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Form 222 10/07

MAR 03 2008

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RESOURCES
WESTERN REGION

Transfer No. 74687

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant DBSI Lbk. Laveil 160 LLC Phone 208-939-5263
 Mailing address 1550 S. TECH LANE, MENDOTA, ID 83642 Email WYING - FORRE@KASTRA.COM

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 The property is being developed as a residential subdivision. Transfer is to accommodate the construction of a pressure irrigation system to serve the individual lots.

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
63-2.1	05/23/61	2.04 cfs / 450 AFA	Irrigation	03/01 to 11/15
63-20834	04/14/61	.02 cfs / 15 AFA	Stockwater	01/01 to 12/31
63-20833	06/01/22	.02 cfs / 15 AFA	Stockwater	01/01 to 12/31

2. Total amount of water being transferred 2.04 cfs cubic feet per second and/or 450 AFA acre-feet per annum.

3. Source of water Groundwater tributary to 12/12

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	31	3N	3W	Canyon	
		NW	SE	31	3N	3W	Canyon	
		SE	SE	31	3N	3W	Canyon	
		SW	SE	31	3N	3W	Canyon	

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	
3N	3W	31													29	17	26	27	99
3N	3W	31													5	5	5	5	

See attached map and
explanation for irrigated
acres.

Total Acres 99

REJECTED

PART 1

6. General Information:

- a. Description of diversion system Numerous groundwater wells will deliver water through pressure irrigations and domestic water systems. Pumps, pressure towers, storage tanks, booster stations may be incorporated in the final system
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Water being removed from the NW 1/4 SE 1/4 and distributed over a more widespread but dispersed area. The 15 acre parcel in the NW 1/4 SE 1/4 now irrigated is being developed as a school site.
- d. Remarks:
See attached cover letter for additional description of the project and water use.

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 RESOURCESAPPLICATION 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. 16502 Decreed to Peterson
in case of Anders vs. Peterson
dated Jan. 27, 1967 in Canyon county of Teton
- b. License No. 63-21 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 11/A4. Date or priority 05/23/61

5. Water is used for the following purposes:

amount 2.0 cfs for Irrigation purposes from 03/01 to 11/15
(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 2.0 cubic feet per second and/or 450 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	SE	31	3N	34	Canyon	

8. 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	
3N	30W	31														38	38	24	100

Total Acres 1009. Describe any other water rights used for the same purpose as described above Use of this right is combined with water from the Wilder Irrigation District

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

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

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

[illegible][illegible]

Total Acres _____

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)

[illegible][illegible]

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. 63-20833 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 11/64. Date or priority 06/01/1922

5. Water is used for the following purposes:

amount 0.04 cfs for Domestic purposes from 01/01 to 12/31
(cfs/ac-ft)

amount 0.02 cfs for Stockwater purposes from 01/01 to 12/31
(cfs/ac-ft)

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

6. Total amount of water under right 0.06 cubic feet per second and/or 15 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	SE	31	3N	3W	Canyon	

8. 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	
3N	3W	31															D		—
3N	3W	31															S		—

Total Acres —9. Describe any other water rights used for the same purpose as described above N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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. 63-20834 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 N/R4. Date or priority 04/14/1961

5. Water is used for the following purposes:

amount 0.04 cfs for Domestic purposes from 01/01 to 12/31
(cfs/ac-ft)

amount 0.02 for Stockwater purposes from 01/01 to 12/31
(cfs/ac-ft)

