

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 73890RECEIVED
FEB 15 2006
WATER RESOURCES
WESTERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Sterling Landscape Co., c/o John H. Sterling Phone 208-322-4505Post Office address 1081 N. Mitchell Street, Boise, ID 83704

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☒ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes This transfer application changes a portion of water right 63-10029 to allow up to 200 gpm (0.45cfs/ 92.78 acre feet) to flow during the non-irrigation season into a pond for commercial wildlife habitat and aesthetic purposes. For that portion of water right 63-10029 to be changed, this transfer, (i) adds a second diversion point (an existing well), (ii) changes the season of use to allow water to be diverted during the period beginning November 16 to March 1, (iii) adds a place of use to describe an existing pond which spans the boundary of two 40 acre subdivisions, and (iv) and changes a portion of the licensed commercial use to allow for commercial wildlife habitat and aesthetic use. The balance of the water appropriated under water right no. 63-10029 (0.22 cfs/ 84.62 afa) shall not be modified by this transfer application

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

There are no proposed changes to the licensed elements of the water right.

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-10029</u>	<u>May. 4, 1983</u>	<u>0.45 cfs/ 92.78 afa</u>	<u>Commercial</u>	<u>11/16</u> to <u>3/1</u>
<u>63-10029</u>	<u>May. 4, 1983</u>	<u>0.22 cfs/84.62 afa</u>	<u>Commercial</u>	<u>4/1</u> to <u>11/1</u>

2. Total amount of water being transferred 0.45 cfs cubic feet per second and/or 92.78 acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SW	32	4N	1W	Ada	Existing Point of Diversion
		SW	SW	32	4N	1W	Ada	New Point of Diversion (also existing and used under other water rights)

5. Lands irrigated or place of use: Commercial ("C")

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	32										C	C						

Total Acres _____

SUPERSEDED

PART 1

6. General Information:

- a. Description of diversion system Two wells, valves, ditches, ponds
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. (Water right shall remain appurtenant to the original place of use in addition to becoming appurtenant to other land owned by the applicant.)
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
There are no proposed changes to irrigated places of use. The irrigated places of use will continue to be irrigated.
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-10029 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water groundwater tributary to _____4. Date or priority May 4, 1983

5. Water is used for the following purposes:

Amount 0.67 cfs for Commercial purposes from April 1 to November 1
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.67 cubic feet per second and/or 177.4 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SW	32	4N	1W	Canyon	

8. Lands irrigated or place of use: Irrigation, Stockwater and Domestic all Within the Same Place of Use. C=Commercial

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	32											C						

Total Acres _____

9. Describe any other water rights used for the same purpose as described above None

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

☐ No ☐ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.45cfs/ 92.78 afa for Commercial purposes from 11/16 to 3/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SW	32	4N	1W	Ada	2 nd point of diversion within same quarter quarter as exiting licensed point of diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	32										C	C						

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.22cfs/ 84.62 afa for Commercial purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

