

Transfer No. 73906

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
NOV 13 2006
WATER RESOURCES
WESTERN REGION

Name of Applicant Tuscany Hills, LLC Phone (208) 859-8848
Post Office address 82 East State Street, Suite B, Eagle, ID 83616

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 Applicant proposes to retain existing points of diversion and add three new points of diversion on-site. The applicant also proposes to add 0.7 acres to the permissible place of use.

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>63-31801</u>	<u>4/13/1967</u>	<u>0.72cfs/344.2af</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>63-31799</u>	<u>10/7/1968</u>	<u>0.30cfs/127.0af</u>	<u>Irrigation</u>	<u>4/1</u> to <u>11/1</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.02 cubic feet per second and/or 428 acre-feet per annum.
3. Source of water Ground Water tributary to NA
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	Proposed Public Water System Well
		NW	SW	11	2N	3W	Canyon	Proposed Public Water System Well
		NW	SW	11	2N	3W	Canyon	Proposed Public Water System Well
		NW	SW	11	2N	3W	Canyon	Existing Irrigation Well
		NE	SE	11	2N	3W	Canyon	Existing Irrigation Well

5. 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	
2N	3W	10			0.4	34.6									19.0			3.5	57.5
		11						18.0	30.0			40.0							88.0

Total Acres 95.1 irrigated acres within a 145.5 permissible place of use

PART 1

6. General Information:

a. Description of diversion system Five wells with electric pumps, booster pumps, and pipelines to places 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?
 _____ 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:

d. Remarks:

Applicant proposes up to three new wells to serve Tuscany Hills subdivision. Irrigation water will be delivered through a public water system or a pressurized irrigation system. Existing wells will supply pressurized irrigation system.

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. 63-31799 issued by the Idaho Department of Water Resources.
- c. Claim No. 63-31799 on file with the Idaho Department of Water Resources.
- d. Transfer No. 68832 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 Ground Water tributary to NA

4. Date or priority 10/7/1968

5. Water is used for the following purposes:

amount 0.30 cfs / 127.0 af for Irrigation purposes from 4/1 to 11/1
(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 0.30 cubic feet per second and/or 127.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	
		NE	SE	11	2N	3W	Canyon	

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	
2N	3W	10				34.8									19.0				56.8
		11						18.0	30.0			40.0							88.0

Total Acres 144.8

9. Describe any other water rights used for the same purpose as described above 63-31801 has the same permissible place of use and purpose

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.)

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]

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)

- [illegible]

- [illegible]

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

D. DESCRIPTION OF RIGHT AS RECORDED

4. Right as evidenced by:

- e. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- f. License No. 63-31801 issued by the Idaho Department of Water Resources.
- g. Claim No. 63-31801 on file with the Idaho Department of Water Resources.
- h. Transfer No. 68832 which produced this right.

5. 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 _____

9. Source of water Ground Water tributary to NA

10. Date or priority 4/13/1967

11. Water is used for the following purposes:

amount 0.72 cfs / 344.2 af for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

12. Total amount of water under right 0.72 cubic feet per second and/or 344.2 acre-feet per annum.

13. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	
		NE	SE	11	2N	3W	Canyon	

14. 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	
2N	3W	10				34.8									19.0				56.8
		11						18.0	30.0			40.0							88.0

Total Acres 144.8

11. Describe any other water rights used for the same purpose as described above 63-31799 has the same permissible place of use and purpose.

12. 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.)

