

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81464

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) Thomas McNABB

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

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

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Thomas McNabb Phone 925.766.8862
Mailing address PO Box 3548, COEUR D'ALENE, ID 83816 Email tom@coeurllc.com

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

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

☒ No Representative

Name of Representative h2 SURVEYING + ENGINEERING ~ SCOTT McARTHUR Phone _____
Mailing address (ALL CORRESPONDENCE THROUGH TOM) Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4.**

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

[Signature]
Signature of Applicant or Authorized Representative

Thomas J. McNabb
Print Name and Title if applicable

2-14-17
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2.**

PROPOSED TO TRANSFER A PORTION OF EXISTING IRRIGATION WATER RIGHTS
TO DOMESTIC / COMMERCIAL USE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

A PUMP WILL DRAW WATER FROM THE EXISTING ONSITE WELL REQUIRED FOR DOMESTIC/COMMERCIAL USE, INCLUDING THE FILLING OF THE ONSITE FIRE SUPPRESSION STORAGE/HOLDING TANK/POND

- b. Who owns the property at the point(s) of diversion? THOMAS MCNABB ~ APPLICANT

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

N/A

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

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

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

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

If yes, ☐ complete Attachment WSB. N/A

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

THE PROPOSED DOMESTIC/COMMERCIAL DEVELOPMENT WILL REPLACE THE ONCE IRRIGATED FARMLAND UTILIZING THE IRRIGATION RIGHTS

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

N/A

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

Yes No

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

If yes, describe:

N/A

Page _____ of _____

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

Current Water Right No.: 95-13190

Current Owner: THOMAS MCNABB

Priority Date: 10/23/1964

Origin: Adjudication Recommendation

Status: Active

Basis: License

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.21 CFS	52.5 AF
	<u>Total Diversion</u>	0.21 CFS	52.5 AF

Location of Point(s) of Diversion

GROUND WATER

KOOTENAI County

SE1/4NW1/4

Sec. 21, Twp 51N, Rge 04W B.M.

GROUND WATER

KOOTENAI County

NW1/4NW1/4

Sec. 21, Twp 51N, Rge 04W B.M.

Place of Use**IRRIGATION Within KOOTENAI County**

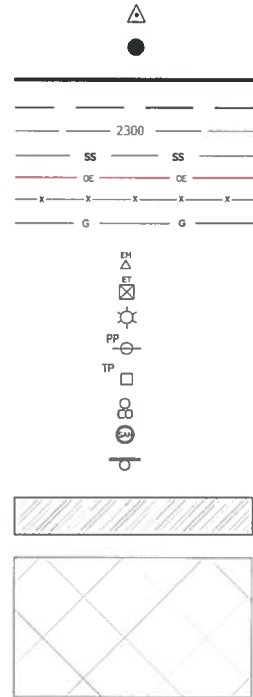
T51N R04W S21 NWNW 15.00

Total Acres: 15

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. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. PIN Parcel Nos. H00000214350 and H00000213300 for Points of Diversion. H00000213300 for Place of Use.
4. P21 This right is a split from former right 95-9185.

LEGEND



PROJECT INFORMATION

OWNER:	THOMAS J. MAGABE
ADDRESS:	TBD, N. HUETTER ROAD, HAYDEN, ID 83835
PARCEL:	H-0000-021-3300 (A1N.230286)
TWN/RNG/SEC:	51N / 4W / 21 NW
LEGAL:	W 1/2 OF THE NW 1/4 OF THE NW 1/4 OF SECTION 21, EXCEPT TAX NO. 20006
ZONING:	CURRENT RESIDENTIAL/COMMERCIAL - CITY OF HAYDEN
ADJ. ZONING:	NORTH - RESIDENTIAL/COMMERCIAL WEST - AGRICULTURE (KOOTENAI COUNTY) EAST - RESIDENTIAL/COMMERCIAL SOUTH - AGRICULTURE (KOOTENAI COUNTY)
SETBACKS:	TBD AFTER ZONE CHANGE REQUEST
MAX BLDG HGT:	TBD AFTER ZONE CHANGE REQUEST
LOT COVER:	TBD AFTER ZONE CHANGE REQUEST

DATUM

VERTICAL: NAVD88
HORIZONTAL: ASSUMED

WATER RIGHT TRANSFER EXHIBIT (#95-13190)

A parcel of land located in the Northwest Quarter of Section 21, Township 51 North, Range 4 West,
Boise Meridian, Kootenai County, Idaho

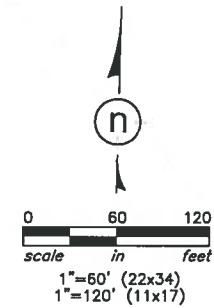
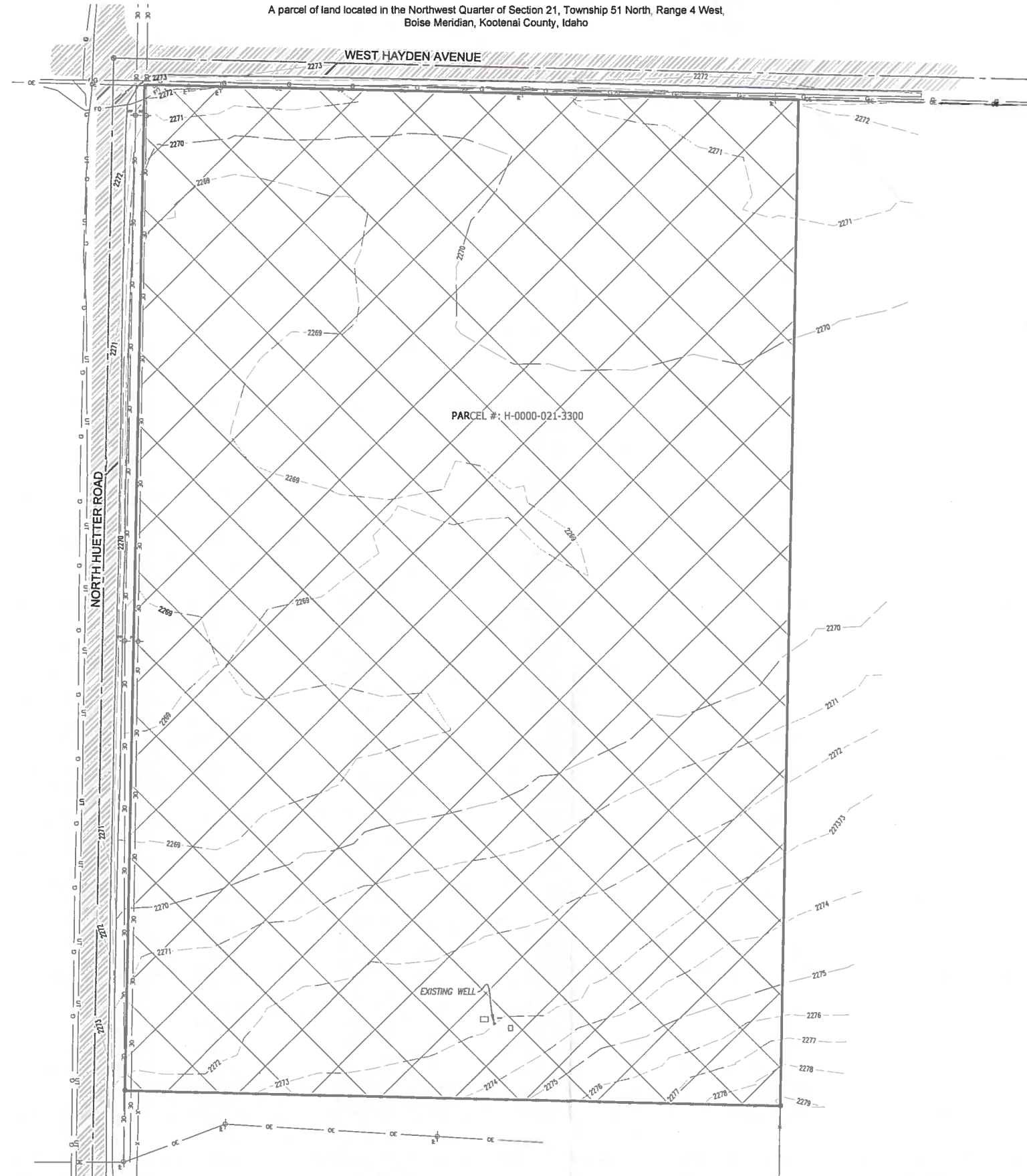


EXHIBIT ILLUSTRATES WATER USAGE PRIOR TO TRANSFER REQUEST



SURVEYORS • ENGINEERS
Post Office Box 2916
Hayden, Idaho 83835
Phone: (208) 772-6600
Fax: (208) 772-6619
www.h2survey.com

SURVEYED	h2
DESIGNED	h2
DRAWN	rmh
CHECKED	slm

REVISIONS

M McNABB DEVELOPMENT
WATER RIGHTS TRANSFER EXHIBIT
TBD, N. Huetter Road, Hayden, ID 83835

SHEET # -	IDWR EXHIBIT
PROJECT # 2016-125	Township 51 North - Range 4 West - Section 21 Latitude: 47° 45' 28" - Longitude: 116° 50' 59"
DATE	City of Hayden, Kootenai County, Idaho
	1/27/2017

LEGEND

- Calculated point (nothing found/set)
- Found rebar
- Boundary line
- Adjacent property line
- Existing contour
- Existing sanitary sewer line
- Existing overhead electric line
- Existing fence line
- Existing gas line
- Electrical meter
- Electrical transformer
- Light pole
- Power pole
- Telephone pedestal
- Sanitary sewer cleanout
- Sanitary sewer manhole
- Street sign
- Existing Asphalt
- Existing Irrigation Water Right =
- Proposed Domestic/Commercial Water Right = 9.8 Acres

PROJECT INFORMATION

OWNER: THOMAS J. McNABB
ADDRESS: TBD, N. HUETTER ROAD, HAYDEN, ID 83835
PARCEL: H-0000-021-3300 (AIN: 230286)
TWN/RNG/SEC: 51N / 4W / 21 NW
LEGAL: W 1/2 OF THE NW 1/4 OF THE NW 1/4 OF SECTION 21, EXCEPT TAX NO. 20006
ZONING: CURRENT RESIDENTIAL/COMMERCIAL - CITY OF HAYDEN
ADJ. ZONING: NORTH - RESIDENTIAL/COMMERCIAL
WEST - AGRICULTURE (KOOTENAI COUNTY)
EAST - RESIDENTIAL/COMMERCIAL
SOUTH - AGRICULTURE (KOOTENAI COUNTY)
SETBACKS: TBD AFTER ZONE CHANGE REQUEST
MAX BLDG HGT: TBD AFTER ZONE CHANGE REQUEST
LOT COVER: TBD AFTER ZONE CHANGE REQUEST

DATUM

VERTICAL: NAVD88
HORIZONTAL: ASSUMED

WATER RIGHT TRANSFER EXHIBIT (#95-13190)

A parcel of land located in the Northwest Quarter of Section 21, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho

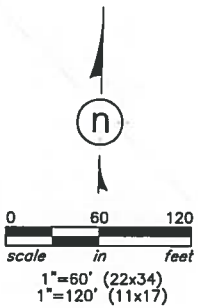
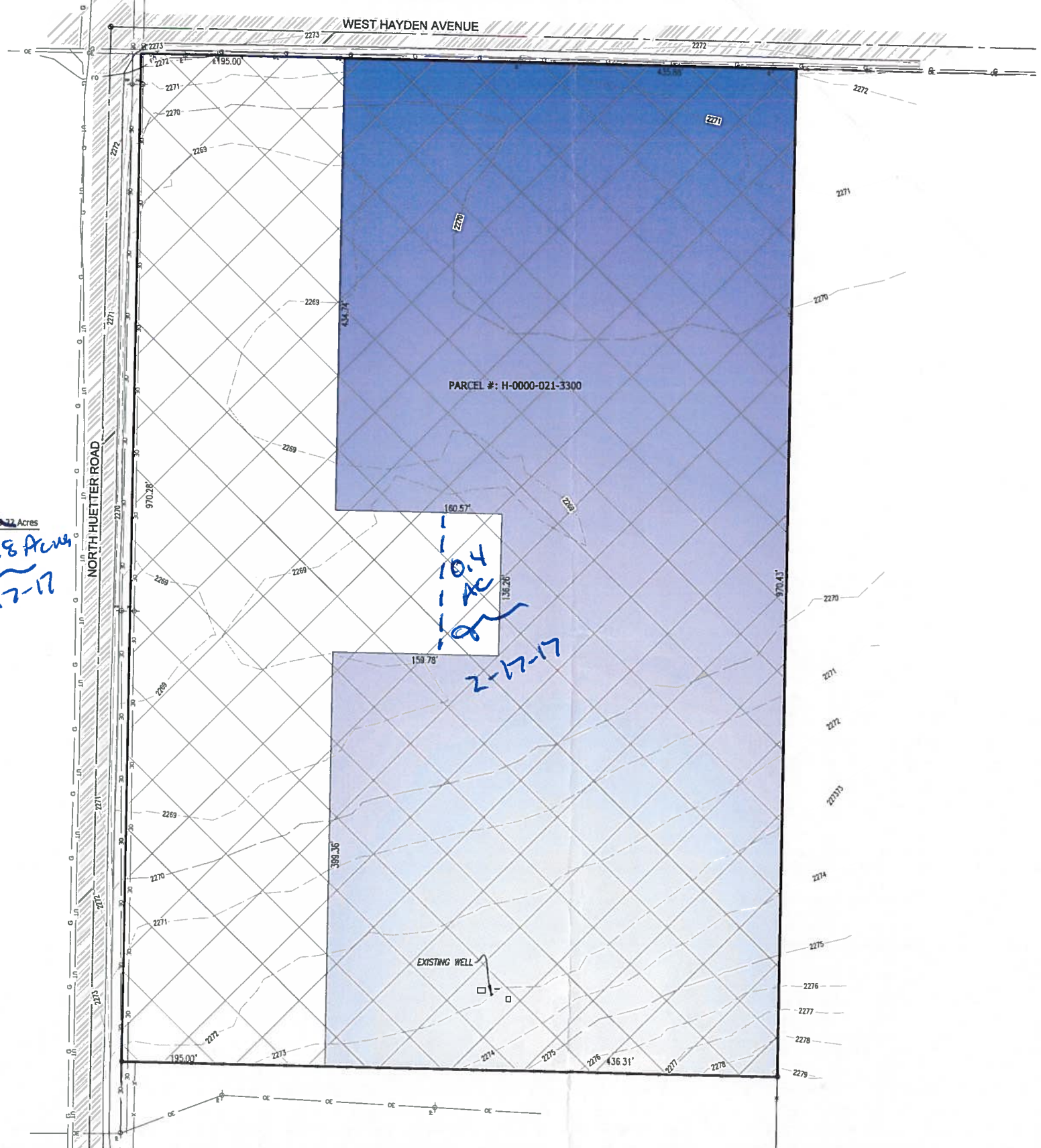