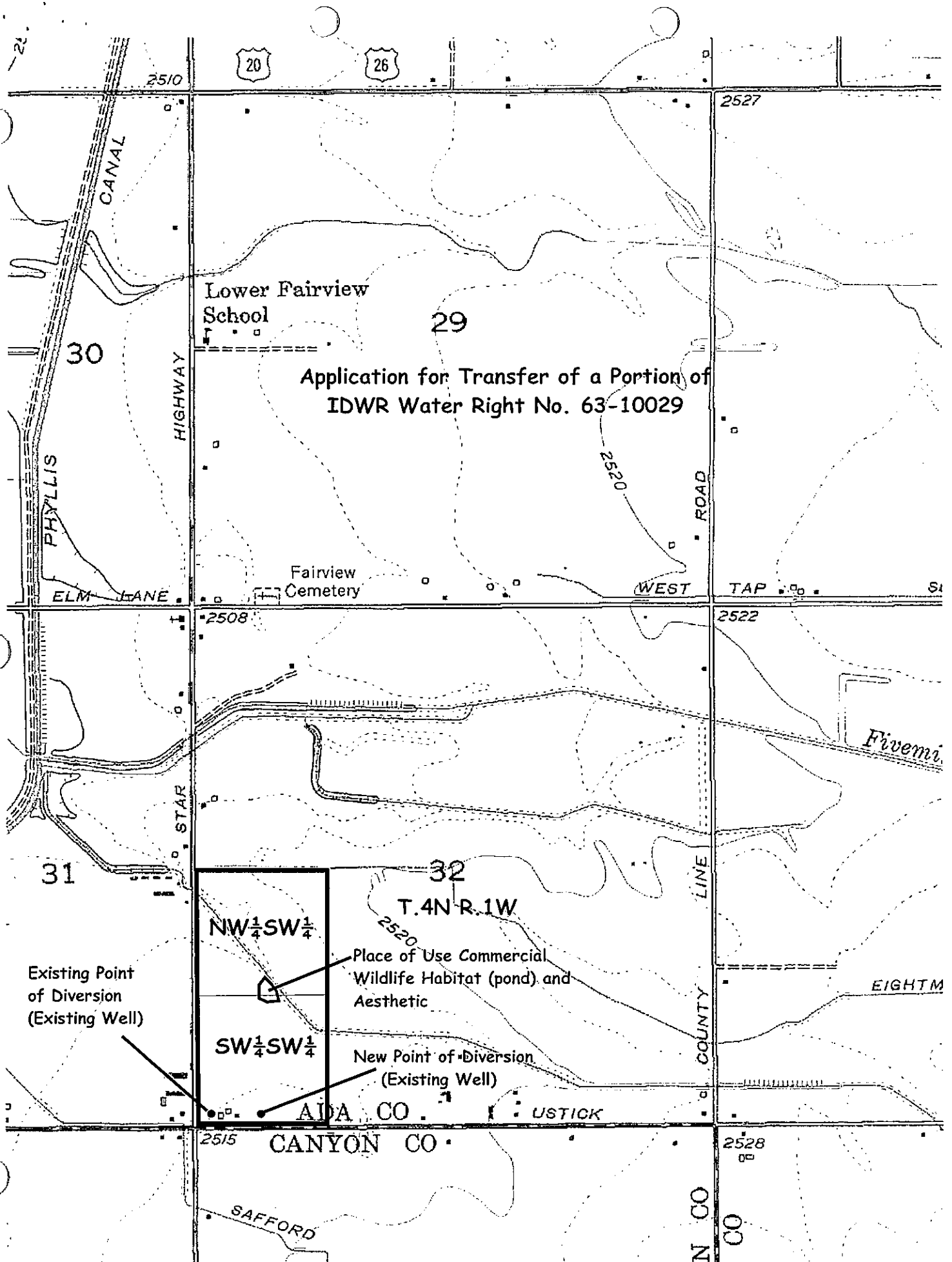
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SW	32	4N	1W	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	32											C						

Total Acres _____



PART 3**B. CHANGES IN NATURE OF USE**

<u>New Nature of Use</u>	<u>Amount(cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Commercial Wildlife Habitat and Aesthetic</u>	<u>0.45 cfs/ 92.78 af</u>	<u>105 days</u>	<u>11/16 to 3/1</u>
			<u>to</u>

2. Quantity and quality of return flows and location of discharge: Water flowing through pond will be discharged clean into existing irrigation ditches and drains. Discharge to drains is located within the NW¼SW¼ of Section 32 T.4N R.1W

3. Describe effects on other water uses resulting from the proposed change:

No other water uses will be affected by the proposed change.

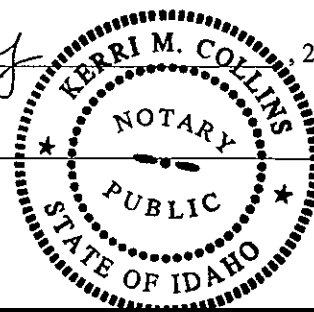
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

By Sterling Landscape Co.
John H. Sterling, President (Signature of Applicant)

Subscribed and sworn to before me this 13th day of February, 2006.

Kerri M. Collins
 (Notary Public)



My commission expires 8/09

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by sk Date 2-15-06 Protest filed by _____

Prelim. Check by _____ Fee _____

Receipted by sk Date 2-15-06 W033829

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____



ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2001 FE -9 PH 4:36

WARRANTY DEED

REC'D TO-REQUEST OF

FEE 3-650

101011961

FIRST AMERICAN

For Value Received

Robert Friday and Marilyn Friday, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Sterling Landscape Co., an Idaho corporation

hereinafter referred to as Grantee, whose current address is

1081 N. Mitchell St. - Boise, ID 83704

the following described premises, to-wit:

The West half of the Southwest quarter of Section 32, Township 4 North, Range 1 West, of the Boise Meridian, Ada County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except payment years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises; and that Grantor will warrant and defend the same from all claims whatsoever.

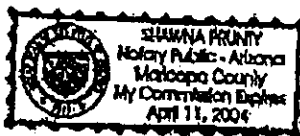
Dated: January 24, 2001.

Robert Friday
Robert Friday

Marilyn Friday
Marilyn Friday

STATE OF Arizona)
COUNTY OF Maricopa)

On this 26 day of January, in the year 2001, before me, a Notary Public in and for said State, personally appeared Robert Friday and Marilyn Friday, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Shawna Prunty
Notary Public of Maricopa County, AZ
Residing at 3320 E. University Ave
Commission expires: April 11, 2004