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

6. Lands irrigated or place of use:

Total Acres _____

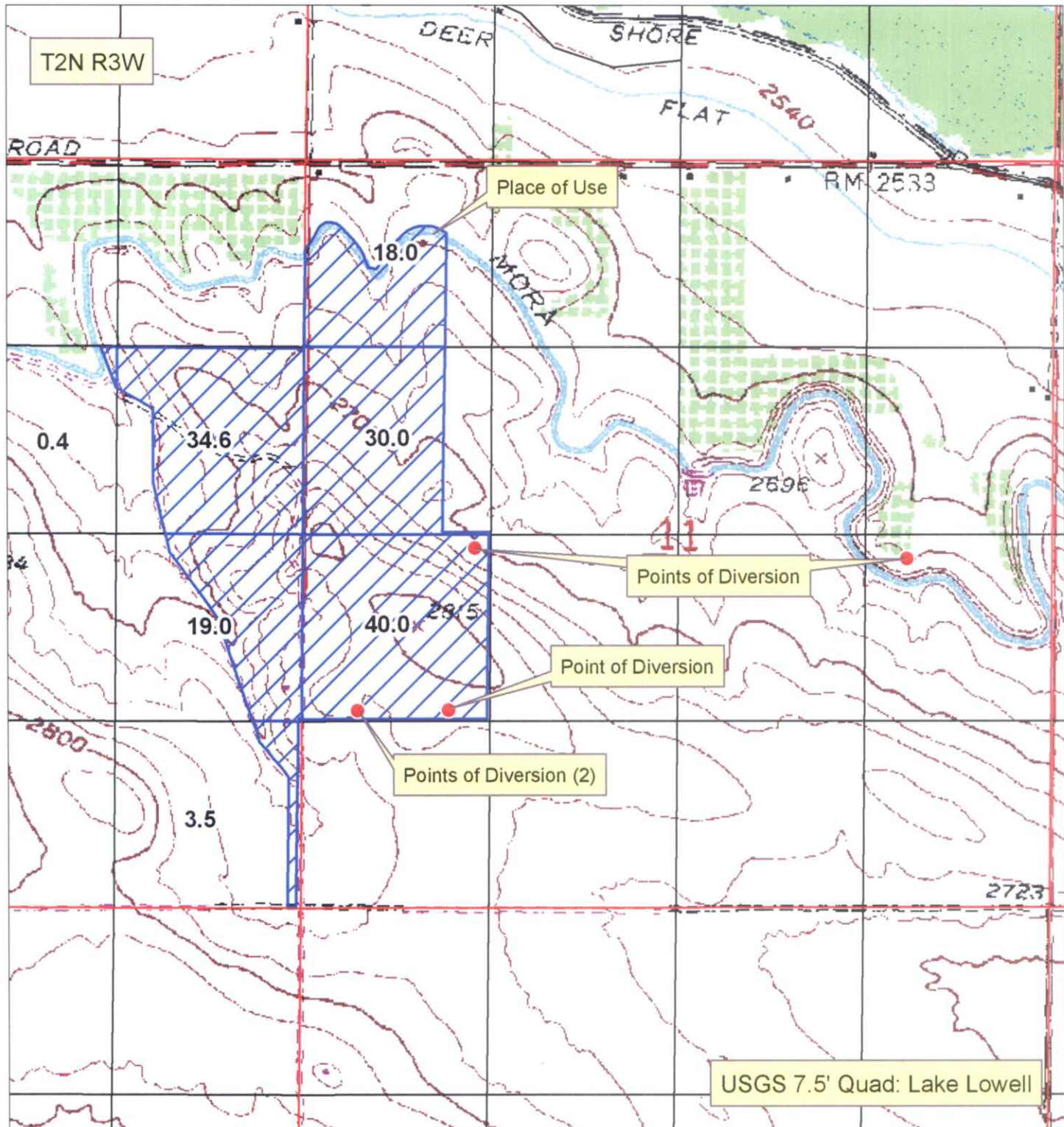
1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

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

5. 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.



Scale: 1-inch equals 1000-feet

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>
_____	_____	_____	_____ 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.

Subscribed and sworn to before me this 3rd day of November, 2006.


Todd Hill, Principal
 (Signature of Applicant)

Sammy Cox
 (Notary Public)

My commission expires 10/15/08

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DB Date 11-13-06 Protest filed by _____

Prelim. Check by _____ Fee _____

Receipted by * Date _____

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

* SEE ORIGINAL - 82

251



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED EFFECTIVE

05 OCT 28 PM 3:48

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Tuscany Hills, LLC

2. The street address of the initial registered office is:

82 E. State St. Suite B, Eagle, Idaho 83616

and the name of the initial registered agent at the above address is:

David Bulch

3. The mailing address for future correspondence is:

82 E. State St. Suite B, Eagle, Idaho 83616

4. Management of the limited liability company will be vested in:

Manager(s) ☒ or Member(s) ☐ (please check the appropriate box)

5. If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the member(s), list the name(s) and address(es) of at least one initial member.

Name

Address

Todd Hill688 West Colchester Drive, Eagle, ID 83618

6. Signature of at least one person responsible for forming the limited liability company:

Signature: Typed Name: Todd HillCapacity: Manager

Signature: _____

Typed Name: _____

Capacity: _____

Secretary of State use only

IDC Form 1001 (Rev. 07/2002)

Web Form

IDAHO SECRETARY OF STATE
 10/31/2005 05:00
 CK: 62001217 DT: 2105 BH: 919514
 1 @ 100.00 = 100.00 ORGAN LLC # 2
 1 @ 20.00 = 20.00 EXPEDITE C # 3