EXHIBIT ILLUSTRATES WATER USAGE AFTER TRANSFER REQUEST



SURVEYORS • ENGINEERS
Post Office Box 2916
Hayden, Idaho 83835
Phone: (208) 772-6600
Fax: (208) 772-6619
www.h2survey.com

REVISIONS	
NO.	DESCRIPTION
1	DESIGNED
2	DRAWN
3	CHECKED

McNABB DEVELOPMENT
WATER RIGHTS TRANSFER EXHIBIT
TBD, N. Huetter Road, Hayden, ID 83835

IDWR EXHIBIT	
PROJECT #	DATE
2016-125	1/27/2017

Township 51 North - Range 4 West - Section 21
Latitude: 17° 45' 28" - Longitude: 116° 50' 50"
City of Hayden, Kootenai County, Idaho

ATTACHMENT



JIM BRANNON 2 P 2543182000
KOOTENAI COUNTY RECORDER
AF 4/29/2016 1:45 PM
REQ OF KOOTENAI COUNTY TITLE
COMPANY
RECORDING FEE: \$13.00 DD
Electronically Recorded

PARCEL
DEED
PG 1 OF 2

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED

Bio Photon Engineering and Research, P.A. Profit Sharing Plan

a corporation organized and existing under the laws of the State of Idaho,
GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL AND CONVEY unto:
Thomas J. McNabb, an unmarried man

GRANTEES(s), whose current address is: PO Box 3548 Coeur d'Alene ID 83816
the following described real property in Kootenai County, State of Idaho, more particularly described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF FOR LEGAL DESCRIPTION

This conveyance includes all water rights associated with or appurtenant to the property conveyed hereunder, including but not limited to all water rights memorialized by or arising under IDWR Claim ID No 95-13190.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject to those made, suffered or done by the Grantee(s); current taxes, levies, assessments, easements, reservations and rights of way of view and covenants, conditions, restrictions, easements, reservations, dedications, rights of way and agreements of record and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

Dated: April 28, 2016

Bio Photon Engineering and Research, P.A. Profit Sharing Plan

BY: James M. Kimball
James M. Kimball, President

STATE OF Idaho

COUNTY OF Kootenai

On this 28th day of April, 2016, before me, Keri Mitchell, a Notary Public in and for said State, personally appeared James M. Kimball, known or identified to me to be the President of the corporation that executed this instrument or the person who executed this instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Keri Mitchell
Notary Public for State of Idaho
Residing at: Hayden
My Commission Expires: 08/25/17

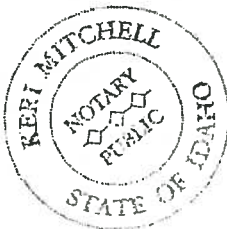


EXHIBIT "A"

AK

The West half of Northwest quarter of the Northwest quarter in Section 21, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho.

EXCEPT

A portion of the West half of the Northwest quarter of the Northwest quarter of Section 21, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, described as follows:

Commencing at the northwest corner of Section 21; thence

South 0°56'06" West, 995.29 feet; thence

South 88°43'14" East, 30 feet to the true point of beginning; thence

South 88°43'14" East, 631.33 feet; thence

South 0°54'33" West, 331.82 feet; thence

North 88°42'59" West, 631.48 feet; thence

North 0°56'06" East, 331.76 feet to the point of beginning.

January 2017

EXHIBIT 8A



RECEIVED

FEB 14 2017

IDWR / NORTH

THOMAS McNABB

City of Hayden, Kootenai County, Idaho

Water Right: 95-13190

This project proposes to transfer a portion of the existing irrigation water usage, provided by the onsite well, under the above noted water right, as described below:

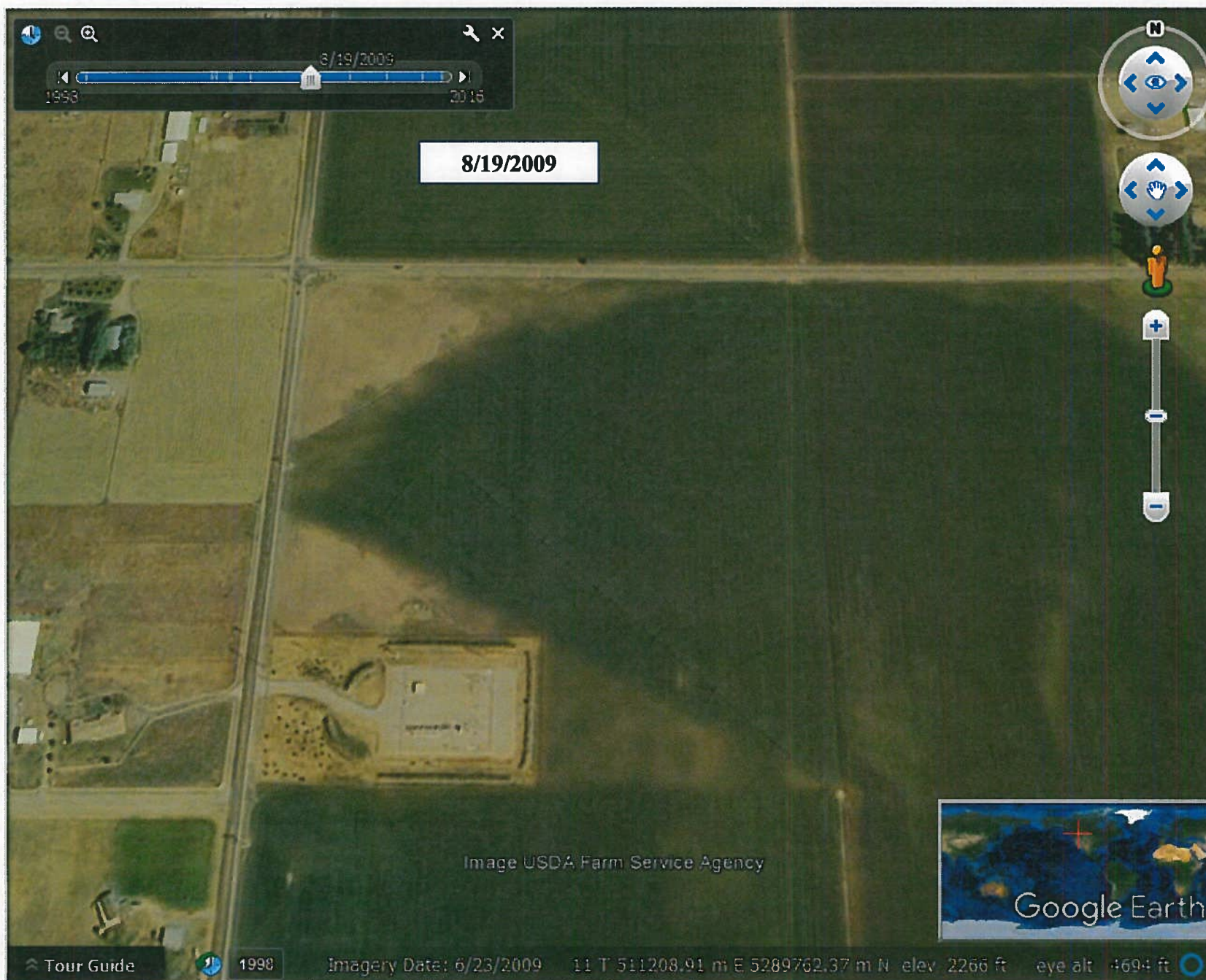
Existing:

- Irrigation: 0.210 cfs / 52.50 AF

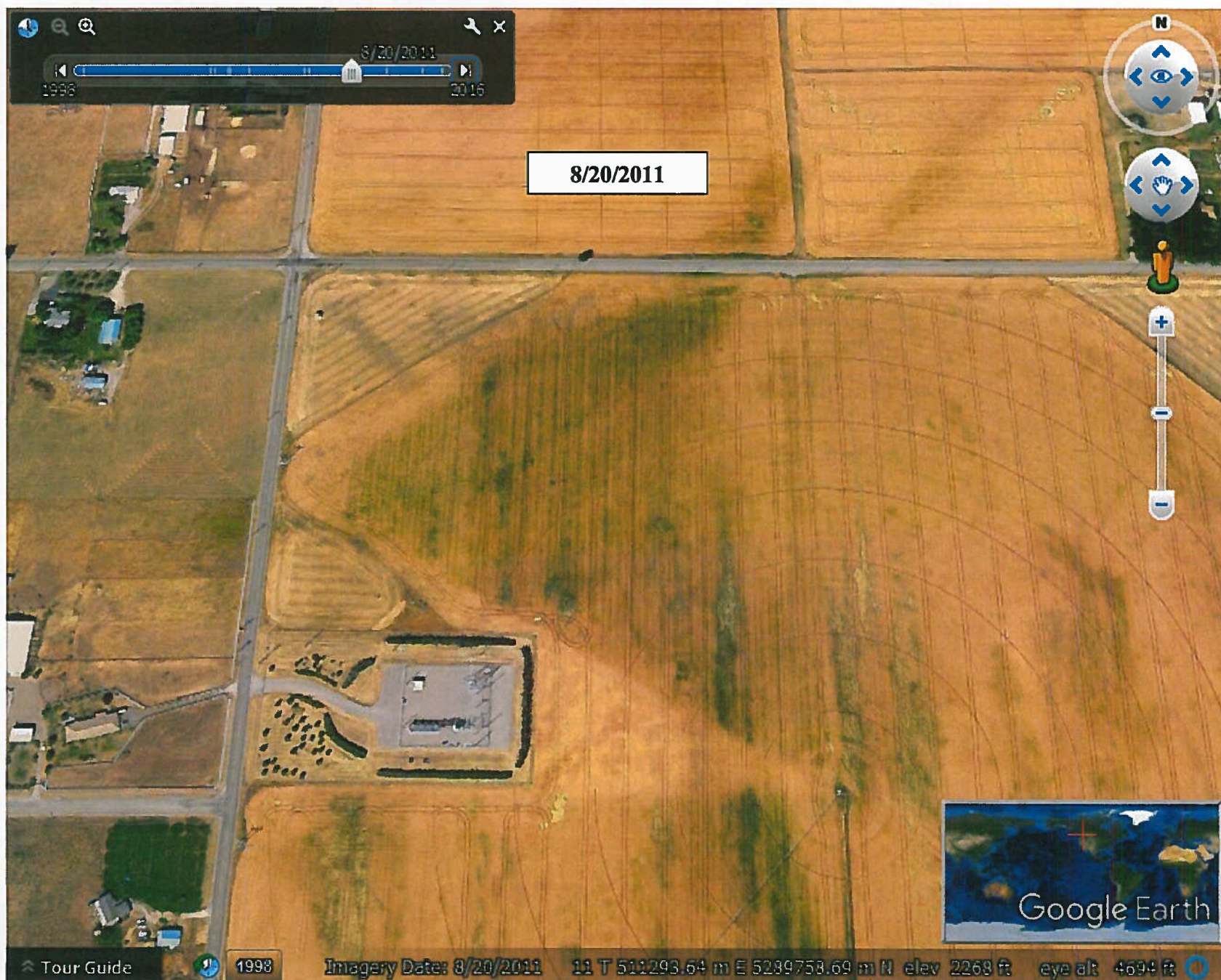
Proposed:

- Domestic: 0.001 cfs / 0.84 AF
- Commercial: 0.027 cfs / 19.69 AF
- Irrigation: 0.045 cfs / 31.97 AF

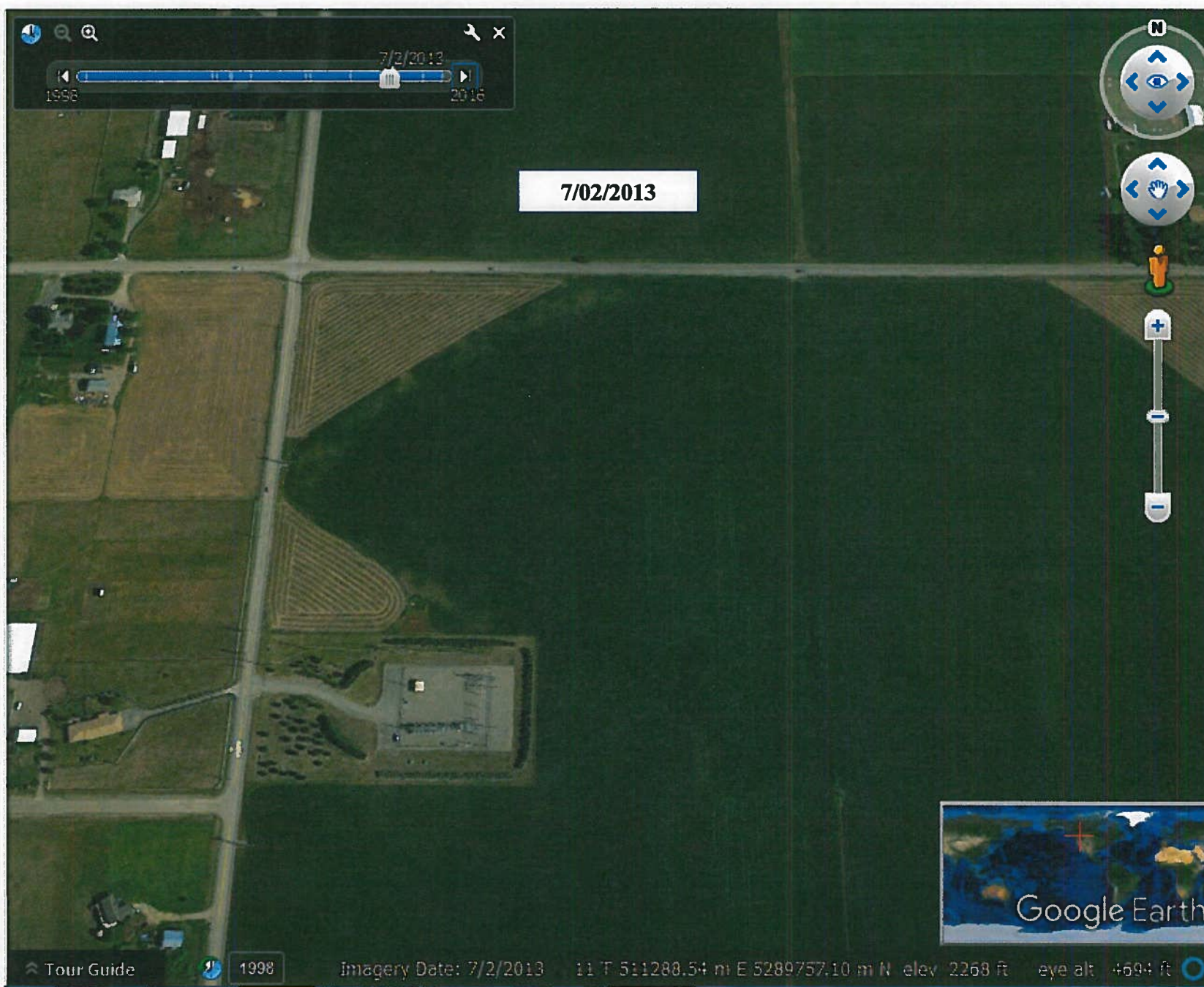
The attached Google Earth images provide historical data of the “use” of the existing water, which is irrigation, as approved under the above noted water right. The IDWR approved Water Right Transfer documentation, PART 2A, for the current use is attached for your reference.



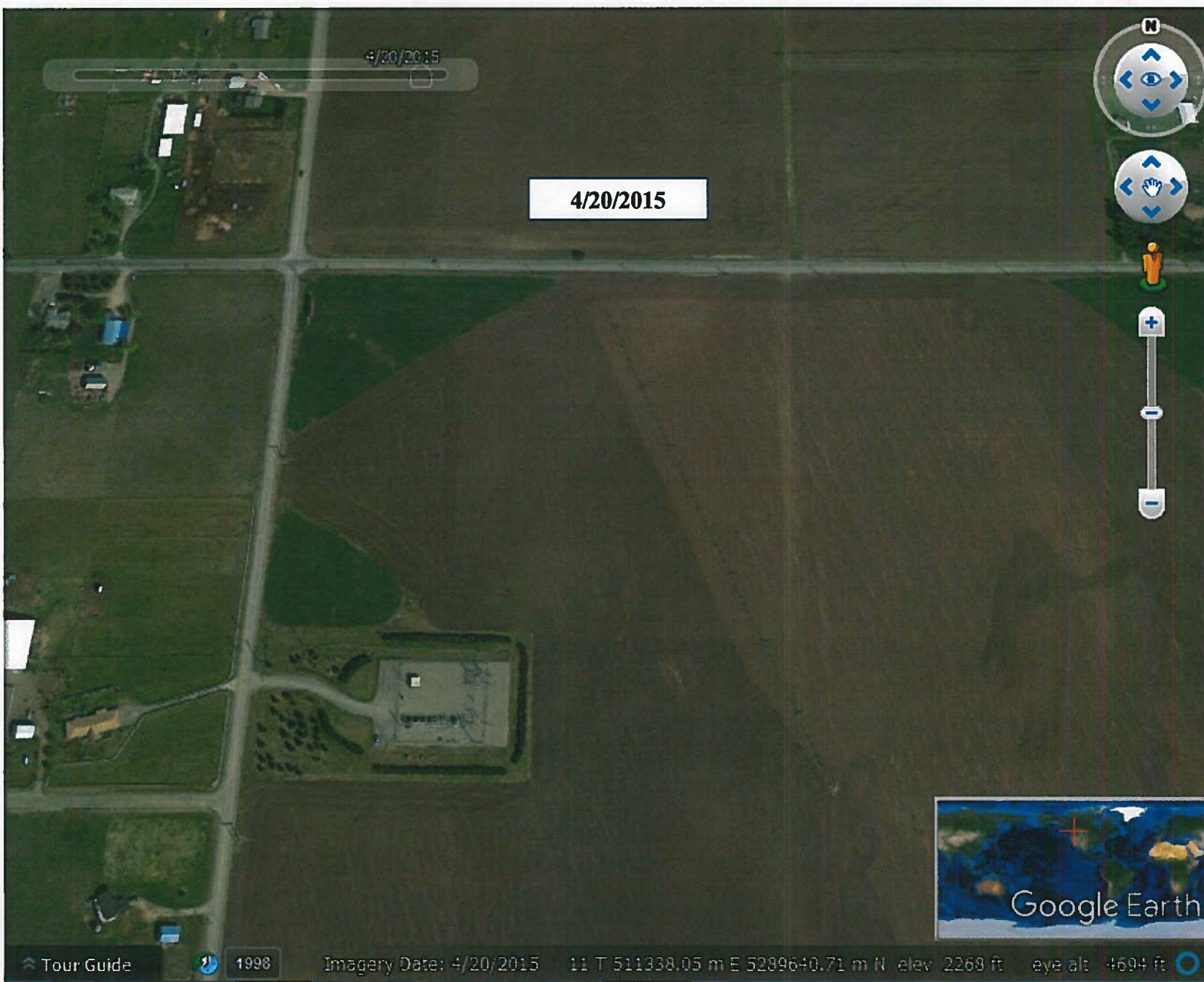
ATTACHMENT



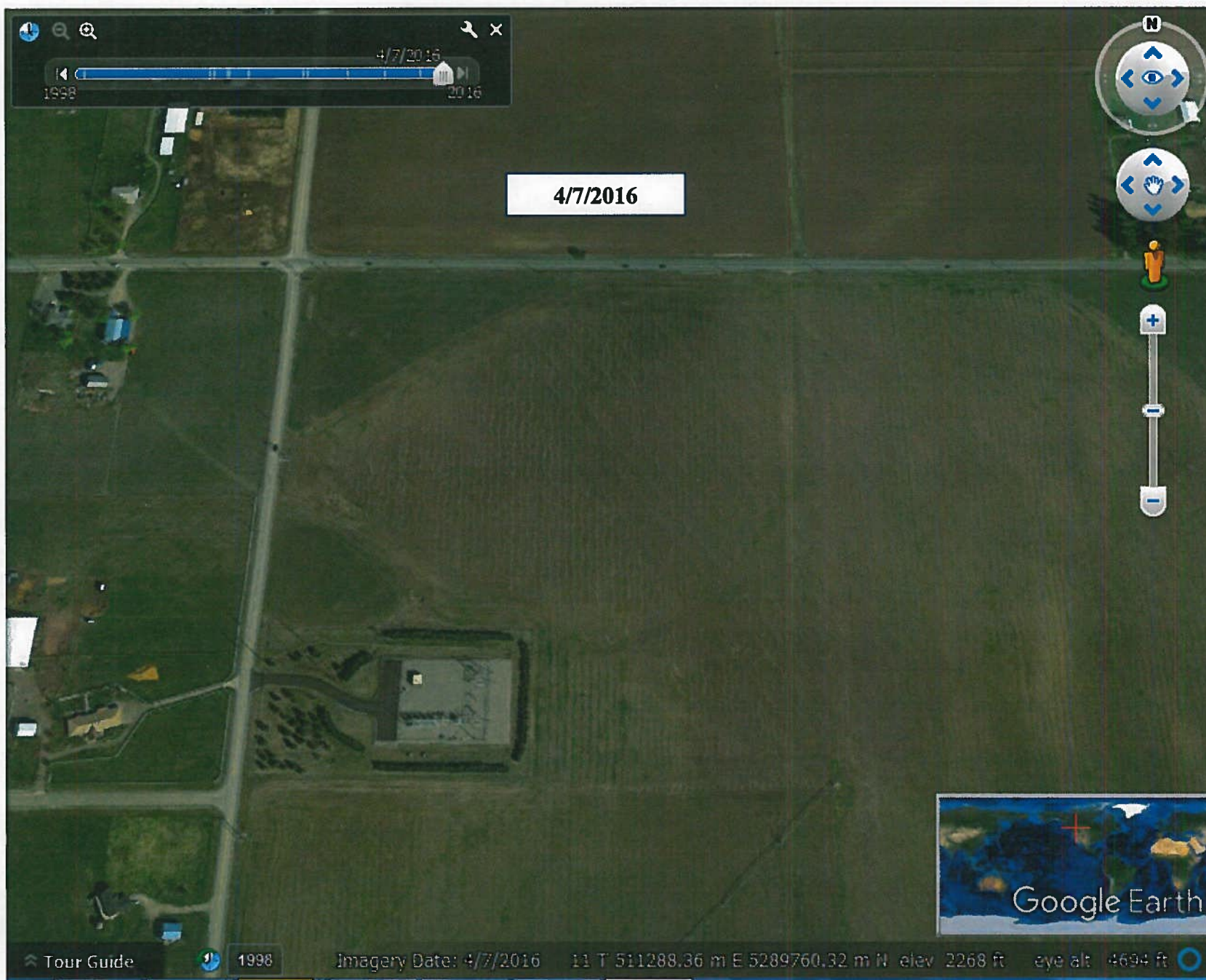
ATTACHMENT



ATTACHMENT



ATTACHMENT



ATTACHMENT



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

ATTACHMENT

August 26, 2016

THOMAS J MCNABB
2102 E FRONT AVE
COEUR D ALENE ID 83814

SUBJECT: Completed Ownership Change on Notice of Claim Numbers 95-13189 & 95-13190

Dear Mr. McNabb:

I have completed the ownership change on the above numbered claims and have enclosed a copy for your records. This change will ensure that you receive all future correspondence related to this claim and the adjudication. Thank you for your prompt attention to this matter.

Sincerely,

Linda A. Werner
Water Resource Agent, Sr.

Enclosures: Copy Claim Numbers 95-13189 & 95-13190

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Notice of Change in Water Right Owner

RECEIVED
AUG 25 2016
IDWR / NORTH

RECEIVED
AUG 09 2016
ATTACHMENT

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
95-13190	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Bio Photon Engineering and Research
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Thomas J. Mykalsb
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- Mailing address: 2102 E Front Ave City: Boise State: ID ZIP: 83724
Telephone: 208 929 2748 Email: tmkalsb@cleanlake.com
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: April 28, 2016
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.
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.
 - o \$100 per *split* water right.
 - o No fee is required for pending adjudication claims.
8. Signature: [Signature] Title, if applicable: Owner Date: 8-25-16
Signature of new owner/claimant
- Signature: _____ Title, if applicable: _____ Date: _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by: N/A Date: N/A Receipt No.: N/A Receipt Amt.: N/A
Approved by: LW Processed by: LW Date: 8-26-2016

CORPORATE WARRANTY DEED

RECEIVED
AUG 25 2016
IDWR / NORTH

FOR VALUE RECEIVED

Bio Photon Engineering and Research, P.A. Profit Sharing Plan

a corporation organized and existing under the laws of the State of Idaho,
GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL AND CONVEY unto:
Thomas J. McNabb, an unmarried man

GRANTEES(s), whose current address is: PO Box 3548 Coeur d'Alene ID 83816
the following described real property in Kootenai County, State of Idaho, more particularly described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF FOR LEGAL DESCRIPTION

This conveyance includes all water rights associated with or appurtenant to the property conveyed hereunder, including but not limited to all water rights memorialized by or arising under IDWR Claim ID No 95-13190.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject to those made, suffered or done by the Grantee(s); current taxes, levies, assessments, easements, reservations and rights of way of view and covenants, conditions, restrictions, easements, reservations, dedications, rights of way and agreements of record and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

Dated: April 28, 2016

Bio Photon Engineering and Research, P.A. Profit Sharing Plan

BY: James M. Kimball
James M. Kimball, President

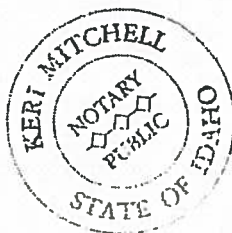
STATE OF Idaho

COUNTY OF Kootenai

On this 28th day of April, 2016, before me, Keri Mitchell, a Notary Public in and for said State, personally appeared James M. Kimball, known or identified to me to be the President of the corporation that executed this instrument or the person who executed this instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Keri Mitchell
Notary Public for State of Idaho
Residing at: Hayden
My Commission Expires: 08/25/17



CORPORATE WARRANTY DEED

FOR VALUE RECEIVED

Bio Photon Engineering and Research, P.A. Profit Sharing Plan

a corporation organized and existing under the laws of the State of Idaho,
GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL AND CONVEY unto:
Thomas J. McNabb, an unmarried man

GRANTEES(s), whose current address is: PO Box 3548 Coeur d'Alene ID 83816
the following described real property in Kootenai County, State of Idaho, more particularly described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF FOR LEGAL DESCRIPTION

This conveyance includes all water rights associated with or appurtenant to the property conveyed hereunder, including but not limited to all water rights memorialized by or arising under IDWR Claim ID No 95-13190.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject to those made, suffered or done by the Grantee(s); current taxes, levies, assessments, easements, reservations and rights of way of view and covenants, conditions, restrictions, easements, reservations, dedications, rights of way and agreements of record and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

Dated: April 28, 2016

Bio Photon Engineering and Research, P.A. Profit Sharing Plan

BY: James M. Kimball
James M. Kimball, President

STATE OF Idaho

COUNTY OF Kootenai

On this 28th day of April, 2016, before me, Keri Mitchell, a Notary Public in and for said State, personally appeared James M. Kimball, known or identified to me to be the President of the corporation that executed this instrument or the person who executed this instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Keri Mitchell
Notary Public for State of Idaho
Residing at: Hayden
My Commission Expires: 08/25/17

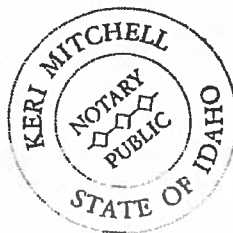


EXHIBIT "A"

JK

The West half of Northwest quarter of the Northwest quarter in Section 21, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho.

EXCEPT

A portion of the West half of the Northwest quarter of the Northwest quarter of Section 21, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, described as follows:

Commencing at the northwest corner of Section 21; thence

South $0^{\circ}56'06''$ West, 995.29 feet; thence

South $88^{\circ}43'14''$ East, 30 feet to the true point of beginning; thence

South $88^{\circ}43'14''$ East, 631.33 feet; thence

South $0^{\circ}54'33''$ West, 331.82 feet; thence

North $88^{\circ}42'59''$ West, 631.48 feet; thence

North $0^{\circ}56'06''$ East, 331.76 feet to the point of beginning.

Form No.42-1408-1 (Internet 12/08)

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D' ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number 95-13190Date Received: 11-18-09Receipt No: 11022905Received By: cm

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Kimball Engineering PA-Profit Share Plan Phone (248) 772-2434Mailing Address 6975 N 16th St Dalton Gardens Id ZIP 83815
Street or Box City State2. Date of Priority (Only one (1) per claim) _____
Month Day Year (YYYY)3. Source of water supply (Check one) Ground Water (☒ or Other () (a) _____
which is tributary to (b) _____4. a. Location of Point of Diversion is: Township 51 N, Range R4W, Section 21,
_____, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of KootenaiParcel (PIN) no. 51 N04 W 21 3300Additional points of diversion if any: SE NW 1/4 S 21 T 51 N R 4 W - P# 51 N04 W 21 3300
50

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well.1-Well - 8" Dia 320' deep - 15 Hp Pump2- Old Well No Log

SCANNED

NOV 18 2009

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 03/15 to 11/15 amount 0.282 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.282 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N	4W	21						15											15

Parcel (PIN) no(s) 51 N04 W21 S300

Total number of acres irrigated 15

10. In which county (ies) are lands listed above as place of use located? Kootenai

11. Do you own the property listed above as place of use? Yes (X) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (X)

13. Remarks: _____

Last Name _____ Identification No. _____

SCANNED
NOV 18 2009

14. Basis of Claim (Check One) Beneficial Use () Posted Notice (X) License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 95-9185 (95 21 91)

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do (X) do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Trustee / President of Kemball Engineering PA Profit Sharing Plan
Title Organization

that I have signed the foregoing document in the space below as

Trustee / President of Kemball Engineering PA Profit Sharing Plan
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Jama M Kemball Trustee/President Date 11/18/09

Title and Organization Kemball Engineering PA Profit Sharing Plan

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Last Name _____ Identification No. **SCANNED**

NOV 18 2009

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, February 23, 2017 3:09 PM
To: Legal Notices-CdA Press -Hoklly Frederick (hfredericks@cdapress.com)
Cc: Frederick, Adam; Case, Morgan
Subject: Transfer No. 81464; Water Right No(s). 95-13190
Attachments: LegalNotice TRANSFER 81464 CDA e-mail 2-23-17 McNabb, Thomas.doc

Good afternoon, Holly,

Please publish the attached legal notice in the CDA Press on the dates indicated, March 2 and 9, 2017, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This should be very close to press ready – for 2-column, 8pt, Century Old Style font; perhaps close enough to just copy and paste with minor modifications.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/20/2017.

This should be billed separate from the other legal notice also scheduled to run on the same dates, because of the difference in nature.

Please also send a proof/preview copy for my review before this actually goes to press.

If you have any questions regarding this, please give me a call at number below. It's always a pleasure to work with you. Thanks.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81464

THOMAS MCNABB, PO BOX 3548, COEUR D'ALENE, ID 83816; has filed Application No. 81464 for changes to the following water rights within KOOTENAI County(s): Right No(s). 95-13190; to see a full description of these rights and the proposed transfer, please see

www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx

The purpose of the transfer is to change a portion of the above rights as follows:

The purpose of the transfer is to remove the point of diversion located in the SENE Sec 21, Twp 51N, Rge 04W and to change a portion of the above right as follows: The applicant intends to dry up 9.8 acres in the NWNW Sec 21, Twp 51N, Rge 04W and use that 0.11 cfs of water for commercial, domestic, diversion to storage, and fire protection storage.

For additional information concerning the property location, contact Northern Region office at (208) 762-2800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 3/20/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/2/2017 and 3/9/2017



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 23, 2017

THOMAS MCNABB
PO BOX 3548
COEUR D ALENE, ID 83816

RE: Transfer No. 81464
Water Right No(s). 95-13190

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 3/2/2017 and 3/9/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script that reads "Adam Frederick".

Adam Frederick
Senior Water Research Agent

MEMORANDUM

Date: February 17, 2017

To: Transfer 81464

From: Adam Frederick *AF*

Re: Legal Notice Remarks

The purpose of the transfer is to remove the point of diversion located in the SENE Sec 21, Twp 51N, Rge 04W and to change a portion of the above right as follows: The applicant intends to dry up 9.8 acres in the NWNW Sec 21, Twp 51N, Rge 04W and use that 0.11 cfs of water for commercial, domestic, diversion to storage, and fire protection storage.

MEMORANDUM

Date: February 17, 2017
To: Transfer 81464
From: Adam Frederick AF
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to eliminate a point of diversion in the SENW Sec 21, Twp 51N, Rge 04W and change the nature of use of a portion of the right to; diversion to storage, domestic, fire protection storage, and commercial.

Review & Evaluation of Sufficiency of Information
2/17/2017

Authority to File: The applicant is listed as the current owner of the right being transferred according to IDWR records.

Water Right Validity: The water right is valid and has been recommended in the CSRBA.

Injury to Other Water Rights: Injury is not anticipated due to the high transmissivity of the Rathdrum Prairie Aquifer and the new uses will use less annual volume then before transfer.

Enlargement of Use: None.

Local Public interest: No negative issues anticipated.

Beneficial Use/Conservation of Water Resources: Proposed use is recognized as a beneficial use of water.

Effect on Economy the Local Area: Applicant plans on growing vegetables year round and local economy should benefit from its production.

Effect on Agricultural Base of the Local Area: Proposed use should have a positive effect on local agriculture base.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Total Storage Calculations

FILE NUMBER	Transfer
REVIEWER	Adam Frederick
DATE	2/17/2017

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	0.14	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	5	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	0.7	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.0	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	0.2	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	0.9	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

for review purposes

Frederick, Adam

From: Frederick, Adam
Sent: Friday, February 17, 2017 1:02 PM
To: Marston, Sascha; Sutcliffe, Lorna
Subject: Refund

Please refund \$300.00 from the total of \$750.00 paid on receipt N032389. The transfer application only needed a fee of \$450.00 instead of the \$750.00 that was paid.

Refund \$300.00
N032389

Mail to
Thomas McNabb
PO Box 3578
Coeur d Alene ID 83816

Thanks

Adam Frederick
Senior Water Resource Agent
Idaho Department of Water Resources
Northern Regional Office
Phone 208-762-2800



RECEIVED
FEB 14 2017
IDWR / NORTH

WATER RIGHT TRANSFER NARRATIVE

THOMAS McNABB

City of Hayden, Kootenai County, Idaho

Water Right: 95-13190
Water Right Nature of Use Change

It is the intent of Mr. McNabb to develop the approxiamte 15-acre parcel, which is located within the City of Hayden, Idaho, as commercial, in accordance with the annexation agreement that accompanied the land with the sale of the property. The propetry, ownership, and the existing water rights are identified below:

General Information

- Parcels: H00000213300
- Parcel Address: TBD
- Parcel Size: ±15.2-Acres (Assessed)
- Owner: Thomas McNabb
PO Box 2379
Coeur d'Alene, Idaho 83816
Tel: 208.929.2748
em: tom@coeurllc.com
- Legal: See attached deed. (Section/Township/Range: 21 / T51N / R04W)
- Zoning: Commercial/Residental (City of Hayden, Idaho) – Approved by City P&Z to be zoned solely commercial. Will present to City Council in February for final zoning change approval.
- Water Right: 95-13190

Change in Nature of Use Summary: The purpose of this narrative shall be to provide the Idaho Department of Water Resources (IDWR) with an understanding of the existing water rights associated with the property aquired by Mr. Thomas McNabb, and how we intend to transfer a portion of the usage from irrigation to commercial and domestic use.

- Current Use:
 - Irrigation
 - From 3/15/ to 11/15
 - 0.21 CFS Diversion Rate
 - 52.5 AF Annual Volume
- Change in Nature of Use:
 - Irrigation: From 3/15 to 11/15; 0.045 CFS Diversion Rate; 31.97 AF Annual Volume
 - Commercial: From 1/1 to 12/31; 0.027 CFS Diversion Rate; 19.69 AF Annual Volume
 - Domestic: From 1/1 to 12/31; 0.001 CFS Diversion Rate; 0.84 AF Annual Volume

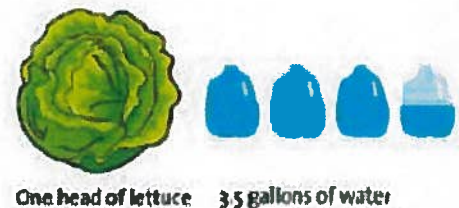
Use	Irrigation (Annual Volume)	Commercial (Annual Volume)	Domestic (Annual Volume)	Total (Annual Volume)
Current Use	52.5	0.00	0.00	52.5
Change in Nature of Use	31.97	19.69	0.84	52.5

- Historic Consumptive Use Estimate:
 - Station: Coeur d'Alene 1 E:
 - Crop: Grass Hay
 - Growing Season "precipitation deficit": 679 mm¹
- Change in Nature of Use Estimate:
 - *Commercial:
 - 679 mm x 0.0032808 ft/mm = 2.23
 - 19.69 AF / 2.23 AF/A = 8.84 acres retired = changed to Commercial Use
 - **Domestic:
 - 679 mm x 0.0032808 ft/mm = 2.23
 - 0.84 AF / 2.23 AF/A = 0.38 acres retired = changed to Domestic Use
 - Total Nature of Use Change = 9.22 acres (8.84 + 0.38)

Notes:

*Commercial Use:

- 50% projected water conservation via Vertical Farming of Lettuce (**Water Conservation and Recycling**—Hydroponic growing techniques used in vertical farms use about 70% less water than normal agriculture²).
- Farming of Lettuce and Food Crops: Lettuce requires 3.5 gallons of water to grow one head³ (3.5 X 50% water conservation = 1.75 gallons per head of lettuce).
- Heads per month per Sq/Ft = 11.2⁴
- Gallons per Month per SQ/Ft = 19.6 (@ 50% water conservation)
- Gallons per Year per SQ/Ft = 235.2
- 27,280 square foot grow area x 235.2 gallons per year per square foot = 3,208,128 gallons per year
- 6,416,256 gallons per year / 325,850 gallons per acre foot = 19.69 AF of projected water use for commercial crop production



**Domestic Use:

- 250 GPD per 5 acres allowed use (Pan Handle Health), parcel includes a total of 15-acres = 750 GPD @ 365 days per year = 273,750 GPY / 325,850 G/AF = 0.84 AF.

Feel free to contact Tom McNabb, the property owner with any questions related to this information at 208-929-2748, email at tom@coeurllc.com.

¹ <http://data.kimberly.uidaho.edu/ETIdaho/stcврstats.py?station=101956&cover=4&stats=Deficit>

² <https://attra.ncat.org/attra-pub/viewhtml.php?id=512>

³ http://www.huffingtonpost.com/2014/02/24/water-to-grow-foods-infographics_n_4848161.html

⁴ <http://www.freightfarms.com/features/>