

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 31 2013

DEPARTMENT OF
WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
57-11618	Yes ☒	57-11018 57-11844	Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

Marvin Wallin
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

D Shepherd Family LP (dba) Gem Stop Co.
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

1331 11th Ave North

Mailing address

Nampa

City

208 466-2475

Telephone

Name connector

☐ and

☐ or

☐ and/or

Id. State

83687 ZIP

tschroder@gemstop.net

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
 - ☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: Approx 6-15-12

6. 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):
 - \$25 per undivided water right.
 - \$100 per split water right.
 - No fee is required for pending adjudication claims.

SUPPORT DATA

IN FILE # 57-11618

7. Signature:

Signature of new owner/claimant

Title, if applicable

Date

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by

Date

7-31-13

Receipt No.

C097552

Receipt Amt.

100.00

Approved by

Processed by

Date

12-6-13

Customer Reference No.
File No. 140821

Exhibit A

A parcel of land being a portion of the Southwest Quarter of the Southwest Quarter of Section 32, Township 3 North, Range 4 West, Boise Meridian, Owyhee County, Idaho, being a portion of that certain Parcel 2 and a portion of that certain Parcel 3, both as shown on Record of Survey No. 252864, being more particularly described as follows:

**BEGINNING at the Southwest corner of said Section 32, located in the intersection of State Highway No. 55 with Buntrock Road; thence,
N. 00°27'35" E., 675.62 feet along the West line of said Section 32 to a point marked by a 1/2 inch rebar witness corner 25.00 feet East of said corner; thence,
S. 90°00'00" E., 573.39 feet along the South line of PARCEL 3 to a 1/2 inch rebar; thence,
S. 00°35'31" E., 682.70 feet to a point in the South line of said Section 32, said point marked by a 1/2 inch rebar set 33 feet Northerly of said point; thence,
N. 89°18'34" W., 585.9 feet along said South section line to the POINT OF BEGINNING.**

SCANNED
DEC 12 2013

EXHIBIT A*Handwritten signature*

Description of: Revised Parcel 2

Paulette Wallin

May 7, 2012

A Parcel of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T.3 N., R.4 W., B.M., Owyhee County, Idaho, being a portion of that certain Parcel 2 and a portion of that certain Parcel 3, both as shown on Record of Survey No. 252864, said Revised Parcel 2 being more particularly described as follows:

BEGINNING at the southwest corner of said Section 32, located in the intersection of State Highway No. 55 with Buntrock Road; thence,

N.00°27'35"E., 675.62 feet along the west line of said Section 32 to a point marked by a $\frac{1}{2}$ inch rebar witness corner 25.00 feet east of said corner; thence,

S.90°00'00"E., 573.39 feet along the south line of PARCEL 3 to a $\frac{1}{2}$ inch rebar; thence,

S.00°35'31"E., 682.70 feet to a point in the south line of said Section 32, said point marked by a $\frac{1}{2}$ inch rebar set 33 feet northerly of said point; thence,

N.89°18'34"W., 585.90 feet along said south section line to the **POINT OF BEGINNING**,

said Revised Parcel 2 containing 393,636 square feet or 9.036 acres, more or less.

Including a 100 foot x 100 foot easement for a water well in Parcel 1 described as follows: Commencing at the southeast corner of said Parcel 1; thence, N.00°00'00"W., 149.49 feet along the south line of said Parcel 1 to the **POINT OF BEGINNING**; thence,

West, 100.00 feet; thence, North, 100.00 feet; thence, East, 100.00 feet; thence, South, 100.00 feet to the **POINT OF BEGINNING**,

said Water Well Easement containing 10,000 square feet or 0.23 acres, more or less.

Including and Subject to: an easement for sewer, water, irrigation and utility lines as described on EXHIBIT B attached hereto and made a part herewith.

Including and Subject to: a 60 foot access easement along the north line of said PARCEL 2, being the north 50 feet of said PARCEL 2 and the south 10 feet of said PARCEL 3

Prepared by: John S. Austin,
Idaho PLS 5081



140821

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, WRT Enterprises, LLC, an Idaho limited liability company, the Grantor, does hereby grant, bargain, sell and convey unto D. Shepherd Family Limited Partnership, an Idaho limited partnership whose address is 1331 11th Avenue N., Nampa, Idaho 83687, the Grantee, the following described real property located in Owyhee County, Idaho, fully described in Exhibit A hereto, together with all rights, titles, and interests appurtenant thereto (collectively, the "Property").

This Special Warranty Deed and the conveyance hereinabove set forth is executed by Grantor and accepted by Grantee subject to all easements, covenants, conditions, restrictions, liens and any and all other encumbrances recorded against the Property and/or known to the Grantee (collectively, the "Permitted Encumbrances").

TO HAVE AND TO HOLD said Property, with its appurtenances unto Grantee, and Grantee's successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the title to the Property unto the said Grantee, its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by or through Grantor but not otherwise, subject to the Permitted Encumbrances.

IN WITNESS WHEREOF, the Grantor has caused its name to be subscribed to the within instrument effective the 20 day of June, 2012.

WRT Enterprises, LLC,
an Idaho limited liability company

By:

Paulette Wallin
Paulette Wallin, Manager



STATE OF IDAHO)
) ss.
County of Ada)

On this 20 day of June, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Paulette Wallin, known or identified to me to be the manager of WRT Enterprises, LLC, the person who executed the foregoing instrument, and acknowledged to me that she executed the same on behalf of such LLC.

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

Laura Page
Notary Public for Idaho

Residing at _____

My commission expires _____

Residing in Boise, Idaho

Commission Expires 07/30/2015

140821

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TO HAVE AND TO HOLD said Property, with its appurtenances unto Grantee, and Grantee's successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the title to the Property unto the said Grantee, its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by or through Grantor but not otherwise, subject to the Permitted Encumbrances.

IN WITNESS WHEREOF, the Grantor has caused its name to be subscribed to the within instrument effective the 20 day of June, 2012.

WRT Enterprises, LLC,
an Idaho limited liability company

By:

Paulette Wallin
Paulette Wallin, Manager



STATE OF IDAHO)
) ss.
County of Ada)

On this 20 day of June, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Paulette Wallin, known or identified to me to be the manager of WRT Enterprises, LLC, the person who executed the foregoing instrument, and acknowledged to me that she executed the same on behalf of such LLC.

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

Laura Page
Notary Public for Idaho

Residing at _____

My commission expires _____

Residing in Boise, Idaho

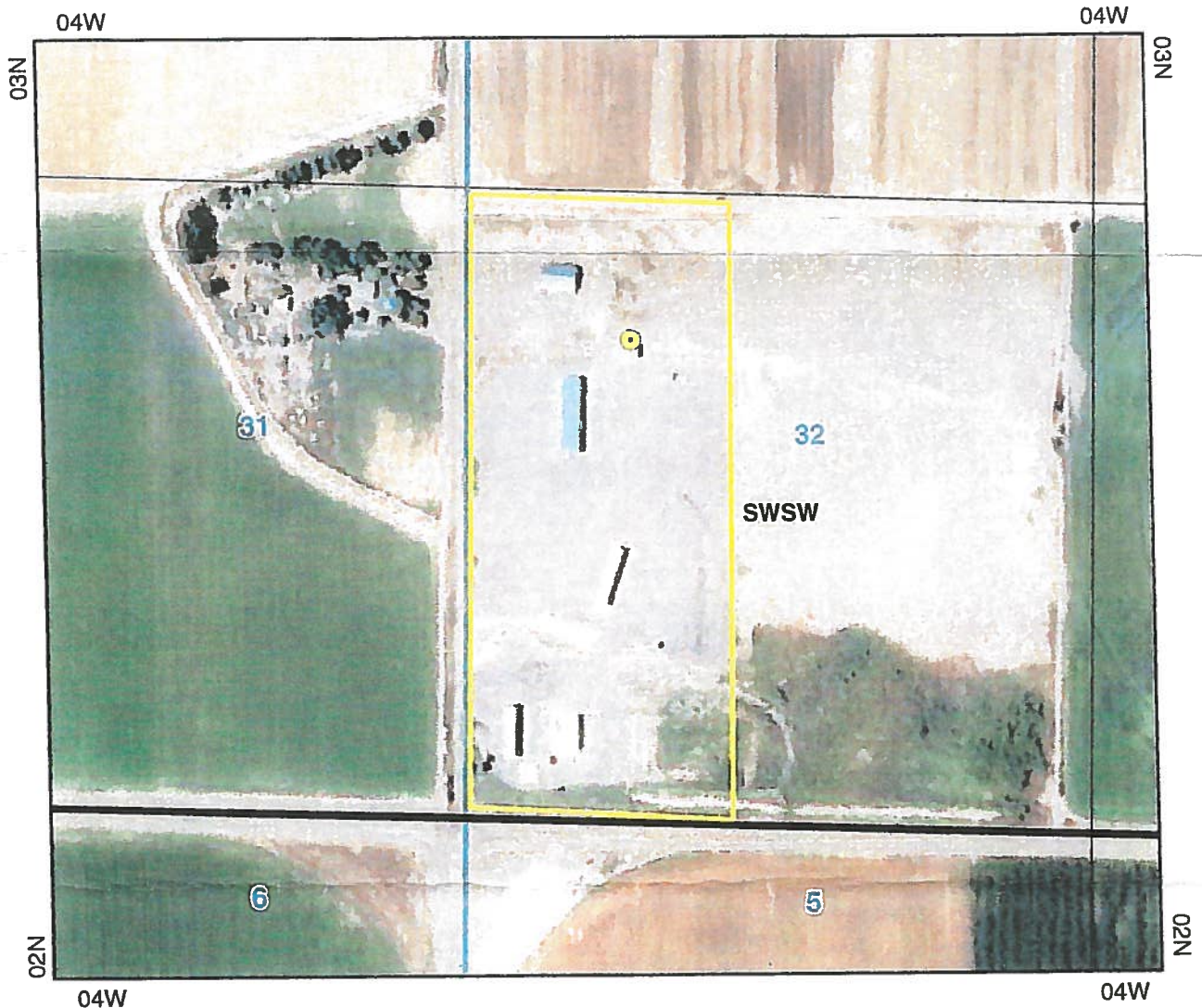
Commission Expires 07/30/2015

State of Idaho
Department of Water Resources

Attachment To Water Right License

57-11618

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



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

0 0.045 0.09 0.18 Miles



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 57-11618

Priority: November 05, 2002

Maximum Diversion Rate: 0.57 CFS
Maximum Diversion Volume: 2.5 AF

It is hereby certified that MARVIN WALLIN
RT 1 BOX 420
MARSING ID 83639 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated September 27, 2002; and has
submitted Proof of Beneficial Use on January 09, 2008. An examination confirms water has been
diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.57 CFS	2.5 AF
FIRE PROTECTION	01/01 to 12/31	0.57 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, Twp 03N, Rge 04W, B.M. OWYHEE County

PLACE OF USE: COMMERCIAL AND FIRE PROTECTION

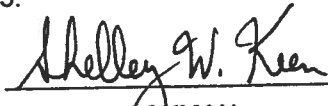
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 04W 32											X						

CONDITIONS OF APPROVAL

1. The commercial use of this water is for a gas station, convenience store, tire shop, 3 offices, and does not include irrigation.
2. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
3. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 2nd day of July, 2013.


for GARY SPACKMAN
Director