W 44074

9 : * PC 43618

200578832

RECORDED

2005 NOV 28 AM 9 16

C NOEL HALE
CANYON COUNTY RECORDER
BY *[Signature]*

PIONEER-CALDWELL

REQUEST
TYPE *[initials]* FEE *[initials]*

AFTER RECORDING MAIL TO:

Tuscany Hills, LLC
82 East State Street, Suite B
Eagle, ID 83616**CORPORATE WARRANTY DEED**

File No.: 4101-703719 (RJPA)

Date: November 21, 2005

For Value Received, Jade Eagle Inc., a corporation duly organized and existing under the laws of the State of Idaho, Grantor, does hereby grant, bargain, sell and convey unto Tuscany Hills, LLC, an Idaho limited liability company, Grantee, whose address is 82 East State Street, Suite B, Eagle, ID 83616, the following described real estate, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF

APN:

SUBJECT TO current years taxes, irrigation district assessments, public utility easements, subdivision and U.S. patent reservations.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, and that Grantor will warrant and defend the same from all claims whatsoever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its *[Signature]* this 21st day of Nov., 2005.

Jade Eagle Inc., an Idaho corporation

[Signature]
By: Richard O. Thurber, President

PC 63648

Exhibit "A"

Section 10:

That portion of Section 10 described as follows:

BEGINNING at the section corner common to Sections 2, 3, 10 and 11, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho; thence

South 0° 4' 0" East 1,358.47 feet along the East section line (Basis of Bearing) to the REAL POINT OF BEGINNING; thence continuing

South 0° 4' 0" East 1,298.48 feet to the 1/4 corner; thence

South 0° 9' 27" East 1,818.74 feet along the section line to a point North 0° 9' 27" West 836.23 feet to the Southeast corner of said section 10; thence

North 39° 35' 0" West 421.13 feet; thence

North 19° 39' 55" West 722.59 feet; thence

North 16° 48' 33" West 201.19 feet; thence

North 37° 3' 35" West 599.17 feet; thence

North 13° 47' 14" West 527.44 feet; thence

North 0° 54' 43" East 492.15 feet; thence

North 61° 11' 12" West 315.87 feet; thence

North 21° 40' 11" West 304.77 feet; thence

North 89° 56' 0" East 1,431.45 feet to the REAL POINT OF BEGINNING.

AND

Section 11:

West Half Southwest Quarter Northwest Quarter; West Half East Half Southwest Quarter Northwest Quarter; West Half Northwest Quarter Northwest Quarter; and West Half East Half Northwest Quarter Northwest Quarter South of the Mora Canal; Northwest Quarter Southwest Quarter.

Parcel II:

A parcel of land located in the Southeast Quarter of Section 10, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho and described as follows:

BASIS OF BEARING being the East line of the Southeast Quarter derived from found monuments and taken as South 00° 10' 42" East.

BEGINNING at a 5/8 inch rebar marking the Southeast corner of said Section, thence along the South line of said Southeast Quarter

South 89° 26' 17" West a distance of 60.00 feet to a 5/8 inch rebar and from which a 5/8 inch rebar marking the Southwest corner of said Southeast Quarter bears

(continued)

South 89° 26' 17" West a distance of 2,685.47 feet; thence leaving said South line and parallel with said East line

North 00° 10' 42" West a distance of 901.32 feet to a 5/8 inch rebar; thence

South 39° 36' 23" East a distance of 94.47 feet to a point on said East line and from which an aluminum cap monument marking the Northeast corner of said Southeast Quarter bears

North 00° 10' 42" West a distance of 1,818.48 feet; thence along said East line

South 00° 10' 42" East a distance of 827.95 feet to the POINT OF BEGINNING.

APH:

Warranty Deed
- continued

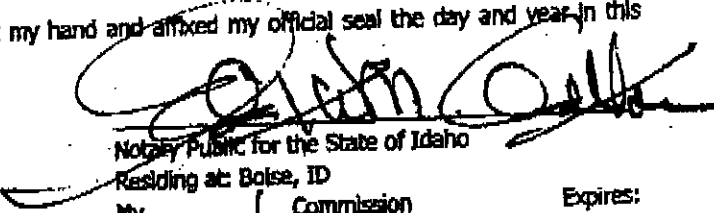
File No.: 4101-705719 (ICPA)
Date: 11/21/2005

STATE OF Idaho)
SS.
COUNTY OF Ada)

On this Twenty-first day of November, 2005, before me, a Notary Public in and for said State, personally appeared Richard O. Thurber, known or identified to me to be the President of the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for the State of Idaho

Residing at: Boise, ID

My Commission

10-14-10

Expires: