

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 73934

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

DEC 21 2005

PART 1

WATER RESOURCES

WESTERN REGION

Name of applicant Linda L. Yanke and Daniel R. Yanke Phone 208-342-8901
Post Office address 4414 S. Becker Lane, Boise, ID 83705

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 Expand PPU due to the installation of
Pivot Sprinklers. An accompanying application for permit covers the additional
acreage brought into production in 1995 as a result of the pivots
installation.

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>2-4100A</u>	<u>7-15-1952</u>	<u>2.8/630</u>	<u>Irrigation</u>	<u>3-15</u> to <u>11-15</u>
<u>2-7086</u>	<u>7-28-1971</u>	<u>4.64/1044</u>	<u>Irrigation</u>	<u>3-15</u> to <u>11-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 7.44 cubic feet per second and/or 1674 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
<u>8</u>		<u>NW</u>	<u>SE</u>	<u>35</u>	<u>35</u>	<u>1E</u>	<u>Owyhee</u>	
<u>7</u>		<u>NE</u>	<u>SE</u>	<u>35</u>	<u>35</u>	<u>1E</u>	<u>Owyhee</u>	
<u>7</u>		<u>NW</u>	<u>SE</u>	<u>36</u>	<u>35</u>	<u>1E</u>	<u>Owyhee</u>	
_____	_____	_____	_____	_____	_____	_____	_____	_____

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>35</u>	<u>1E</u>	<u>35</u>									<u>40</u>	<u>36</u>	<u>33</u>	<u>40</u>	<u>28</u>	<u>30</u>	<u>40</u>	<u>40</u>	<u>287</u>
<u>35</u>	<u>1E</u>	<u>36</u>									<u>30</u>	<u>32</u>	<u>32</u>	<u>25</u>	<u>15</u>	<u>25</u>	<u>24</u>	<u>10</u>	<u>193</u>

Total acres 480

PART 1**6. General Information:**

a. Description of diversion system Pumps, Sprinklers

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:

None Anticipated

d. Remarks:

Pivot Sprinklers were installed around 1995. An application for permit has been filed to cover the additional acreage brought into production.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 2-2100A

Priority Date: 07/15/1952

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: SNAKE RIVER

Tributary to: COLUMBIA RIVER

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
IRRIGATION	03/15 11/15	2.80 CFS	630.0 AFA	
Total Diversion		2.80 CFS	630.0 AFA	

Source and Point(s) of Diversion:

SNAKE RIVER	L8 (NWSE)	03S 01E 35	OWYHEE
SNAKE RIVER	L7 (NESE)	03S 01E 35	OWYHEE
SNAKE RIVER	L7 (NWSE)	03S 01E 36	OWYHEE

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	
03S 01E 35									32.0	36.0	29.0	36.0	18.0	27.0	28.0	25.0	231.0
									L 9				L 7	L 8			
03S 01E 36									21.0	19.0	24.0	30.0	1.0	17.0	20.0	8.0	140.0
									L 6	L 5			L 8	L 7			

Total Acres: 372

Conditions/Remarks:

1. Right 02-07086 is also diverted through the point(s) of diversion described above.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. USE OF THIS RIGHT WITH RIGHT NO. 02-07086 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 372 ACRES IN A SINGLE IRRIGATION SEASON.
4. 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.
5. This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. 73934
Receipt No. ~~NO 33695~~

Current Water Right No. 2-2100A

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Prior to diversion of water under Right Nos. 02-02100A and 02-07086, flow measurement ports or other devices approved by the Department shall be installed on all points of diversion.
9. 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 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.

Describe any other water rights used for the same purpose as described above: *Accompanying application for permit*

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? *No*

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 2-7086

Priority Date: 07/28/1971

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: SNAKE RIVER

Tributary to: COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	4.64 CFS	1,044.0 AFA	
Total Diversion		4.64 CFS	1,044.0 AFA	

Source and Point(s) of Diversion:

SNAKE RIVER	L7 (NESE)	03S	01E	35	OWYHEE
SNAKE RIVER	L7 (NWSE)	03S	01E	36	OWYHEE
SNAKE RIVER	L8 (NWSE)	03S	01E	35	OWYHEE

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	
03S 01E 35									32.0	36.0	29.0	36.0	18.0	27.0	28.0	25.0	231.0
									L 9				L 7	L 8			
03S 01E 36									21.0	19.0	24.0	30.0	1.0	17.0	20.0	8.0	140.0
									L 6	L 5			L 6	L 7			

Total Acres: 372

Conditions/Remarks:

- Right 02-2100A is also diverted through the point(s) of diversion described above.
- This right is limited to the irrigation of 232 acres within the place of use described above in a single irrigation season.
- Prior to diversion of water under Right Nos. 02-02100A and 02-07086, flow measurement ports or other devices approved by the Department shall be installed on all points of diversion.
- 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.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. 73934
Receipt No. W033695

Current Water Right No. 2-7086

6. 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 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.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
9. USE OF THIS RIGHT WITH RIGHT NO. 02-2100A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 372 ACRES IN A SINGLE IRRIGATION SEASON.

