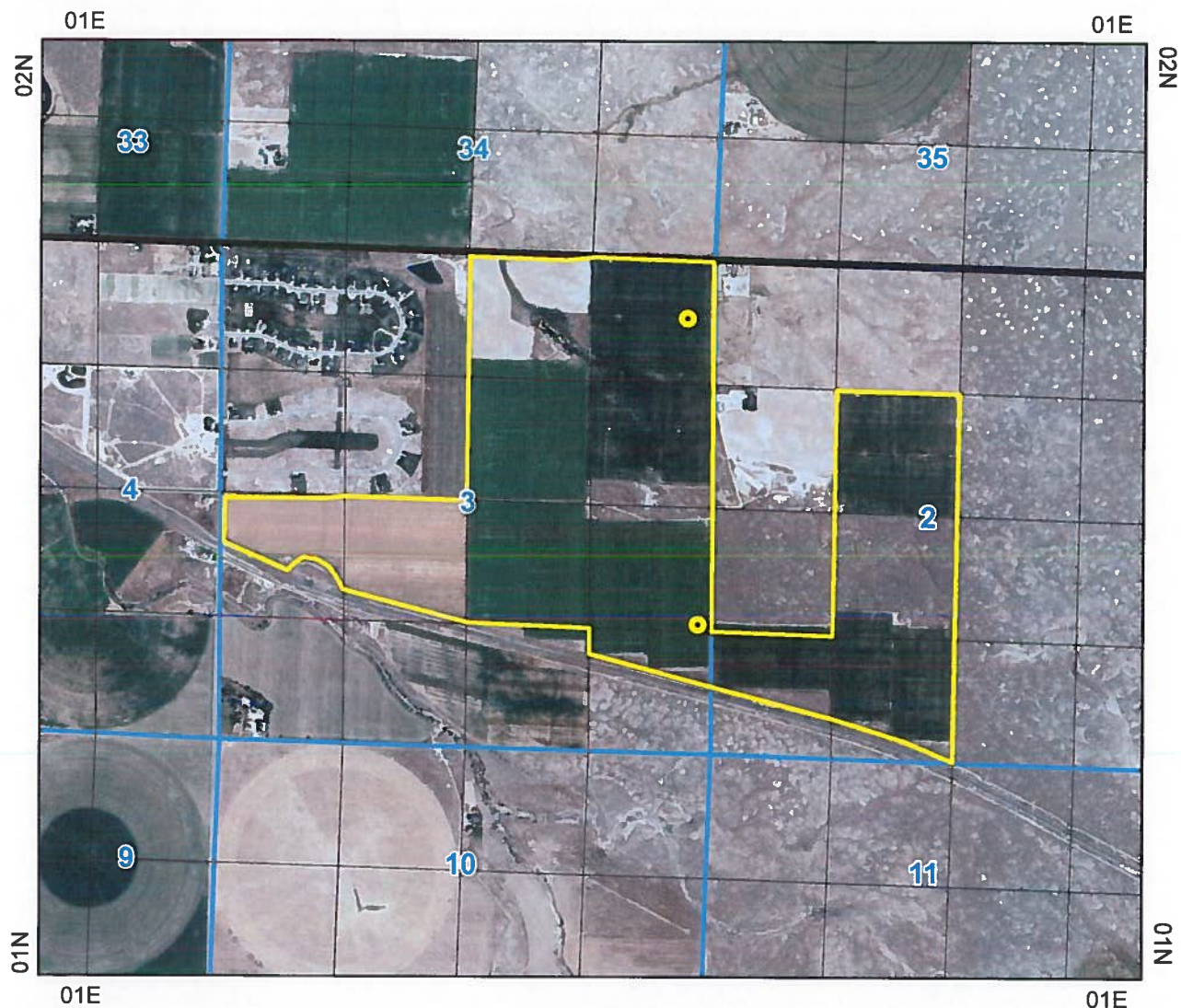
State of Idaho
Department of Water Resources

Water Right

63-2986

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.225 0.45 0.9 Miles



[Close](#)**IDAHO DEPARTMENT OF WATER RESOURCES**
Water Right Report

11/12/2015

WATER RIGHT NO. 63-31951

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAVAR THORNTON
Current Owner	WILMA M THORNTON 2800 FORREY RD KUNA, ID 83634 (208)922-5779
Current Owner	LAYNE THORNTON
Current Owner	LORI THORNTON 3224 SWAN FALLS RD KUNA, ID 83634 (208)922-4658

Priority Date: 04/16/1964

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.6 CFS	652.5 AFA
Total Diversion			3.6 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENENE Lt 1|Sec. 03|Township 01N|Range 01E|ADA County
 GROUND WATER|SENESE|Sec. 03|Township 01N|Range 01E|ADA County

IRRIGATION Use:
 Acre Limit: 225

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	01E	2		SENW	40									
				NESW	40		SWSW	23		SESW	33			
		3	1	NENE	40	2	NWNE	40		SWNE	40		SENE	40
				NESW	36		NWSW	20						
				NESE	40		NWSE	40		SESE	14			

Total Acres: 446

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. P21 This right is a split from former right 63-3404.
3. T07 The right holder shall accomplish the change authorized by Transfer 71321 within one year of the date of the approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-2986, 63-31951 and 63-31953 shall not exceed 5.62 cfs, nor a total combined annual volume of 1327.5 af and the irrigation of 296 acres within the place of use described above.
7. X27 This right is limited to the irrigation of 225 acres within the place of use described above in a single irrigation season.

