

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant Tuscany Development Inc. and Kenai Partners, LLC Phone (208) 888-9771

Post Office address c/o Greg Johnson, P.O. Box 344, Meridian, ID 83680

RECEIVED

APR 10 2007

WATER RESOURCES
WESTERN REGION

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 A new well will be drilled to serve common areas in a planned subdivision. The new place of use will be 17 acres of irrigated common area within the permissible place of use of the subdivision boundary.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-32324</u>	<u>09/19/1966</u>	<u>0.2 cfs/76.5 ac-ft</u>	<u>irrigation</u>	<u>March 15</u> to <u>November 15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.2 cubic feet per second and/or 76.5 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	NW	24	03N	01W	Ada	

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	
03N	01W	24						13	38	3.8	32	26							112.8

Total Acres 17 acres within 112.8 acres

PART 1

6. General Information:

a. Description of diversion system well and pump to pressurized irrigation 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:

n/a

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 (see attached Adjudication Recommended Right Report)

1. Right as evidenced by:
- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
 - b. License No. _____ 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 _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:
- | | | | |
|-----------------------------|-----------|---------------------|----------|
| amount _____
(cfs/ac-ft) | for _____ | purposes from _____ | to _____ |
| amount _____
(cfs/ac-ft) | for _____ | purposes from _____ | to _____ |
| amount _____
(cfs/ac-ft) | for _____ | purposes from _____ | to _____ |

6. Total amount of water under right _____ 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 Nampa Meridian Irrigation District

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 _____ 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:

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

3. 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 _____

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:

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

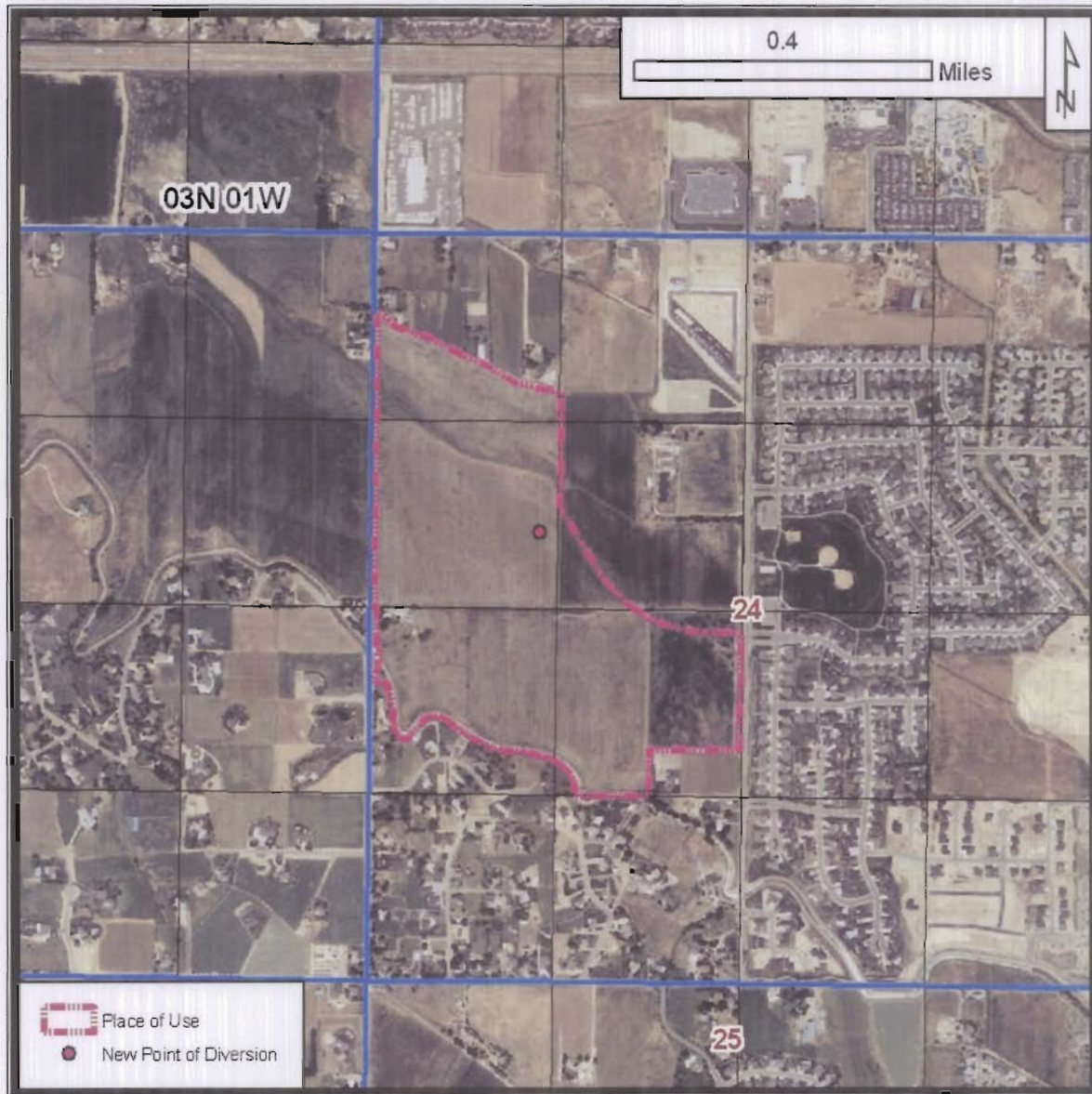
3. Lands irrigated or place of use:

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 _____

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.



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 _____

Quantity and quality of return flows and location of discharge: _____

2. Describe effects on other water uses resulting from 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.

Greg Johnson
 (Signature of Applicant)

Subscribed and sworn to before me this 22nd day of March

Maureen L. Boney
 (Notary Public)

My commission expires 8/30/08 Reside: Meridian, ID

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 3 attachments

Received by SB Date 4-10-07 Protest filed by _____

Prelim. Check by KW Fee \$100 -

Received by DB / W035252 Date 4-10-07

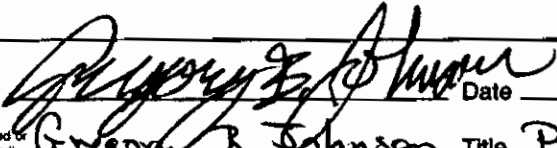
Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

No. C 146754		Due no later than December 31, 2006 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address - Correct in this box, if applicable TUSCANY DEVELOPMENT, INC. GREGORY B JOHNSON PO BOX 344 MERIDIAN, ID 83680		GREGORY B JOHNSON 660 E FRANKLIN STE 240 MERIDIAN, ID 83642 3. New Registered Agent Signature	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
President	Gregory B Johnson	PO Box 344	meridian	ID	83680
Vice President	Robert R Bass	PO Box 344	meridian	ID	83680
Treasurer/Sec.	RCraig Groves	PO Box 344	meridian	ID	83680
5. Organized Under the Laws of: IDAHO C 146754		6. Signature  Date <u>10/30/06</u> Name (Typed or Printed) <u>Gregory B Johnson</u> Title <u>President</u>			

Issued 10/02/2006

Do Not Tape or Staple

200612007568

Attachment #1

W-4306 No.	Due no later than July 31, 2006 Annual Report Form		2. Registered Agent and Office NO PO BOX R CRAIG GROVES 6223 N DISCOVERY WAY BOISE, ID 83713 3. New Registered Agent Signature 
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address - Correct in this box, if applicable KENAI PARTNERS, LLC R CRAIG GROVES 6223 N DISCOVERY WAY BOISE, ID 83713		
4. Limited Liability Companies: Enter Names and Addresses of Managers.			
Office held Name	Street or P.O. Address	City State Zip	
managing member R. Craig Groves 6223 N. Discovery Way #120 Boise, ID 83713 managing member Robert R. Bass 6223 N. Discovery Way #120 Boise, ID 83713 managing member Greg Johnson P.O. Box 344 Meridian, ID 83480			
5. Organized Under the Laws of: IDAHO W 4306	6. Signature 		Date 6-1-06 Title Registered Agent
Issued 05/07/2006 200607004891			

Do Not Tape or Staple

Attachment #1a

CloseIDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

03/08/2007

WATER RIGHT NO. 63-32324

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENAI PARTNERS 6223 N DISCOVERY WAY BOISE, ID 83713 (208)888-9946
Directors Report Owner	CHARLES KINGSTON 2045 STODDARD LN MERIDIAN, ID 83642 (208)888-1434
Original Owner	HAROLD O STEWART RT 3 MERIDIAN, ID 83642

Priority Date: 09/19/1966

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.2 CFS	76.5 AFA
Total Diversion			0.2 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENW|Sec. 24|Township 03N|Range 01W|ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	01W	24		SEnw	17									

Total Acres: 17

Conditions of Approval:

1. This right is a split from former right 63-3543A.
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE
2. S39 MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient
3. C18 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.
4. W51 Use of this right is combined with water from Nampa Meridian Irrigation District.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

QUITCLAIM DEED

FOR VALUE RECEIVED

BEAR CREEK, LLC

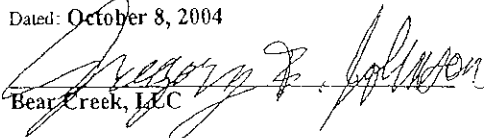
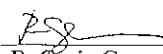
do hereby convey, release, remise and quit claim unto

Kenai Partners, LLC., an Idaho Limited Liability Company

whose current address is: 6223 N Discovery Way Boise, ID 83713
the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

Dated: October 8, 2004


Bear Creek, LLC
R. Craig Groves, Member

STATE OF _____, County of _____, ss.

On this _____ day of _____ in the year of
2004, before me, the undersigned, a Notary Public in and
for said State, personally appeared
Gregory B. Johnson, Managing Member and
Robert Bass, Member

known or identified to me to be the person whose name
subscribed to the within instrument, and acknowledged
to me that executed the same.

Signature: _____

Name: _____

Residing at: _____

My commission expires: _____

Lawyers Title of Treasure Valley

Attachment 3

EXHIBIT "A"

Parcel "D"

A parcel of land being a portion of the W1/2 of Section 24, T.3N., R.1W., B.M., Ada County, Idaho more particularly described as follows:

Commencing at the C1/4 corner of said Section 24 from which the N1/4 corner of said Section 24 bears North 00°51'53" East, 2634.95 feet; thence along the

East-West centerline of said Section 24 North 89°27'14" West, 773.73 feet to the REAL POINT OF BEGINNING; thence continuing along said East-West centerline North 89°27'14" West, 550.23 feet to the NW1/4 corner of said Section 24; thence along the North-South centerline of the NW1/4 of said Section 24 North 00°46'51" East, 735.60 feet; thence leaving said North-South centerline South 30°37'41" East, 510.19 feet to the beginning of a curve to the left; thence along said curve 414.98 feet, said curve having a radius of 970.00 feet, a central angle of 24°30'43" and a long chord of 411.82 feet which bears South 42°53'03" East to the REAL POINT OF BEGINNING

Attachment 3a