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

6. Total amount of water under right 0.06 cubic feet per second and/or 15 acre-feet per annum.

7. Point(s) of Diversion:

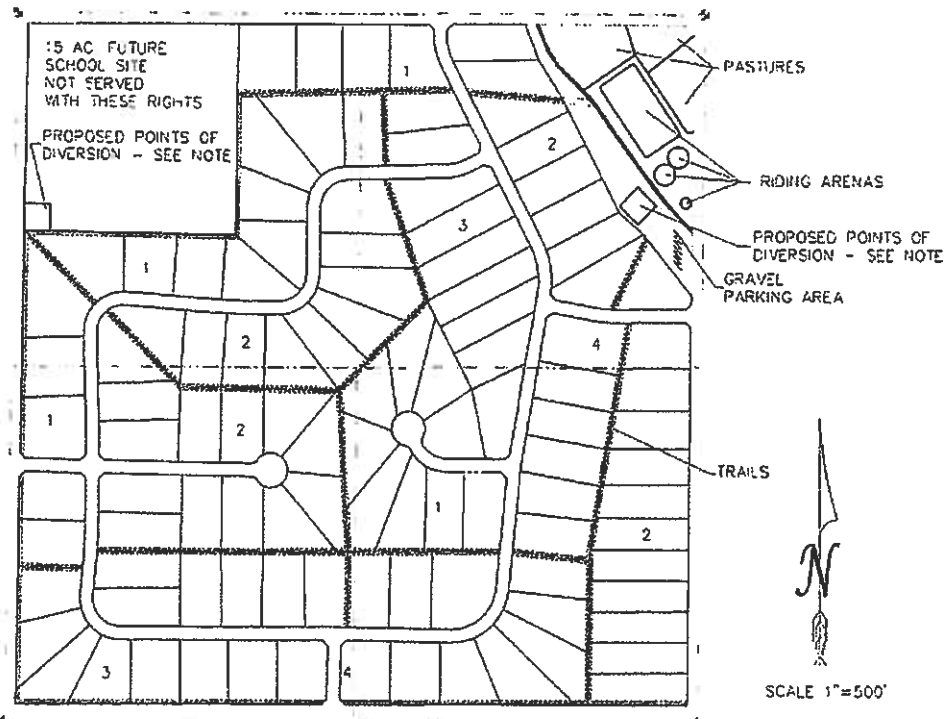
Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	SW	SE	31	3N	3W	Craigdon	

8. 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	
3N	3W	31															D		—
3N	3W	31															S		—

Total Acres —9. Describe any other water rights used for the same purpose as described above N/A

RUNNING HORSE
KASTERA DEVELOPMENT
SE ¼ SECTION 31, T3N., R3W.



SCALE 1"=500'

NOTE: PROPOSED POINTS OF DIVERSION SHOWN ARE FOR CURRENT PLANNING. ADDITIONAL WELLS WILL BE DRILLED AS NECESSARY TO MEET FIRE PROTECTION, DOMESTIC, IRRIGATION AND STOCKWATER DEMANDS AND CONDITIONS OF THE WATER RIGHTS. POINTS OF DIVERSION MAY BE LOCATED AS LISTED IN THE APPLICATION.

URANGA
HYDROLOGIC

NW QUARTER

AREA #	AREA	HOMESITES	16'/24' WIDE EASEMENT TRAIL LENGTH
1	650,947	17	1,829/86'
2	284,216	6	295
SUBTOTAL	935,163	18	2,124/86'
TRAIL ADJ.*	-42,708		
HOMESITE ADJ.*	-140,400		
TOTAL	752,055 (17.26 Ac)		

SW QUARTER

AREA #	AREA	HOMESITES	16'/24' WIDE EASEMENT TRAIL LENGTH
1	85,798	1	345/0
2	911,586	16	0/2,702
3	444,979	10	2,014/249
4	10,959	0	0/0
SUBTOTAL	1,453,322	29	2,359/2,951
TRAIL ADJ.*	-87,328		
HOMESITE ADJ.*	-226,200		
TOTAL	1,139,794 (26.17 Ac)		

* SEE ATTACHED NARRATIVE EXPLAINING ADJUSTMENTS AND CALCULATIONS

NE QUARTER

AREA #	AREA	HOMESITES	16'/24' WIDE EASEMENT TRAIL LENGTH
1	189,645	5	0/634
2	772,706	9	0/914
3	464,485	11	0/834
4	101,034	2	0/172
SUBTOTAL	1,624,272	27	0/2,326
TRAIL ADJ.*	-46,520		
HOMESITE ADJ.*	-210,600		
RIDING ARENA ADJ.*	-90,000		
TOTAL	1,277,152 (29.32 Ac)		

SE QUARTER

AREA #	AREA	HOMESITES	16'/24' WIDE EASEMENT TRAIL LENGTH
1	531,457	12	0/560
2	980,959	22	1,285/1,566
SUBTOTAL	1,511,503	34	1,285/2,126
TRAIL ADJ.*	-57,940		
HOMESITE ADJ.*	-265,200		
TOTAL	1,188,363 (27.28 Ac)		

Explanation of Irrigated Acreage Calculations

The existing irrigation right included in this transfer application, right 63-21, is currently limited to 100 acres of irrigation. As part of this application, the applicant will show that the total acreage irrigated with this right after the requested transfer will not increase the total acreage under irrigation with the right.

As part of this analysis and application, the site plan included in Part 3 of the transfer application is referenced. Additionally, a following page contains a summary of the actual calculations of the proposed irrigated acres. This summary will point out some significant aspects of the analysis and discuss the site plan.

As shown on the site plan, the proposed project property consists of the entire SE $\frac{1}{4}$ of Section 31, or approximately 160 acres. From this initial property, a 15-acre site is planned to be a school site. Transfer of this property has not occurred at the time of this application. This acreage is not included in the new water right, leaving 145 acres of the property that will be the residential development and facilities.

The site plan in Part 3 shows the general layout of the subdivision. There are 108 lots that are each approximately one acre in size. In the northeast corner, there will be several small pasture areas and riding arenas, as well as a gravel surfaced parking area. The development will also support a trail system for residents to ride their horses on. These trails will be surfaced and located on common use areas. Proposed right of ways for roadways are also shown on the site plan.

The first step in calculating the irrigated acreage likely to result after development of the property was to determine the raw areas outside of the right of ways for each 16th corner. On the site plan, the 16th section lines are shown and #'s are assigned to each area within the 16th corner. On the included summary sheet, the raw areas are shown for each 16th corner. Also shown is the number of homesites contained in each designated area, as well as the length of equestrian trail (further separated by width). The total of this raw area is presented in the subtotal row of the calculation summary. (Note, all areas presented in the calculation summary are in square feet unless noted otherwise)

From this raw area, additional adjustments were warranted considering the nature of the development and the type of improvements expected to occur on the individual lots. The following paragraphs will present the rationale used to account for these factors in this analysis.

First, consider the equestrian trail system. Easements will be established through the platting process to establish an extensive trail system connecting all of the lots to the riding area in the northeast corner of the property. These easements come in widths of 16' and 24'. Surfaced trails will be constructed. Irrigation in the easement is not anticipated and irrigation of the surfaced trail would be frowned upon, detrimental to the surface, and serve no practical purpose. For this analysis, we have assumed that the unirrigated areas associated with the trail system would be based upon a 12' width for 16' easements and a 20' width for the 24' easements. Using this assumption, the trail lengths presented in the calculation summary were converted to an area. This area is presented in the calculation summary as the Trail Adjustment.

The second correction was specific to the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$. As shown on the site plan, common area facilities are planned for this area. Some of these facilities remove the need for irrigation. Riding arenas and gravel parking areas will not require irrigation. Under the current planning, these areas will consume approximately 90,000 square feet. This adjustment is included in the calculation summary under the heading of Riding Arena Adjustment.

The final adjustment is more difficult to quantify as it relates to how each individual lot owner develops their property further. It is expected that most lot owners will have a horse(s) because of the amenities offered. CCR's will limit horse ownership to 2 per lot. This will result in portions of the lot not being irrigated as it is used to house livestock. Because of the lots small size, it is unreasonable to expect that homeowners will be able to maintain pasture. It is expected that the most likely scenario is that each lot will have designated yard/pasture areas and livestock holding areas. Other areas that will not be irrigated

include the house footprint, garage/shop footprints, driveways, barn/tack room footprints, patios, RV/trailer parking, etc.

Rather than trying to estimate the actual portion of each lot that will or will not be irrigated for some of the reasons listed, or for the other numerous reasons a land owner may not irrigate an area, we simply looked at how much area would have to not be irrigated on average to keep the total irrigated acreage below 100 acres as listed in right 63-21. Using this approach, we estimated that if more than 7,800 square feet of each lot is not irrigated, the total acreage potentially irrigated under the right will not exceed 100 acres.

Quickly looking at just those items listed above and some conservative values, we believe it is adequately demonstrated that 7,800 square feet or more of each one acre lot will not be irrigated:

- House/Garage footprint – 2,000 square feet
- Driveway – 1,200 square feet (24' x 50')
- Livestock Housing/Feed Storage – 4,000 square feet (80' x 50')
- Shops/Barns/Tack Rooms – Avg. of 1,000 square feet per lot
- Patios, RV/Trailer/Overflow Parking, Outdoor storage – Avg. 800 square feet

The total of just these basic items is 9,000 square feet. In the attached calculation summary, a value of 7,800 square feet was used for each of the 108 lots, providing a conservative estimate. The product of 7,800 and the number of home sites is presented as the Homesite Adjustment in the calculations.

These were the only adjustments made to the total area outside of the proposed right of ways. The resulting total irrigated square footage and acreage for each 16th corner is presented.

- NW ¼ SE ¼ - 17.3 acres
- NE ¼ SE ¼ - 29.3 acres
- SW ¼ SE ¼ - 26.2 acres
- SE ¼ SE ¼ - 27.3 acres

We believe this adequately justifies that no additional acreage is being irrigated as a result of the requested transfer for right 63-21.

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
Stockwater 15 AFA 24/7/361 01/01 to 12/31
 _____ to _____

2. Quantity and quality of return flows and location of discharge: No return flow expected. Losses expected to be expositive.

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

No effects expected. Request is to transfer the full allocation of the right to stockwater use. Rights 63-70833 and 63-70834 will no longer have a domestic component. New right applications are being filed separately for domestic and fire prevention demands.

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.

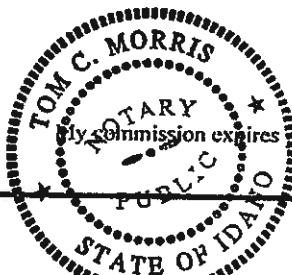
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Wayne S. Forrey
 (Signature of Applicant)

Wayne S. Forrey
Director of Planning and Development
 Print Name (and title, if applicable)

Subscribed and sworn to before me this 22nd day of February, 2008.

Paul Shoni
 (Notary Public)



FOR DEPARTMENT USE ONLY

Transfers 13 pages and 1 attachments
 Received by DB Date 3-3-08 Protest filed by _____
 Prelim. Check by _____ Fee \$410-
 Receipted by DB/W036190 Date 3-3-08
 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 _____

INSTRUMENT NO.

200571962

PC08032

CC7380

WARRANTY DEED

FOR VALUE RECEIVED Boyd L. Petersen and Idella P. Petersen,
Trustees of The Petersen Family Trust

the Grantors, do hereby grant, bargain, sell and convey unto DBSI Lake Lowell 160, LLC, an
Idaho Limited Liability Company

the Grantees, whose address is 1550 S. Tech Lane Meridian, ID 83642

the following described premises, to-wit:

See attached Exhibit "A"

Subject to the life estate as reserved in Quit Claim Deed recorded
10-28-05 as Instrument No. 200571899.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, heirs and assigns
forever. And the said Grantor do hereby covenant to and with the said Grantees, that they the owners in fee simple of said
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2005 and
subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same
from all lawful claims whatsoever.

DATED: October ²⁸~~27~~, 2005

Boyd L. Petersen TTE -
Boyd L. Petersen, Trustee

Idella P. Petersen TTE
Idella P. Petersen, Trustee

STATE OF Idaho

COUNTY OF Canyon

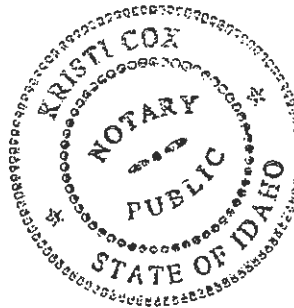
On this 28 day of October in the year 2005, before me, a
Notary Public, in and for the said State, personally appeared Boyd L.
Petersen and Idella P. Petersen known to me to be the person whose
name is subscribed to the within instrument as Co-Trustees of The
Petersen Family Trust and acknowledged to me that they executed the
same as such Co-Trustees.

Kristi Cox

Notary Public

Residing at

My commission expires



PIONEER TITLE COMPANY

PC 68632

Exhibit "A"

Parcel I

The Southeast Quarter of Section 31, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

That portion of the Southwest Quarter of the Southeast Quarter of Section 31, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Beginning at the Southwest corner of said Southwest Quarter of the Southeast Quarter; Thence North along the West line of said Southwest Quarter of the Southeast Quarter, a distance of 217.8 feet; thence East parallel to the South line of said Southwest Quarter of the Southeast Quarter, a distance of 800 feet; thence South parallel with the said West line of the Southwest Quarter of the Southeast Quarter, a distance of 217.8 feet to a point on the South line of said Southwest Quarter of the Southeast Quarter; thence East along the said South line a distance of 800 feet to the Point of Beginning.