

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80460

This is to certify that: **SCHOBER & SON LLC**
430 AURORA DR
NAMPA, ID 83686

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-33460	WR/LICENSE	3/12/1991	1.780 cfs	673.0 af	N/A	149.5	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-33460	YES	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-33460	63-34155	0.320 cfs	121.5 af	N/A	27.0	63-33460	1.460 cfs	551.5 af	N/A	122.5
COMBINED TOTALS		0.320 cfs	121.5 af	N/A	27.0		1.460 cfs	551.5 af	N/A	122.5

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

Dated this 22nd day of February, 2016.



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 63-33460

Transfer No. 80460

WATER RIGHT NO. 63-33460

As Modified by Transfer No. 80460

In accordance with the approval of Transfer No. 80460, Water Right No. 63-33460 is now described as follows:

Right Holder: MITTS NAITO
HIROSHI NAITO
JOYCE NAITO
9640 HWY 45
NAMPA, ID 83686

Priority Date: 3/12/1991

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **to** 11/15

Diversion Rate
1.460 cfs
1.460 cfs

Diversion Volume
551.5 af
551.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 19 Twp 03N Rge 02W CANYON 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	
03N	02W	19									28.5	29.0	35.0	30.0					122.5
											L 3	L 4							

POU Total Acres: 122.5

CONDITIONS OF APPROVAL

1. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.
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.

WATER RIGHT NO. 63-34155

As Modified by Transfer No. 80460

In accordance with the approval of Transfer No. 80460, Water Right No. 63-34155 is now described as follows:

Right Holder: SCHOBER & SON LLC
430 AURORA DR
NAMPA, ID 83686

Priority Date: 3/12/1991

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.320 cfs	121.5 af
			0.320 cfs	121.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSE Sec 19 Twp 03N Rge 02W CANYON 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	
03N	02W	19														4.0	23.0		27.0

POU Total Acres: 27.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 121.5 af at the field headgate for the place of use.
5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.

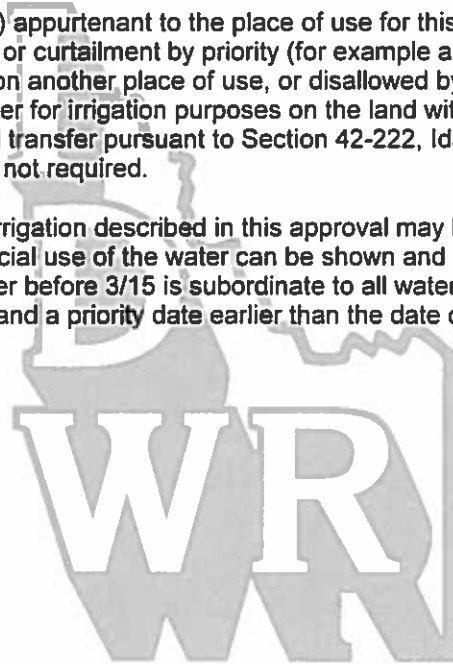
Transfer No. 80460

WATER RIGHT NO. 63-34155

As Modified by Transfer No. 80460

CONDITIONS OF APPROVAL

6. 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.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

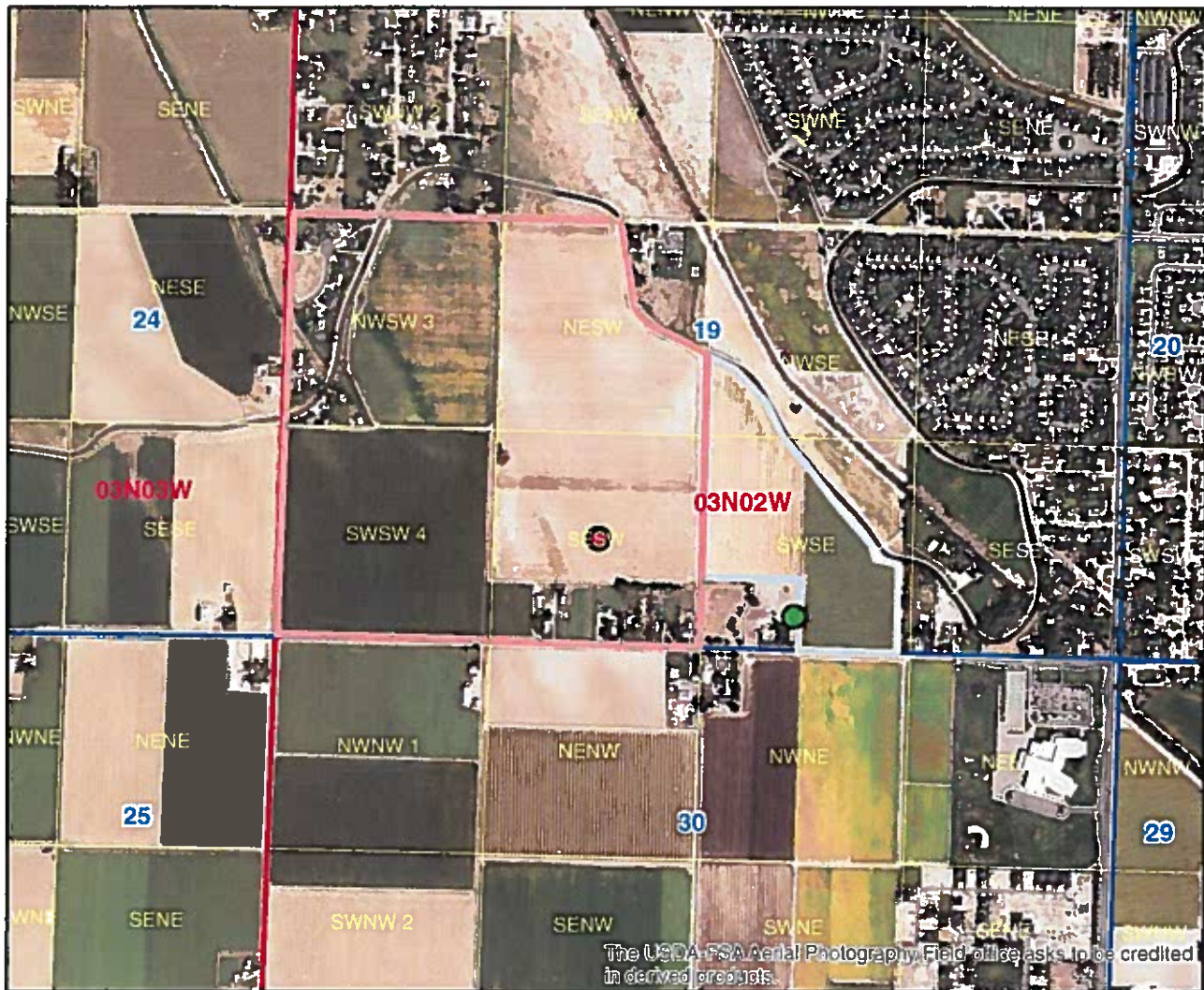


State of Idaho
Department of Water Resources

Attachment to Application for Transfer of Water Right

Transfer No. 80460

This map depicts the IRRIGATION place of use boundary for water right no. 63-34155 and 63-33460 at the time of this approval and is attached to the approval document solely for illustrative purposes.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

0 0.125 0.25 0.5 Miles

Legend

- | | |
|-------------------------|------------------|
| ● POD 63-34155 | □ Township/Range |
| ● POD 63-33460 | □ Sections |
| □ POU Boundary 63-34155 | QQ |
| □ POU Boundary 63-33460 | |



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 16 2015

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT OF DIVERSION
WESTERN REGION

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

Check all that apply:

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

1. APPLICANT(S) Schober and Sons LLC Phone _____
 2. MAILING ADDRESS 430 Aurora Drive City Nampa
 State ID Zip 83686 Email _____

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

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

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

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

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

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

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

3. LIST WATER RIGHT NUMBER(S) 63-33460

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

4. TOTAL AMOUNT OF WATER transferred is 0.324 cubic feet per second and/or _____ acre-feet per annum.
 (diversion rate) (storage volume)

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

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

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
✓			SW	SE	19	3N	2W	Canyon	Groundwater	

6. GENERAL INFORMATION

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

- b. Who owns the property at the point(s) of diversion? _____
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

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

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

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

Wesley R. Scholten

Signature of applicant or authorized agent

MEMBER

Print name and title if applicable

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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

FOR DEPARTMENT USE ONLY

Transfer includes 10 pages of attachments.

Received by RES

Date 10/16/2015

* Fee paid \$500.- Date 10/16/15

Received by [Signature]

Receipt # W043514

Preliminary review by PTT

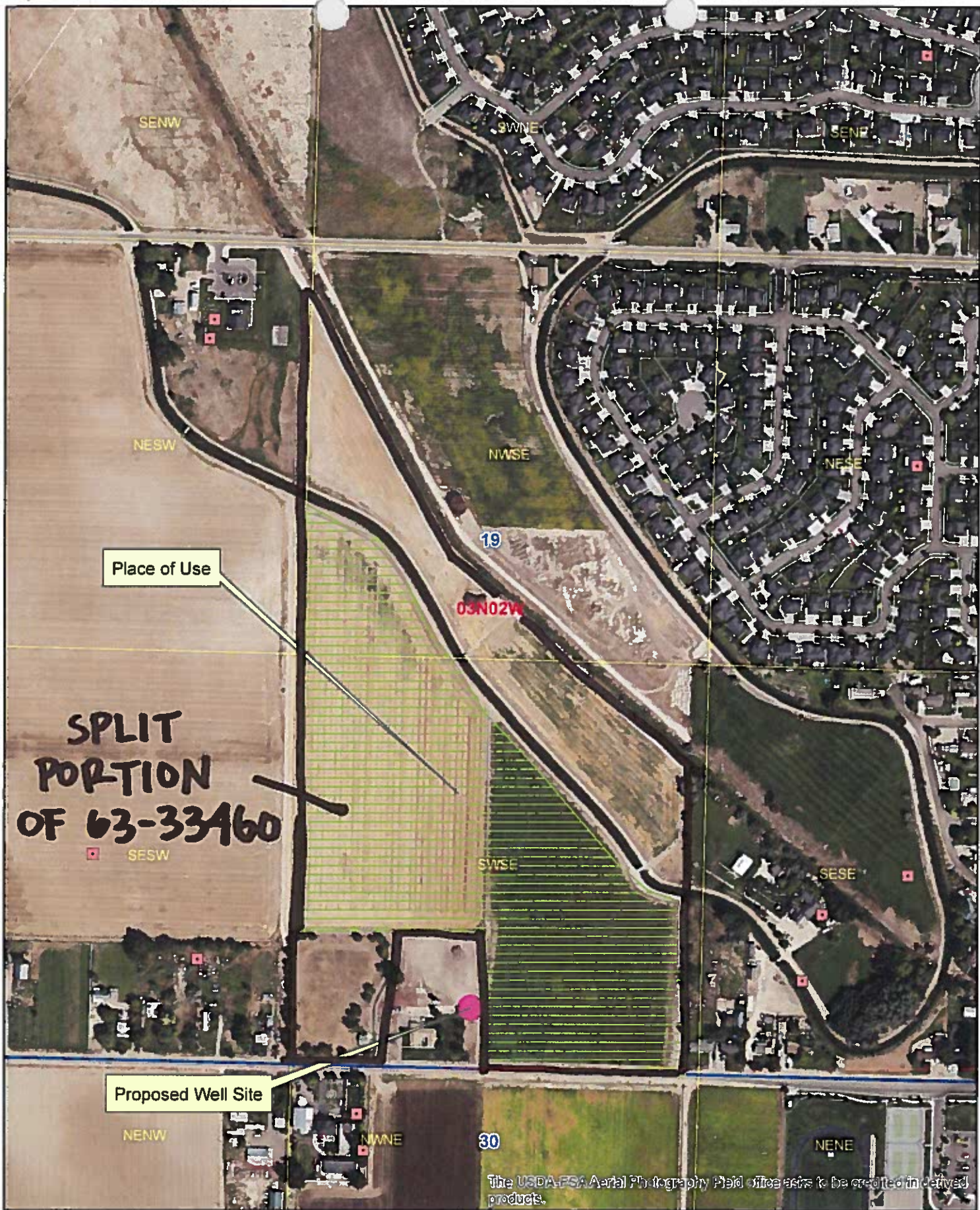
Date 1/05/2016

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☒ Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☒

* \$100.- 2/3/16 W043859 3 owner split (Do NOT scan the W-9 - confidential information is held by fiscal only)



Wes Schober Property Map

0 0.07 0.14 Miles

TRANSFER NO. 80460

Attachment 7 - map

transfer 80460

~~63-33460~~

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/16/2015

Water Right 63-33460

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MITTS NAITO 9640 HWY 45 NAMPA, ID 83686 (208)466-3874
Current Owner	HIROSHI NAITO 9640 HWY 45 NAMPA, ID 83686 (208)466-3874
Current Owner	JOYCE NAITO 9640 HWY 45 NAMPA, ID 83686 (208)466-3874
Original Owner	MERIL EBBERS 11670 LONE STAR RD NAMPA, ID 83651 (208)466-6941

Priority Date: 3/12/1991

Basis: License

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.780 CFS	673.0 AF
	Total Diversion		1.780 CFS	673.0 AF

Source and Point(s) of Diversion

GROUND WATER SESW Sec. 19, Twp 03N, Rge 02W, CANYON County

Place Of Use

IRRIGATION within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02W	19									28.5	29.0	35.0	30.0		4.0	23.0		149.5
												L3	L4						

POU Total Acres: 149.5

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/16/2015

Conditions of Approval:

1. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
2. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
3. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Comments:

1. jhersley 12/22/2010 split right
This water right is the result of split from 63-11494A due to change in ownership.
2. jhersley 12/22/2010 POD
Updated Shape
3. jhersley 12/22/2010 POU
Updated Shape

Dates and Other Information

Licensed Date: 5/30/1994
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A



Pioneer Title Co.

GOING BEYOND

100 10th Avenue South/ Nampa, Idaho 83651

201201689-BADS

2014779

RECORDED
2012 Apr 13 PM 1 24

CHRIS YAMAMOTO
CANYON CNTY RECORDER

BY M. Brown
Requestor Pioneer Title Canyon - Co
Type DEED
Fee \$19.00
ELECTRONICALLY RECORDED BY SMP/PLR

40 A. PARCEL

SPECIAL WARRANTY DEED

(For Lender Owned Foreclosures Only)

FOR THE consideration of ten dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Wells Fargo Bank, National Association GRANTOR conveys and specially warrants to Schober & Son, LLC GRANTEE, whose address is 430 Aurora Drive, Nampa, Id 83686 (his, her, its) successors and assigns forever the following described real property:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO taxes and assessments for the current year and all subsequent years, together with any and all existing easements, rights of way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

THIS CONVEYANCE shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described as well in law as in equity.

THE GRANTOR covenants to the Grantee that Grantor is the owner in fee simple of said premises; that the premises are free from encumbrances created or suffered by the Grantor, excepting those as may be herein set forth, and excepting those of record, and that Grantor will warrant defend the same from all lawful claims of or through Grantor, but none other.

Dated: April 9, 2012

Wells Fargo Bank, National Association

By: James K Brinker, VP

State of Washington

County of King

ss.

On this 10 day of April, 2012, before me, the undersigned, a Notary Public, in and for said State, personally appeared James K Brinker known and/or identified to me on the basis of satisfactory evidence, to be the Vice President of the Corporation that executed the within instrument or the person who executed the instrument on behalf of said Corporation and acknowledged to me that such Corporation executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Penny R Nobis
Notary Public
Residing at: Maple Valley WA
Commission Expires: 12/2/14

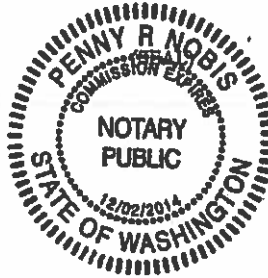


EXHIBIT A

PROPERTY I

A parcel of land located in the W½ SE¼ Section 19, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Center ¼ corner of said Section 19, from which the East ¼ corner of said Section 19 bears North 89°55'20" East, 2616.59 feet;
Thence along the East-West centerline of said Section 19, North 89°55'20" East, 702.69 feet to the northwest corner of that certain tract of land first described in Warranty Deed recorded December 8, 1975 as Instrument No. 763144;
Thence leaving said East-West centerline, South 16°42'29" East, 132.65 feet (formerly described as South 16°34'49" East, 131.21 feet);
Thence South 04°24'22" East, 69.06 feet (formerly described as South 04°19'42" West);
Thence South 89°37'12" East, 10.04 feet (formerly described as South 89°32'32" East) to a point on the westerly right-of-way line of the Phyllis Canal;
Thence along said westerly right-of-way line the following 2 courses:
North 27°06'12" East, 67.99 feet (formerly described as North 27°10'52" East);
Thence North 42°25'32" East, 183.88 feet (formerly described as North 42°30'12" East, 182.01) to a point on the East-West centerline of said Section 19;
Thence along said East-West centerline North 89°55'20" East, 108.79 feet to a point on the easterly right-of-way line of the Phyllis Canal;
Thence along said easterly right-of-way line the following 8 courses:
Leaving said East-West centerline South 47°25'20" West, 163.76 feet (formerly described as South 47°30' West, 165.0 feet);
Thence South 35°31'20" West, 95.00 feet (formerly described as South 35°36' West);
Thence South 17°11'20" West, 98.00 feet (formerly described as South 17°16' West);
Thence South 01°01'24" West, 106.00 feet (formerly described as South 01°10' West);
Thence South 19°07'36" East, 116.00 feet (formerly described as South 18°59' East);
Thence South 30°12'36" East, 122.00 feet (formerly described as South 30°04' East);
Thence South 35°18'36" East, 139.00 feet (formerly described as South 35°10' East);
Thence South 37°54'57" East, 512.60 feet (formerly described as South 37°30' East, 504.3 feet) to a point on the east boundary line of the W½ SE¼ of said Section 19;
Thence along said east boundary line South 00°00'17" West, 1529.56 feet to the East 1/16 corner of said Section 19;
Thence along the south boundary line of said Section 19, South 89°55'56" West, 718.87 feet;
Thence leaving said South boundary line North 00°04'04" West, 208.71 feet (formerly described as North 00°00'00" West);
Thence South 89°55'56" West, 208.71 feet (formerly described as South 00°00'00" West);



File No. 201201689

Thence South 00°04'04" East, 208.71 feet (formerly described as South 90°00'00" East) to a point on the south boundary line of said Section 19;

Thence along said south boundary line, South 89°55'56" West, 392.88 feet to the South ¼ corner of said Section 19;

Thence along the North-South centerline of said Section 19, North 00°16'13" East, 2650.35 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM:

A parcel of land being a portion of the NW¼ SE¼ of Section 19, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Center ¼ corner of said Section 19 from which the East ¼ corner of said Section 19 bears North 89°55'20" East, 2616.59 feet;

Thence along the East-West centerline of said Section 19 North 89°55'20" East, 702.69 feet;

Thence leaving said East-West centerline South 16°42'29" East, 132.65 feet;

Thence South 04°24'22" East, 69.05 feet;

Thence South 89°37'12" East, 10.04 feet;

Thence North 27°06'12" East, 67.99 feet;

Thence North 42°25'32" East, 183.88 feet to a point on the East-West centerline of said Section 19;

Thence along said East-West centerline North 89°55'20" East, 108.79 feet to the northwesterly corner of Mission Pointe Subdivision No. 3 as filed in Book 35 of Plats at Page 8, records of Canyon County, Idaho;

Thence along the exterior boundary line of said Mission Pointe Subdivision No. 3 the following 8 courses:

leaving said East-West centerline South 47°25'20" West, 163.76 feet;

Thence South 35°31'20" West, 95.00 feet;

Thence South 17°11'20" West, 98.00 feet;

Thence South 01°01'24" West, 106.00 feet;

Thence South 19°07'36" East, 116.00 feet;

Thence South 30°12'36" East, 122.00 feet;

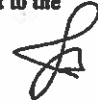
Thence South 35°18'36" East, 139.00 feet;

Thence South 37°54'57" East, 512.60 feet to a point on the east boundary line of the NW¼ SE¼ of said Section 19;

Thence leaving the exterior boundary line of said Mission Pointe Subdivision No. 3 and along said east boundary line South 00°08'17" West, 173.62 feet;

Thence leaving said east boundary line North 89°59'43" West, 1314.16 feet to a point on the North-South centerline of said Section 19;

Thence along the North-South centerline of said Section 19, North 00°16'14" East, 1292.72 feet to the POINT OF BEGINNING.





Pioneer Title Co.

CALLING BUSINESS

100 10th Avenue South
Nampa, ID 83651

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

Property Address: 0 Lone Star Road, Nampa, ID 83651

File No. 508017

30 ACRE PARCEL

R.W. 5
11-26-12

SPECIAL WARRANTY DEED
(For Lender Owned Foreclosures Only)

FOR THE consideration of ten dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Wells Fargo Bank, National Association, GRANTOR, conveys and specially warrants to Schober & Son, LLC GRANTEE, whose address is 430 Aurora Drive, Nampa, ID 83686, their successors and assigns forever the following described real property:

See Exhibit A attached hereto and made a part hereof.

SUBJECT TO taxes and assessments for the year 2012 and all subsequent years, together with any and all existing easements, rights of way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

THIS CONVEYANCE shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described as well in law as in equity.

THE GRANTOR covenants to the Grantee that Grantor is the owner in fee simple of said premises; that the premises are free from encumbrances created or suffered by the Grantor, excepting those as may be herein set forth, and excepting those of record, and that Grantor will warrant defend the same from all lawful claims of or through Grantor, but none other.

EXHIBIT A

A parcel of land being a portion of the Northwest Quarter of the Southeast Quarter of Section 19, Township 3 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Center Quarter corner of said Section 19 from which the East Quarter corner of said Section 19 bears North 89° 55' 20" East, 2,616.59 feet; thence along the East-West centerline of said Section 19 North 89° 55' 20" East, 702.69 feet; thence leaving said East-West centerline South 16° 42' 29" East, 132.65 feet; thence South 04° 24' 22" East, 69.05 feet; thence South 89° 37' 12" East, 10.04 feet; thence North 27° 06' 12" East, 67.99 feet; thence North 42° 25' 32" East, 183.88 feet to a point on the East-West centerline of said Section 19; thence along said East-West centerline North 89° 55' 20" East, 108.79 feet to the Northwestern corner of Mission Pointe Subdivision No. 3 as filed in Book 35 of Plats at Page 8, records of Canyon County, Idaho; thence along the exterior boundary line of said Mission Pointe Subdivision No. 3 the following 8 courses: leaving said East-West centerline South 47° 25' 20" West, 163.76 feet; thence South 35° 31' 20" West, 95.00 feet; thence South 17° 11' 20" West, 98.00 feet; thence South 01° 01' 24" West, 106.00 feet; thence South 19° 07' 36" East, 116.00 feet; thence South 30° 12' 36" East, 122.00 feet; thence South 35° 18' 36" East, 139.00 feet; thence South 37° 54' 57" East, 512.60 feet to a point on the East boundary line of the Northwest Quarter of the Southeast Quarter of said Section 19; thence leaving the exterior boundary line of said Mission Pointe Subdivision No. 3 and along said East boundary line South 00° 00' 17" West, 173.62 feet; thence leaving said East boundary line North 89° 59' 43" West, 1,314.16 feet to a point on the North-South centerline of said Section 19; thence along the North-South centerline of said Section 19, North 00° 16' 14" East, 1,292.72 feet to the POINT OF BEGINNING.

Property Address: 0 Lone Star Road, Nampa, ID 83651

Attachments pg 9 - warranty deed

transfer 80760

Dated: 11/8/12

Wells Fargo Bank, National Association

By: [Signature]
Joel Bennison

State of WA, County of King

On this 8 day of November in the year of 2012, before me, the undersigned, a Notary Public in and for WA State, Joel Bennison personally appeared, known or identified to me to be the Vice President of the corporation that executed the instrument or the person/persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

[Signature]
Residing at Maple Valley WA
Commission Expires: 12/2/14



Property Address: 0 Lone Star Road, Nampa, ID 83651



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 22, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

SCHOBER SON LLC
430 AURORA DR
NAMPA ID 83686

Re: Transfer No: 80460
Water Right No(s): 63-33460

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

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80460
Water Right No(s): 63-33460**

**SCHOBER SON LLC
430 AURORA DR
NAMPA ID 83686**



**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. 80460

FROM: Phill Hummer

DATE: 2/04/2016

RE: Evaluation of Application

The transfer proposes to split a portion of water right no. 63-33460 into a new water right based on ownership of the property. Additionally, a new point of diversion is proposed.

The site is near the city of Nampa ID 5 kilometers south from exit 33 off I-84 and 0.5 kilometers west along Lone Star Road. The proposed point of diversion will be near 2288437°5'38.0451"E and 1378392°46'0.9928"N

Summary of Information Submitted

Authority to File:

Applicant submitted copies of special warranty deed file no. 201201689 and no. 508017. The Metes and Bounds descriptions listed on the warranty deeds plotted in ArcMap verify applicant to be the owner of the property therefore having authority to file this transfer.

Water Right Validity:

Right presumed to be valid. SRBA is not applicable to this right developed after 1987. Recent beneficial use confirmed by 2013 and 2015 aerial photography showing irrigated fields at the place of use prior to changes and at place of use proposed through transfer.

Injury to Other Water Rights:

There is no anticipated injury to holders of existing water rights because the water is not delivered in rotation, the POD is not in a groundwater management area or critical groundwater area, there will be no change to the source, and there will be no conveyance losses (not diverting from a canal). Additionally, there will be no reduction in the quantity of water available to existing water users or unreasonable effort or expenses as a result of this transfer because the proposed POD is ¼ kilometer SE of existing POD and will likely divert water from the same aquifer so the amount of water diverted will be equal to the historic use under water right no. 63-33460.

Enlargement of Use:

This transfer will not create an enlargement of use because a new owner is claiming a portion of an existing use. The amount of water transferred to the applicant will be

supplemental to the existing surface water and will be conditioned so as not to exceed 0.02 cfs and 4.5 af/acre when combined with all other water rights.

Local Public Interest:

The application proposes beneficial use consistent with local public interest.

Beneficial Use/Conservation of Water Resources:

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

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

Discussion

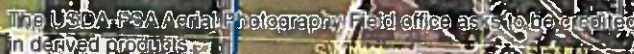
Schober and Son LLC submitted a new application for permit for the diversion of ground water for irrigation purposes, now water permit no. 63-34142. A new well will be drilled when applicant is developing this beneficial use. The applicant plans to use this new well as the point of diversion for the portion of water right no. 63-33460 split into new water right no. 63-34155. These two water rights are overlapping at both the POD and POU. Water right no. 63-11494B is appurtenant to 1 acre plot in SW ¼ SE ¼ of section 19, T03N, R02W not owned by applicant, therefore irrigation authorized under this license is not overlapping. The transfer application was submitted without the additional payment for the ownership change portion of the split, this fee was requested via letter dated 01/26/2016 and received 02/03/2016.

Summary

Applicant has shares with Nampa-Meridian Irrigation District that is used as the primary source of irrigation water. Supplemental conditions would be necessary to prevent enlargement. If approved both water rights should be condition with combined use limits. Applicant should be given 5 years to complete the transfer to coincide with development period of permit no. 63-34142 because the new well proposed for the permit will be the POD for water right created by this transfer.

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

transfer no. 80460



 POU Boundary
 Special Warranty Deed No. 508017
 Special Warranty Deed No. 201201689
 Township/Range
 Sections
 QQ



Transfer No. 80460

Aerial photo Image Date: 2015

evidence of beneficial use within last 5 years



Legend

-  POU Boundary - 63-34155
-  POU Boundary - 63-33460
-  Special Warranty Deed No. 201201689
-  Township/Range
-  Sections
-  QQ

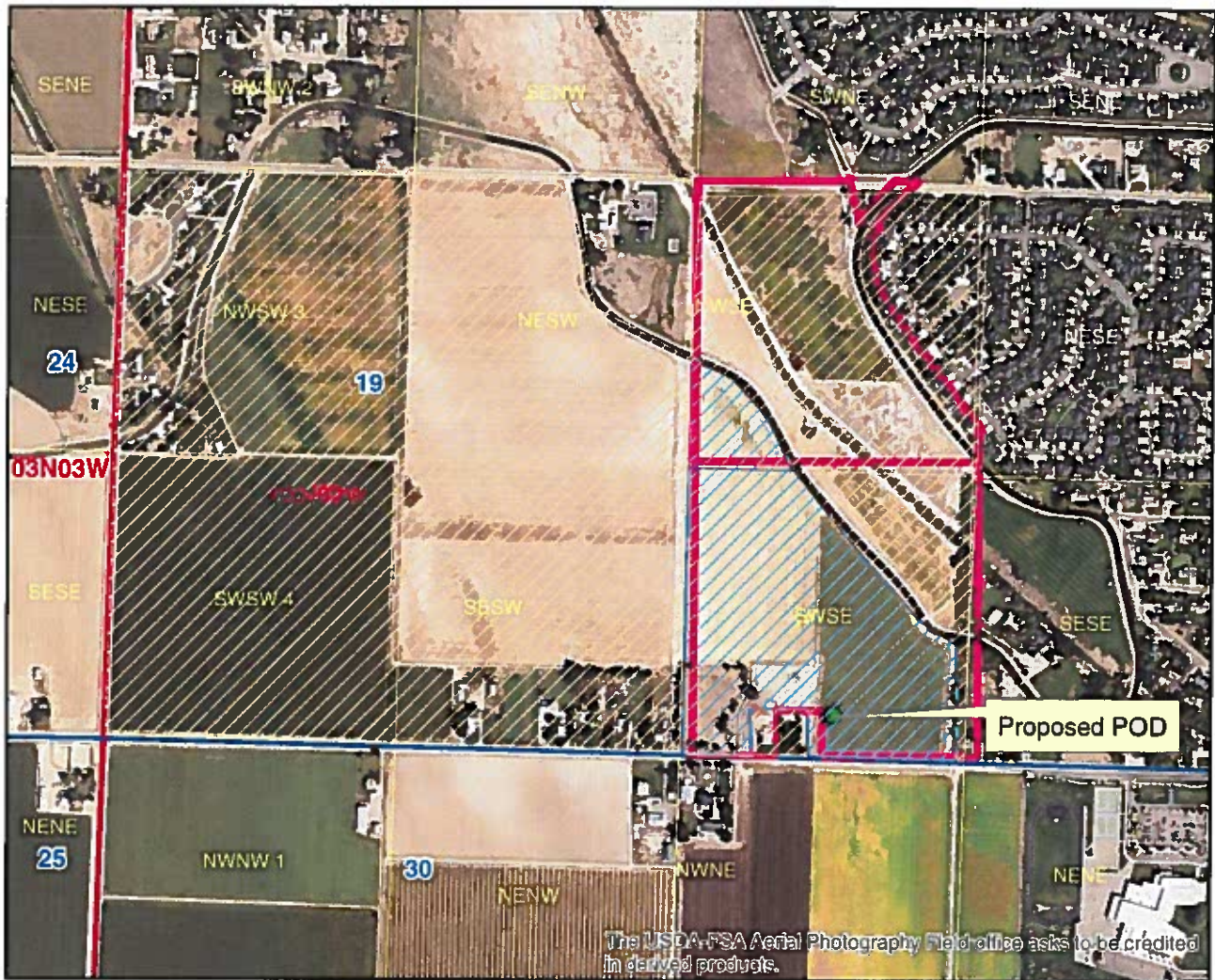
0 0.1 0.2 0.4 Miles



Transfer No. 80460

Aerial Photo image Date 2013

evidence of Beneficial use within last 5 years



Legend

- POU Boundary - 63-34155
- POU Boundary - 63-33460
- Special Warranty Deed No. 201201689
- Township/Range
- Sections
- QQ

0 0.1 0.2 0.4 Miles





State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

01/26/2016

SCHOBER AND SON LLC
C/O WESLEY SCHOBER
430 AURURA DR
NAMPA ID 83686

RE: TRANSFER APPLICATION NO. 80460

Dear Applicant:

The transfer application this department received on 10/16/2015 proposing to split the portion of water right no. 63-33460 appurtenant to property that you own into a separate water right in your name requires an additional fee. The required fee for the transfer application is \$500.00 to split 0.32 cfs and \$100.0 to change the ownership of the water right, see enclosed fee schedule for details. Enclosed is a copy of the receipt (receipt # W043594) showing that \$500.00 was paid on 10/16/2015. Please submit the remaining \$100.00 for application processing to proceed. To assist staff reference transfer no. 80460 with the payment.

Please contact me at (208) 334-2190 if you have any questions.

Sincerely,

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: phill.hummer@idwr.idaho.gov

Enclosure: Copy of Receipt No. W043594
Fee Schedule