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Form 222 November 30, 1999

JUN 05 2006

Page 1 of 7WATER RESOURCES STATE OF IDAHO
WESTERN REGION DEPARTMENT OF WATER RESOURCESTransfer No. 73786

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Dwyer Development (Stawn Brown/re Scott Woods) Phone 208-288-5566Post Office address 36 E. Pine Meridian, ID 83642

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 Diversion point change due to new development at existing location.

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

1. Right Number 63-3243 Priority _____ Amount (cfs/ac-ft) 2.5 cfs Nature of Use Irrigation Period of Use March 15 to Nov 15
63-32323 0.62 _____ to _____
 _____ to _____
 _____ to _____

2. Total amount of water being transferred 2.5 cubic feet per second and/or 172 acre-feet per annum.3. Source of water Subterranean tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NE	SE		10	3N	3W	Canyon	Pump Station

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	10				40				31				11				2	84 ±

Total Acres ± 84

PART 1

6. General Information:

a. Description of diversion system Pump Station Supplemental source for irrigation water.

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:
Land has been developed

d. Remarks:
N/A

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. 63-3243 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 Subterranean tributary to N/A4. Date or priority June 9, 1961

5. Water is used for the following purposes:

amount 2.5 cfs/702 ac-ft for Irrigation purposes from March 15 to Nov. 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 2.5 cubic feet per second and/or 702 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SE	NE		10	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	10	38				40				38				40				156

Total Acres 1569. Describe any other water rights used for the same purpose as described above N/A

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	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for 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	

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:

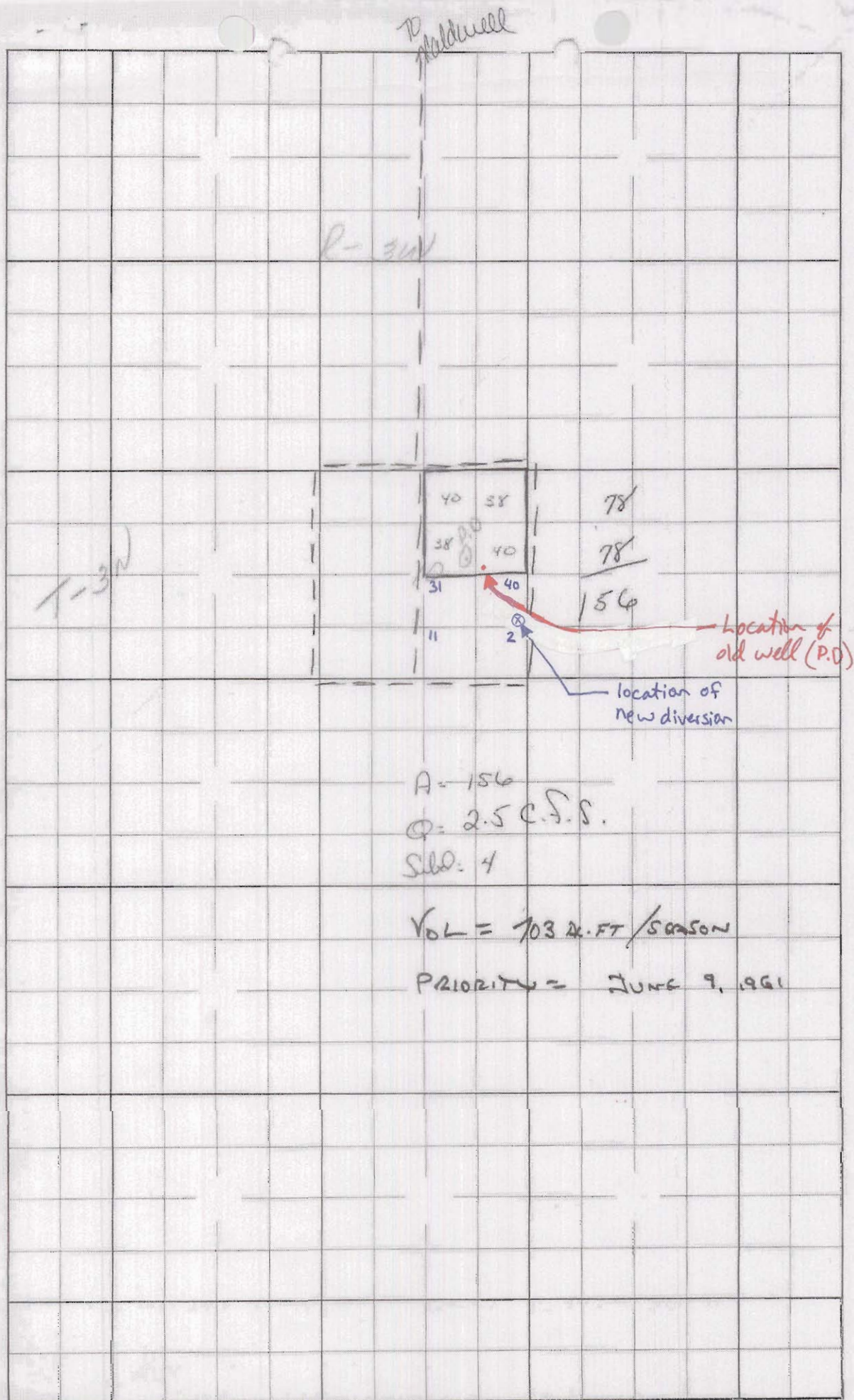
Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

