

RECEIVED

OCT 18 2007

Transfer No. 74307

STATE OF IDAHO
WATER RESOURCES DEPARTMENT OF WATER RESOURCES
WESTERN REGION

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant Barron Development, LLC Phone 208-454-3936Post Office address 1605 S Kimball Ave, Ste 101, Caldwell, ID 83605**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 subject to development. A common, pressurized irrigation system will be used for irrigation of acres associated with Wild Prairie Estates. Diversions will be from an existing primary well in Section 10 and an existing back-up well in Section 14. Domestic uses will be supplied from individual domestic wells.

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
63-32688 10/31/1966 0.51/114.0 Irrigation 03/15 to 11/15
to _____

2. Total amount of water being transferred 0.51 cubic feet per second and/or 114.0 acre-feet per annum.

3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	NW	10	2N	3W	Canyon	Primary Well
		NE	NE	14	2N	3W	Canyon	Back-up 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	13						40											40

(Irrigation will be limited to 25.3 acres within the ppu listed above)

Total Acres 40 ppu

PART 1

6. General Information:

- a. Description of diversion system Two existing wells, pumps, pipe, 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?
X Yes ___ 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:
General pou will remain the same.
- d. Remarks:
Applicants have an easement for access and use of the primary well located in Section 10 and back-up well located in Section 14. The pressurized system will also serve Rolling Meadows Subdivision in the N1/2 Section 14 as proposed on the accompanying transfer application for water rights 63-32686, 63-32690, 63-32692, and 63-32694.

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

SPF Water Engineering, LLC
Attn: Jennifer Sukow
600 E. River Park Ln., Suite 105
Boise, ID 83706-6551

Re: Application for Transfer of Water Right for Barron Development, LLC

Dear Jennifer,

Intermountain Community Bank has received a copy of the Application for Transfer of Water Right 63-32688 for Barron Development, LLC.

Intermountain Community Bank currently has a mortgage on the property where the transfer of water right will occur.

We do not object to the proposed water right transfer.

Sincerely,

Shanna Rae Hoge
Signature

Shanna Rae Hoge
Printed Name

Vice Pres. / Comit Lender
Title

State of Idaho)
County of Canyon) SS.
_____)

Subscribed and sworn (or affirmed) before me this 25th day of September, 2007.

Sue Aldrich
Notary Public



Residing at Walden, Idaho

My Commission Expires 9-30-09

**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 SRBA Recommendation)

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 _____ for _____ purposes from _____ to _____
(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 _____ 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 None

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

09/05/2007

WATER RIGHT NO. 63-32688

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARRON DEVELOPMENT LLC C/O SALLIE PALLERIA 2511 DORMAN AVE CALDWELL, ID 83605 (208)455-8501
Original Owner	HERBERT R MONTIERTH JR 6312 S ZITHER AVE BOISE, ID 83709 (208)407-2243
Original Owner	CHRYSTAL R EVANS
Original Owner	EDWARD T EVANS 9990 ROAN MEADOWS DR BOISE, ID 83705
Original Owner	FARM CREDIT BANK OF SPOKANE PO BOX 15367 BOISE, ID 83715 (208)343-7782
Original Owner	EDWARD RAY MONTIERTH
Original Owner	SUSAN L MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686 (208) 989-8310
Original Owner	THE ESTATE OF GOLDA D MONTIERTH 825 HEARTLAND DRIVE NAMPA, ID 83686 (208)463-8163
Original Owner	KATHI L MEYERS
Original Owner	ROBERT J MEYERS
Original Owner	RODNEY KENT MONTIERTH
Original Owner	RUBY C VICTOR
Original Owner	W NOLAN VICTOR 1528 ADDISON AVE E TWIN FALLS, ID 83301 (208)733-5217

Priority Date: 10/31/1966

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.51 CFS	114 AFA
Total Diversion			0.51 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENE|Sec. 14|Township 02N|Range 03W|CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON 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>
02N	03W	13		NWNW	38									

Total Acres: 38

Conditions of Approval:

1. This right is a split from former right 63-3557A.
2. S39 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 or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. 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.
4. K06 This right is limited to the irrigation of 25.3 acres within the place of use described above in a single irrigation season.

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](#)

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	

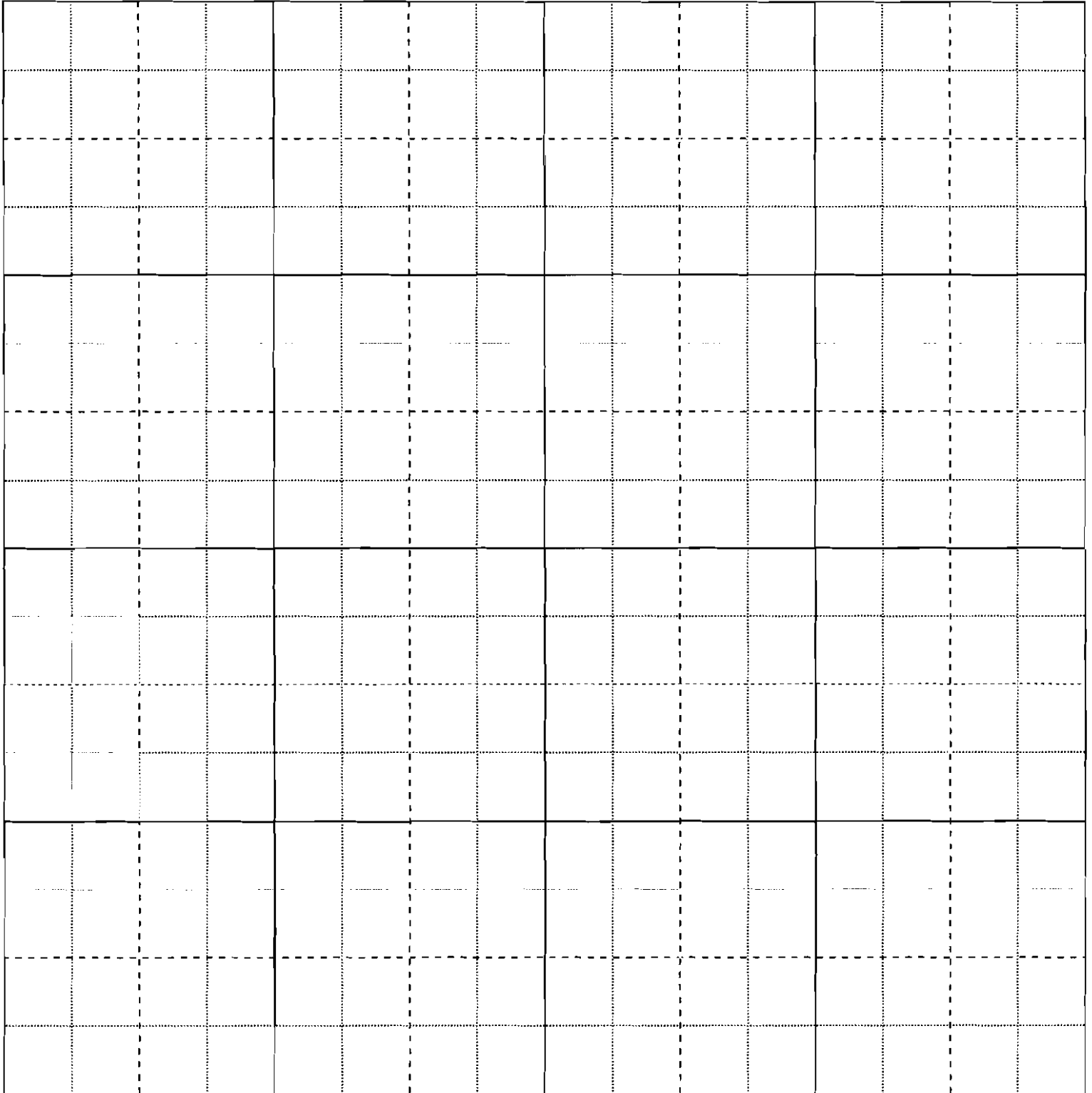
Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER 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 the 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.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

