RECEIVED

MAY 18 2004

WATER RESOURCES
WESTERN REGION

Form I-222
12-92 (Internet)

Page _____ of _____

Transfer No. 71550

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant MDC, LLC Phone 208 887-6897 (283-3691)

Post Office address 4042 W. Chinden Blvd. 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 Moving nursery operation from Eagle to Middleton. Want to move supplemental use in Eagle to supplemental ~~use~~ use in Middleton. The domestic use listed on the license will stay with the Eagle property.

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
63-10792	April 23, 1989	0.11 CFS	Supplemental Irrig.	3/15 to 11/15
				to
				to
				to

2. Total amount of water being transferred 0.11 cubic feet per second and/or 53.7 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	28	5N	2W	Canyon	Existing Middleton/Lansing Ln Well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5N	2W	28				14													14

Total acres 14

PART 1

6. General Information:

a. Description of diversion system Existing well + pump

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:

The property is being subdivided and the well will no longer be required because The property is served by Eagle City water.

d. Remarks:

Primary water at existing place of use is Farmers Union. Primary water at proposed place of use is Black Canyon Irrigation District. See attached share certificates and delivery amounts for each entity.

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____.

_____

Page _____ of _____ Transfer No. _____

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

PART 2

(Attach one copy for each right)

See Attached Proof Report

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 63-10792 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 a 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 purpose:

   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 ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above Surface Water

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10792

WATER RIGHT NUMBER: 63-10792

Owner Type	Name and Address
Current Owner	JAYKER TREE FARM INC 801 E BEACON LIGHT RD EAGLE, ID 83616 (208)939-0014

Priority Date: 04/28/1989

Basis: License

Status: Active

Source: GROUND WATER

Tributary:

Beneficial Use	From	To	Diversion Rate	Annual Volume
DOMESTIC	1/01	12/31	0.020 CFS	0.60 AF
IRRIGATION	3/15	11/15	0.110 CFS	53.70 AF
		Total Diversion:	0.110 CFS	54.30 AF

Location of Point(s) of Diversion

GROUND WATER — L3 (NE1/4NW1/4) — Sec. 4, Twp 04N, Rge 01E, B.M.

ADA 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	
04N	01E	4					14.0 L 3												14.0

Total Acres: 14

DOMESTIC same as IRRIGATION

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks:

1. General The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
   Domestic use is for an office.

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10792

Licensed Date: 10/4/1994
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

PART 2

Transfer No. _____

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 0.11 (cfs/ac-ft) for irrigation purposes from 3/15 to 11/15
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

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 ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1E	4					14												14

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount 0.02 (cfs/ac-ft) for domestic well purposes from 1/1 to 12/31
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion: N/C

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 ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
							X												

Total acres _____

Page _____ of _____

Transfer No. _____

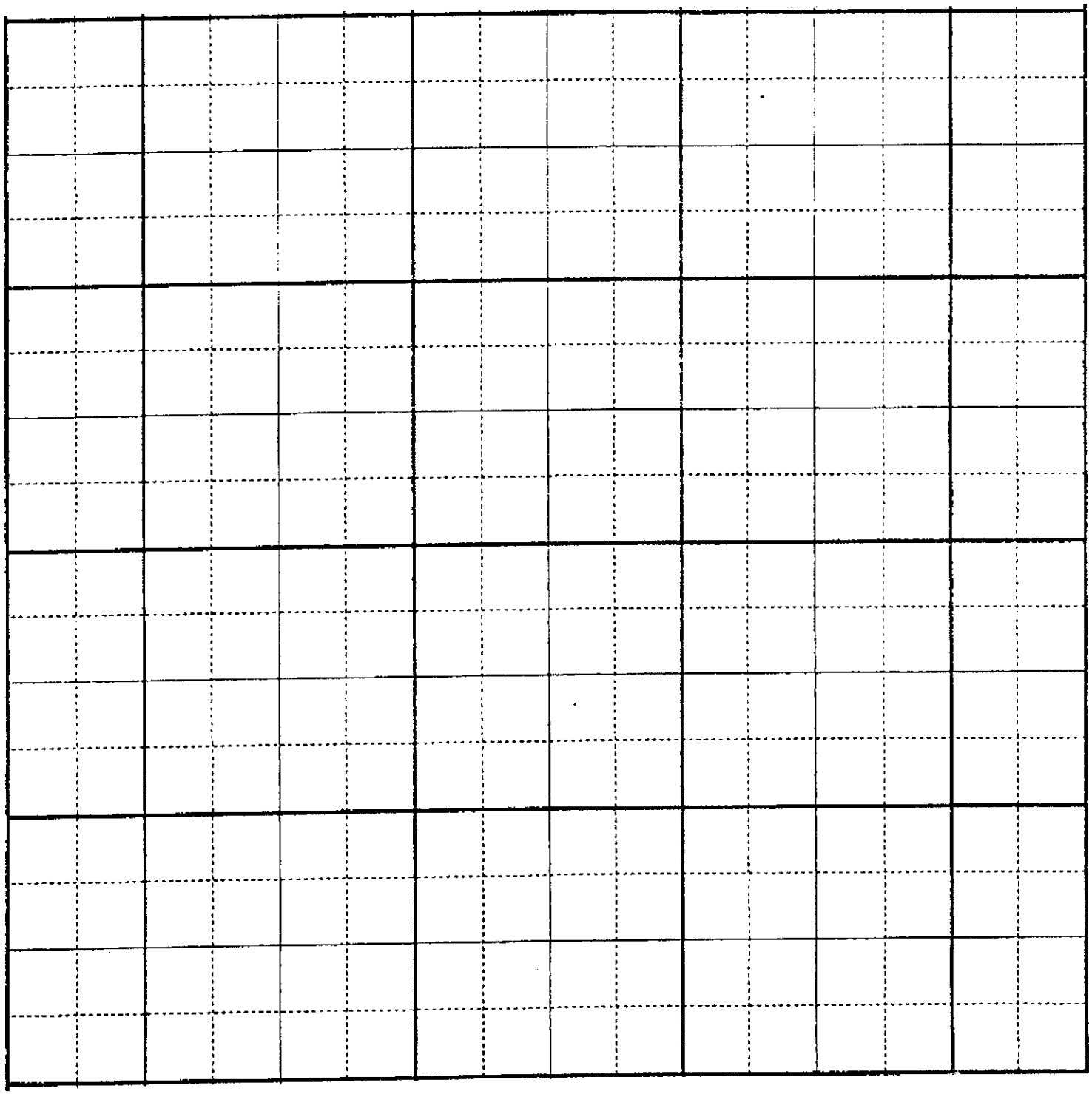
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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.

Page _____ of _____ Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	N/A			_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:
N/A

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

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.

LORI GRAVES NOTARY PUBLIC STATE OF IDAHO

(Signature of Applicant)

Subscribed and sworn to before me this 12th day of May, 2004.

(Notary Public)

My commission expires 6/18/04

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by ak Date 5-18-04 Protest filed by _____

Prelim. check by _____ Fee $100.00 _____

Receipted by ak Date 5-18-04 W031714

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____



ATTACHMENT A

Existing P/U

P 50755

8046940
WARRANTY DEED

FOR VALUE RECEIVED

ORVETTA C. FISHER, a widow

the Grantor , does hereby grant, bargain, sell and convey unto

DOUGLAS CARNAHAN AND MEREDITH CARNAHAN, husband and wife

the Grantee s , whose address is

the following described premises, to-wit:

A part of Government Lot 3, Section 4, Township 4 North Range 1 East, Boise Meridian, more particularly described as follows:
Beginning at the Northeast corner of said Government Lot 3, North 1/4 corner thence
South 0°19'35" East 1289.60 feet (of record as South 0°31'08" East 1281.25 feet), along the East boundary of Government Lot 3, according to the plat of the Los Luceros Acres Subdivision, thence
North 89°30'18" West (of record as North 89°41'55" West) 662.63 feet along the North boundary of the Los Luceros Acres Subdivision, thence
North 0°18'57" West 862.50 feet; thence
South 89°45'00" East 331.21 feet, thence
North 0°19'16" West 424.28 feet, thence
South 89°45'00" East 331.18 feet along the North boundary of said Government Lot 3 to the point of beginning.
EXCEPT any portion thereof, which may be within right of way for Beacon Light Road.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s , their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee s , that they are the owner s in fee simple of said premises; that said premises are free from all encumbrances...except reservations of record, easements of record, and general tax and irrigation assessments for the year 1980 which are not yet due and payable.