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	

Total Acres _____





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

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>No change in nature of use</u>	_____	_____	_____ to _____ _____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. 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.

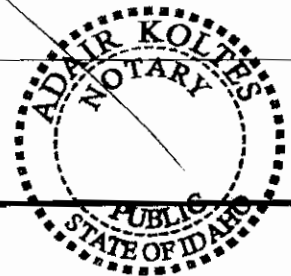
I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this 30th day of May, 20 08.

Adair Koltes
(Notary Public)

My commission expires 6-05-2010

**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by DB Date 6-9-06 Protest filed by _____

Prelim. Check by _____ Fee \$ 330 -

Received by DB W034296 Date 6-9-06

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 _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32323 V1

WATER RIGHT NUMBER: 63-32323 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DYVER DEVELOPMENT 1977 E OVERLAND RD MERIDIAN, ID 83642 (208) 288-5560

Priority Date: 06/09/1961

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>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.620 CFS	173.25 AF
	<u>Total Diversion:</u>	0.620 CFS	173.25 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 10, Twp 03N, Rge 03W, B.M.
CANYON 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	
03N	03W	10			30.0	8.5													38.5

Total Acres: 38.5

Conditions of Approval:

1. F05 Right No. 63-32322 is also diverted through point of diversion described above.
2. This right is a split from former right 63-3243.
3. W40 Use of this right is combined with water from Pioneer Irrigation District.
4. W59 Use of this right is combined with water from Wilder Irrigation District.
5. 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 before March 15 and after November 15 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.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. 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.

PARCEL I:

All that portion of the West Half of the Southeast Quarter of Section 10, Township 3 North, Range 3 West lying North and East of the center line of the Forest Canal.

EXCEPTING THEREFROM:

A portion of the Northwest Quarter of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian, more particularly described as follows, to wit:

COMMENCING at the Northeast corner of the said Northwest Quarter of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian, and running South along the East line of the said Northwest Quarter of the Southeast Quarter 433.2 feet to the INITIAL POINT; thence continuing South along the said East line, 654.0 feet; thence North 35°08' West, 328.2 feet; thence North 51°30' West, 140 feet; thence North 45° East, 422.0 feet to the Initial Point.

EXCEPTING THEREFROM:

A portion of the West Half of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian, more particularly described as follows to wit:

COMMENCING at the Southeast corner of said Section 10, Township 3 North, Range 3 West of the Boise Meridian, and running North 89°39' West 1307.9 feet along the South line of said Section 10 to the INITIAL POINT; thence North 0°43' East 703.7 feet; thence South 50°32' West 349.8 feet; thence South 32°28' East 93 feet; thence South 1°04' East 90.5 feet; thence South 54°21' East 107.3 feet; thence South 26°07' East 278.2 feet to the INITIAL POINT.

