

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80919**

This is to certify that: **WEISER RANCHES LLC**
1606 AMARAL CT
FAIRFIELD, CA 94534

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>
3-10001	WR/DECREED	10/7/1957	3.080 cfs	735.0 af	N/A	170.0	SNAKE RIVER
3-10002	WR/DECREED	10/7/1957	1.500 cfs	359.0 af	N/A	83.0	SNAKE RIVER

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>
3-10001	NO	NO	YES	YES	NO	NO
3-10002	NO	NO	YES	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>
3-10001	3-10001	3.080 cfs	735.0 af	170.0	296.0	N/A	N/A	N/A	N/A	N/A
3-10002	3-10002	1.500 cfs	359.0 af	83.0	296.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.580 cfs	1094.0 af	253.0	296.0		N/A	N/A	N/A	N/A

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

Dated this 14th day of February, 2017.



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 3-10001

Transfer No. 80919

WATER RIGHT NO. 3-10001**As Modified by Transfer No. 80919**

In accordance with the approval of Transfer No. 80919, Water Right No. 3-10001 is now described as follows:

Right Holder: WEISER RANCHES LLC
1606 AMARAL CT
FAIRFIELD, CA 94534

Priority Date: 10/7/1957

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 11/01

Diversion Rate

3.080 cfs

3.080 cfs

Diversion Volume

735.0 af

735.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER
SNAKE RIVER

NESWNW
SWSWNW

Sec 5 Twp 10N Rge 05W WASHINGTON County
Sec 5 Twp 10N Rge 05W WASHINGTON 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	
10N	05W	5			34.0	2.0	18.0	3.0	9.0	1.0	1.0	23.0			26.0	40.0			157.0
10N	05W	5		7.0			28.0			50.0	52.0								137.0
				L2			L3			L4	L5								
11N	05W	32												2.0					2.0

Right Acre Limit: 170.0

POU Total Acres: 296.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 170 acres within the authorized place of use in a single irrigation season.
2. Rights 3-10001 and 3-10002 when combined shall not exceed the irrigation of 253 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.
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.

Transfer No. 80919

WATER RIGHT NO. 3-10001
As Modified by Transfer No. 80919

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 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 04/01 and after 11/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 07/09/2007.
6. The points of diversion and place of use for this water right include unsurveyed accretion land. The quarter-quarter descriptions have been protracted from the adjacent public land survey.
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. 3-10002**As Modified by Transfer No. 80919**

In accordance with the approval of Transfer No. 80919, Water Right No. 3-10002 is now described as follows:

Right Holder: WEISER RANCHES LLC
1606 AMARAL CT
FAIRFIELD, CA 94534

Priority Date: 10/7/1957

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From
04/01

To
to 11/01

Diversion Rate

1.500 cfs
1.500 cfs

Diversion Volume

359.0 af
359.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER
SNAKE RIVER

NESWNW
SWSWNW

Sec 5 Twp 10N Rge 05W WASHINGTON County
Sec 5 Twp 10N Rge 05W WASHINGTON 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	
10N	05W	5			34.0	2.0	18.0	3.0	9.0	1.0	1.0	23.0			26.0	40.0			157.0
10N	05W	5		7.0			28.0			50.0	52.0								137.0
				L 2			L 3			L 4	L 5								
11N	05W	32												2.0					2.0

Right Acre Limit: 83.0

POU Total Acres: 296.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 83 acres within the authorized place of use in a single irrigation season.
2. Rights 3-10001 and 3-10002 when combined shall not exceed the irrigation of 253 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.
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.

Transfer No. 80919

WATER RIGHT NO. 3-10002

As Modified by Transfer No. 80919

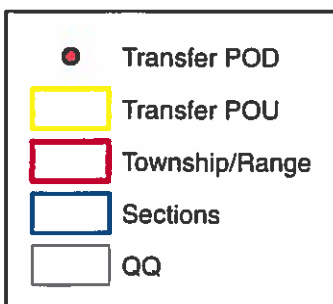
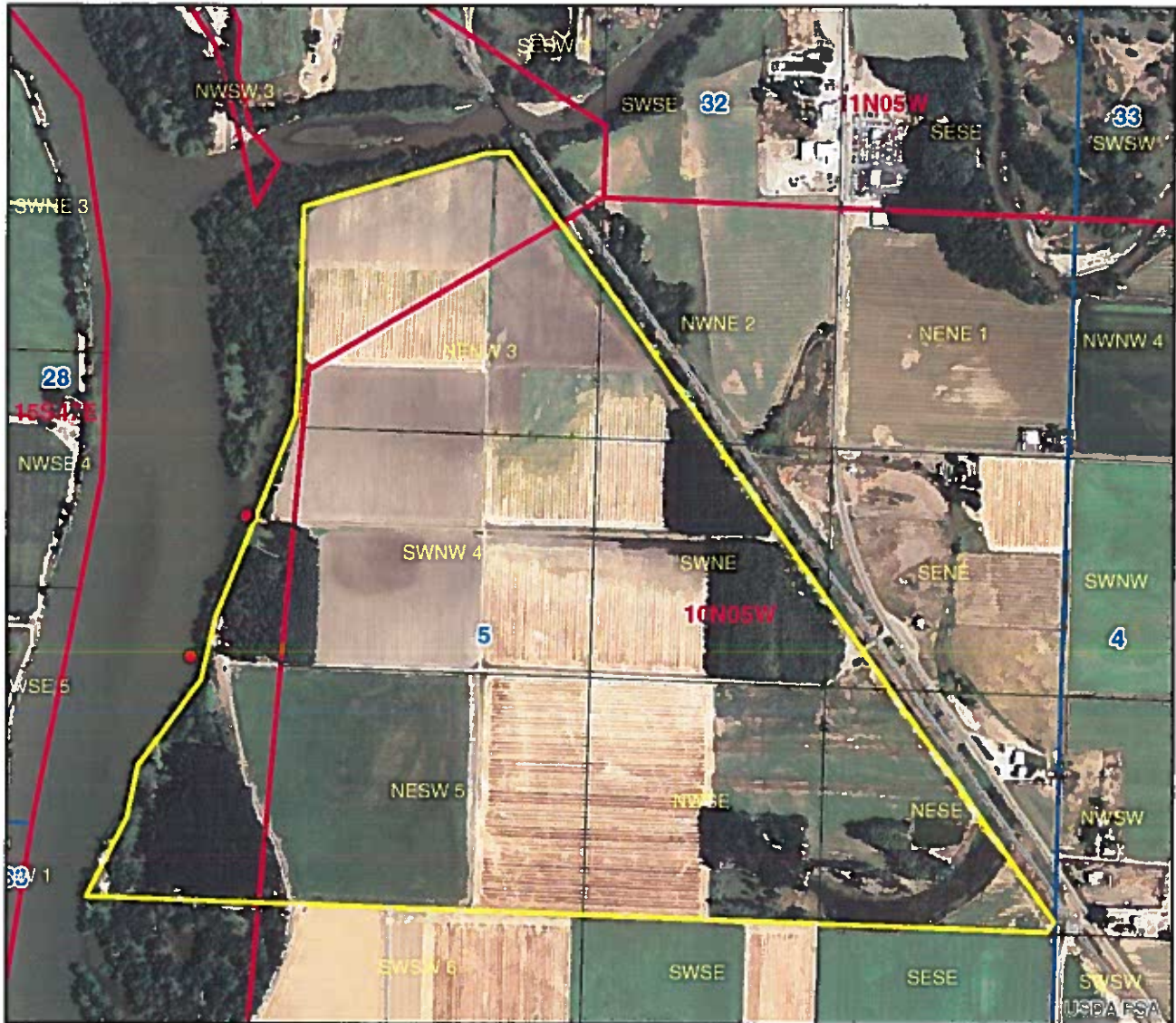
CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 03/15 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 04/01 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 07/09/2007.
6. The points of diversion and place of use for this water right include unsurveyed accretion land. The quarter-quarter descriptions have been protracted from the adjacent public land survey.
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.

State of Idaho
Department of Water Resources
Attachment to Transfer No. 80919

Water Right(s): 3-10001 and 3-10002

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



0 0.1 0.2 0.4 Miles



RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80919

MAY 12 2016

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**WATER RESOURCES
WESTERN REGION**

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

Name of Applicant(s) Weiser Ranches, LLCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

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

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

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #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: _____

RECEIVED

MAY 12 2016

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Weiser Ranches, LLCPhone 707-864-1196Mailing address 1606 Amaral Court, Fairfield, CA 94534Email Amaralranch@aol.com

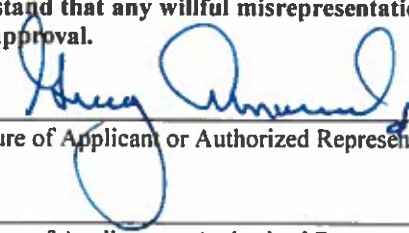
- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the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

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

☐ No RepresentativeName of Representative SPF Water EngineeringPhone 208-383-4140Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706Email lgraves@spfwater.com

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

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



Signature of Applicant or Authorized Representative

Greg Amaral - Manager
Print Name and Title if applicable

5/2/2016
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 change ownership

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**.

(1) Propose an integrated diversion system and permissible place of use under water rights 3-10001 and 3-10002 to allow irrigation flexibility, and (2) update water right ownership.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	3-10001	3.08 / 735	Irrigation	4/1 to 11/1	Snake R./Columbia R.
☒ ☐	3-10002	1.5 / 359	Irrigation	4/1 to 11/1	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.58 cfs and/or 1094 acre-feet.

2. Total amount of water proposed to be transferred or changed 4.58 cubic feet per second and/or 1094 acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
n		SW	SW	NW	5	10N	5W	Washington	Snake River	
n		NE	SW	NW	5	10N	5W	Washington	Snake River	

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	5W	5		6.7	34	2	28.5			49.5	52.3				26	40			239
				Lt 2			Lt 3			Lt 4	Lt 5								
10N	5W	5					*18	*3	*9	*1	*1	*23							*55
11N	5W	32												*2					*2
Total Acres (for irrigation use)																			**296

*Unsurveyed lands (accretion lands) per the BLM Geographical Coordinate System

**253 acres irrigation within a 296-acre permissible place of 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:

Pumps, pipes, gravity and/or pressurized irrigation.

Measuring devices and lockable controlling works will be accommodated upon Department request.

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

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

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

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

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

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

If yes, ☐ complete Attachment WSB.

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

N/A

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

None

- 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:

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

Current Water Right No.: 3-10001

Current Owner: THE BRANDT HOME PLACE LLLP

Priority Date: 10/7/1957

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 11/01

Diversion Rate

3.08 CFS

Annual Volume

735 AF

Total Diversion

3.08 CFS

735 AF

Location of Point(s) of Diversion

SNAKE RIVER

SW1/4SW1/4NW1/4

Sec. 5, Twp 10N, Rge 05W B.M.

WASHINGTON County

Place of UseIRRIGATION Within WASHINGTON County

T10N R05W S5	SWNE	22.00	T10N R05W S5	SENE	1.00
T10N R05W S5	SWNW	6.00	T10N R05W S5	Lot 4 SWNW	6.00
T10N R05W S5	Lot 4 SENW	23.00	T10N R05W S5	Lot 5 NESW	38.00
T10N R05W S5	NWSW	4.00	T10N R05W S5	Lot 5 NWSW	13.00
T10N R05W S5	NESE	19.00	T10N R05W S5	NWSE	38.00

Total Acres: 170

Conditions of Approval:

1. 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 November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. 129 Place of use is within the area serviced by Crane Creek Reservoir.
3. 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.
4. T10N, R05W S5 SWNW & NWSW is unsurveyed, nonfederal land except where noted by GCDB lot number.

Decreed Date: 7/9/2007

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

Current Water Right No.: 3-10002

Current Owner: THE BRANDT HOME PLACE LLLP
Priority Date: 10/7/1957
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 11/01

Diversion Rate

1.5 CFS

Annual Volume

359 AF

Total Diversion

1.5 CFS

359 AF

Location of Point(s) of Diversion

SNAKE RIVER

NE1/4SW1/4NW1/4

Sec. 5, Twp 10N, Rge 05W B.M.

WASHINGTON County

Place of Use

IRRIGATION Within WASHINGTON County

T10N R05W S5	Lot 2	NWNE	4.50	T10N R05W S5		SWNE	9.00
T10N R05W S5		NENW	11.00	T10N R05W S5	Lot 3	NENW	26.00
T10N R05W S5		NWNW	7.50	T10N R05W S5	Lot 3	NWNW	2.50
T10N R05W S5		SWNW	1.00	T10N R05W S5	Lot 4	SWNW	3.50
T10N R05W S5	Lot 4	SESW	16.00	T11N R05W S32		SESW	2.00

Total Acres: 83

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(8), Idaho Code.
2. T10N, R05W S5 NENW, NWNW, SWNW, & T11N, R05W, S32 SESW is unsurveyed, nonfederal land except where noted by GCDB lot number.
3. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 7/9/2007

230706

Order No. 95322AM

CORPORATION DEED

For Value Received

Brandt Home Place LLLP, an Idaho Limited Liability Limited Partnership

a corporation duly organized and existing under the laws of the State of Idaho,
Grantor, does hereby Grant, Bargain, Sell and convey unto

Weiser Ranches, LLC, an Idaho Limited Liability Company

whose current address is: 1606 Amaral Court
Fairfield, CA 94534

the following described real estate, to-wit:

See Attached Exhibit 'A'

PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee(s), that it is the owner of said premises; that they are free from all encumbrances EXCEPT: current year taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed April 28th, 2016.

Brandt Home Place LLLP

Leroy E. Brandt - General Partner
By: Leroy E. Brandt, General Partner

State of Idaho ss
County of Ada

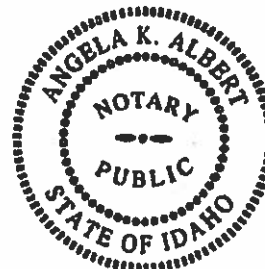
On this 28th day of April, 2016, before me, Angela K. Albert a Notary Public in and for said state, personally appeared Leroy E. Brandt known or identified to me to be the Managing Member in the Limited Liability Limited Partnership known as Brandt Home Place, LLLP who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

* General Partner

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

Angela K. Albert
Notary Public for the State of Idaho
Residing at: _____
Commission Expires: _____

Residing in: Boise, ID
Commission Expires: 4-15-2019



Instrument # 230706
STATE OF IDAHO, COUNTY OF WASHINGTON
4-28-2016 03:25:00 PM No. of Pages: 2
Recorded for: AMERITITLE
BETTY J THOMAS
Fee: 13.00
Ex-Office Recorder Deputy Maria McConall
Index to: DEED

Attachments pg 1 - Deed

Attachment 2B
80919

EXHIBIT 'A'

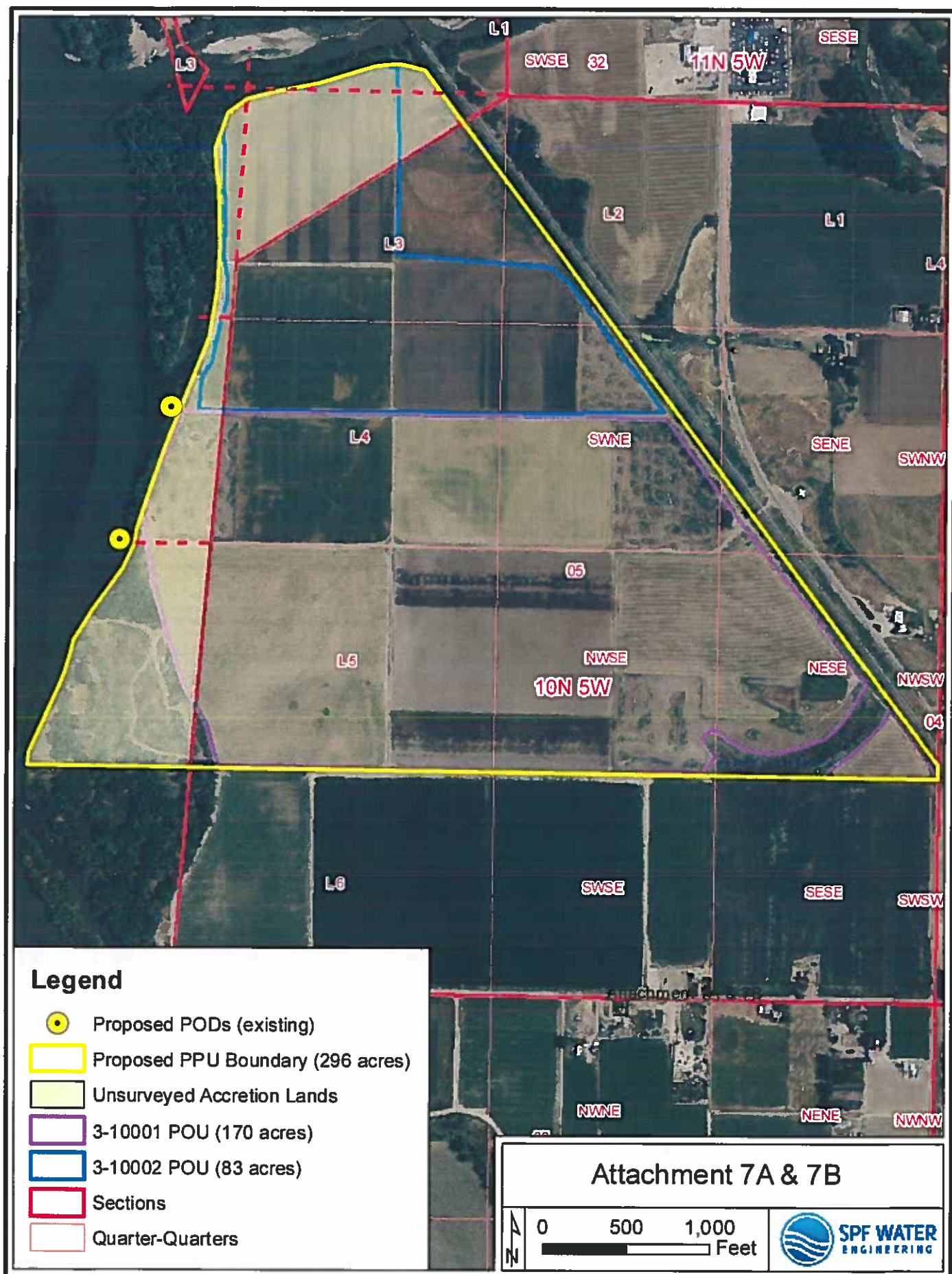
File No. 95322AM

IN TOWNSHIP 10 NORTH, RANGE 5 WEST OF THE BOISE
MERIDIAN, WASHINGTON COUNTY, IDAHO:

SECTION 5: All that portion of Lot 2, S1/2NE1/4 and
N1/2SE1/4 of Section 5, lying South and West of the right-of-way of
the Oregon Short Line Railroad and also that portion of Section 5
described as follows:

Commencing at the North one-quarter of Section 5, Township 10
North, Range 5 West of the Boise Meridian;
thence Westerly along the North line of Section 5 a distance of
1911.9 feet;
thence S 25°30' W 179 feet;
thence S 46°37' E 170 feet;
thence S 29°47' E 257.7 feet;
thence S 7°16' E 466.7 feet;
thence S 8°29' W 574.4 feet;
thence S 19°25' W 1106 feet;
thence S 15°34' W 187.7 feet;
thence S 24°04' W 421.7 feet;
thence S 49°20' W 173.5 feet;
thence S 21°48' W 536 feet;
thence S 5°21' W 196.5 feet;
thence Easterly and parallel to the North line of said Section 5 a
distance of 2738.7 feet;
thence N 0°15' E a distance of 3,974.6 feet to the point of
beginning.

EXCEPTING THAT PORTION THEREOF lying North and East of the
Southwesterly right-of-way of the Oregon Short Line Railroad.



No. W 137014	Due no later than Apr 30, 2016 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. WEISER RANCHES, LLC GREGORY S AMARAL 1606 AMARAL COURT FAIRFIELD CA 94534		NOLAN JANTZ 350 HWY 95 WEISER ID 83672			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held MANAGER	Name GREGORY AMARAL	Street or PO Address 1606 AMARAL COURT	City FAIRFIELD	State CA	Country USA	Postal Code 94534
5. Organized Under the Laws of: ID W 137014		6. Annual Report must be signed.* Signature: Gregory Amaral Name (type or print): Gregory Amaral Date: 02/24/2016 Title: Manager				
Processed 02/24/2016		* Electronically provided signatures are accepted as original signatures.				

Attachments pg 4- Authority to Sign



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 14, 2017

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

WEISER RANCHES LLC
1606 AMARAL CT
FAIRFIELD CA 94534

Re: Transfer No: 80919
Water Right No(s): 3-10001, 3-10002

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,

 Rachel Neely for.

Nick Miller

Western Regional Manager

Enclosure

CC:

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

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80919
Water Right No(s): 3-10001, 3-10002**

**WEISER RANCHES LLC
1606 AMARAL CT
FAIRFIELD CA 94534**

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



**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. 80919

FROM: Phill Hummer

DATE: 11/07/2016

RE: Evaluation of Application

The application proposes to add a point of diversion, change the place of use and change the ownership of water rights no. 3-10001 and 3-10002. After the changes both rights will authorize diversion from either of the two existing pumps. The place of use for both rights will be a 296 acre permissible place of use (PPU). The proposed changes will make these water rights have the same POD and PPU (POU) as application no. 3-10281. The transfer application also contains a change of ownership.

The site is between the Weiser River to the north and Ross Rd to the south, 1.5 kilometers south of the city of Weiser, ID along US Route 95. The points of diversion are located near longitude - 116.9702 and latitude 44.2338 decimal degrees.

The applicant has requested all original correspondence be sent to them and copies sent to their representative; Lori Graves with SPF Water Engineering. The representative is authorized to submit information on behalf of the applicant but may not sign for them.

Summary of Information Submitted

Authority to File:

The transfer application proposes to change the ownership of both water rights. The applicant has submitted a corporation deed that shows Wesier Ranches LLC is now the owner of the property at the proposed PPU. The transfer application is signed by Greg Amaral. Idaho Secretary of State annual reports show that he is the manager of Weiser Ranches LLC and therefore has the authority to sign on behalf of the company.

Water Right Validity:

The partial decrees for both water rights nos. 3-10001 and 3-10002 were issued on 07/09/2007 and validated under the final unified decree signed 08/26/2014. ArcView imagery does not show the entire place of use has been irrigated in last 5 years. However, Landsat images show the irrigated acres were rotated so that different areas have been irrigated at different times throughout the irrigation season and from year to year. From the Landsat images it appears all the acres within the property have been irrigated at some time between the year 2013 and the year 2016 irrigation season. At the time of this evaluation these water rights are valid.

Injury to Other Water Rights:

The application does not propose a change to the source and neither right is not part of a ditch delivery system. Creating a PPU will not change or negatively impact the source or any hydraulically connected source. The historic use from the river will not change as the changes proposed are intended to increase the flexibility of the water right owner. No injury to existing water right holders are anticipated if this transfer application is approved.

Enlargement of Use:

The applicant seeks to change the place of use to 296 acres. To do so without an enlargement of use requires the creation of a permissible place of use for these water rights. Together the two water right will authorize 253 acres within a 296 PPU. They combine for 4.58 cfs and 1094 afa. By creating a PPU the total amount of acres will not increase and the water rights when combined do not allow a rate that is more than one inch per acre nor a volume greater than 4.5 af per acre. Application no. 3-10281 seeks to increase the authorized rate and volume (at the same place of use) to 0.02 cfs and 4.5 af per acre. For these reasons the transfer application will not create an enlargement of use if approved.

Local Public Interest:

Since the amount of water historically diverted from the Snake River will not increase as a result of the changes proposed by this transfer application there should not be any negative impacts to the river in relation to recreation or fish and wildlife habitat. Thus the application proposes a change that does not interfere with the local public interests.

Beneficial Use/Conservation of Water Resources:

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

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

Discussion**Water Right Overlap**

The application proposes to add additional points of diversion to both water rights so that the owner has the option to divert water authorized under either water right from either pump. The pumps are also the points of diversion for application no. 3-10281.

The proposed place of use is overlapped by the boundaries of the Crane Creek Reservoir Administration Board, Lake Reservoir Company, and the Lower Payette Ditch Company irrigation companies. The applicant does not receive delivered water from any of these companies. Parts of the property are within the City of Weiser municipal service area. The transfer proposes to change the place of use of both water rights to the same PPU creating more overlap. For further discussion see the previous section "Enlargement of Use".

Other Information

Data entry affected the correct record, water rights no. 3-10001 RightID 591073 and 3-10002 RightID 591153.

The partial decrees for both rights was issued on 07/09/2007

Mitigation is not required for the proposed change at the time of this evaluation.

Neither water right is leased to the Water Supply Bank.

A drilling fee upgrade from domestic to non-domestic use is not required for the proposed change because the source of these water rights is surface water (Snake River).

Watermaster comments are not needed, the point of diversion is not within a water district.

Conditions

- If approved the following changes should be made to the conditions of each water right:
- Add standard conditions 01M, R65, T07, T08.
- Add PPU and overlap conditions X27 and X35.
- Replace outdated conditions C18 and S39 with T19 and X61.
- Remove unnecessary condition 129 from water right no. 3-10001, this right is not held by a canal company nor serviced by one.

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

MEMORANDUM

Date: November 8, 2016

To: Transfer 80919

From: Phill Hummer

Re: Comment/Analysis

Comment/Analysis
11/8/2016

Condition 129 was removed from water right no. 3-10001. This water right is not held by a canal company nor has it been owned or administered by a canal company in the past. The applicant's representative has supplied information via email dated 11/7/2016 that Crane Creek Reservoir water is not delivered to the property.

Hummer, Phill

From: Lori Graves [LGraves@spfwater.com]
Sent: Monday, November 07, 2016 2:19 PM
To: Hummer, Phill
Subject: RE: File No. 901.0020

Categories: More Info Emails

Hi Phill,

Although the south portion of the property is located within Crane Creek Reservoir's service area for delivery of storage water, Jacque Wray, Manager of Crane Creek Reservoir, confirmed storage water is not delivered to the property.

From: Hummer, Phill [<mailto:Phill.Hummer@idwr.idaho.gov>]
Sent: Monday, November 07, 2016 12:51 PM
To: Lori Graves <LGraves@spfwater.com>
Subject: File No. 901.0020

Hi Lori,

Quick question about the transfer and new application for Weiser Ranches LLC file no 901.0020. Does the applicant receive water from any irrigation company at the proposed place of use?

Phill Hummer

*Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov*



SPF WATER
ENGINEERING

May 10, 2016

RECEIVED

MAY 12 2016

WATER RESOURCES
WESTERN REGION

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

Subject: Application for Permit and Transfer

Dear Angie,

Enclosed on behalf of the Weiser Ranches, LLC, is an *Application for Permit* seeking to divert additional Snake River water to allow full appropriation on 253 acres under rights 3-10001 and 3-10002 along with 13 new acres and an *Application for Transfer* seeking an integrated system for rights 3-10001 and 3-10002.

Check No. 1071 for \$1,120 is enclosed for the filing fee; \$250 for the permit application, \$820 for the transfer application and \$50 for changing ownership of rights 3-10001 and 3-10002 as a result of the transfer and. 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: Greg Amaral

Enclosures

SPF file number: 901.0020