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SEP 17 2009

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR TRANSFER

RUBBER BAND HOLDINGS, LLC, an Idaho limited liability company ("Assignor"),
Hereby assigns to SV RANCH LLC, a Washington limited liability company, whose current
address is c/o Gregory Vik, P.O. Box 1607, Bellevue, WA 98099 (the "Assignee"), all of its
right, title and interest in and to Application for Transfer of Water Right No. 75498.

IN WITNESS WHEREOF, the assignor has signed and executed this Assignment of
Application for Transfer on the 10 day of September 2009.

RUBBER BAND HOLDINGS, LLC

Date: 9-10-2009

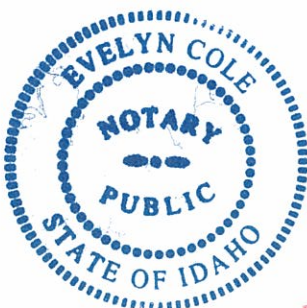
By: James W. Kranz Mgt
James W. Kranz, Manager

STATE OF IDAHO)

County of Ada) ss

On this 10 day of September 2009, before me, the undersigned notary of public and
for said state, personally appeared James W. Kranz, known or identified to me to be the
manager of RUBBER BAND HOLDINGS, LLC, an Idaho limited liability company, and the
person who executed the foregoing instrument on behalf of said limited liability company and
acknowledged to me that said limited liability company executed the same.

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



Evelyn Cole

Notary Public for Idaho

Residing at: _____

Comm. Expires: Residing in: Boise, Idaho
Commission Expires: 9/22/2011

WITHDRAWN

SCANNED

MAR 03 2010

Amended
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

75498
RECEIVED

MAR 20 2009

WATER RESOURCES
WESTERN REGION

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

Name of Applicant Rubber Band Holdings LLC Phone 208-377-3777Mailing address 910 N Curtis Rd Boise, ID 83706 Email _____**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
- To change pumping lift station to a better location for improved delivery.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
2-7046E	7/30/69	14.260 CFS	Irrigation	3/01 to 10/31
2-2357B	09/10/64	1.800 CFS	Irrigation	3-15 to 11-15
				to
				to

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

3. Source of water
- Snake River
- tributary to
- Columbia River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	SE		35	03S	1E, BM	Owyhee	

5. 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	
4S	1E	1						28	24		4.0	32.0	18.0	3.0					57.0
4S	1E	2	40			40									38		25		105.0
																			193.0

Total Acres 252

WITHDRAWN

SCANNED

MAR 03 2010

PART 1

6. General Information:

a. Description of diversion system placing a turbine pump in lift station to make delivery to place of use

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X 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. Attachment A

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

None, improved delivery system

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)

see Attachment B

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in Owyhee county of Owyhee
- b. License No. 2-7046 E 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 Snake River tributary to Columbia River4. Date or priority 7/30/69

5. Water is used for the following purposes:

amount 14.260 CFS for irrigation purposes from 3/01 to 10/31
(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 14.260 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above _____

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

_____ 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 _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) *no change*
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

- 2. Point(s) of Diversion:**

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total Acres _____

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

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

- 2. Point(s) of Diversion:**

[illegible]

3. Lands irrigated or place of use:

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

The grid is a 10x10 square grid. The horizontal lines are solid, and the vertical lines are dashed. The text "See Attachment C" is written in the center of the grid.

Scale: 2 inches equal 1 mile. Draw plan in ink.

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

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
 _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge: no change
3. Describe effects on other water uses resulting from the proposed change: no change

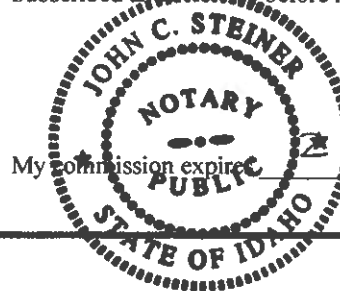
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

James W. Kranz
 (Signature of Applicant)

James W. KRAVZ President
 Print Name (and title, if applicable)

Subscribed and sworn to before me this 24 day of Feb, 20 09.