45 C7

EXCEPTING THEREFROM:

Beginning at the Northwest corner of the Southeast Quarter of Section 10; thence North 89°32' East, along the North boundary of said Southeast Quarter, a distance of 150.0 feet; thence South 0°02'30" West, parallel to the West boundary of said Southeast Quarter, a distance of 125.0 feet; thence South 89°32' West, parallel to the North boundary of said Southeast Quarter to a point on the West boundary of said Southeast Quarter, a distance of 150.0 feet; thence North 00°02'30" East, along the West boundary of said Southeast Quarter, a distance of 125.0 feet to the POINT OF BEGINNING; located and situated in Canyon County in the Northwest Quarter of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian.

EXCEPTING THEREFROM:

Parcel situated in the Northwest Quarter of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian, and is more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of the Southeast Quarter of Section 10; thence North 89°32' East along the North boundary of said Northwest Quarter of the Southeast Quarter a distance of 310.18 feet to the TRUE POINT OF BEGINNING; thence continuing North 89°32' East along the North boundary of said Northwest Quarter of the Southeast Quarter a distance of 977.11 feet; thence South 44°36'45" West a distance

85 C2

of 741.85 feet to the center line of the Deer Flat Caldwell Canal; thence North $37^{\circ}31'30''$ West along the center line of said Canal a distance of 159.44 feet; thence North $28^{\circ}36'15''$ West along the center line of said Canal a distance of 213.97 feet; thence North $51^{\circ}15'15''$ West along the center line of said Canal a distance of 328.89 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

That part of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, Township 3 North, Range 3 West of the Boise Meridian, more particularly described as follows:

COMMENCING at the Northwest corner of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$); thence North $89^{\circ}32'00''$ East along the North boundary of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) a distance of 150.00 feet to the TRUE POINT OF BEGINNING; thence continuing North $89^{\circ}32'00''$ East along the North boundary of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) a distance of 104.82 feet to a point on the center line of an existing irrigation canal; thence South $51^{\circ}15'15''$ East along the center line of said irrigation canal, a distance of 126.16 feet; thence leaving the center line of said irrigation canal and running South $49^{\circ}08'40''$ West a distance of 69.81 feet; thence South $89^{\circ}32'00''$ West parallel with the North boundary of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) a distance of 150.50 feet; thence North $0^{\circ}02'30''$ East parallel with the West boundary of said Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) a distance of 125.00 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

This parcel is situated in the Northwest Quarter of the Southeast Quarter Section 10, Township 3 North, Range 3 West of the Boise Meridian and is more particularly described as follows:

FF C2

COMMENCING at the Northwest corner of said Northwest Quarter of the Southeast Quarter; thence South $0^{\circ}02'30''$ West, along the West boundary of said Northwest Quarter of the Southeast Quarter, a distance of 125.00 feet to the TRUE POINT OF BEGINNING; thence North $89^{\circ}32'00''$ East, parallel with the North boundary of said Northwest Quarter of the Southeast Quarter, a distance of 300.50; thence North $49^{\circ}08'40''$ East, a distance of 69.81 feet to a point on the centerline of an existing irrigation canal; thence South $51^{\circ}15'15''$ East, along the centerline of said irrigation canal a distance of 20.33 feet; thence leaving the centerline of said irrigation canal and running South $49^{\circ}08'40''$ West, a distance of 343.65 feet; thence South $89^{\circ}32'00''$ West, parallel with the North boundary of said Northwest Quarter of the Southwest Quarter a distance of 109.37 feet to a point on the West boundary of said Northwest Quarter of the Southeast Quarter; thence North $0^{\circ}02'30''$ East, along the West boundary of said Northwest Quarter of the Southeast Quarter a distance of 190.30 feet to the TRUE POINT OF BEGINNING.

PARCEL II:

A portion of the Northeast Quarter of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian, more particularly described as follows, to-wit:

Commencing at the Northwest corner of the said Northeast Quarter of the Southeast Quarter of Section 10, Township 3 North, Range 3 West of the Boise Meridian, the INITIAL POINT; thence South along the West line of said Northeast Quarter of the Southeast Quarter 433.2 feet; thence North 45° East, 617.6 feet to a point in the North line of said Northeast Quarter of the Southeast Quarter; thence South $89^{\circ}32'$ West, 436.7 feet to the INITIAL POINT.

AND

A portion of the East Half of the Southeast Quarter of Section 10, Township 3 North,

84 C 2

range 3 West of the Boise Meridian, more particularly described as follows, to-wit:

COMMENCING at the Southeast corner of said Section 10, Township 3 North, Range 3 West of the Boise Meridian and running North $89^{\circ}39''$ West, 1307.9 feet along the South line of said Section 10, Township 3 North, Range 3 West of the Boise Meridian; thence North $0^{\circ}43'$ East 703.7 feet to the INITIAL POINT; thence continuing North $0^{\circ}43'$ East 763.8 feet; thence South $28^{\circ}32'$ East 159.0 feet; thence South $18^{\circ}50'$ East 456.7 feet; thence South $50^{\circ}32'$ West 301.7 feet to the INITIAL POINT. *99 sm*

together with any water rights appurtenant to or used upon Parcel I and Parcel II above described.

200006352

RECORDED

00 FEB 23 AM 10 59

C NOEL MALES

CANYON COUNTY RECORDER
BY *[Signature]*

RECEIVED *[Signature]*
FEB 18 2000

CF

2495-1/pe

SOUTH PARK No. 10

A Pioneer Company
PIONEER TITLE COMPANY
 OF ADA COUNTY
 8151 W. Rifleman Ave. / Boise, Idaho 83704
 (208) 377-2700

2004 DEC 21 PM 4 55
 G NOEL HALE
 OAHON CNY RECORDER
 R. O'Sullivan

RECORDED

200489872

WARRANTY DEED

For Value Received Mitts Naito and Joyce Naito, husband and wife and Hiroshi Naito, a
 single person

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

Dwyer Development, LLC

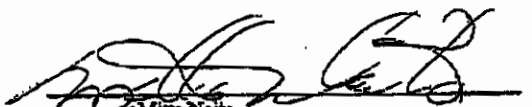
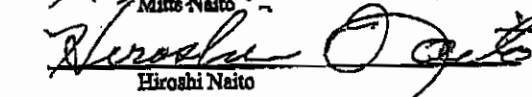
hereinafter referred to as Grantee, whose current address is 1977 E. Overland, Meridian, ID 83642
 the following described premises, to-wit

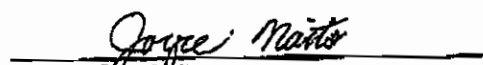
SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

REQUEST PIONEER-NAMPA
 TYPED AND FILED

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 current 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.

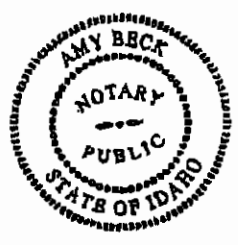
Dated: December 15, 2004


 Mitts Naito

 Hiroshi Naito


 Joyce Naito

STATE OF IDAHO. County of ADA, ss.

On this 21st day of December, in the year of 2004, before me the undersigned, notary public personally appeared Mitts Naito and Joyce Naito and Hiroshi Naito known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.