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- | | | |
|-----|-----|---|
| 8. | 01Q | After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department. |
| 9. | X35 | Rights 63-2986 and 63-31951 when combined shall not exceed a total diversion rate of 4.50 cfs and the irrigation of 226 acres. |
| 10. | X36 | Rights 63-2986, 63-31950, 63-31952 and 63-31953 are also diverted through the points of diversion described above. |
| 11. | 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 April 1 and after October 31 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. |

Dates:

Licensed Date:

Decreed Date: 02/16/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit: 296

Combined Volume Limit: 1327.5

Combined Rate Limit: 5.62

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

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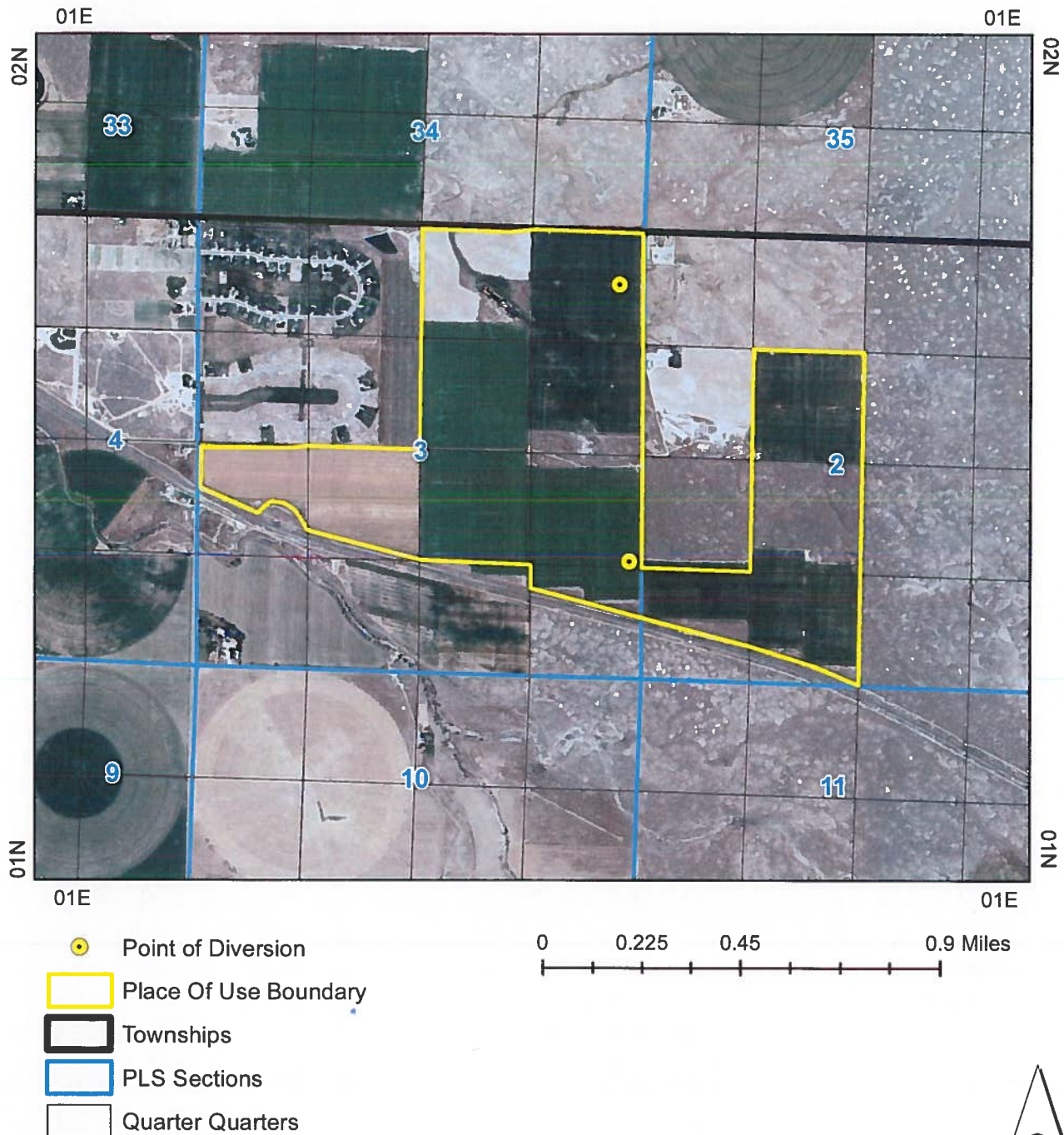
State of Idaho
Department of Water Resources

Water Right

63-31951

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/12/2015

WATER RIGHT NO. 63-31952

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANTHONY MILLER 10597 E KUNA MORA RD KUNA, ID 83634 (208)362-5388
Original Owner	CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS BOISE N & BOISE W STAKES KUNA MORA RD RT 2 KUNA, ID 83634
Original Owner	CORP OF THE PRESIDING BISHOP CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS REAL ESTATE SERVICES DIV 50 E NORTH TEMPLE ST SALT LAKE CITY, UT 84150-6320 (801) 240-4657

Priority Date: 10/01/1971

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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IRRIGATION	04/01	10/31	0.48 CFS	112.5 AFA
Total Diversion			0.48 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENENE Lt 1	Sec. 03	Township 01N	Range 01E	ADA County
GROUND WATER	SENESE	Sec. 03	Township 01N	Range 01E	ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	01E	2		SWNW	20									
		3		SWSE	5									

Total Acres: 25

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. P21 | This right is a split from former right 63-7474. |
| 3. X35 | Rights 63-31950 and 63-31952 when combined shall not exceed a total diversion rate of 0.54 cfs. |
| 4. 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 April 1 and after October 31 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. |

Dates:

Licensed Date:

Decreed Date: 02/16/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

80551

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 0.54

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

Lessor Name(s): ANTHONY MILLER

Lease Status: Active

Lease Amount: All

Rental Availability: None

Date Received: 1/21/2005

Lease Begin Date: 1/21/2005

Expiration Date: 12/31/2015

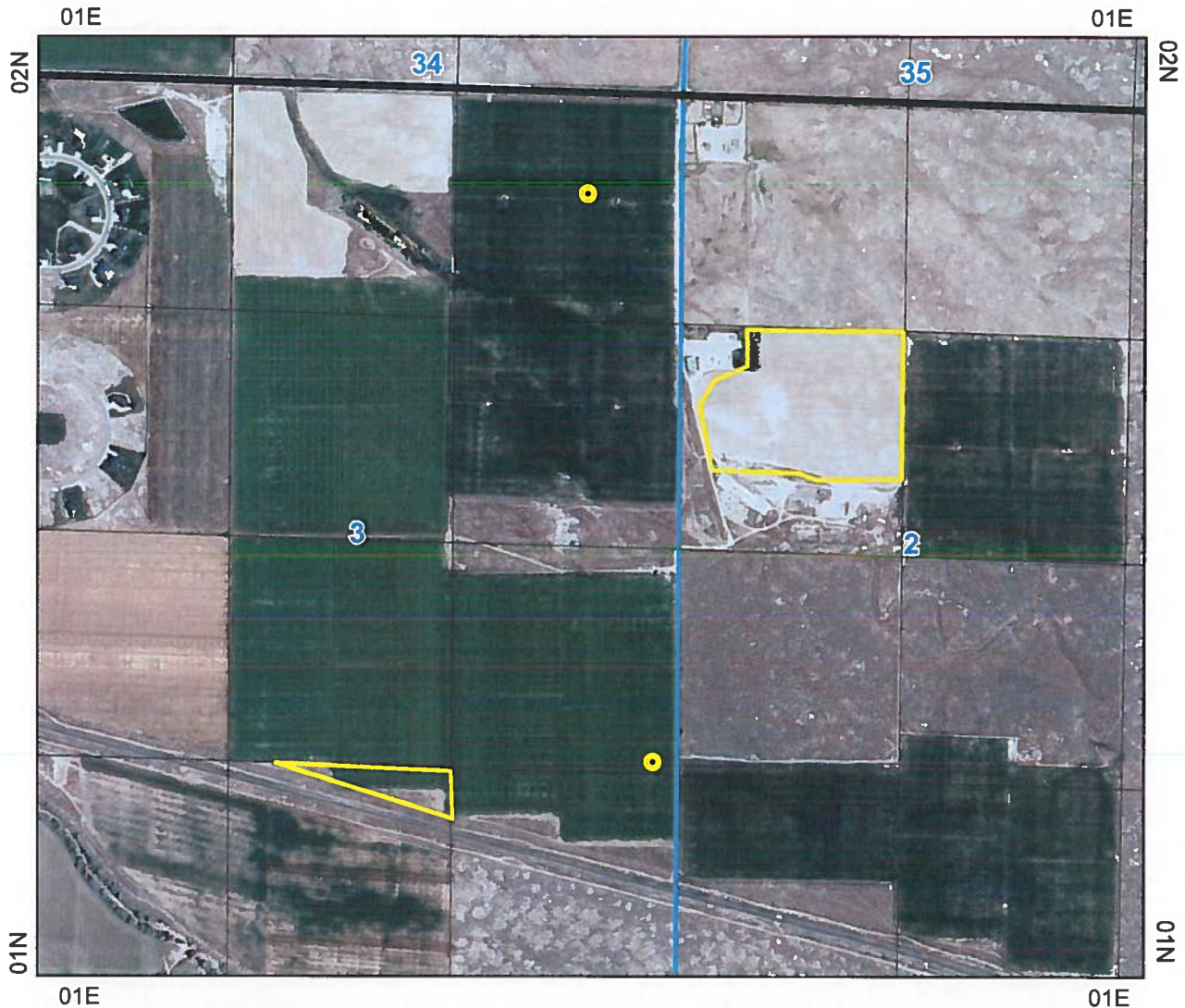
Close

State of Idaho
Department of Water Resources

Water Right
63-31952

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.125 0.25 0.5 Miles



[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/12/2015

WATER RIGHT NO. 63-31953

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAVAR THORNTON
Current Owner	WILMA M THORNTON 2800 FORREY RD KUNA, ID 83634 (208)922-5779
Current Owner	LAYNE THORNTON
Current Owner	LORI THORNTON 3224 SWAN FALLS RD KUNA, ID 83634 (208)922-4658
Original Owner	CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS BOISE N & BOISE W STAKES KUNA MORA RD RT 2 KUNA, ID 83634

Priority Date: 10/01/1971

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.33 CFS	315 AFA

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Total Diversion	1.33 CFS
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Location of Point(s) of Diversion:

GROUND WATER	NENENE Lt 1	Sec. 03	Township 01N	Range 01E	ADA County
GROUND WATER	SENESE	Sec. 03	Township 01N	Range 01E	ADA County

IRRIGATION Use:

Acre Limit: 70

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	01E	2		SENW	40									
				NESW	40		SWSW	23		SESW	33			
		3		NENE	40		NWNE	40		SWNE	40		SENE	40
				NESW	36		NWSW	20						
				NESE	40		NWSE	40		SESE	14			

Total Acres: 446

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. T07 | The right holder shall accomplish the change authorized by Transfer 71321 within one year of the date of this approval. |
| 3. T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 4. T17 | Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion. |

5. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-2986, 63-31951 and 63-31953 shall not exceed 5.62 cfs, nor a total combined annual volume of 1327.5 af and the irrigation of 296 acres within the place of use described above.
6. X27 This right is limited to the irrigation of 70 acres within the place of use described above in a single irrigation season.
7. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. X36 Rights 63-2986, 63-31950, 63-31951 and 63-31952 are also diverted through the points of diversion described above.
9. 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 April 1 and after October 31 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.

