IDAHO DEPARTMENT OF WATER RESOURCES **5/2/2023**

Water Right 63-7531

After Split

Owner Type	Name and Address
Current Owner	SUSAN MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686-8156 (208) 989-8310
Current Owner	RAY MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686-8156 (208) 989-8310
Original Owner	MISSOURI BEEF PACKERS INC , ID
Original Owner	THOMAS M BEVAN 4202 N MARCLIFFE AVE BOISE, ID 83704 (208) 323-7873
Previous Owner	TYSON FRESH MEATS INC ATTN: KIM DIRKS 800 STEVENS PORT DR STE DD #709 DAKOTA DUNES, SD 57049-8709 (605) 235-2036
Security Interest	TYSON FOODS INC C/O KIM DIRKS ENV ENGINEER 800 STEVENS PORT DR STE 710 DAKOTA DUNES, SD 57049-8710 (605) 235-2036

Priority Date: 12/10/1971
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
COMMERCIAL	01/01	12/31	2.110 CFS	360.0 AF
	Total Diversion		2.110 CFS	360.0 AF

Source and Point(s) of Diversion:

GROUND WATER	L4(SWSW)	Sec. 18, Twp 01N, Rge 02E, ADA County
GROUND WATER	L2(NWNE)	Sec. 6, Twp 01N, Rge 02E, ADA County
GROUND WATER	L3(NENW)	Sec. 6, Twp 01N, Rge 02E, ADA County

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MAY 02 2023

GROUND WATER	L3(NWSW)	Sec. 7, Twp 01N, Rge 02E, ADA County
GROUND WATER	L3(NWSW)	Sec. 7, Twp 01N, Rge 02E, ADA County
GROUND WATER	L3(NWSW)	Sec. 7, Twp 01N, Rge 02E, ADA County
GROUND WATER	SWSE	Sec. 31, Twp 02N, Rge 02E, ADA County
GROUND WATER	SESW	Sec. 18, Twp 01N, Rge 02E, ADA County

Place Of Use:

COMMERCIAL within ADA County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	02E	7										X L3							

Conditions of Approval:

1.	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.
2.	X35	Rights 63-3362, 63-7531, 63-10383, 63-11347, 63-35356 & 63-35411 when combined shall not exceed a total diversion rate of 8.88 cfs.
3.		Rights 63-3362, 63-7531, 63-10383, 63-11347, 63-35356 & 63-35411 when combined are limited to the irrigation of 525.2 total acres under the irrigation components of the rights in the 1139.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
4.		Rights 63-7531, 63-10383, 63-35356 & 63-35411 when combined shall not exceed a total diversion rate of 5.87 cfs.
5.		Water rights 63-7531, 63-35356 & 63-35411 when combined are not to exceed an annual volume of 744.6 af.
6.		Right holder is required to utilize cold water wells to their capacity. Low temperature geothermal water from the point of diversion in NWNE, S06, T01N, R02E, shall only be diverted at a rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water wells.
7.	214	Prior to the diversion and use of water under Transfer approval 81871, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8.	X61	The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than July 30, 2009.
9.		A single new point of diversion is authorized in either Lot 4(SWSW), or SESW, S18, T01N, R02E, to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
10.		Use of water under rights 63-7531, 63-10383 & 63-35411 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

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MAY 02 2023

11.	WD8	The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of rights 63-7531 and 63-10383 shall not be used for irrigation unless the water is first used in the commercial/industrial purposes as authorized by these water rights.
12.		Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E B.M.
13.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
14.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Comments:

1 segbert 4/28/2008 Corrected recommendation
Version 2 was necessary to correct some conditions on the recommendation that were in the wrong place or missing on the original recommendation. These conditions were from Transfer 5442.

2 kwalker 3/17/2015 POU
Updated Shape

3 kwalker 3/17/2015 GIS shape
Updated shape to ppu as decreed.

4 kwalker 4/15/2015 Updated Shape
Updated POUShape

5 rsommer 4/16/2015 Transferred Right
This is now an approved transfer. Transfer Number = 79803

6 agrimm 6/9/2015 POD
PODID 876695 correlated from SpatialDataID 73968 to SpatialDataID 404487

7 agrimm 6/9/2015 POD
PODID 876694 correlated from SpatialDataID 404478 to SpatialDataID 404486

8 agrimm 6/9/2015 POD
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10 agrimm 6/9/2015 POD
PODID 876698 correlated from SpatialDataID 495345 to SpatialDataID 404482

SCANNED
MAY 02 2023

11 agrimm 6/10/2015 POD
PODID 876693 correlated from SpatialDataID 495339 to SpatialDataID 496411

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PODID 876698 correlated from SpatialDataID 404482 to SpatialDataID 496420

15 Renumber 4/29/2016 Ownership Change Split WR 63-7531
WR no. 63-7531 has been split by ownership change into WR nos. 63-7531 and 63-34224.

16 agrimm 4/29/2016 POU
Updated Shape

17 phummer 3/9/2018 Updated Shape
Updated POD Shape

18 rneely 7/27/2018 Transferred Right
This is now an approved transfer. Transfer Number = 81871

19 jhersley 12/1/2022 Split Right
Split into 63-7531 and 63-35356 due to change in ownership.

20 jhersley 5/2/2023 Split Right
Split into 63-7531 & 63-35411 due to a change in ownership. Montierth conveyed the domestic and stockwater use and a portion of the commercial. The POU remains the same however Montierth doesn't owner the land this portion of the commercial use is appurtenant too.

Dates and Other Information:
Decreed Date: 7/30/2009
State or Federal: S
Owner Name Connector: AND
Water District Number: TBD
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
5.870			63-10383 ,63-7531 ,63-34224 ,63-34225 ,63-35356 ,63-35411

SCANNED
MAY 02 2023

8.880	1,139.0	525.2	63-10383 ,63-11347 ,63-7531 ,63-3362 ,63-34795 ,63-35356 ,63-35411

Element Reviewed/Verified Dates:

Element	Last Reviewed	Reviewer	Last Verified Date	Verifier	Status
Summary	4/28/2008	segbert	4/28/2008	segbert	Closed

SubCase:
N/A

Water Supply Bank:

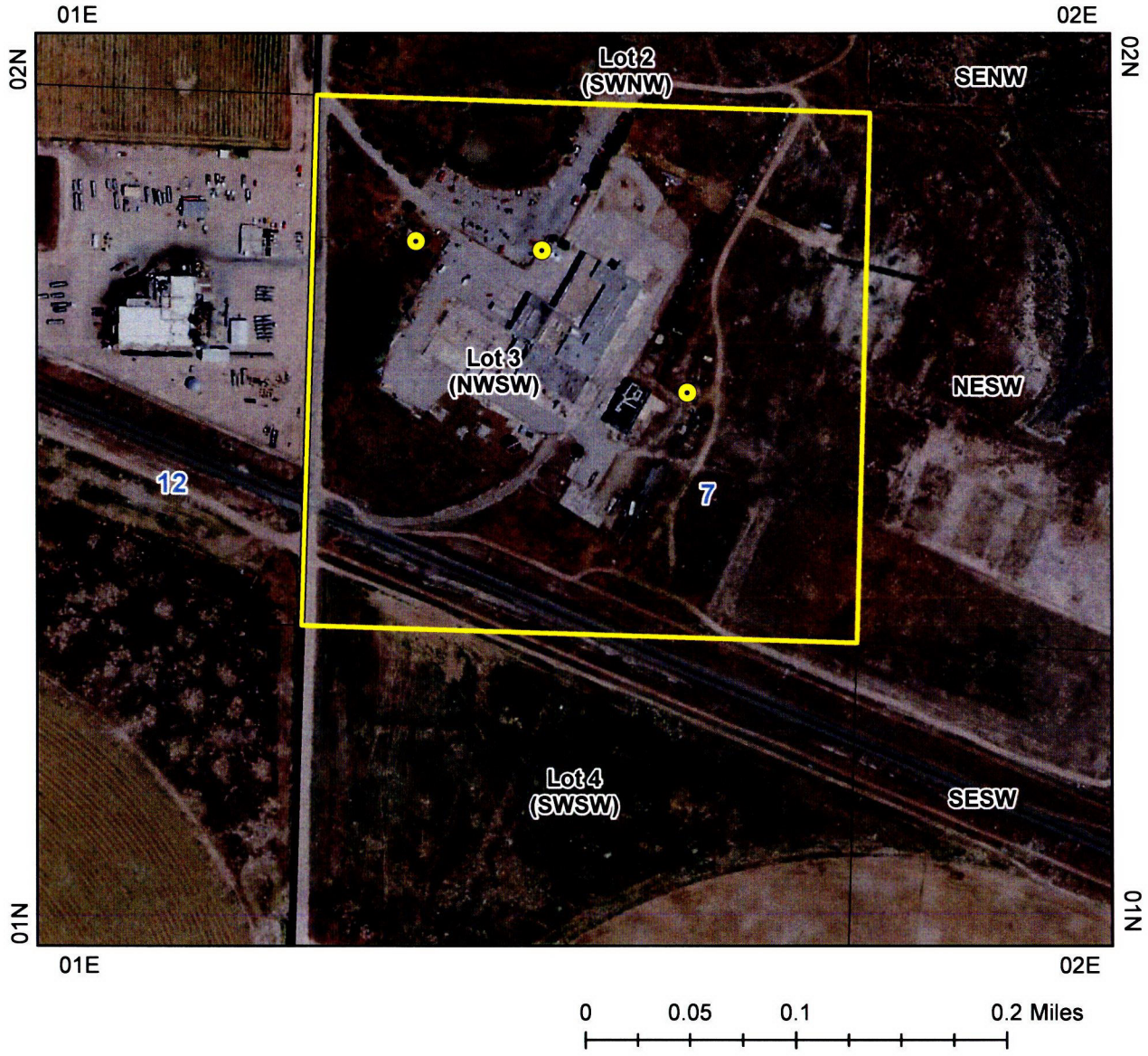
N/A

SCANNED
MAY 02 2023

State of Idaho
Department of Water Resources

Water Right

63-7531
AFTER SPLIT



SCANNED
MAY 02 2023

IDAHO DEPARTMENT OF WATER RESOURCES **2/7/2023**
Water Right 63-7531

BEFORE SPLIT

Owner Type	**Name and Address**
Current Owner	SUSAN MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686-8156 (208) 989-8310
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Priority Date: 12/10/1971
Basis: Decreed
Status: Active

Source	**Tributary**
GROUND WATER	

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
STOCKWATER	01/01	12/31	0.200 CFS	13.4 AF
COMMERCIAL	01/01	12/31	3.200 CFS	720.0 AF
DOMESTIC	01/01	12/31	0.200 CFS	11.2 AF
	Total Diversion		3.600 CFS	744.6 AF

SCANNED
MAY 1 2 2023

Source and Point(s) of Diversion:

GROUND WATER	L4(SWSW)	Sec. 18, Twp 01N, Rge 02E, ADA County
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GROUND WATER	L3(NWSW)	Sec. 7, Twp 01N, Rge 02E, ADA County
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GROUND WATER	SWSE	Sec. 31, Twp 02N, Rge 02E, ADA County
GROUND WATER	SESW	Sec. 18, Twp 01N, Rge 02E, ADA County

Place Of Use:

STOCKWATER within ADA County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	02E	7										X L3							

COMMERCIAL within ADA County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	02E	7										X L3							

DOMESTIC within ADA County

			NE				NW				SW				SE				
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MAY 02 2023

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SCANNED
63-7531
MAY 02 2023

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Decreed Date: 7/30/2009
State or Federal: S
Owner Name Connector: AND
Water District Number: TBD
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5

SCANNED
MAY 02 2023

Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
5.870			63-10383 ,63-7531 ,63-34224 ,63-34225 ,63-35356
8.880	1,139.0	525.2	63-10383 ,63-11347 ,63-7531 ,63-3362 ,63-34795 ,63-35356

Element Reviewed/Verified Dates:

Element	Last Reviewed	Reviewer	Last Verified Date	Verifier	Status
Summary	4/28/2008	segbert	4/28/2008	segbert	Closed

SubCase:
N/A

Water Supply Bank:

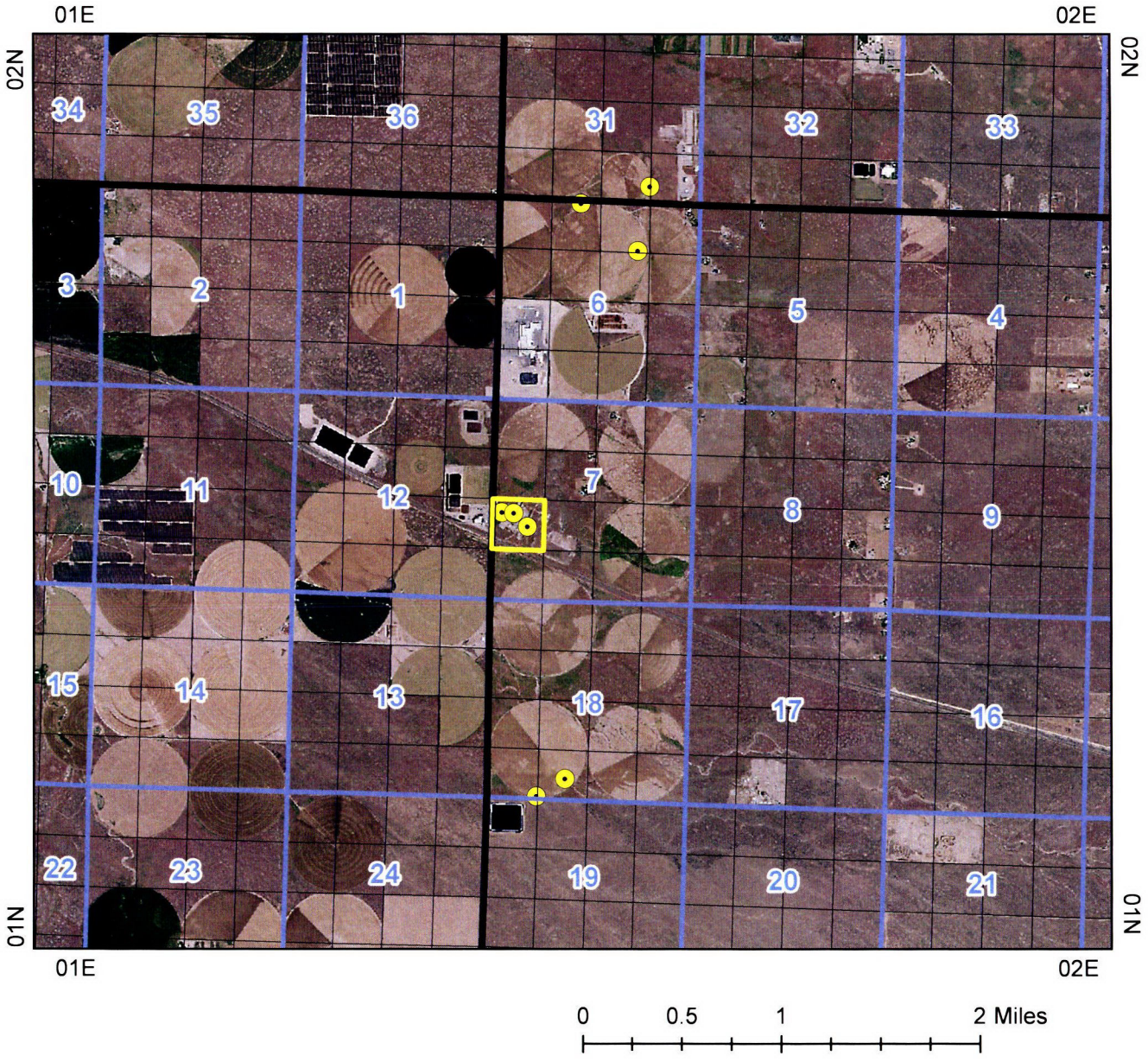
N/A

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MAY 02 2023

State of Idaho
Department of Water Resources

Water Right

63-7531



0 0.5 1 2 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

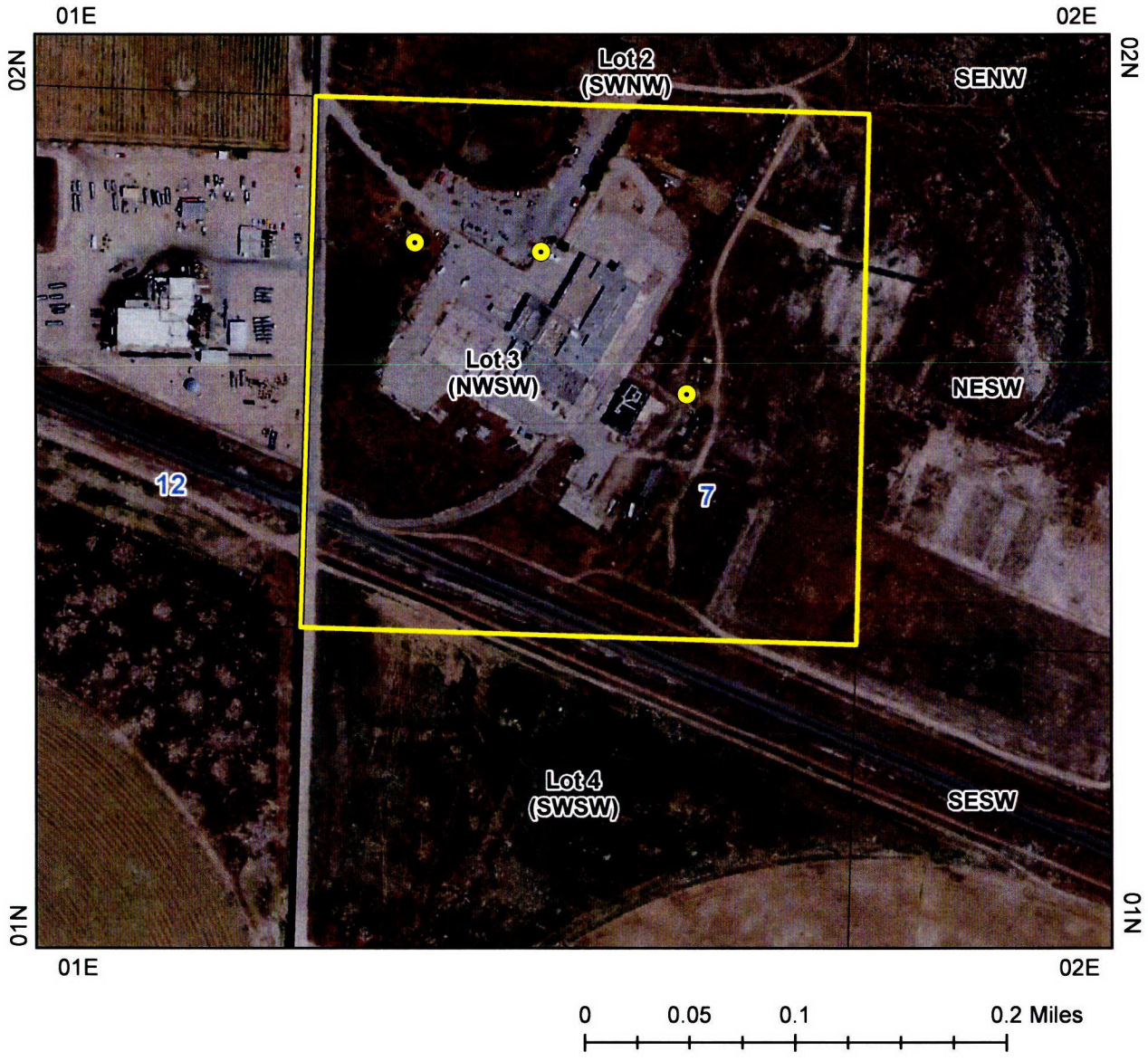
N

SCANNED
MAY 02 2023

State of Idaho
Department of Water Resources

Water Right

63-7531
BEFORE SPLIT



SCANNED
MAY 0 2 2025

Form 42-248/42-1409(6) Rev. 6/22

RECEIVED
JAN 10 2023
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions. DE

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-7531	Yes ☑	Yes ☐		Yes ☐	Yes ☐
Split into	Yes ☐	Yes ☐		Yes ☐	Yes ☐
63-7531 +	Yes ☐	Yes ☐		Yes ☐	Yes ☐
63-35411	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Edward Ray Montierth and Susan Montierth
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Seeler West Real Estate, LLC
   New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

   1 Genstar Drive # C — Mailing address
   Joliet — City; IL — State; 60435 — Zip
   815-740-2640 — Telephone
   Steve@seeler.com — Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
   - ☑ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
   - ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: December 3, 2021.

6. Do you own the land identified as the water right place of use? Yes ☑ No ☐
   - If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
   - ☑ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   - ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   - ☑ Filing fee (see instructions for further explanation):
     - $25 per *undivided* water right.
     - $100 per *split* water right.
     - No fee is required for pending adjudication claims.

     SUPPORT DATA IN FILE # 63-7531
   - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Steven Seeler — Signature of new owner/claimant
   Manager — Title, if applicable
   Dec. 28, 2022 — Date
   Steve Seeler — Print name

   Signature: _____ — Signature of new owner/claimant
   _____ — Title, if applicable
   _____ — Date
   _____ — Print name

For IDWR Office Use Only:

Receipted by KH Date 1.10.23 Receipt No. C115077 Receipt Amt. $100 —

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by _____ Date 5-2-23

SCANNED

ADA COUNTY RECORDER Phil McGrane
BOISE IDAHO Pgs=4 CHE FOWLER
PIONEER TITLE COMPANY OF ADA COUNTY

2021-171824
12/03/2021 03:56 PM
$15.00

Recording Requested by:

Givens Pursley LLP
Attn: Michael P. Lawrence
601 W. Bannock St.
Boise, Idaho 83702

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

WARRANTY DEED

For value received, Edward Ray Montierth and Susan Montierth, husband and wife (together, "**Grantor**"), do hereby grant, bargain, sell, and convey unto Seeler West Real Estate, LLC, an Illinois limited liability company whose current mailing address is 1 Genstar Drive, Joliet, Illinois 60435 ("**Grantee**"), the following described real property, located in Ada County, Idaho (the "**Premises**"):

See Exhibit A attached hereto and incorporated herein by reference.

TOGETHER WITH all appurtenances, easements, rights of access, fixtures, buildings, and improvements located thereon, including without limitation all of Grantor's right, title, and interest in and to the commercial, domestic, and stockwater portions of decreed Water Right No. 63-7531, as more particularly described in Exhibit B, attached hereto and incorporated herein, but no other water rights (represented by license, decree, permit or otherwise), any and all wells, ditches and ditch rights; all minerals, privileges, and other rights appurtenant thereto; streets, alleys, and rights of way adjacent thereto; all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining to; the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title, and interest in and to the Premises, as well in law as in equity (together with the Premises, the "**Property**")

TO HAVE AND TO HOLD the Property unto Grantee, its successors and assigns forever. And Grantor does hereby covenant to and with Grantee and its successors and assigns forever, that Grantor is owner in fee simple of the Property; that Grantor has the right to convey fee simple title to the Property; that the Property is free from any and all liens, claims, encumbrances, and other defects of title except the current years' taxes, levies, and assessments, U.S. Patent reservations, restrictions, and easements of record, and easements visible upon the premises; and that Grantor shall and will warrant and defend the quiet and peaceful possession of said Property by Grantee and its successors and assigns forever, against all claims whatsoever.

[signature page follows]

SCANNED
MAY 02 2023

DATED effective as of December 3RD, 2021.

GRANTOR:

Edward Ray Montierth

Susan Montierth

STATE OF IDAHO)
: ss.
County of Ada)

On this 3RD day of December, 2021, before me, Camille A. Baldwin a notary public in and for the State of Idaho, personally appeared **Edward Ray Montierth** and **Susan Montierth**, husband and wife, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

CAMILLE A. BALDWIN
COMMISSION #6106
NOTARY PUBLIC
STATE OF IDAHO

Camille A. Baldwin
Notary Public for Idaho
Residing at: Meddleton, ID
My commission expires: 7.21.2027

SCANNED
MAY 02 2023

EXHIBIT A

Legal Description

LEGAL DESCRIPTION FOR
RAY MONTIERTH
PARCEL 2

A parcel of land located in the Southwest 1/4 of Section 7, Township 1 North, Range 2 East, Boise Meridian, Ada County, Idaho. Being further described as follows:

BASIS OF BEARING:

The North line of Section 7, Township 1 North, Range 2 East, Boise Meridian, derived from found monuments and taken as South 88°56'59" East with the distance between monuments found to be 5335.02 feet.

BEGINNING at the West 1/4 Corner of said Section 7, Township 1 North, Range 2 East, Boise Meridian from which the Northwest corner of said Section 7 bears, North 00°20'05" East a distance of 2,659.42 feet

Thence along the North line of the Northwest 1/4 of the Southwest 1/4 South 88°47'40" East, To the Center West 1/16 Corner, a distance of 1,376.34 feet;

Thence along the North line of the Northeast 1/4 of the Southwest 1/4 of said Section 7, South 88°47'45" East, a distance of 197.20 feet;

Thence leaving said North line South 00°52'44" West, , a distance of 1,093.98 feet;

Thence North 68°05'53" West, a distance of 456.20 feet;

Thence South 21°54'07" West, to a point on the North Right of Way of the Union Pacific Railroad, a distance of 430.97 feet;

Thence along said North Right of Way line, North 68°05'53" West, to a point on the West line of the Northwest 1/4 of the Southwest 1/4 of said Section 7, a distance of 1,054.09 feet;

Thence along said West line, North 00°20'05" East, a distance of 963.47 feet to the **POINT OF BEGINNING**.

Said Parcel containing 1,742,471 square feet or 40.00 acres, more or less and is subject to all existing easements and rights-of-ways of record or implied.

END OF DESCRIPTION

Kenneth H. Cook, P.L.S. 9895
Timberline Surveying
847 Park Centre Way, Suite 3
Nampa, Idaho 83651
(208) 465-5687



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MAY 02 2023

EXHIBIT B

Water Rights

Water Right No.	Basis of Right	Priority Date	Purpose of Use	Diversion Rate in cubic feet per second (CFS)	Combined CFS	Diversion Volume in Acre Feet per year (AFA)	Combined AFA
63-7531	Decree	12/10/1971	Commercial	1.09	1.09	360	384.6
			Domestic	0.2		11.2	
			Stockwater	0.2		13.4	

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MAY 02 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

May 02, 2023

SEELER WEST REAL ESTATE LLC
1 GENSTAR LN STE C
JOLIET IL 60435-2675

Re: Change in Water Right Ownership: 63-7531 (Split into 63-7531 and ***63-35411***)

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: RAY AND SUSAN MONTIERTH
VARIN THOMAS LLC (DYLAN LAWRENCE)

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MAY 02 2023

Hersley, Jean

From: Dylan Lawrence <dylan@varinthomas.com>
Sent: Tuesday, April 25, 2023 10:49 AM
To: Hersley, Jean
Cc: Michael P. Lawrence
Subject: Re: Montierth water right 63-7531

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Sounds great; thanks Jean.

Dylan

Dylan Lawrence
242 N. 8th Street, Ste. 220
PO Box 1676 | Boise, ID 83701
(208) 345-6021
VarinThomas.com

VARIN THOMAS
ATTORNEYS AT LAW

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On Tue, Apr 25, 2023 at 8:43 AM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

> After speaking with my manager, I can move forward with the split as it is stated in the deed. I'm sorry this has taken so long to process. I'm involved in a special project and will hopefully be able to get back to this next week sometime. Thanks for your understanding.

Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942

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MAY 02 2023

From: Dylan Lawrence <dylan@varinthomas.com>
Sent: Monday, April 24, 2023 2:47 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Cc: Michael P. Lawrence <mpl@givenspursley.com>
Subject: Re: Montierth water right 63-7531

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Hello again, Jean. Would it make sense to schedule a time on our calendars to discuss this? If so, I am pretty available Thursday and Friday of this week and Monday of next week. Just let me know what works best for you.

Thank you,

Dylan

Dylan Lawrence

242 N. 8th Street, Ste. 220
PO Box 1676 | Boise, ID 83701

(208) 345-6021
VarinThomas.com

VARIN THOMAS
ATTORNEYS AT LAW

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On Wed, Apr 12, 2023 at 2:10 PM Dylan Lawrence <dylan@varinthomas.com> wrote:

Jean,

I apologize for my delay in getting back to you on this. I've been reviewing the prior ownership records and some additional materials Mike sent to me to get up to speed.

At the end of the day, your description below of the portion of the split right to Seeler West looks like it matches Exhibit B to the deed Seeler West received from Montierth. If that's true, then can you help me understand what else you would need from Seeler to process its notice of ownership change? It sounds like your question relates more to the "leftover" right than to Seeler, but it is also quite possible I am not quite understanding the issue.

Anyway, if you could let me know your thoughts, that would be great, and I promise not to wait another two months to respond again.

Thank you,

Dylan

Dylan Lawrence

242 N. 8th Street, Ste. 220
PO Box 1676 | Boise, ID 83701

(208) 345-6021
VarinThomas.com

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VARIN | THOMAS
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On Tue, Feb 14, 2023 at 10:45 AM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Thank you. The Department could move forward with how the deed and exhibits split the water. We could reduce the total diversion rate on the remainder of the right. But that would also mean that the buyer is going to be limited on how they can use the water.

Jean Hersley

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942

From: Dylan Lawrence <dylan@varinthomas.com>
Sent: Tuesday, February 14, 2023 9:36 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Cc: Michael P. Lawrence <mpl@givenspursley.com>; Dylan Lawrence <dylanlawrence@varinwardwell.com>
Subject: Re: Montierth water right 63-7531

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Hi Jean. Correct, I did file the notice, but Mike has more of the history on this than I do. I'll coordinate with Mike and get back to you.

Thanks,

Dylan

Dylan Lawrence

242 N. 8th Street, Ste. 220
PO Box 1676 | Boise, ID 83701

(208) 345-6021
VarinThomas.com

VARIN THOMAS
ATTORNEYS AT LAW

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On Tue, Feb 14, 2023 at 9:17 AM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

I am reaching out to both of you in the hopes one of you will be able to answer my questions regarding an ownership change the Department received. On January 10, 2023, the Department received an ownership change from Seeler West Real Estate LLC. The filing fee was paid by Varin Thomas, LLC., and I am assuming Dylan.

Michael Lawrence requested the warranty deed be recorded by Ada County. The deed was recorded on December 3, 2021. The deed included two exhibits. Exhibit A describes the real property and Exhibit B is a break down of how water right 63-7531 is supposed to be split. The problem is that the total diversion rate on Exhibit B is not additive.

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The current diversion rate and volume are:

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	01/01	12/31	0.200 CFS	13.4 AF
COMMERCIAL	01/01	12/31	3.200 CFS	720.0 AF
DOMESTIC	01/01	12/31	0.200 CFS	11.2 AF
	Total Diversion		3.600 CFS	744.6 AF

If I split the water right according to Exhibit B, the leftover portions would look like:

Beneficial Use	From	To	Diversion Rate	Volume
~~STOCKWATER~~	~~01/01~~	~~12/31~~	~~0.000 CFS~~	~~00.00 AF~~
COMMERCIAL	01/01	12/31	2.110 CFS	360.0 AF
~~DOMESTIC~~	~~01/01~~	~~12/31~~	~~0.000 CFS~~	~~00.00 AF~~
	Total Diversion		**2.510 CFS**	360.0 AF

The total diversion rate is more than the sum.

And the portion conveyed to Seeler West Real Estate, LLC would look like this:

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	01/01	12/31	0.200 CFS	13.4 AF
COMMERCIAL	01/01	12/31	1.090 CFS	360.0 AF
DOMESTIC	01/01	12/31	0.200 CFS	11.2 AF
	Total Diversion		1.090 CFS	384.6 AF

This is not a proportionate split. How would you like me to move forward? I have attached a copy of the warranty deed and the current water right report. Please respond within 30 days. Thank you.

Jean Hersley

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MAY 02 2023

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942

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MAY 0 2 2023

IDAHO DEPARTMENT OF WATER RESOURCES **12/1/2022**

Water Right 63-7531

After Split

Owner Type	**Name and Address**
Current Owner	SUSAN MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686-8156 (208) 989-8310
Current Owner	RAY MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686-8156 (208) 989-8310
Original Owner	MISSOURI BEEF PACKERS INC , ID
Original Owner	THOMAS M BEVAN 4202 N MARCLIFFE AVE BOISE, ID 83704 (208) 323-7873
Previous Owner	TYSON FRESH MEATS INC ATTN: KIM DIRKS 800 STEVENS PORT DR STE DD #709 DAKOTA DUNES, SD 57049-8709 (605) 235-2036
Security Interest	TYSON FOODS INC C/O KIM DIRKS ENV ENGINEER 800 STEVENS PORT DR STE 710 DAKOTA DUNES, SD 57049-8710 (605) 235-2036

Priority Date: 12/10/1971
Basis: Decreed
Status: Active

Source	**Tributary**
GROUND WATER	

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
STOCKWATER	01/01	12/31	0.200 CFS	13.4 AF
COMMERCIAL	01/01	12/31	3.200 CFS	720.0 AF
DOMESTIC	01/01	12/31	0.200 CFS	11.2 AF
	Total Diversion		3.600 CFS	744.6 AF

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Source and Point(s) of Diversion:

GROUND WATER	L4(SWSW)	Sec. 18, Twp 01N, Rge 02E, ADA County

GROUND WATER	L2(NWNE)	Sec. 6, Twp 01N, Rge 02E, ADA County
GROUND WATER	L3(NENW)	Sec. 6, Twp 01N, Rge 02E, ADA County
GROUND WATER	L3(NWSW)	Sec. 7, Twp 01N, Rge 02E, ADA County
GROUND WATER	L3(NWSW)	Sec. 7, Twp 01N, Rge 02E, ADA County
GROUND WATER	L3(NWSW)	Sec. 7, Twp 01N, Rge 02E, ADA County
GROUND WATER	SWSE	Sec. 31, Twp 02N, Rge 02E, ADA County
GROUND WATER	SESW	Sec. 18, Twp 01N, Rge 02E, ADA County

Place Of Use:

STOCKWATER within ADA County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	02E	7										X L3							

COMMERCIAL within ADA County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	02E	7										X L3							

DOMESTIC within ADA County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	02E	7										X L3							

Conditions of Approval:

1.	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.
2.	X35	Rights 63-3362, 63-7531, 63-10383, 63-11347 and 63-35356 when combined shall not exceed a total diversion rate of 8.88 cfs.
3.		Rights 63-3362, 63-7531, 63-10383, 63-11347 and 63-35356 when combined are limited to the irrigation of 525.2 total acres under the irrigation components of the rights in the 1139.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
4.		Rights 63-7531, 63-10383 and 63-35356 when combined shall not exceed a total diversion rate of 5.87 cfs.
5.		Water rights 63-7531 and 63-35356 when combined are not to exceed an annual volume of 744.6 af.
6.		Right holder is required to utilize cold water wells to their capacity. Low temperature geothermal water from the point of diversion in NWNE, S06, T01N, R02E, shall only be diverted at a rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water wells.
7.	214	Prior to the diversion and use of water under Transfer approval 81871, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the

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		amount of water diverted from power records or to maintain an existing measuring device.
8.	X61	The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than July 30, 2009.
9.		A single new point of diversion is authorized in either Lot 4(SWSW), or SESW, S18, T01N, R02E, to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
10.		Use of water under rights 63-7531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
11.	WD8	The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of rights 63-7531 and 63-10383 shall not be used for irrigation unless the water is first used in the commercial/industrial purposes as authorized by these water rights.
12.		Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E B.M.
13.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
14.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Comments:

1 segbert 4/28/2008 Corrected recommendation
Version 2 was necessary to correct some conditions on the recommendation that were in the wrong place or missing on the original recommendation. These conditions were from Transfer 5442.

2 kwalker 3/17/2015 POU
Updated Shape

3 kwalker 3/17/2015 GIS shape
Updated shape to ppu as decreed.

4 kwalker 4/15/2015 Updated Shape
Updated POUShape

5 rsommer 4/16/2015 Transferred Right
This is now an approved transfer. Transfer Number = 79803

6 agrimm 6/9/2015 POD
PODID 876695 correlated from SpatialDataID 73968 to SpatialDataID 404487

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7 agrimm 6/9/2015 POD
PODID 876694 correlated from SpatialDataID 404478 to SpatialDataID 404486

8 agrimm 6/9/2015 POD
PODID 876696 correlated from SpatialDataID 495343 to SpatialDataID 451605

9 agrimm 6/9/2015 POD
PODID 876697 correlated from SpatialDataID 495344 to SpatialDataID 404481

10 agrimm 6/9/2015 POD
PODID 876698 correlated from SpatialDataID 495345 to SpatialDataID 404482

11 agrimm 6/10/2015 POD
PODID 876693 correlated from SpatialDataID 495339 to SpatialDataID 496411

12 agrimm 6/11/2015 POD
PODID 876696 correlated from SpatialDataID 451605 to SpatialDataID 496423

13 agrimm 6/11/2015 POD
PODID 876697 correlated from SpatialDataID 404481 to SpatialDataID 496421

14 agrimm 6/11/2015 POD
PODID 876698 correlated from SpatialDataID 404482 to SpatialDataID 496420

15 Renumber 4/29/2016 Ownership Change Split WR 63-7531
WR no. 63-7531 has been split by ownership change into WR nos. 63-7531 and 63-34224.

16 agrimm 4/29/2016 POU
Updated Shape

17 phummer 3/9/2018 Updated Shape
Updated POD Shape

18 rneely 7/27/2018 Transferred Right
This is now an approved transfer. Transfer Number = 81871

19 jhersley 12/1/2022 Split Right
Split into 63-7531 and 63-35356 due to change in ownership.

Dates and Other Information:
Decreed Date: 7/30/2009
State or Federal: S
Owner Name Connector: AND
Water District Number: TBD
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

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Combined Use Limits:

Rate	Volume	Acres	Water Rights
5.870			63-10383 ,63-7531 ,63-34224 ,63-34225 ,63-35356
8.880	1,139.0	525.2	63-10383 ,63-11347 ,63-7531 ,63-3362 ,63-34795 ,63-35356

Element Reviewed/Verified Dates:

Element	Last Reviewed	Reviewer	Last Verified Date	Verifier	Status
Summary	4/28/2008	segbert	4/28/2008	segbert	Closed

SubCase:
N/A

Water Supply Bank:

Lease ID: 2408
Lease Type: Application
Lease Status: On Hold
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2023

Beneficial Use	Div Rate Leased	Div Volume Leased Acre Limit Leased	Total Acres Leased
Irrigation	2.51	638.10	1139.00

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IDAHO DEPARTMENT OF WATER RESOURCES **12/1/2022**

Water Right 63-7531 Before Split

Owner Type	Name and Address
Current Owner	SUSAN MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686-8156 (208) 989-8310
Current Owner	RAY MONTIERTH 825 HEARTLAND DR NAMPA, ID 83686-8156 (208) 989-8310
Original Owner	MISSOURI BEEF PACKERS INC , ID
Original Owner	THOMAS M BEVAN 4202 N MARCLIFFE AVE BOISE, ID 83704 (208) 323-7873
Previous Owner	TYSON FRESH MEATS INC ATTN: KIM DIRKS 800 STEVENS PORT DR STE DD #709 DAKOTA DUNES, SD 57049-8709 (605) 235-2036
Security Interest	TYSON FOODS INC C/O KIM DIRKS ENV ENGINEER 800 STEVENS PORT DR STE 710 DAKOTA DUNES, SD 57049-8710 (605) 235-2036

Priority Date: 12/10/1971
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	2.510 CFS	638.1 AF
STOCKWATER	01/01	12/31	0.200 CFS	13.4 AF
COMMERCIAL	01/01	12/31	3.200 CFS	720.0 AF
DOMESTIC	01/01	12/31	0.200 CFS	11.2 AF
	Total Diversion		3.600 CFS	744.6 AF

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Source and Point(s) of Diversion:

GROUND WATER	L4(SWSW)	Sec. 18, Twp 01N, Rge 02E, ADA County
GROUND WATER	L2(NWNE)	Sec. 6, Twp 01N, Rge 02E, ADA County
GROUND WATER	L3(NENW)	Sec. 6, Twp 01N, Rge 02E, ADA County
GROUND WATER	L3(NWSW)	Sec. 7, Twp 01N, Rge 02E, ADA County
GROUND WATER	L3(NWSW)	Sec. 7, Twp 01N, Rge 02E, ADA County
GROUND WATER	L3(NWSW)	Sec. 7, Twp 01N, Rge 02E, ADA County
GROUND WATER	SWSE	Sec. 31, Twp 02N, Rge 02E, ADA County
GROUND WATER	SESW	Sec. 18, Twp 01N, Rge 02E, ADA County

Place Of Use:

STOCKWATER within ADA County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	02E	7										X L3							

COMMERCIAL within ADA County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	02E	7										X L3							

IRRIGATION within ADA County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	02E	6	35.0 L1	40.0 L2	40.0	40.0	40.0 L3			40.0						6.0	6.0		247.0
01N	02E	7					40.0	40.0 L1	40.0 L2		40.0		36.0 L4	32.0			32.0		260.0
01N	02E	18	32.0	40.0		40.0	40.0	40.0 L1	40.0 L2	40.0	40.0	40.0 L3	40.0 L4	40.0					432.0
02N	02E	31									40.0	40.0 L3	40.0 L4	40.0			40.0		200.0

Right Acre Limit: 135.80
POU Total Acres: 1,139.0

DOMESTIC within ADA County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N	02E	7										X L3							

Conditions of Approval:

1. X27 This right is limited to the irrigation of 135.8 acres within the authorized place of use in a single irrigation season.
2. 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.
3. X35 Rights 63-3362, 63-7531, 63-10383, and 63-11347 when combined shall not exceed a total diversion rate of 8.88 cfs.
4. Rights 63-3362, 63-7531, 63-10383, and 63-11347 when combined are limited to the irrigation of 525.2 total acres under the irrigation components of the rights in the 1139.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from

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		the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
5.		Rights 63-7531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.
6.		Right holder is required to utilize cold water wells to their capacity. Low temperature geothermal water from the point of diversion in NWNE, S06, T01N, R02E, shall only be diverted at a rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water wells.
7.	214	Prior to the diversion and use of water under Transfer approval 81871, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8.	X61	The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than July 30, 2009.
9.		A single new point of diversion is authorized in either Lot 4(SWSW), or SESW, S18, T01N, R02E, to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
10.		Use of water under rights 63-7531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
11.	WD8	The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of rights 63-7531 and 63-10383 shall not be used for irrigation unless the water is first used in the commercial/industrial purposes as authorized by these water rights.
12.		Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E B.M.
13.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
14.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Comments:

1 segbert 4/28/2008 Corrected recommendation

Version 2 was necessary to correct some conditions on the recommendation that were in the wrong place or missing on the original recommendation. These conditions were from Transfer 5442.

2 kwalker 3/17/2015 POU

Updated Shape

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3 kwalker 3/17/2015 GIS shape
Updated shape to ppu as decreed.

4 kwalker 4/15/2015 Updated Shape
Updated POUShape

5 rsommer 4/16/2015 Transferred Right
This is now an approved transfer. Transfer Number = 79803

6 agrimm 6/9/2015 POD
PODID 876695 correlated from SpatialDataID 73968 to SpatialDataID 404487

7 agrimm 6/9/2015 POD
PODID 876694 correlated from SpatialDataID 404478 to SpatialDataID 404486

8 agrimm 6/9/2015 POD
PODID 876696 correlated from SpatialDataID 495343 to SpatialDataID 451605

9 agrimm 6/9/2015 POD
PODID 876697 correlated from SpatialDataID 495344 to SpatialDataID 404481

10 agrimm 6/9/2015 POD
PODID 876698 correlated from SpatialDataID 495345 to SpatialDataID 404482

11 agrimm 6/10/2015 POD
PODID 876693 correlated from SpatialDataID 495339 to SpatialDataID 496411

12 agrimm 6/11/2015 POD
PODID 876696 correlated from SpatialDataID 451605 to SpatialDataID 496423

13 agrimm 6/11/2015 POD
PODID 876697 correlated from SpatialDataID 404481 to SpatialDataID 496421

14 agrimm 6/11/2015 POD
PODID 876698 correlated from SpatialDataID 404482 to SpatialDataID 496420

15 Renumber 4/29/2016 Ownership Change Split WR 63-7531
WR no. 63-7531 has been split by ownership change into WR nos. 63-7531 and 63-34224.

16 agrimm 4/29/2016 POU
Updated Shape

17 phummer 3/9/2018 Updated Shape
Updated POD Shape

18 rneely 7/27/2018 Transferred Right
This is now an approved transfer. Transfer Number = 81871

19 jhersley 12/1/2022 Split Right

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Split into 63-35356.

Dates and Other Information:
Decreed Date: 7/30/2009
State or Federal: S
Owner Name Connector: And
Water District Number: TBD
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
8.880	1,139.0	525.2	63-10383 ,63-11347 ,63-7531 ,63-3362 ,63-34795
5.870			63-10383 ,63-7531 ,63-34224 ,63-34225

Element Reviewed/Verified Dates:

Element	Last Reviewed	Reviewer	Last Verified Date	Verifier	Status
Summary	4/28/2008	segbert	4/28/2008	segbert	Closed

SubCase:
N/A

Water Supply Bank:

Lease ID: 2408
Lease Type: Application
Lease Status: On Hold
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2023

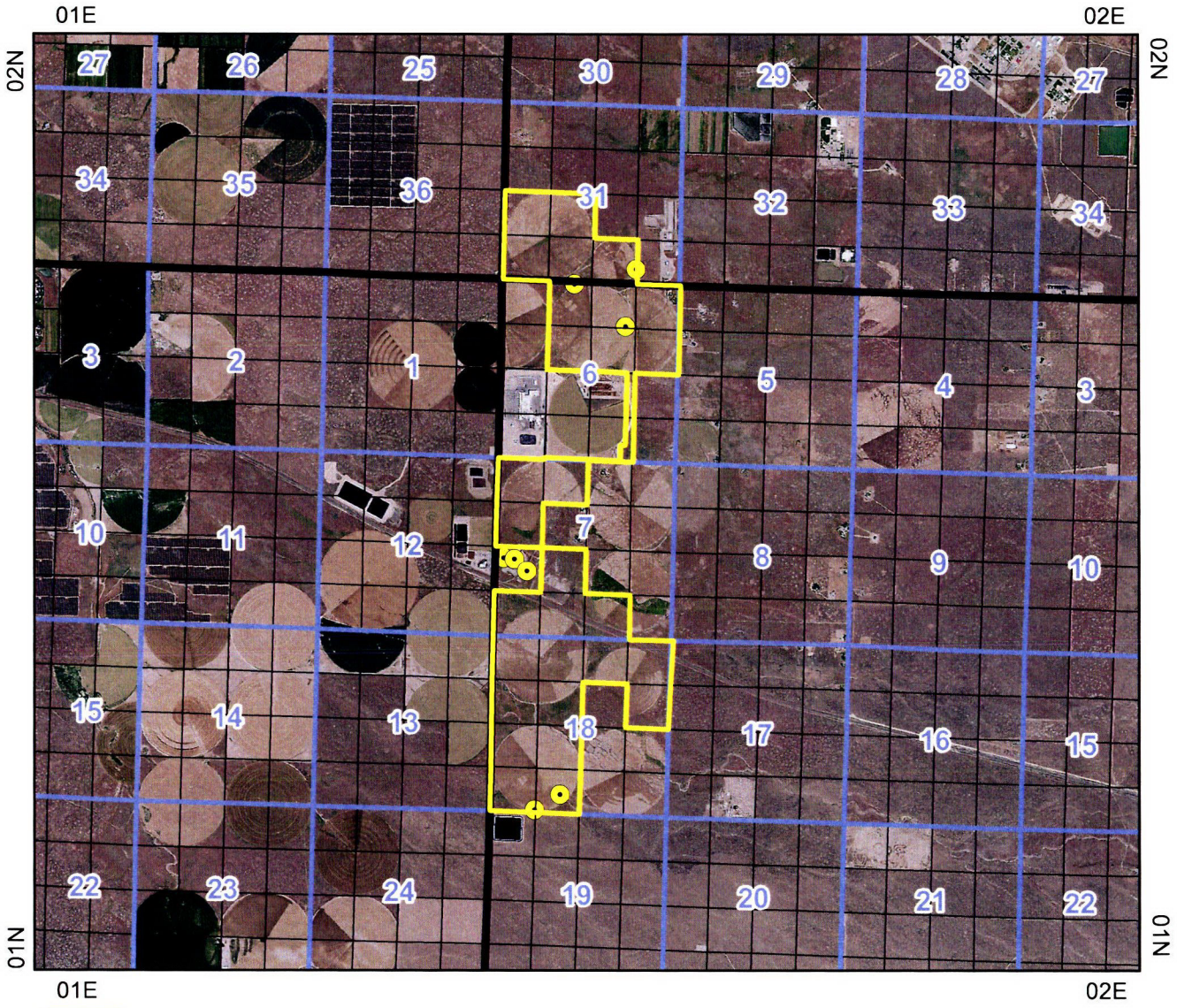
Beneficial Use	Div Rate Leased	Div Volume Leased Acre Limit Leased	Total Acres Leased
Irrigation	2.51	638.10	1139.00

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State of Idaho
Department of Water Resources

Water Right License

63-7531



Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

0 0.5 1 2 Miles

N

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AUG 0 2 2022
DEPARTMENT OF WATER RESOURCES

Form 42-248/42-1409(6) Rev. 7/21

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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MAR 24 2022
WATER RESOURCES WESTERN REGION

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-7531	Yes ■	Yes ☐		Yes ☐	Yes ☐
63-7531 + 63-35356	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: GC Kuna Land, L.C., a Utah limited liabilty company
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): CS Property Development LLC
   New owner(s) as listed on the conveyance document Name connector ☐ **and** ☐ **or**

   P. O. Box 27 (Mailing address) | Boise (City) | ID (State) | 83707 (Zip)

   208-780-7359 (Telephone) | vic.conrad@simplot.com (Email)

4. If the water rights and/or adjudication claims were split, how did the division occur?
   - ■ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
   - ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: January 7, 2022.

6. Do you own the land identified as the water right place of use? Yes ■ No ☐
   - o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
   - ■ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   - ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   - ☐ Filing fee (see instructions for further explanation):
     - o $25 per *undivided* water right.
     - o $100 per *split* water right.
     - o No fee is required for pending adjudication claims.

     SUPPORT DATA
     IN FILE # 63-7531
   - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9

8. Signature: [signature] (Signature of new owner/claimant) | Director (Title, if applicable) | March 22, 2022 (Date)
   Thomas J. Basabe (Print name)

   Signature: _____ (Signature of new owner/claimant) | _____ (Title, if applicable) | SCANNED DEC 01 2022 (Date)
   _____ (Print name)

For IDWR Office Use Only:

Receipted by LL Date 03/24/2022 Receipt No. W050234 Receipt Amt. $25.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by [signature] Date 12-1-22

ADA COUNTY RECORDER Phil McGrane
BOISE IDAHO Pgs=8 NIKOLA OLSON
FIRST AMERICAN TITLE AND ESCROW COMPANY

2022-002397
01/07/2022 10:50 AM
$15.00

Recording requested by and
when recorded return to:
CS Property Development LLC
1099 W. Front Street
Boise ID 83702

ELECTRONICALLY RECORDED - DO NOT REMOVE THE COUNTY STAMPED FIRST PAGE AS IT IS NOW INCORPORATED AS PART OF THE ORIGINAL DOCUMENT.

3855144-TDMC

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, GC Kuna Land, L.C., a Utah limited liability company, whose current address is 800 W. Main St., Suite 1220, Boise, Idaho 83702 (the "**Grantor**") does hereby BARGAIN, SELL and CONVEY, unto CS Property Development LLC, a Delaware limited liability company, whose address is 1099 W. Front Street, Boise ID 83702 (the "**Grantee**") and its successors and assigns forever, the following described real property situated Ada County, State of Idaho

See Exhibit A attached hereto and incorporated herein by reference.

TOGETHER WITH any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, and rights-of-way in anywise appertaining to the real property herein described;

TOGETHER WITH Idaho Department of Water Resources ("IDWR") Water Right Permit Nos. 63-34374, 63-33884 and 63-34373 and the right to divert up to 2.51 cubic feet per second and 360 acre feet per annum under IDWR Water Right No. 63-7531 for beneficial use on the described real property, and all ditches, ditch rights, easements and rights-of-way associated with the delivery of such water rights including, but not limited to those identified on Exhibit A attached hereto; and

EXCEPTING taxes, levies, and assessments for the current year not yet due and payable and the following existing items: reservations in favor of the United States of America; easements, right of ways, boundary line agreements, development agreements, water supply agreements, plats, covenants, conditions, restrictions and reservations that are matters of public record; all applicable zoning laws and ordinances; and along with any state of facts that an accurate survey or inspection of the Property would show.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said real property;

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that the real property is free from all encumbrances, excepting those as may be set forth herein; and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 7TH day of January, 2022.

GRANTOR:

GC KUNA LAND, L.C., a Utah limited liability company, by its Manager

K.C. GARDNER COMPANY, L.C., a Utah limited liability company,

By: _____
Name: Christian Gardner
Manager

STATE OF Utah)
) ss.
County of Salt Lake)

This record was acknowledged before me on January 5 2022 by Christian Gardner as Manager of K.C. Gardner Company L.C, the Manager of GC Kuna Land, L.C.

NOTARY PUBLIC
CHANTELLE MARTIN TAYLOR
COMM. # 713730
MY COMMISSION EXPIRES
AUGUST 25, 2024
STATE OF UTAH

_____
Signature of Notary Public
My Commission expires: 08-25-2024

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Exhibit A to Special Warranty Deed
WATER RIGHTS

Water Right Number	Status	Use	Flow in cubic feet per second (CFS)	Acres	Volume (acre feet)
63-34374	Permit	Irrigation	6.0	300	Not Applicable due to Permit Status
63-33884	Permit	Irrigation	9.42	471	Not Applicable due to Permit Status
63-34373	Permit	Irrigation Storage	Not Applicable	N/A	800
		Diversion to Storage	4.5	N/A	
		Irrigation From Storage	NA	187	800
63-7531	Decreed	Irrigation	2.51	135.8	360

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DESCRIPTION OF REAL PROPERTY

PARCEL 4:

BASIS OF BEARINGS FOR THIS DESCRIPTION IS NORTH 0°08'05" WEST BETWEEN THE 5/8" REBAR ILLEGIBLE CAP MARKING THE SOUTHWEST CORNER OF SECTION 6, AND THE ALUMINUM CAP MARKING THE WEST QUARTER CORNER OF SECTION 6, BOTH IN TOWNSHIP 1 NORTH, RANGE 2 EAST, BOISE MERIDIAN.

PARCEL A RECORD OF SURVEY 10795 BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT A FOUND BRASS CAP MARKING THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE

NORTH 89°19'01" WEST, COINCIDENT WITH THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 6, A DISTANCE OF 330.00 FEET TO A 5/8" REBAR PLS 14221 AND THE POINT OF BEGINNING; THENCE CONTINUING

NORTH 89°19'01" WEST, COINCIDENT WITH THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 6, A DISTANCE OF 843.38 FEET TO A 5/8" REBAR PLS 14221; THENCE

NORTH 0°01'30" EAST, 295.00 FEET TO A 5/8" REBAR PLS 14221; THENCE

NORTH 89°19'01" WEST, PARALLEL WITH SAID SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 6, A DISTANCE OF 295.00 FEET TO A 5/8" REBAR PLS 4347; THENCE

SOUTH 0°01'30" WEST, 295.00 FEET TO A 5/8" REBAR PLS 14221 ON SAID SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 6; THENCE

NORTH 89°19'01" WEST, PARALLEL WITH SAID SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 6, A DISTANCE OF 200.00 FEET TO A 5/8" REBAR PLS 14221; THENCE

NORTH 0°01'30" EAST, PARALLEL WITH THE WESTERLY LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 6, A DISTANCE OF 495.01 FEET TO A 5/8" REBAR PLS 14221; THENCE

SOUTH 89°19'01" EAST, PARALLEL WITH SAID SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 6, A DISTANCE OF 147.50 FEET TO A 5/8" REBAR PLS 14221; THENCE

NORTH 0°01'30" EAST, PARALLEL WITH SAID WESTERLY LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, A DISTANCE OF 2163.89 FEET TO A 5/8" REBAR PLS 14221 ON THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 6; THENCE

SOUTH 89°17'57" EAST, COINCIDENT WITH SAID NORTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 6, A DISTANCE OF 200.00 FEET TO A 5/8" REBAR PLS 4347 MARKING THE CENTER EAST 1/16 CORNER OF SAID SECTION 6; THENCE

SOUTH 0°01'30" WEST, COINCIDENT WITH SAID WESTERLY LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6. A DISTANCE OF 23.15 FEET FROM WHICH BEARS 0.13 FEET FROM A 1/2" REBAR WITH AN ILLEGIBLE CAP ON THE SOUTHERLY BOUNDARY OF RECORD OF SURVEY 2989, ADA COUNTY RECORDS; THENCE

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SOUTH 79°05'37" EAST, COINCIDENT WITH SAID SOUTHERLY BOUNDARY OF RECORD OF SURVEY 2989, A DISTANCE OF 166.66 FEET; THENCE
SOUTH 69°34'10" EAST, COINCIDENT WITH SAID SOUTHERLY BOUNDARY OF RECORD OF SURVEY 2989, A DISTANCE OF 215.47 FEET; THENCE

SOUTH 59°32'55" EAST, COINCIDENT WITH SAID SOUTHERLY BOUNDARY OF RECORD OF SURVEY 2989, A DISTANCE OF 199.02 FEET; THENCE

SOUTH 64°22'30" EAST, COINCIDENT WITH SAID SOUTHERLY BOUNDARY OF RECORD OF SURVEY 2989, A DISTANCE OF 325.55 FEET; THENCE

SOUTH 52°35'19" EAST, COINCIDENT WITH SAID SOUTHERLY BOUNDARY OF RECORD OF SURVEY 2989, A DISTANCE OF 618.42 FEET ON THE EASTERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 6; THENCE

SOUTH 0°04'01" WEST, COINCIDENT WITH SAID EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 6, A DISTANCE OF 1135.32 FEET TO A 5/8" REBAR PLS 14221; THENCE

NORTH 89°19'01" WEST, PARALLEL WITH SAID SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 6, A DISTANCE OF 330.00 FEET TO A 5/8" REBAR PLS 14221; THENCE

SOUTH 0°04'01" WEST, PARALLEL WITH SAID EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 6, A DISTANCE OF 792.00 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO SHOWN AS PARCEL I ON RECORD SURVEY NO. 2989, FILED FOR RECORD IN THE OFFICE OF THE ADA COUNTY RECORDER, BOISE, IDAHO, UNDER INSTRUMENT NO, 94088073, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A PLOW SHEAR MARKING THE EAST QUARTER CORNER OF THE SAID SECTION 6, THENCE ALONG
THE NORTHERLY BOUNDARY OF THE SAID EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, THENCE
NORTH 88° 55' 30" WEST A DISTANCE OF 25.00 FEET TO AN IRON PIN, ALSO SAID
POINT BEING THE REAL POINT OF BEGINNING, THENCE CONTINUING,
NORTH 88° 55' 30" WEST A DISTANCE OF 435.60 FEET TO AN IRON PIN, LEAVING THE SAID NORTHERLY BOUNDARY,
SOUTH 00° 26' 18" WEST A DISTANCE OF 300.02 FEET TO AN IRON PIN, THENCE
SOUTH 88° 55' 30" EAST A DISTANCE OF 435.60 FEET TO AN IRON PIN ON THE WESTERLY RIGHT OF WAY LINE OF
SOUTH CURTIS ROAD, THENCE ALONG THE SAID WESTERLY RIGHT OF WAY LINE
NORTH 00° 26' 18" EAST A DISTANCE OF 300.02 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO SHOWN AS PARCEL II ON RECORD OF SURVEY 2989, FILED FOR RECORD IN THE OFFICE OF THE ADA COUNTY RECORDER,

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BOISE, IDAHO, UNDER INSTRUMENT NO, 94088073, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING A PLOW SHEAR MARKING THE EAST QUARTER CORNER OF THE SAID SECTION 6, THENCE ALONG THE EASTERLY BOUNDARY OF THE SAID EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, WHICH IS ALSO THE CENTRAL LINE OF SOUTH CURTIS ROAD, THENCE SOUTH 00° 26' 18" WEST A DISTANCE OF 731.12 FEET TO A P.K. NAIL, THENCE LEAVING THE SAID EASTERLY BOUNDARY,
NORTH 52° 12' 52" WEST A DISTANCE OF 618.47 FEET TO AN IRON PIN, THENCE
NORTH 64° 00' 03" WEST A DISTANCE OF 325.55 FEET TO AN IRON PIN, THENCE
NORTH 59° 10' 28" WEST A DISTANCE OF 199.02 FEET TO AN IRON PIN, THENCE
NORTH 69° 11' 43" WEST A DISTANCE OF 215.47 FEET TO AN IRON PIN, THENCE
NORTH 78° 43' 10" WEST A DISTANCE OF 166.61 FEET TO AN IRON PIN ON THE WESTERLY BOUNDARY OF THE SAID EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, THENCE ALONG THE SAID WESTERLY BOUNDARY, NORTH 00° 23' 54" EAST A DISTANCE OF 23.16 FEET TO AN IRON PIN MARKING THE NORTHWEST CORNER OF THE SAID EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, THENCE ALONG THE NORTHERLY BOUNDARY OF THE SAID EAST HALF OF THE SOUTHEAST QUARTER, SOUTH 88° 55' 30" EAST A DISTANCE OF 1322.77 FEET TO THE POINT ON BEGINNING.

EXCEPTING THEREFROM:

A PARCEL OF LAND BEING A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO SHOWN AS PARCEL I ON RECORD OF SURVEY 2989, FILED FOR RECORD IN THE OFFICE OF THE ADA COUNTY RECORDER, BOISE, IDAHO, UNDER INSTRUMENT NO. 94088073, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A PLOW SHEAR MARKING THE EAST QUARTER CORNER OF THE SAID SECTION 6, THENCE ALONG
THE NORTHERLY BOUNDARY OF THE SAID EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, THENCE
NORTH 88° 55' 30" WEST A DISTANCE OF 25.00 FEET TO AN IRON PIN, ALSO SAID POINT BEING THE REAL POINT OF BEGINNING, THENCE CONTINUING,
NORTH 88° 55' 30" WEST A DISTANCE OF 435.60 FEET TO AN IRON PIN, LEAVING THE SAID NORTHERLY BOUNDARY,
SOUTH 00° 26' 18" WEST A DISTANCE OF 300.02 FEET TO AN IRON PIN, THENCE
SOUTH 88° 55' 30" EAST A DISTANCE OF 435.60 FEET TO AN IRON PIN ON THE WESTERLY RIGHT OF WAY LINE OF SOUTH CURTIS ROAD, THENCE ALONG THE SAID WESTERLY RIGHT OF WAY LINE
NORTH 00° 26' 18" EAST A DISTANCE OF 300.02 FEET TO THE POINT OF BEGINNING.

PARCEL 8:

BASIS OF BEARING FOR THIS LEGAL DESCRIPTION IS SOUTH 89°40'55" EAST, BETWEEN THE BRASS CAP MARKING THE SOUTHWEST SECTION CORNER OF SECTION 18 AND THE BRASS CAP MARKING THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 2 RECORD OF SURVEY 10805 BEING A PARCEL OF LAND LOCATED IN SECTION 7 AND SECTION 18 TOWNSHIP 1 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

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BEGINNING AT A BRASS CAP MARKING THE SOUTHWEST SECTION CORNER OF SAID SECTION 18; THENCE

NORTH 0°01'51" WEST, COINCIDENT WITH THE WESTERLY BOUNDARY OF SAID SECTION 18, A DISTANCE OF 2659.45 FEET TO AN ALUMINUM CAP MARKING THE WEST QUARTER CORNER OF SAID SECTION 18; THENCE

NORTH 0°03'45" WEST, COINCIDENT WITH THE WESTERLY BOUNDARY A DISTANCE OF 2646.57 FEET TO A 5/8" REBAR, ILLEGIBLE CAP, MARKING THE SECTION CORNER COMMON TO SECTIONS 7 AND 18; THENCE

NORTH 0°02'00" WEST, COINCIDENT WITH THE WESTERLY BOUNDARY OF SAID SECTION 7, A DISTANCE OF 1480.62 FEET TO THE SOUTHERLY RIGHT OF WAY OF THE UNION PACIFIC RAIL ROAD, TO A 5/8" REBAR, PLS 14221; THENCE

SOUTH 68°27'58" EAST, COINCIDENT WITH SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 5749.29 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SECTION 18, TO A 5/8" REBAR, PLS 14221; THENCE

SOUTH 0°50'08" WEST COINCIDENT WITH SAID EASTERLY BOUNDARY OF SECTION 18, A DISTANCE OF 2063.94 FEET TO A BRASS CAP MARKING THE EAST QUARTER CORNER OF SECTION 18; THENCE

SOUTH 0°24'40" EAST COINCIDENT WITH THE EASTERLY BOUNDARY OF SECTION 18, A DISTANCE OF 2642.16 FEET TO A BRASS CAP MARKING THE SOUTHEAST SECTION CORNER OF SECTION 18; THENCE

NORTH 89°41'06" WEST COINCIDENT WITH THE SOUTHERLY BOUNDARY OF SECTION 18, A DISTANCE OF 2642.29 FEET TO A BRASS CAP MARKING THE SOUTH QUARTER CORNER OF SECTION 18; THENCE

NORTH 89°40'55" WEST COINCIDENT WITH THE SOUTHERLY BOUNDARY OF SAID SECTION 18, A DISTANCE OF 2689.46 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM: THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 18.

PARCEL 9:

GOVERNMENT LOT 1 OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, STATE OF IDAHO.

PARCEL 10:

THE NORTHWEST QUARTER OF SECTION 11 AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3 AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 1 NORTH, RANGE 1 EAST, OF THE BOISE MERIDIAN, ADA COUNTY IDAHO,

EXCEPT THE FOLLOWING THREE PARCELS:

EXCEPTED PARCEL 1:

ANY PORTION LYING WITHIN UNION PACIFIC RAIL ROAD RIGHT-OF-WAY.

EXCEPTED PARCEL 2:

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THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 1 EAST, OF THE BOISE MERIDIAN, ADA COUNTY IDAHO.

EXCEPTED PARCEL 3:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 1 EAST, OF THE BOISE MERIDIAN, ADA COUNTY IDAHO LYING NORTHERLY OF THE RAILROAD RIGHT OF WAY.

PARCEL 11:

THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO.

LESS AND EXCEPTING ANY PORTION LYING WITHIN THE UNION PACIFIC RAILROAD RIGHT OF WAY.

PARCEL 12:

ALL THAT PORTION OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ IN SECTION 12, TOWNSHIP 1 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, LYING SOUTH OF THE OREGON SHORT LINE RAILROAD.

LESS AND EXCEPTING THAT PORTION DEEDED TO ADA COUNTY HIGHWAY DISTRICT IN QUITCLAIM DEED RECORDED JULY 21, 1972, AS INSTRUMENT NO. 814758, RECORDS OF ADA COUNTY, IDAHO.

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DEC 01 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

December 01, 2022

CS PROPERTY DEVELOPMENT LLC
PO BOX 27
BOISE ID 83707-0027

Re: Change in Water Right Ownership: 63-7531 (Split into 63-7531 and ***63-35356***)

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: SUSAN MONTIERTH
RAY MONTIERTH

SCANNED
DEC 01 2022

Hersley, Jean

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Friday, August 5, 2022 10:50 AM
To: Hersley, Jean
Subject: RE: [EXTERNAL] ownership change for CS Property

Good. I think there is an error in how the new "water right report" on the website is interpreting the data for display in the new water right report format.

Out of curiosity – who is your manager?

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Friday, August 5, 2022 10:47 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: RE: [EXTERNAL] ownership change for CS Property

I need to meet with my manager and discuss this. I will let you know what transpires. Probably will be a couple of weeks. We are headed to Salmon next week for an Informal Settlement Conference.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Friday, August 5, 2022 10:45 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: [EXTERNAL] ownership change for CS Property

Jean,
Did you have a chance to look into this?

From: Conrad, Vic
Sent: Wednesday, August 3, 2022 11:25 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: [EXTERNAL] ownership change for CS Property

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Jean,
I pulled the "water right report" for this water right from the IDWR's system. It appears on the new form of "water right report" the volumetric limit for the different uses is accumulating for each use. I don't think the water right was licensed and decreed with a cumulative volume for each use. You may want to check into this. If, after you have a chance to check, and we find the volume is not cumulative, in our current ownership split, the balance of the volume would be allocated to the commercial, stock water and domestic use.

Let me know what you think after you check into how the right was originally issued.

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Wednesday, August 3, 2022 10:04 AM
To: Conrad, Vic <Vic.Conrad@simplot.com>
Subject: RE: [EXTERNAL] ownership change for CS Property

If CS Property is only getting 360 af of the irrigation volume, what is going to happen to the remaining 278.1 af. The total before the split is 638.1 - 360 = 278.1. There is no more rate nor acres for this volume.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

From: Conrad, Vic <Vic.Conrad@simplot.com>
Sent: Wednesday, August 3, 2022 9:49 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: RE: [EXTERNAL] ownership change for CS Property

Yes, Jean. The only portion of the water right acquired by CS is for the irrigation of 135.8 acres with a maximum diversion of 2.51 cfs up to maximum annual volume of 360 acre feet per year.

From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Wednesday, August 3, 2022 7:51 AM
To: Conrad, Vic <vic.conrad@simplot.com>
Subject: [EXTERNAL] ownership change for CS Property

You don't often get email from jean.hersley@idwr.idaho.gov. Learn why this is important

[Warning: External Email]
Mr. Conrad,

I am in the process of reviewing the ownership change submitted for CS Property Development, LLC for the irrigation portion of water right 63-7531. The special warranty deed and Exhibit A specifies 2.51 cfs and 360 af and 135.8 acres of the irrigation use of this right. The totals for the irrigation use are 2.51 cfs, 638.1 af and 135.8-acre limit in 1139 acres. I am wondering if the diversion volume is incorrect on the deed.

Please let me know within 14 days so the ownership change can be completed and the WSB Lease application can be considered.

Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources

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Simplot

J.R. Simplot Company
P.O. Box 27, Boise, Idaho
83707 0027

1099 West Front Street
Boise, Idaho 83702

Vic.conrad@simplot.com
208 780 7359 Business
208 780 7333 Fax

RECEIVED
MAR 24 2022
WATER RESOURCES
WESTERN REGION

March 22, 2022

Nick Miller, Manager
Western Region
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: IDWR Permit Nos. 63-33207, 63-34308 and Water Right No. 63-7531.

Dear Nick:

Enclosed for filing are amendments to the above referenced permits to add additional industrial places of use. In addition, the enclosed Notice of Change of Water Right Ownership updates the ownership of the irrigation component of water right 63-7531. Please apply the enclosed $225.00 check toward covering the fees for filing these permit amendments and updated ownership notice.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosures

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DEC 01 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

August 2nd, 2022

CS PROPERTY DEVELOPMENT INC
C/O THOMAS J BASABE
PO BOX 27
BOISE ID 83707

RE: APPLICATION(S) TO LEASE WATER RIGHT NO(S). 63-7531 TO THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application(s) to lease the above referenced water right(s) to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow. If the application(s) is not processed prior to the end of the proposed lease period, it will be returned to the applicant. The Department regrets any inconvenience caused by the delay.

If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted if additional information is required.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have any questions, please contact me at (208) 287-4822.

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosure: Receipt C113529