 Desiree A. Eggen
 Notary Public of IDAHO
 Residing at Nampa, Idaho
 Commission expires: March 9, 2006

Residing in Nampa, Idaho
 My Commission Expires 4/21/06

PARCEL DESCRIPTION

December 13, 2004

Project: South Park Subdivision-Remainder (Phases 7,9&10)
Parcel No: 31298

A parcel of land being a portion of the northeast ¼ of Section 10, Township 3 North, Range 3 West of the Boise Meridian, City of Caldwell, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the found 5/8" rebar, Corner Record No. 200451057, marking the southwest corner of the said northeast ¼ (center ¼ corner) of Section 10;

Thence North 00°27'03" East coincident with the west line of the said northeast ¼ of Section 10, a distance of 110.89 feet to the POINT OF BEGINNING;

Thence North 00°27'03" East coincident with the west line of the said northeast ¼ of Section 10, a distance of 41.11 feet;

Thence South 68°21'58" East, 160.87 feet;

Thence North 00°27'03" East, 465.21 feet;

Thence North 89°57'30" West, 150.00 feet to the west line of the said northeast ¼ of Section 10;

Thence North 00°27'03" East coincident with the said west line of the northeast ¼ of Section 10, a distance of 248.90 feet to the southerly boundary line of South Park 2 Subdivision Unit No. 5;

Thence South 89°30'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 231.82 feet;

Thence North 00°30'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 45.63 feet;

Thence North 84°20'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 121.99 feet;

Thence North 52°35'39" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 70.49 feet;

Thence South 89°30'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 99.42 feet;

Thence North 00°30'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 62.93 feet;

Thence North 29°10'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 20.00 feet;

Thence North 48°35'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 386.75 feet;

Thence North 40°31'02" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 57.15 feet;

Thence North 49°35'00" East coincident with the said southerly boundary line of South Park 2 Subdivision Unit No. 5, a distance of 125.62 feet to the centerline of the Phyllis Canal;

Thence South 41°24'43" East coincident with the centerline of said Phyllis Canal, 387.08 feet;

Thence South 39°49'36" East coincident with the centerline of said Phyllis Canal, 232.07 feet;

Thence South 51°25'44" East coincident with the centerline of said Phyllis Canal, 57.45 feet;

Thence South 60°03'26" East coincident with the centerline of said Phyllis Canal, 223.66 feet to the beginning of a tangent curve;

Thence coincident with the centerline of said Phyllis Canal, and along the arc of said curve to the right 317.69 feet, with a central angle of 23°43'05", a radius of 767.45 feet, subtended by a chord bearing South 45°45'44" East, 315.43 feet;

December 13, 2004

DJS/ep

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\\Project\Hillman Development\LLC\31298 So Park Subdivision\Survey\Legal\Unit No. 9\TOTAL.doc

Thence South 35°29'03" East coincident with the centerline of said Phyllis Canal, 14.12 feet;

Thence South 35°29'13" East coincident with the centerline of said Phyllis Canal, 176.80 feet;

Thence South 38°52'12" East coincident with the centerline of said Phyllis Canal, 21.02 feet to the northeast corner of South Park 2 Subdivision Unit No. 8 as shown on file in Book 35 of Plats at Page 2, Canyon County Records;

Thence South 51°10'00" West coincident with the northwesterly line of said South Park 2 Subdivision Unit No. 8, a distance of 188.56 feet;

Thence South 00°35'12" West coincident with the westerly line of said South Park 2 Subdivision Unit No. 8, a distance of 235.46 feet to the south line of the northeast ¼ of Section 10;

Thence South 89°52'12" West coincident with said south line of the northeast ¼ of Section 10 a distance of 1540.90 feet;

Thence North 56°32'57" West, 98.19 feet;

Thence North 73°31'27" West, 115.90 feet;

Thence North 68°00'27" West, 62.27 feet to the POINT OF BEGINNING.

The basis of bearings is North 00°27'03" East from the found 5/8" rebar, Corner Record No. 200417434, marking the center ¼ corner of Section 10 and the found 5/8" rebar, Corner Record No. 200417435, marking the north ¼ corner of Section 10, both in Township 3 North, Range 3 West of the Boise Meridian, City of Caldwell, Canyon County, Idaho.

The above described parcel contains 38.29 acres, more or less.

Together with and subject to covenants, easements and restrictions of record.

David S. Short Jr., P.L.S. *David Short*
End of Description