Dates:

Licensed Date:

Decreed Date: 02/16/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Combined Acres Limit: 296

Combined Volume Limit: 1327.5

Combined Rate Limit: 5.62

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

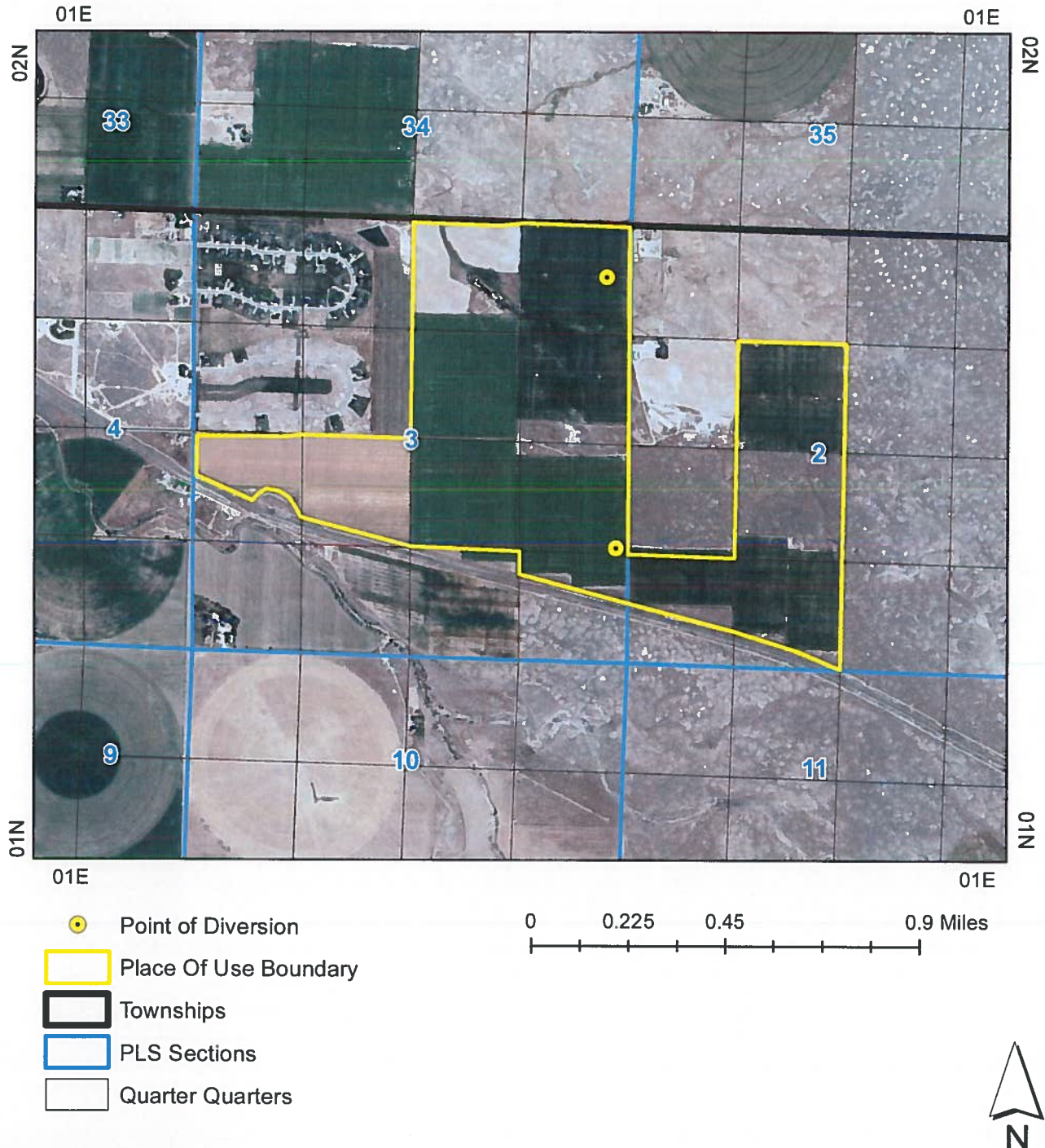
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State of Idaho
Department of Water Resources

Water Right
63-31953

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



314 • 4732 • 11 21 2011
2011.12.29

AGREEMENT FOR THE
SALE OF REAL PROPERTY

THIS AGREEMENT, made and entered into this 29th day of December, 2011, by and between **Boyd & Loa Anderson L. P.**, an Idaho Limited Partnership, the party of the first part, hereinafter referred to as "**Seller**," and **Lavar K. Thornton**, a married man, the party of the second part, hereinafter referred to as "**Buyer**"

WITNESSETH:

Seller agrees to sell to Buyer on the performance of all of the agreements and covenants of Buyer at the time and in the manner hereinafter specified, and convey or cause to be conveyed by the legal owner or owners thereof by good and sufficient Warranty Deed, free of all liens and encumbrances excepting any that may have attached by reason of any act, deed or omission of said Buyer, and excepting any lien to which this Agreement is expressly made subject, the following described real property, situated in Ada County, State of Idaho, to-wit:

That portion of the Southwest Quarter of the Southeast Quarter of Section 3, Township 1 North, Range 1 East of the Boise Meridian, Ada County, Idaho, lying Northeasterly of the Northeasterly right of way line for the Oregon Short Line Railroad;

Buyer agrees to buy the said above described real property and to pay Seller therefor the sum of **TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00)**, lawful money of the United States, payable in the manner as follows, to-wit:

TEN THOUSAND & NO/100 (\$10,000.00) paid by Buyer to
Seller with personal check at closing.

IT IS FURTHER expressly covenanted and agreed by and between the parties
hereto as follows:

1. **INCORPORATION OF RECITALS:** The above Recitals are contractual and are an integral part of this Agreement and are enforceable as being material to the agreement of the Parties.
2. **POSSESSION:** The Seller shall deliver and surrender possession of the above described real property to Buyer on or before January 1, 2012.
3. **WARRANTIES:** BUYER HAS INSPECTED THE ABOVE DESCRIBED REAL PROPERTY AND PREMISES HEREIN CONVEYED FROM SELLER TO BUYER, AND ACCEPTS THE SAME IN THE CONDITION THE SAME ARE NOW IN. THERE ARE NO VERBAL OR IMPLIED PROMISES, AGREEMENTS, STIPULATIONS, REPRESENTATIONS OR WARRANTIES OF ANY CHARACTER WHATSOEVER, EXCEPT THOSE SET FORTH IN WRITING IN THIS AGREEMENT, AND BUYER IN ENTERING INTO THIS AGREEMENT IS RELYING WHOLLY UPON BUYER' OWN INSPECTION AND JUDGMENT. BUYER AGREES THAT BUYER HAS ASCERTAINED, FROM SOURCES OTHER THAN SELLER, THE APPLICABLE ZONING, BUILDING, HOUSING AND OTHER REGULATORY ORDINANCES AND LAWS AND THAT BUYER ACCEPTS THE PROPERTY WITH FULL AWARENESS OF THESE ORDINANCES AND LAWS AS THEY MAY AFFECT THE PRESENT USE OR ANY INTENDED FUTURE USE OF THE PROPERTY, AND SELLER HAS MADE NO REPRESENTATIONS WITH RESPECT THERETO. THE PROVISIONS OF THIS PARAGRAPH SHALL SURVIVE THE CLOSING.

4. **TAXES AND ASSESSMENTS:** Seller agrees to pay all taxes, water assessments and all other assessments of any type or kind upon the above described real property for the year 2011 and all prior years; and Buyer agrees to pay all taxes, water assessments and all other assessments of any type or kind for the year 2012 and all subsequent years, promptly and before the same become delinquent.

5. **WARRANTY:** Seller warrants and represents that Seller can convey to Buyer good and merchantable title to the above described real property in fee simple absolute subject to the liens and encumbrances specified herein, including taxes and assessments, and subject to easements and restrictions of record.

6. **WARRANTY DEED:** Upon closing, Seller shall provide Buyer with a Warranty Deed transferring the real property to Buyer. Delivery of this deed is more particularly set forth in Paragraph 8, hereinafter. The cost of recording the Warranty Deed shall be paid by Buyer.

7. **TITLE INSURANCE:** At closing, Seller shall provide Buyer with title insurance. The cost of title insurance shall be paid by Seller.

8. **CLOSING:** Closing shall occur upon the execution of this original Agreement at the offices of William F. Yost, Attorney at Law, who is then instructed by this Agreement to record the Warranty Deed and order the final policy of title insurance. The original Warranty Deed, after recording, and the final title policy will be delivered to Buyer.

9. **ATTORNEY REPRESENTATION:** The parties acknowledge that this Agreement was prepared by the attorney for Buyer. Seller is advised to have all documents reviewed by an attorney of Buyer's selection.

10. **ENTIRE AGREEMENT:** The parties agree that this Agreement constitutes the entire Agreement between the parties hereto, and any and all prior conversations, written documents, earnest money agreements, and addendums thereto, or any other particulars are deemed to be merged into this Agreement and this Agreement represents the final agreement between the parties.

11. **SEVERABILITY:** In the event any of the provisions of this Agreement shall be deemed illegal or unenforceable, such determination shall not operate to invalidate any of the remaining provisions of this Agreement.

12. **HEADINGS:** The underlined paragraph headings are for convenience only and are not a part of this Agreement and shall not be used in interpreting and/or construing this Agreement.

13. **SITUS:** This Agreement is established under the laws of the State of Idaho, and all questions concerning its validity and construction shall be determined under such laws.

14. **BINDING EFFECT:** The provisions and stipulations of this Agreement shall inure to and bind the heirs, executors, administrators, assigns and successors in interest of the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and
year first above written.

BOYD & LOA ANDERSON L.P.

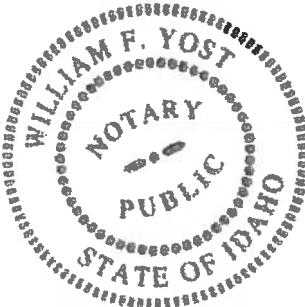
Boyd W. Anderson
By: Boyd W. Anderson, General Partner
"Seller"

Loa W. Anderson
By: Loa W. Anderson, General Partner
"Seller"

STATE OF IDAHO)
) ss.
County of Canyon

On this ^{4th} 29th day of ^{January} December, 2011, before me, the undersigned, a Notary Public
in and for said State, personally appeared **Boyd W. Anderson and Loa W. Anderson**, whose
names are subscribed to the foregoing instrument, and acknowledged to me that he/she executed
the same.

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



William F. Yost
William F. Yost
Notary Public for Idaho
Residing at Meridian
My commission expires: 09/22/15

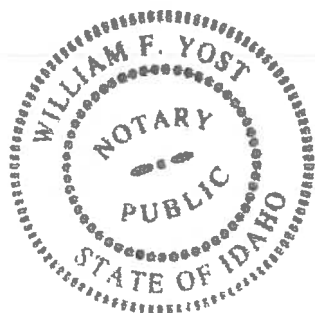
Lavar K Thornton

By: Lavar K. Thornton
"Buyer"

STATE OF IDAHO)
) ss.
County of Canyon)

On this 29th day of December, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared **Lavar K. Thornton**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

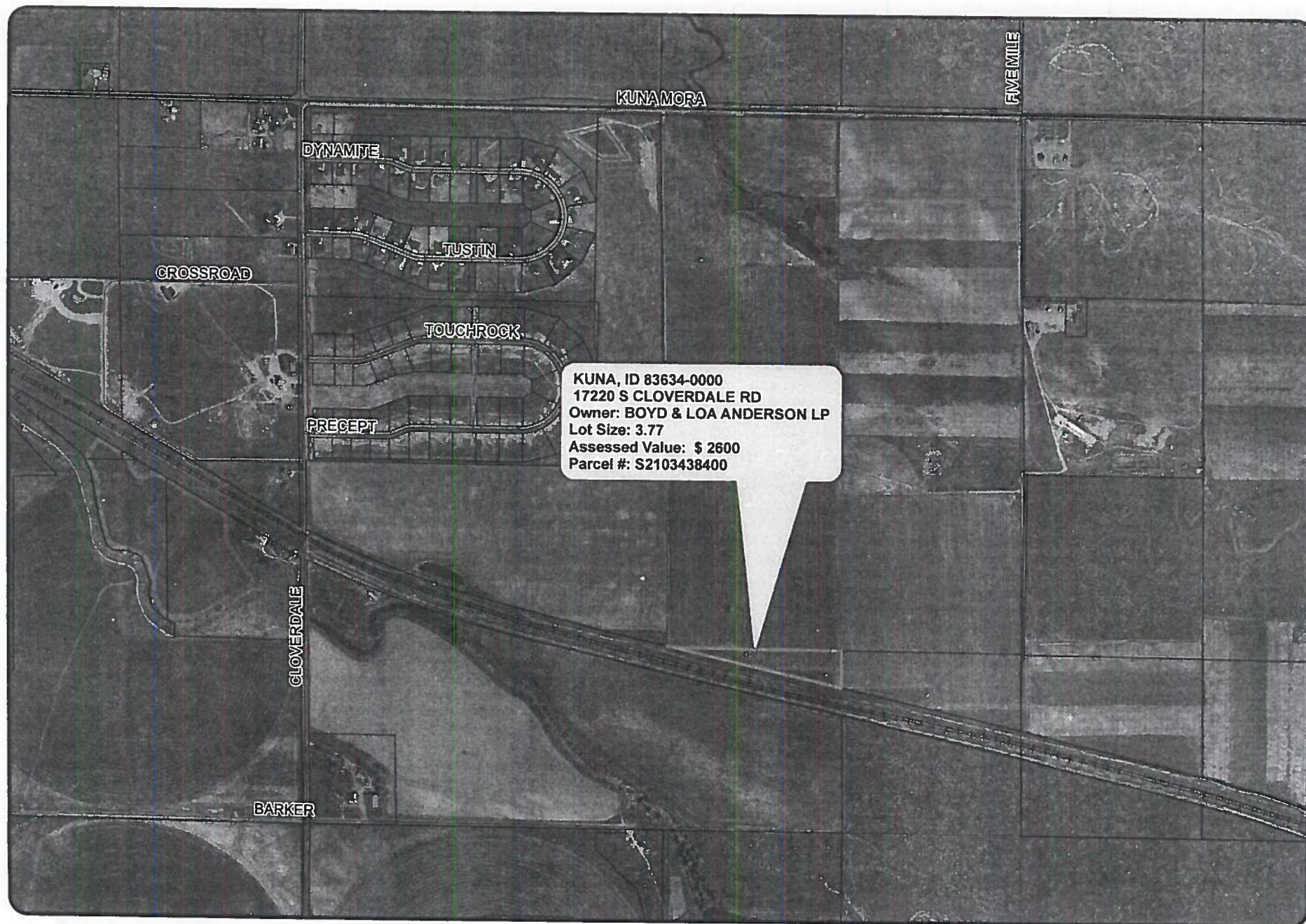
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



William F. Yost
William F. Yost
Notary Public for Idaho
Residing at Meridian
My commission expires: 09/22/15

That portion of the Southwest Quarter of the Southeast Quarter of Section 3, Township 1 North, Range 1 East of the Boise Meridian, Ada County, Idaho lying Northeasterly of the right of way for the Oregon Short Line Railroad.

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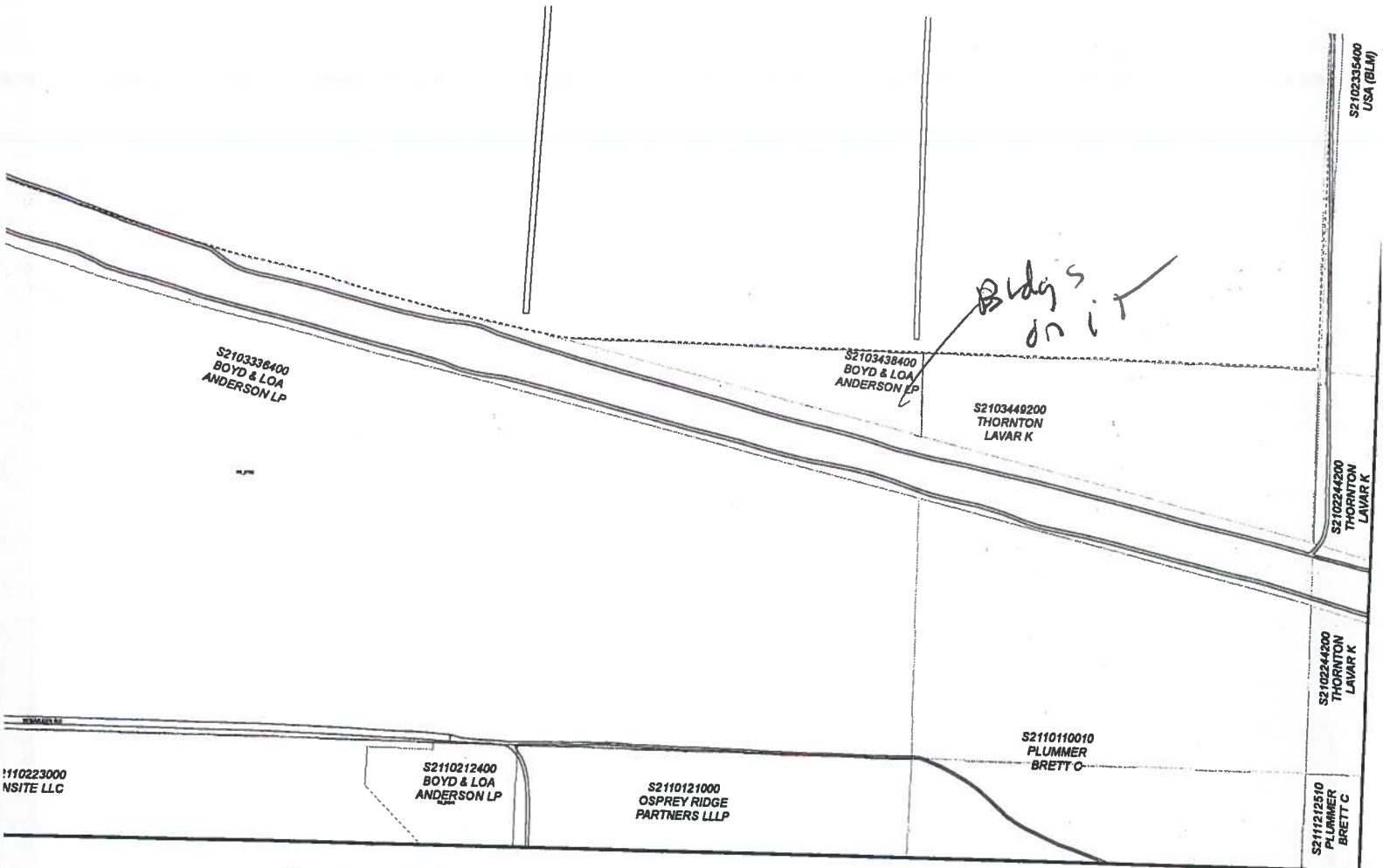
This Map and data displayed is a graphic representation derived from the Ada County Geographic Information System (GIS) data. It was designed and intended for staff use only; it is not guaranteed survey accuracy.

This map is based on information available and was compiled from numerous sources which may not be accurate. Users are to field verify this information. Ada County and Single Point Solutions, LLC are not liable for errors or omissions resulting from the use of this product for any purpose.



PioneerTitleCo.

GOING BEYOND



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Ada County Township

1N1E3



0 55 110 220 330 440 Feet
 SCALE: 1" = 200 FT
 1:2,400

Date: 11/29/2011



Property Master				12/20/2011
Year 2011	Parcel # S2103438400	Status Active	Property Type Real	
Property Code Area 04		State Parcel # 01N01E038400		

Contact Information		Physical Location	
Name	BOYD & LOA ANDERSON LP	Address	S CLOVERDALE RD KUNA ID 83634-0000
Mailing Address	17220 S CLOVERDALE RD KUNA ID 83634-0000	Group Type	SECT
		Group #	2103
		Description	1N 1E 03
		Zoning	A
		Township/Range/Section	1N 1E 03

Description

PAR #8400 OF SE4
SEC 3 1N 1E
#340000 B
#9225989

Additional Contacts

Status	State Category Code	Acres	Assessed Value	Assessment Roll	Property Occupancy	Valuation Method
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Active	10	3.770	2,600 2,600	Property Roll	Non-Occupancy	INCOME
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Less Homeowners Exemption

2,600

80551

That portion of the Southwest Quarter of the Southeast Quarter of Section 3, Township 1 North, Range 1 East of the Boise Meridian, Ada County, Idaho lying Northeasterly of the right of way for the Oregon Short Line Railroad.

9551

Summary

[illegible]

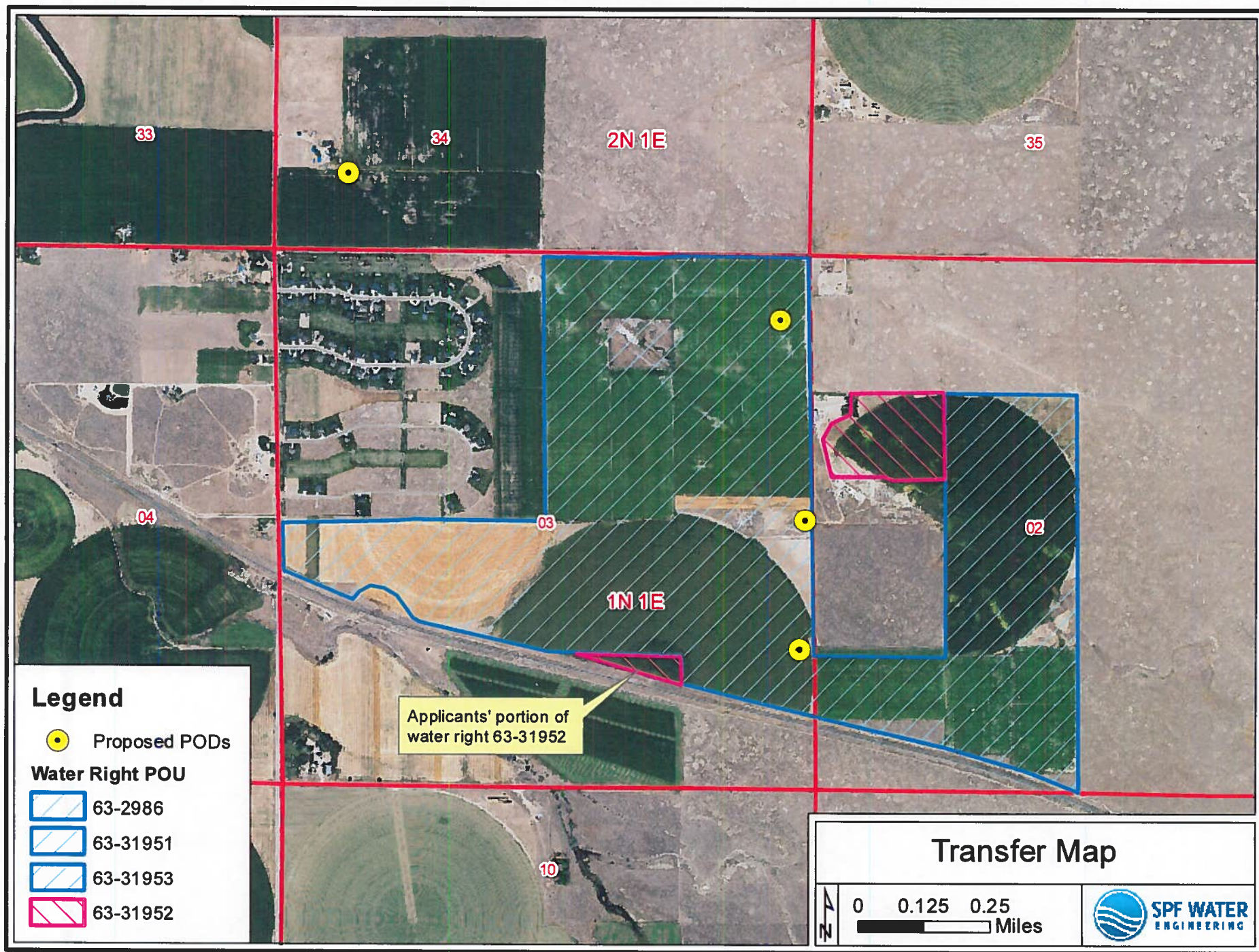
15208

Water Right Number:	63-31952
Diversion Rate:	0.48 CFS
Reviewer Name:	Lori Graves
Date:	11/12/2015

Acreage Analysis

[illegible]

80551





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 22, 2017

WILMA M THORNTON
LAYNE THORNTON
2800 FORREY RD
KUNA ID 83634

Re: Transfer No: 80551
Water Right No(s): 63-2986, 63-31950, 63-31951, 63-31952, 63-31953

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, please contact me at (208) 334-2190.

Sincerely,

A handwritten signature in black ink that reads "Rachel Neely for". The signature is stylized with a large, sweeping initial "R".

Nick Miller
Regional Manager

Enclosure

CC:

LAVAR THORNTON
2800 FORREY RD
KUNA ID 83634

THE MILLER FAMILY LIVING TRUST
10597 KUNA MORA RD
KUNA ID 83634

LAYNE THORNTON
LORI THORNTON
3224 SWAN FALLS RD
KUNA ID 83634

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2017 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.: 80551

Water Right No(s): 63-2986, 63-31950, 63-31951, 63-31952, 63-31953

**WILMA M THORNTON
LAYNE THORNTON
LAVAR THORNTON
2800 FORREY RD
KUNA ID 83634**

**THE MILLER FAMILY LIVING TRUST
10597 KUNA MORA RD
KUNA ID 83634**

**LAYNE THORNTON
LORI THORNTON
3224 SWAN FALLS RD
KUNA ID 83634**



**Rachel Neely
Administrative Assistant**

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.

MEMORANDUM

TO: Transfer No. 80551
FROM: Patrick Kelly
DATE: 9/11/2017
RE: Evaluation of Application

Summary of Information Submitted

This transfer proposes to identify a total of 4 POD's (wells) on 3 existing rights owned by the Thornton's, and claim partial ownership to 5 acres of water right 63-31952. The 4 water rights pertinent to Thornton land post transfer will reflect an integrated water system.

The site is located 5 miles SE of Mora, ID, to the SE of Kuna Mora Rd and S Cloverdale Rd. Three of the wells are located within the described POU. The fourth well is located approximately a tenth of a mile north of Kuna Mora Rd, above the Arrowrock Ranch Subdivision.

63-31952 was in the Water Supply Bank at the time the transfer was filed. However the right was released from the bank 12/31/2015. No further coordination is required with bank staff at this time.

The deed with the ownership change shows the buyer purchased 3.77 acres of land north of the railroad in the SWSE of Sec 3, Twn 1 North, Rge 1 East. Irrigation use within the 3.8 acre taxlot equals 3.8 acres. This suggests that of the 5 acres authorized within the QQ, 1.2 acres of water right 63-31952 is forfeit.

Authority to File

The application was filed in the name of Lavar, Wilma and/or Layne Thornton. Lavar Thornton was the only person to sign the transfer. The deed attached to the transfer identifies only Lavar as a married man as "buyer" to the land relevant to the 63-31952 ownership split. Current taxlot data identifies Lavar and Wilma Thornton as current property owners. Since the department has no supporting documents to show Layne carries an interest in the property or rights, ownership will be updated for the split, and leave the remaining rights as they are pre transfer. If the Thorntons wish to update all four rights, they will need to complete the proper docs and pay an appropriate fee to do so.

Water Right Validity

The rights were decreed in 2007. Irrigation use is apparent when reviewing historical aerial imagery from 2009-2015. Concerns over validity are not present at this time.

Overlap Analysis

Overlap analysis finds that the only rights relevant to the farm are included in the transfer. 63-31950 is brought into the transfer as an associated right since 63-31950 and 63-31952 share a combined use limit of 0.54 cfs pre transfer. On a total of 29 acres, this limit provides 0.0186 cfs per acre. Because 3.8 acres are being split and 1.2 acres forfeit, the split right will carry a diversion rate of 0.07 cfs ($3.8 \text{ ac} * 0.0186 \text{ cfs}$). The parent right, 63-31952 will be reduced by 0.09 cfs ($5 \text{ ac} * 0.0192 \text{ cfs/ac}$). By forfeiting 1.2 acres, the new combined use limit of 0.47 cfs ($0.54 \text{ cfs} - 0.07 \text{ cfs}$) now represents the sum of the two rights. The combined use limit between 63-31950 and 63-31952 can now be removed. No other rights should be considered.

Injury to Other Water Rights

None anticipated. Changes proposed in the transfer are to reflect an integrated system. Sprinkler use may have changed over the years to a pivot system, but changes to irrigated acres are not proposed.

Enlargement of Use

The pre transfer limit of 5.62 cfs, 1327.5 af on 296 acres is being maintained. The volume limit is being removed from the condition since it is simply an additive representation of the sum. Careful combined use limit consideration was made when reducing the 3.8 acres from parent and associated right. The difference of what was split has been reduced from the remaining rights.

Local Public Interest

No information has been made available to suggest a conflict with 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.



SPF WATER
ENGINEERING

November 20, 2015

RECEIVED

NOV 23 2015

**WATER RESOURCES
WESTERN REGION**

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

**Subject: Amendment of Permit 63-33074
Application for Transfer**

Dear Angie,

Enclosed on behalf of the Thornton's, are an Amendment of Permit 63-33074 and an Application for Transfer proposing a 4-well integrated irrigation system.

Check No. 3040 for \$1,000 is enclosed for the application filing fees and check No. 10230 for \$100 is enclosed for splitting a changing ownership of transfer right 63-31952. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Lavar Thornton

Enclosures

SPF file number: 344.0010