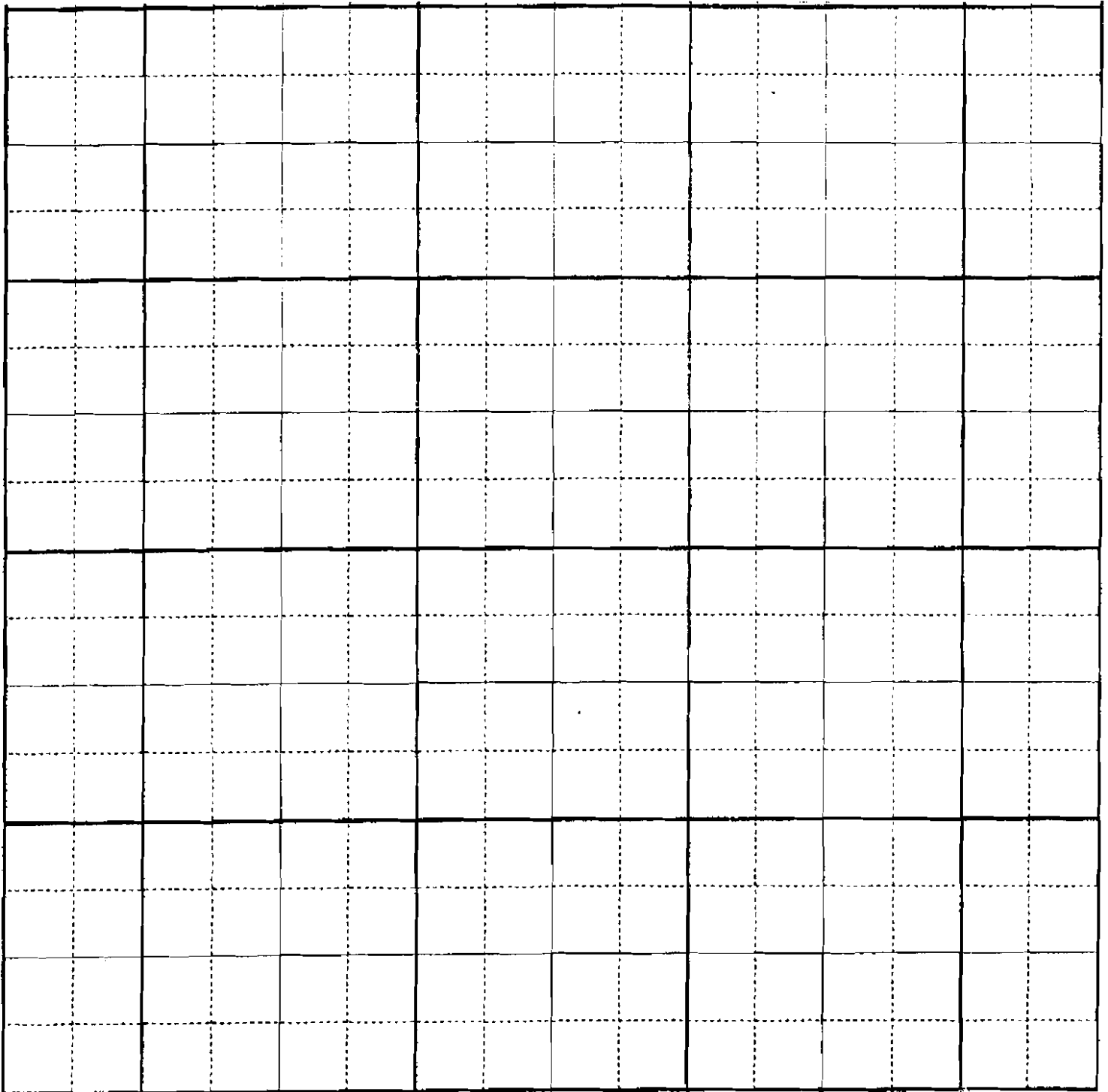
Describe any other water rights used for the same purpose as described above: *Accompanying Application for permit.*

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? *No*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3 *See Attached Maps*

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



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/ac-ft)	Hours/days/year	Period of Use
	<u>NA</u>			to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

NA

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

None Anticipated

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.

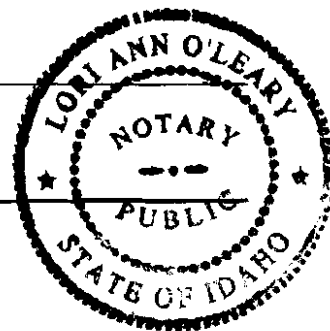
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Linda G. Yurke and Daniel K. YurkeBy: Richard D. Heaton, General Counsel

(Signature of Applicant)

Subscribed and sworn to before me this 21st day of December, 2005.My commission expires 7/12/07

(Notary Public)

**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 5 attachmentsReceived by g Date 12/21/05 Protest filed by _____Prelim. check by JA Fee \$530Received by g Date 12/21/05 (W033695)Published in OWYHEE AVALANCHE DB Copies of protest forwarded by _____Pub. dates JUNE 18 & 25, 2008 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

When recorded mail to: P.O. Box 5405, Boise, ID 83713

SPECIAL WARRANTY DEED

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, ALFRED L. HEYWOOD and PHYLLIS S. HEYWOOD, husband and wife ("Grantors"), hereby grant and convey unto RONALD C. YANKE and LINDA L. YANKE, husband and wife, as to an undivided 50% interest as a tenant in common, and DANIEL R. YANKE, a single man, as to an undivided 50% interest as a tenant in common ("Grantees") all right, title and interest of Grantors in and to the following described real property located in Owyhee County, Idaho, together with all rights and privileges appurtenant thereto:

The property described on Exhibit A attached hereto and incorporated herein by this reference.

Grantors hereby transfer and assign unto Grantees all warranties of title or of any nature whatsoever which Grantors own or to which Grantors are entitled with respect to Grantors' interest in the real property described herein; provided, however, that Grantors warrant title as against all of Grantors' acts and no other acts and subject to taxes and assessments, and to all reservations, easements, rights of way, covenants, conditions, restrictions, liens and encumbrances and other matters as may appear of record or of which Grantees have actual knowledge; and also subject to all matters set forth on Exhibit B attached hereto and made a part hereof by this reference.

Dated as of this 12th day of June, 1995.

Alfred L. Heywood
ALFRED L. HEYWOOD

Phyllis S. Heywood
PHYLLIS S. HEYWOOD

STATE OF ARIZONA)
) ss.
County of Maricopa)

This instrument was acknowledged before me this 12th day of June, 1995 by ALFRED L. HEYWOOD and by PHYLLIS S. HEYWOOD.



Toni L. Larson
Notary Public

~~EXHIBIT B TO AGREEMENT~~

ATTACHMENT A (3 PAGES)

**EXHIBIT A
TO SPECIAL WARRANTY DEED**

PARCEL ONE:

The west half of the Southwest quarter, the Southeast quarter of the Southwest quarter, the South half of the Southeast quarter, and Lots 7, 8 and 9, all in Section 35; and Lots 5 and 6, in Section 36; all in Township 3 South, Range 1 East of the Boise Meridian, Owyhee, County, Idaho.

PARCEL TWO:

The South half of the Southwest quarter, the Southwest quarter of the Southeast quarter, Lot 7, the West half of Lot 8, and the West half of the Southeast quarter of the Southeast quarter, all in Section 36, Township 3 South, Range 1 East of the Boise Meridian, Owyhee County, Idaho.

**EXHIBIT B
TO SPECIAL WARRANTY DEED**

1. Reservations in patents from the United States or the State of Idaho;
2. Unpatented mining claims, if any;
3. Prescriptive easements and other easements not of record, if any; and
4. Encroachments, overlaps, potential boundary line disputes, and all other matters that are observable or discoverable by an accurate and complete inspection and survey of the Property.

E:\...heywood\farm\51503.010\deed.004

215871

FILED-RECORDED

'55 JUN 15 PM 3 09

BY E. Heywood

REGISTERED
Shirley M. Co.
PER 49.00

INDEXED

PHOTODUPLICATION

73934

SCHEDULE A

Effective Date: **December 20, 2005 @ 7:30 a.m.**Commitment No: **PO6662**

To:
PIONEER TITLE
ATTN: JANET BLOSCH
703 S. Americana Suite 190
Boise, Idaho 83702

Escrow inquiries should be directed to:

NA

Title inquiries should be directed to:

Michael D. Thill

Policy or Policies to be issued:

	Amount	Fee
Owner's Policy - STANDARD		
ALTA Form 1402.92 (10-17-92)	\$1,150,000.00	\$3,080.00
Proposed Insured:		
JAMES KRANZ, dba BOX SPRINGS LAND AND LIVESTOCK		

Loan Policy -

ALTA Form 1056.92 (10-17-92)

Proposed Insured:

Endorsements:

3. Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date by:

RONALD C. YANKE and LINDA L. YANKE, husband and wife, as to an undivided 50% interest, and DANIEL R. YANKE, as separate property as to an undivided 50% interest, as tenants in common

4. The land referred to in this Commitment is described as follows:

See Attached Exhibit "A"

ATTACHMENT B (2 PAGES)

73934

PO6662

Exhibit "A"**PARCEL NO. 1:****In Township 3 South, Range 1 East, Boise Meridian, Owyhee County, Idaho****Section 35: Lots 7, 8, 9, West One-Half of the Southwest Quarter, Southeast Quarter of the Southwest Quarter, South One-Half of the Southeast Quarter****Section 36: Government Lots 5 and 6****PARCEL NO. 2:****In Township 3 South, Range 1 East, Boise Meridian, Owyhee County, Idaho****Section 36: South One-Half of the Southwest Quarter, Southwest Quarter of the Southeast Quarter, Government Lot 7, West One-Half of the Southeast Quarter of the Southeast Quarter****PARCEL NO. 3:****In Township 3 South, Range 1 East, Boise Meridian, Owyhee County, Idaho****Section 36: Government Lot 8, excepting therefrom any portion thereof lying within the following described parcel;****A parcel of Lot 8 described as BEGINNING at the Southeast corner of said Lot 8, thence West on the South line of the Lot a distance of 660 feet; thence North to a meander line of the Snake River; thence in a Southeasterly direction along said river to the East line of said Section 36; thence South to the POINT OF BEGINNING.**B₂

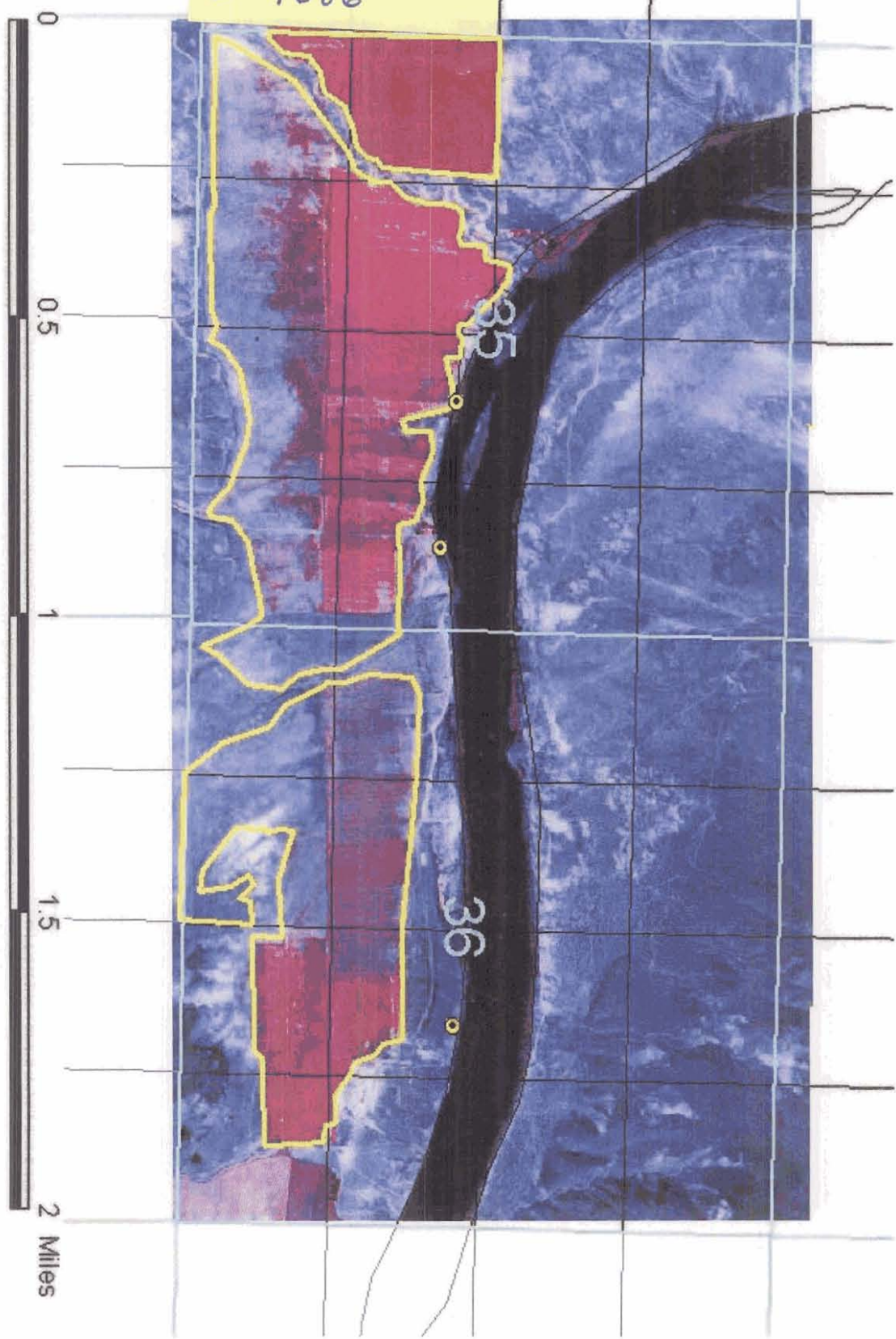
PROPOSED P/U

T3S R1E



Idaho Department of Water Resources

P/m covered
by license
2-2100A +
2-7086



Claim Number: 02-02100A, 02-07086
Legal: T03S, R01E, S35 & 36
Reviewed By: SJR 2/2/05

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





3

Escrow No. 0600040852 *MB*

QUITCLAIM DEED

FOR VALUE RECEIVED

James W. Kranz and Carol J. Kranz, husband and wife

do(es) hereby convey, release and forever quitclaim unto:
Rubber Band Holdings, LLC

whose current address is: 910 N. Curtis Road Boise, Idaho 83706
the following described premises, to-wit:
See attached Exhibit "A"

INDEXED
FILED

Instrument # 254986
MURPHY, OWYHEE, IDAHO
2006-01-27 04:32:25 No. of Pages: 3
Recorded for: PIONEER TITLE COMPANY
CHARLOTTE SHERBURN Fee: 9.00
Ex-Officio Recorder Deputy *A. Dygest*
Index to: DEED, QUIT-CLAIM

Date: January 25, 2006

James W. Kranz
James W. Kranz

Carol J. Kranz
Carol J. Kranz

Notary Acknowledgment – see page 2

ATTACHMENT E (3 pgs)

PO6662

Exhibit "A"

PARCEL NO. 1:

In Township 3 South, Range 1 East, Boise Meridian, Owyhee County, Idaho

Section 35: Lots 7, 8, 9, West One-Half of the Southwest Quarter, Southeast Quarter of the Southwest Quarter, South One-Half of the Southeast Quarter

Section 36: Government Lots 5 and 6

PARCEL NO. 2:

In Township 3 South, Range 1 East, Boise Meridian, Owyhee County, Idaho

Section 36: South One-Half of the Southwest Quarter, Southwest Quarter of the Southeast Quarter, Government Lot 7, West One-Half of the Southeast Quarter of the Southeast Quarter

PARCEL NO. 3:

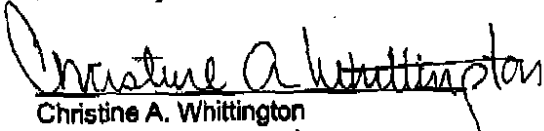
In Township 3 South, Range 1 East, Boise Meridian, Owyhee County, Idaho

Section 36: The West Half of Government Lot 8, excepting therefrom any portion thereof lying within the following described parcel;

A parcel of Lot 8 described as BEGINNING at the Southeast corner of said Lot 8, thence West on the South line of the Lot a distance of 660 feet; thence North to a meander line of the Snake River; thence in a Southeasterly direction along said river to the East line of said Section 36; thence South to the POINT OF BEGINNING.

State of Idaho, County of Ada, ss.

On this 25th day of January in the year of 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared James W. Kranz and Carol J. Kranz known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.


Christine A. Whittington
Residing at: Boise, Idaho
My commission expires: 08/15/2008