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: October 1st, 1980

Orvetta C. Fisher

Orvetta C. Fisher

STATE OF IDAHO, COUNTY OF Ada

On this 1st day of October , 19 80, before me, a notary public in and for said State, personally appeared Orvetta C. Fisher, a widow

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

Janice M. Karow
Notary Public

Residing at Boise , Idaho
Comm. Expires 9-15-81

STATE OF IDAHO, COUNTY OF Ada

I hereby certify that this instrument was filed for record at the request of PIONEER TITLE CO.

at 55 minutes past 2 o'clock P m., this 2nd day of October 1980, in my office, and duly recorded in Book of Deeds at page

JOHN BASTIDA
Ex-Officio Recorder

By Barbara L. Millen
Deputy.

Fees $ 2.00
Mail to:

PIONEER TITLE COMPANY
OF ADA COUNTY
1110 W. Jefferson St.
Boise, Idaho 83702 · 208 344-6515
Representing Pioneer National Title Insurance

ATTACHMENT B



ATTACHMENT C

PC 46809

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

REQUEST PIONEER - CALDWELL
TYPE Deed FEE 6.00

OCT 30 PM 4 50
C NOEL HALES
CANYON CNTY RECORDER
BY

RECORDED

200251503

WARRANTY DEED

For Value Received Stephen Damele and Pauline Damele, husband and wife

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

MDC, LLC, an Idaho Limited Liability Company

hereinafter referred to as Grantee, whose current address is 25455 Lansing Lane, Middleton, ID the following described premises, to-wit:

SEE ATTACHED EXHIBIT A

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: October 25, 2002

Stephen Damele
Stephen Damele

Pauline Damele
Pauline Damele

STATE OF Idaho. County of Gooding, ss.

On this 25th day of October, in the year of 2002, before me the undersigned, notary public personally appeared Stephen Damele and Pauline Damele known or identified to me to be the persons whose name are subscribed to the within instrument, and acknowledged to me that they executed the same.

Becky Shubert
Notary Public
State of Idaho

Becky Shubert
Notary Public of Wendell, ID
Residing at
Commission expires: 02.23.05

Proposed
P/U

ATTACHMENT D1

PORTER'S LAND SURVEYING, INC.

921 South Curtis Road
Boise, Idaho 83705-1840

Phone: (208) 344-3650

October 11, 2002

POOR COPY

Legal Description for Carnahan/Carter
Parcel A

A parcel of land being a portion of the Southeast 1/4 of the Northeast 1/4, all of the Southwest 1/4 of the Northeast 1/4, and all of the Southeast 1/4 of the Northwest 1/4; all located in Section 28, Township 5 North, Range 2 West, Boise Meridian; Canyon County, Idaho; more particularly described as follows:

Beginning at an Iron Pin marking the Section Corner common to Sections 21, 22, 27 and 28, T. 5 N., R. 2 W., B.M.;

thence, along the section line common to said Sections 27 and 28, also being the centerline of Lansing Lane, S 0°07'15" W 1322.92 feet to a Spike in a bridge deck marking the North 1/16 Section Corner common to said Sections 27 and 28;

thence, continuing along said section line S 0°07'25" W 1171.31 feet to a point, from which a PK Nail marking the 1/4 Section Corner common to said Sections 27 and 28 bears S 0°07'25" W 151.69 feet distant;

thence, leaving said section line, N 89°52'35" W 25.00 feet to an Iron Pin on the west right-of-way line of said Lansing Lane, also being the REAL POINT OF BEGINNING;

thence, leaving said west right-of-way line, S 87°37'09" W 245.49 feet to an Iron Pin;

thence, N 79°14'17" W 78.74 feet to an Iron Pin;

thence, N 66°05'45" W 151.52 feet to an Iron Pin;

thence, N 78°34'11" W 28.90 feet to an Iron Pin;

thence, S 89°42'56" W 179.33 feet to an Iron Pin;

thence, S 59°04'57" W 62.08 feet to an Iron Pin;

thence, N 89°57'30" W 572.83 feet to an Iron Pin on the east 1/16 section line of said Section 28;

thence, along the east 1/16 section line of said Section 28, S 0°02'07" W 190.00 feet to a G.L.O. Brass Cap marking the Center- East 1/16 Section Corner of said Section 28;

thence, leaving the east 1/16 section line of said Section 28 and along the east-west center 1/4 section line of said Section 28, N 89°58'08" W 1320.22 feet to an Iron Pin marking the Center 1/4 Section Corner of said Section 28;

thence, continuing along the east-west center 1/4 section line of said Section 28, N 89°59'33" W 1320.10 feet to an Iron Pin marking the Center-West 1/16 Section Corner of said Section 28;

thence, leaving the east-west center 1/4 section line of said Section 28 and along the west 1/16 section line of said Section 28, N 0°03'28" W 1320.14 feet to a G.L.O. Brass Cap marking the Northwest 1/16 Section Corner of said Section 28;

thence, leaving the west 1/16 section line of said Section 28 and along the north 1/16 section line of said Section 28, S 89°53'55" E 1320.74 feet to an Iron Pin marking the Center-North 1/16 Section Corner of said Section 28;

thence, continuing along the north 1/16 section line of said Section 28, N 89°55'43" E 2618.46 feet to a point marking the intersection of the north 1/16 section line of said Section 28 and the west right-of-way line of said Lansing Lane;

thence, leaving the north 1/16 section line of said Section 28 and along the west right-of-way line of said Lansing Lane, S 0°07'25" W 1171.22 feet to the REAL POINT OF BEGINNING;

said parcel contains 113.81 acres, more or less;

said parcel is subject to the right-of-way of the Willow Creek Wasteway, said right-of-way being 50.00 feet on each side of the centerline of said Willow Creek Wasteway (for a total right-of-way of 100.00 feet) as it crosses the subject parcel;

said parcel also being subject to any easements, or other right-of-ways, of record or in use.

D2

Water Right Transfer Notes
Eagle-Beacon Light Road to Middleton-Lansing Lane

Delivery Amounts:
Water delivery on the Eagle property is limited to 53.7 AF annually. This equates to 3.84 AF per acre. (on share certificate) – Farmers Union

Water delivery on the Middleton property is considered excessive at 5 AF per acre annually, per attached usage certificate. Minimum usage guarantees (as vaguely described on the phone by Black Canyon Irrigation District, phone # 459-4141) is 3.50 AF per acre annually. – Black Canyon Irrigation District

These numbers are very similar and thus the two properties appear to have similar delivery amounts.

Ownership:
Some of the property and water right ownership may appear in the names of MDC, LLC or Jayker Tree Farm. Douglas and Meredith Carnahan are the majority shareholders in both of these companies and have authority to make decisions on behalf of these companies. Information on this is attached.

ATTACHMENT E1

BLACK CANYON IRR. DISTRICT
PO BOX 226, NOTUS, ID 83656
(208) 459-4141 (208) 722-6291

YEAR TO DATE WATER USAGE

ACCOUNT NUMBERS
0243-001-00 TOT.ACRES 107.80 07-31-03

YTD RIVER FLOW	*YTD STORAGE*	*TOTAL YTD USE*
242.34 acf	0.00 acf	242.34 acf

2003 Storage 2.00 per irr.acre

MOC, LLC

4410 W CHINDEN
MERIDIAN, IO 83642

YTD River Flow & YTD Storage use is combined. Over 5.0 acf. is excess water.

- *Indicates Excess Water Use

E2

I A ft Anderson

ORGANIZED UNDER THE LAWS OF THE STATE OF IDAHO

E3

NUMBER 1978

SHARES 1.08

Farmers' Union Ditch Co., Ltd.

INCORPORATED 1894

This Certifies that Douglas & Meridith Carnahan is the owner of One and eight hundredths —— Shares of the Capital Stock of

Farmers' Union Ditch Co., Ltd.

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this Dec 16 day of Dec A.D. 1980

Mary A Dyer
SECRETARY

Bill M Flack
PRESIDENT

SHARES $10.00 EACH

Doug-file?

November 1, 1994

WATER SHARES - FARMERS UNION DITCH

Beacon Light Property

Original holding with Farmers Union was 1.08 shares.

Shares were split with Meander property 3/24/92 as follows:

Beacon Light	0.78 shares
Meander	0.30 shares
	1.08 shares

During a good water year, "normal" delivery is about 11 miners inches per share or about 99 gal/min (gpm) per water share. The 0.78 shares remaining on Beacon Light will enable us to use about 77 gpm in a normal year.

The wet well and new pump installed during 1994 has operating capacity of 120 gpm and planned use of about 110 gpm continuous use to irrigate projected development through 2002 (in conjunction with water from the well).

System demand		110 gpm
Existing Shares	0.78 =>	77 gpm
Difference	0.33 =>	33 gpm

Therefore, if we acquire at least 0.3 shares of Farmers Union water, we will have adequate water to run the new system at capacity. I recommend purchasing 0.4-0.5 added shares if the cost is reasonable.

Farmers Union 345-2510

E4