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

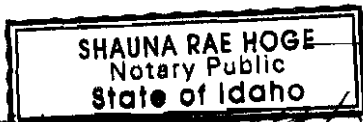
2. Describe effects on other water uses resulting from the proposed change:

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.

Salvatore Allera
(Signature of Applicant)

Subscribed and sworn to before me this 26th day of Sept, 2007



Shauna Rae Hoge
(Notary Public)

My commission expires 12/22/09

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DB Date 10-18-07 Protest filed by _____

Prelim. Check by _____ Fee \$250-

Received by DB / W035922 Date 10-18-07

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 _____

T2N R3W

LAKE

CREST E
ELEVATION 2

DEER

WILD

BM 2536

Upper Deer Flat

Well

HIGH

2550

19

19

2625

2015

R3W

R2W

SCISM

RD

2600

19

Gravel

Pit

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

2675

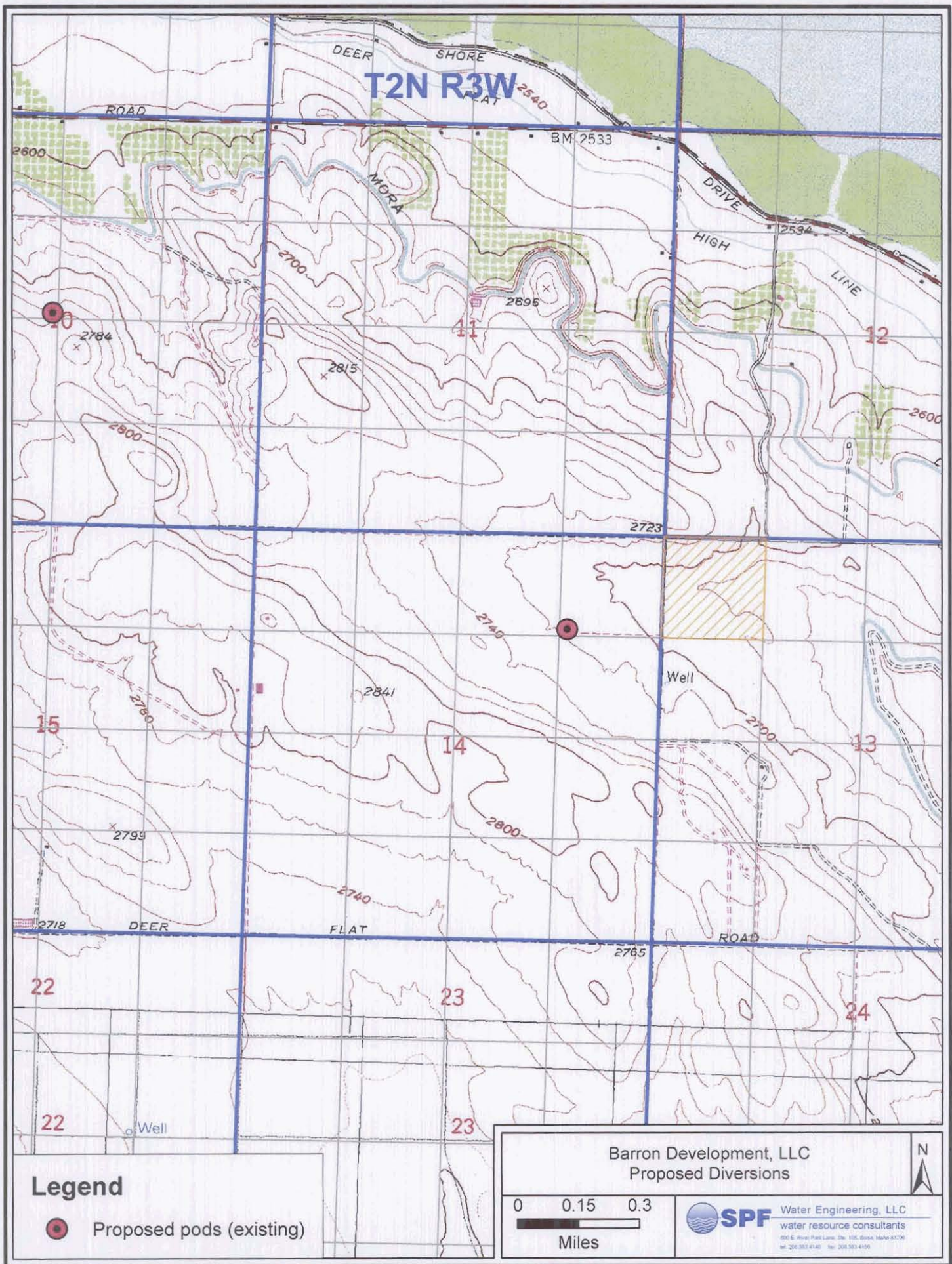
2675

2675

2675

2675

2675





Pioneer Title Co.

GOING BEYOND

8151 W. Rifleman Ave. / Boise
Idaho 83704 / (208) 377-2700

QUEST
PIONEER-CALDWELL
FEE 97

200 JUN 15 PM 4 36
CANYON COUNTY RECORDER
BY [Signature]

AL000000

200647419

PC607066

WARRANTY DEED

For Value Received HERBERT R. MONTIERTH, A MARRIED MAN AS HIS SOLE
AND SEPARATE PROPERTY, HERBERT R. MONTIERTH AS PERSONAL REPRESENTATIVE OF
THE ESTATE OF GOLDA DARLENE M ONTIERTH, DECEASED, AND EDWARD RAY
MONTIERTH AND SUSAN MONTIERTH, HUSBAND AND WIFE

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

BARRON DEVELOPMENT, LLC

hereinafter referred to as Grantee, whose current address is P.O. BOX 691872, WEST HOLLYWOOD,
CA 90069

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER WITH THOSE CERTAIN WATER RIGHTS AS MENTIONED IN THE OPTION CONTRACT
DATED June 13, 2005, UNDER PARAGRAPH #15.

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: June 12, 2006

[Handwritten signature: H R Montierth]
HERBERT R. MONTIERTH

[Handwritten signature: Edward Ray Montierth]
EDWARD RAY MONTIERTH

[Handwritten signature: H R Montierth pr.]

[Handwritten signature: Susan Montierth]
SUSAN MONTIERTH

READ AND APPROVED

[Handwritten signature]

STATE OF ID, County of ADA, ss.

On this 14th day of JUNE, in the year of 2006, before me THE UNDERSIGNED, notary public personally appeared HERBERT R. MONTIERTH, EDWARD RAY MONTIERTH AND SUSAN MONTIERTH known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

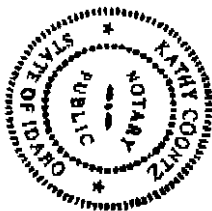


A handwritten signature of Kathy Coontz in black ink.

RESIDING AT: BOISE, IDAHO
COMMISSION EXPIRES: 8-15-2009

STATE OF ID, County of ADA, ss.

On this 14th day of JUNE, in the year 2006, before me THE UNDERSIGNED, a notary public personally appeared HERBERT R. MONTIERTH known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of GOLDA DARLENE MONTIERTH, and acknowledged to me that HE executed the same as said Personal Representative.



A handwritten signature of Kathy Coontz in black ink.

KATHY COONTZ
Notary Public of ID
Residing at BOISE
Commission expires: August 15, 2009

File No.: 200607066

EXHIBIT A

Parcel I:

The Northwest Quarter of the Northwest Quarter of Section 13, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

Parcel II:

The Northeast Quarter of Section 14, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

Parcel III:

The East Half of the Northwest Quarter of Section 14, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

EXCEPT:

A part of the Northwest Quarter of Section 14, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, more particularly described as:

COMMENCING at the Northeast corner of said Section 14 (section corner) monumented with a rebar, 5/8 inches diameter; thence

South 62° 48' 15" West 4,482.39 feet to the POINT OF BEGINNING; said point bears South 63° 05' 00" East 1,480.17 feet from a found 3/8 inch pipe at the Northwest corner of the Southwest Quarter of the Northwest Quarter, Section 14 (North one-sixteenth corner); thence

North 89° 54' 30" East 295.32 feet; thence

South 0° 05' 30" East 295.00 feet; thence

South 89° 54' 30" West 295.32 feet; thence

North 0° 05' 30" West 295.00 feet to the POINT OF BEGINNING.

Parcel IV:

The Southwest Quarter of the Northwest Quarter of Section 14, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

D

PC65476



A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY
8151 W. Rifleman Ave. / Boise, Idaho 83704
(208) 277-2700

REQUEST
TYPED
PIONEER-CALDWELL

NOEL HALES
CANYON COUNTY RECORDER
BY *[Signature]*

JUN 15 PM 4 43

RECORDED

200533678

WARRANTY DEED

For Value Received **HERBERT R. MONTIERTH**, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY, **HERBERT R. MONTIERTH** AS PERSONAL REPRESENTATIVE OF THE ESTATE OF **GOLDA DARLENE MONTIERTH**, DECEASED, **EDWARD RAY MONTIERTH** AND **SUSAN L. MONTIERTH**, HUSBAND AND WIFE

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

BARRON DEVELOPMENT, L.L.C.

hereinafter referred to as Grantee, whose current address is 2511 Donnan Ave., Caldwell, Id 83605 the following described premises, to-wit:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14,
TOWNSHIP 2 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN, CANYON COUNTY,
IDAHO

TOGETHER HERewith A CERTAIN EASEMENT RECORDED AS INST. #9924656 FOR
WELL USAGE AND AN ADDITIONAL EASEMENT RECORDED AS Inst. #9412430 FOR
WELL USAGE, RECORDS OF CANYON COUNTY, IDAHO.

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: June 13, 2005

Pioneer 1031 Company for the Benefit of Herbert R. Montierth

[Signature]
approved: Herbert R. Montierth

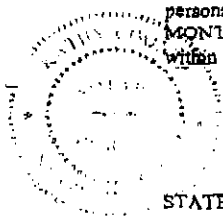
Pioneer 1031 Company for the Benefit of
Edward Ray Montierth and Susan L.
Montierth, approved: Edward Ray
Montierth and Susan L. Montierth

[Signature]
Susan L. Montierth

[Signature]
as PR

STATE OF ID. County of ADA, ss.

On this 13th day of JUNE, in the year of 2005, before me THE UNDERSIGNED, notary public personally appeared HERBERT R. MONTIERTH, EDWARD RAY MONTIERTH AND SUSAN L. MONTIERTH known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Kathy Coons

RESIDING AT: BOISE, IDAHO
COMMISSION EXPIRES: 8-15-2009

STATE OF ID, County of ADA, ss.

On this 13th day of JUNE, in the year 2005, before me THE UNDERSIGNED, a notary public personally appeared HERBERT R. MONTIERTH known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of GOLDA DARLENE MONTIERTH, and acknowledged to me that HE executed the same as said Personal Representative



Kathy Coons

Kathy Coons
Notary Public of Id
Residing at Boise
Commission expires: August 15, 2009