My commission expires 1-2013

John C. Steiner
 (Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by [Signature] Date March 20, 09 Protest filed by _____

Prelim. Check by V-MUSIC Fee \$890-

Receipted by J.V.O./W037283 Date 3-20-09

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 _____



Northwest
FARM CREDIT SERVICES

378 West Idaho Avenue
PO Box 279, Ontario, OR 97914
Voice: 541.823.2660 Toll Free: 800.597.7173 Fax: 541.823.2665

RECEIVED

MAR 25 2009

DEPARTMENT OF
WATER RESOURCES

March 20, 2009

Customer/Note No. 54121 - 441 & 442

RECEIVED

MAR 26 2009

To Whom It May Concern:

WATER RESOURCES
WESTERN REGION

Northwest Farm Credit Services, FLCA is in concurrence with the change in point of diversion for Rubber Band Holdings, LLC as described in the attached application for water right transfer.

This agreement shall not impair the right of Northwest Farm Credit Services, FLCA to hold the current water rights as security for the debt nor impair the validity, priority, or enforceability of the note or any other Loan Document.

"Loan Documents" include any note, security, or other documents of any kind and any amendments thereto, signed in connection with the note, identified by the above-listed note number.

Dated: March 23, 2009

Lender: Northwest Farm Credit Services, FLCA


Authorized Agent

State of Oregon)
) ss.
County of Malheur)

On March 23, 2009, before me personally appeared John R. Hall, known to me to be an authorized agent of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that he/she was authorized to execute said instrument.




Lindsey Johnson
Notary Public for the State of Oregon
Residing at Ontario, Oregon
My commission expires September 2, 2012

Attachment A (p. 1 of 3)

Page 1 of 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Rubber Band Holdings LLC Phone 208-377-3777

Mailing address 910 N Curtis Rd Boise, ID 83706 Email _____

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 To change pumping lift station to a better location for improved delivery.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>2-7046E</u>	<u>7/30/69</u>	<u>14.260 CFS</u>	<u>Irrigation</u>	<u>3/01 to 10/31</u>
<u>2-2357B</u>	<u>09/10/64</u>	<u>1.800 CFS</u>	<u>Irrigation</u>	<u>3-15 to 11-15</u>

2. Total amount of water being transferred 16.06 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Snake River tributary to Columbia River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	SE		35	03S	1E, BM	awayhee	

5. 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	
45	1E	1						28	24		40	320	180	3.0					57
45	1E	2	40			40									38			25	143

Total Acres 252

Attachment A

(p 2 of 3)

Page 2 of 2

Transfer No. _____

PART 1**6. General Information:**

a. Description of diversion system placing a turbine pump in lift station
to make delivery to place of use

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X 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. Attachment A

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

None, improved delivery system

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

Attachment A (p-3 of 3)

X

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 2-2357B V1

WATER RIGHT NUMBER: 2-2357B V1

Owner Type Name and Address
Current Owner ARTHUR J MERRICK
 21118 WEES RD
 OREANA, ID 83650
 (208)834-2641

Priority Date: 09/10/1964
Basis: License
Status: Active

Source Tributary
SNAKE RIVER COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15	11/15	1.800 CFS	
<u>Total Diversion:</u>			1.800 CFS	

Location of Point(s) of Diversion
SNAKE RIVER L7 (SW1/4SW1/4) Sec. 26, Twp 03S, Rge 01E, B.M.
OWYHEE County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	1						28.0	24.0										52.0
							L 4												
04S	01E	2													38.0				38.0

Total Acres: 90

Conditions of Approval:

- F06 The following rights are also diverted through point of diversion described above: 2-2357A, 2-2173, 2-7046C, 2-7046D, and 2-7046E
- 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.
- P21 This right is a split from former right 2-2357.
- E53 Use of this right with Right Nos. 2-7046A, 57-235, 57-7034A is limited to a total combined annual diversion volume of 450 AF.

B

Attachment B (page 1 of 3)

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 2-7046E V1

WATER RIGHT NUMBER: 2-7046E V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VERLA J MERRICK 21118 WEES RD OREANA, ID 83650 (208)834-2641
Current Owner	ARTHUR J MERRICK 21118 WEES RD OREANA, ID 83650 (208)834-2641

Priority Date: 07/30/1969

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 10/31	14.260 CFS	
<u>Total Diversion:</u>		14.260 CFS	

Location of Point(s) of Diversion

SNAKE RIVER L7 (SW1/4SW1/4) Sec. 26, Twp 03S, Rge 01E, B.M.
OWYHEE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	01E	1									4.0	32.0	18.0	3.0					57.0
04S	01E	2	40.0			40.0											25.0		105.0

Total Acres: 162

Conditions of Approval:

- 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 after October 31 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.
- P21 This right is a split from former right 2-7046A.

Attachment B (page 2 of 3)

Page 3

02/26/2008

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-7034A

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	1000	
Combined Water Rights: 2-2357 , 2-7046A , 57-7034A		

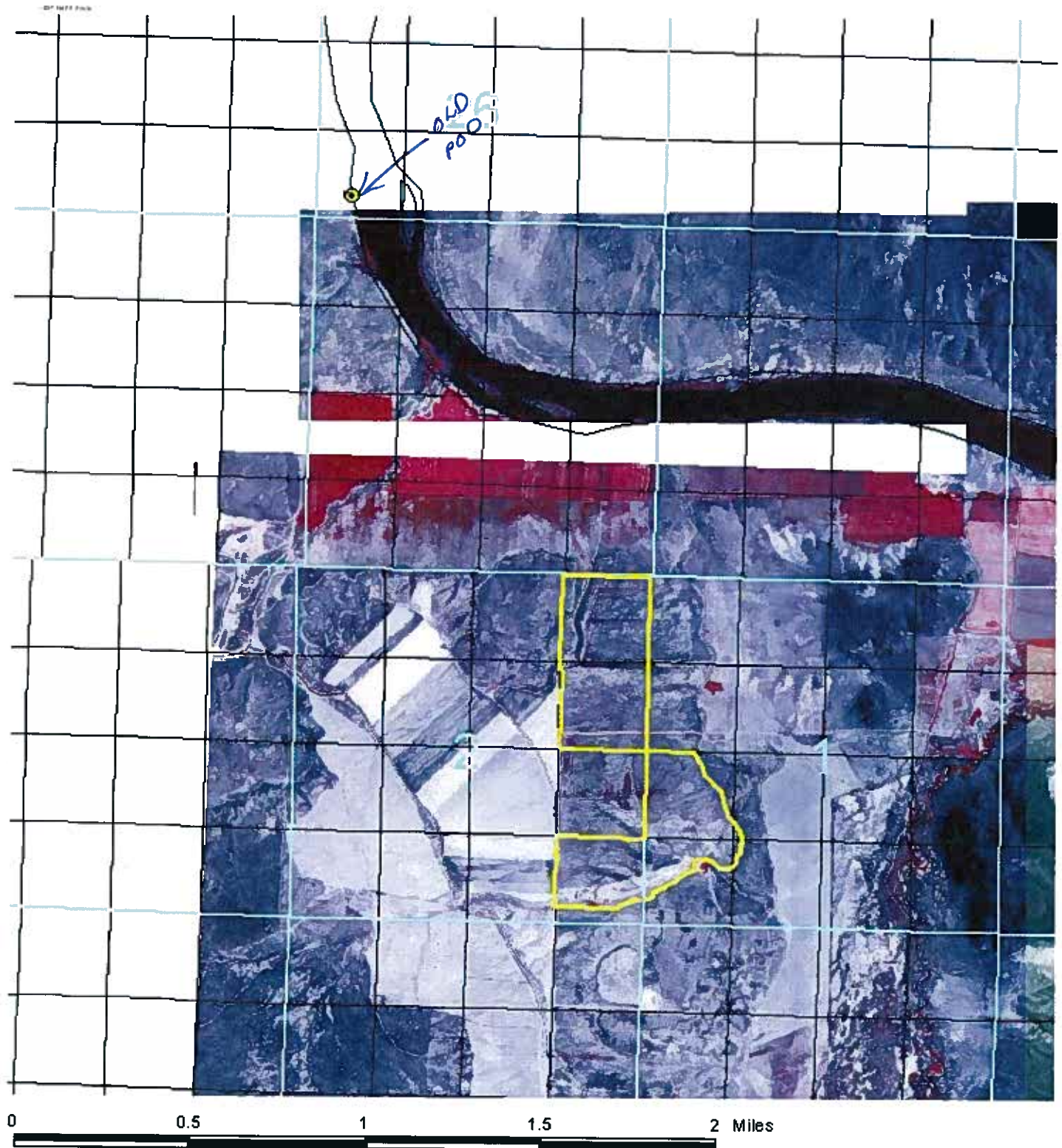
Water Supply Bank:

Lessor Name: ARTHUR J MERRICK
Lease Status: Active
Lease Amount: All
Rental Availability: All
Date Received: 1/12/2004
Lease Begin Date: 1/12/2004
Expiration Date:

B

Attachment B (page 3 of 3)

Idaho Department of Water Resources



Claim Number: 02-7046E & 2-2351B

Legal: T04S, R01E, S1 & S2

T03S, R01E, S26

Reviewed By: BTB 5/13/05

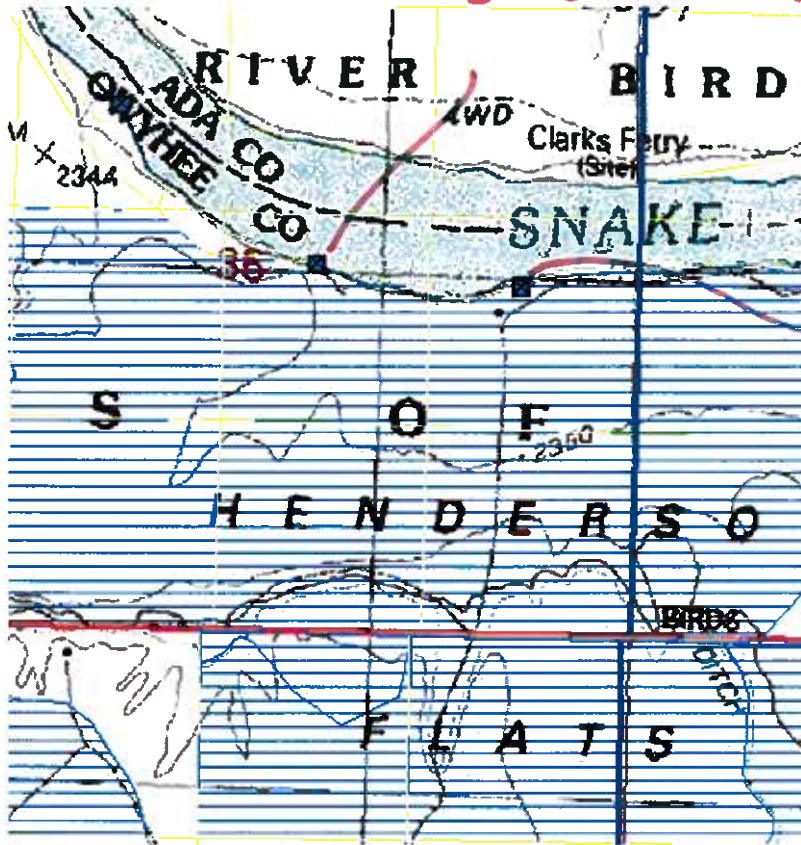
-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Attachment C (page 1 of 2)

Sec 35 L&8 (NWSE)

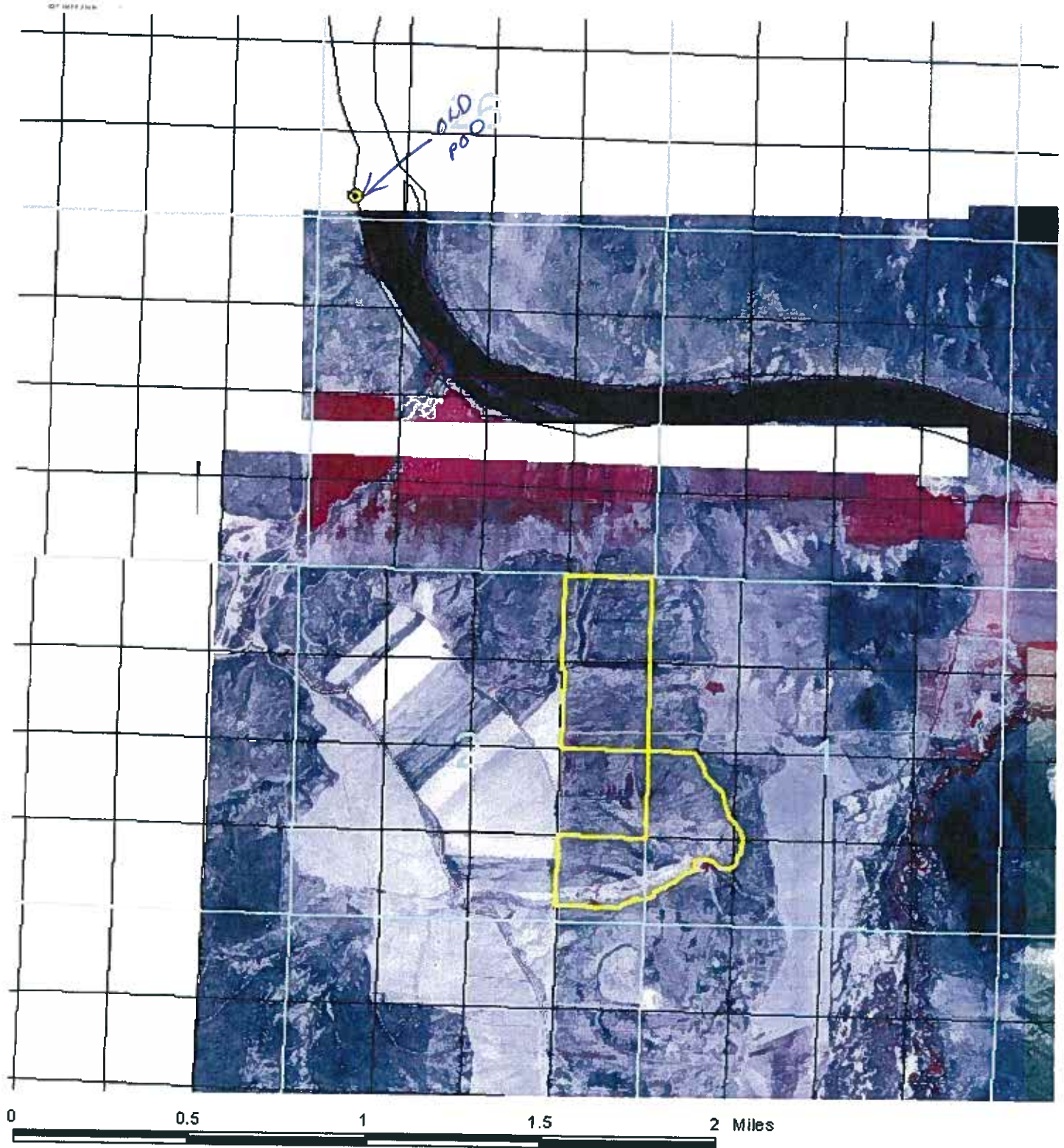
* NEW
Point of
Diversion



Sec 35 L&7 (NESE)
N/A ↗

Attachment C (page 2 of 2)

Idaho Department of Water Resources



Claim Number: 02-7046E # 2-2351B

Legal: T04S, R01E, S1 & S2

T03S, R01E, S26

Reviewed By: BTB 5/13/05

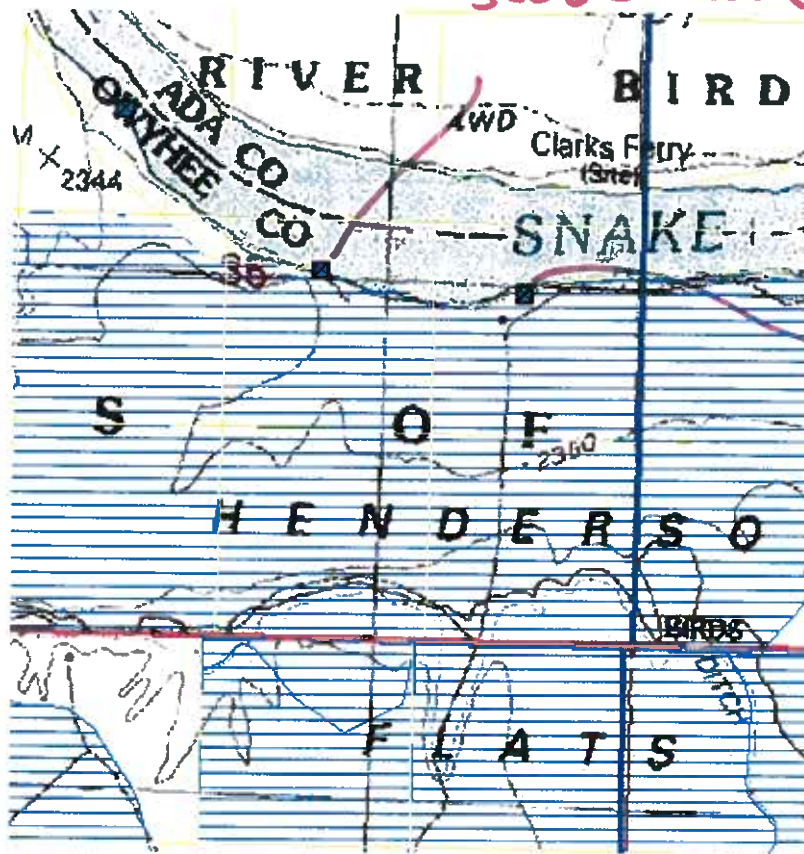
-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



Attachment A (page 1 of 2)

Sec 35 L&B (NWSE)

* NEW
Point of
Diversion



N/A

Attachment A (page 2 of 2)