

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 10 2023

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 ☐
<i>split into</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
<i>63-7531 +</i>	Yes ☐	Yes ☐		Yes ☐	Yes ☐
<i>63-35411</i>	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
- 1 Genstar Drive *# C*
Mailing address
815-740-2640
Telephone
- Joliet
City
Steve@seeler.com
Email
- Name connector ☐ and ☐ or
IL 60435
State Zip
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 ☐
 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.
☐ 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.

SUPPORT DATA
IN FILE # 63-7531

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

 Print name

Received by KM Date 1.10.23 For IDWR Office Use Only: 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 [Signature] Date 5-2-23

SCANNED

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]

DATED effective as of December 30th, 2021.

GRANTOR:


Edward Ray Montierth


Susan Montierth

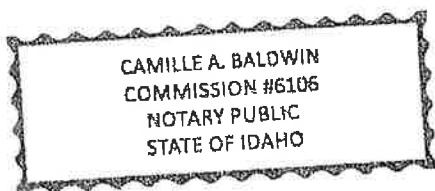
STATE OF IDAHO)

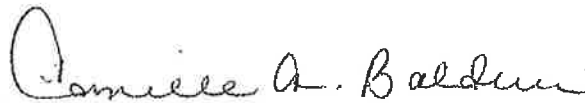
: ss.

County of Ada)

On this 30th 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.





Notary Public for Idaho

Residing at: Middleton, ID

My commission expires: 7.21.2027

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) 465-5887



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	

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-7531

5/2/2023

After Split

<u>Owner Type</u>	<u>Name and Address</u>
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
GROUND WATER

Tributary

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

CANNED
MAY 12 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-7531

5/2/2023

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				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-7531

5/2/2023

- | | | |
|-----|-----|---|
| 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 |
| 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 | | | |

SCANNED
MAY 02 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-7531

5/2/2023

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.

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 own 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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.870		

Water Rights

63-10383 ,63-7531 ,63-
34224 ,63-34225 ,63-
35356 ,63-35411

CANNED

MAY 02 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-7531

5/2/2023

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:

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

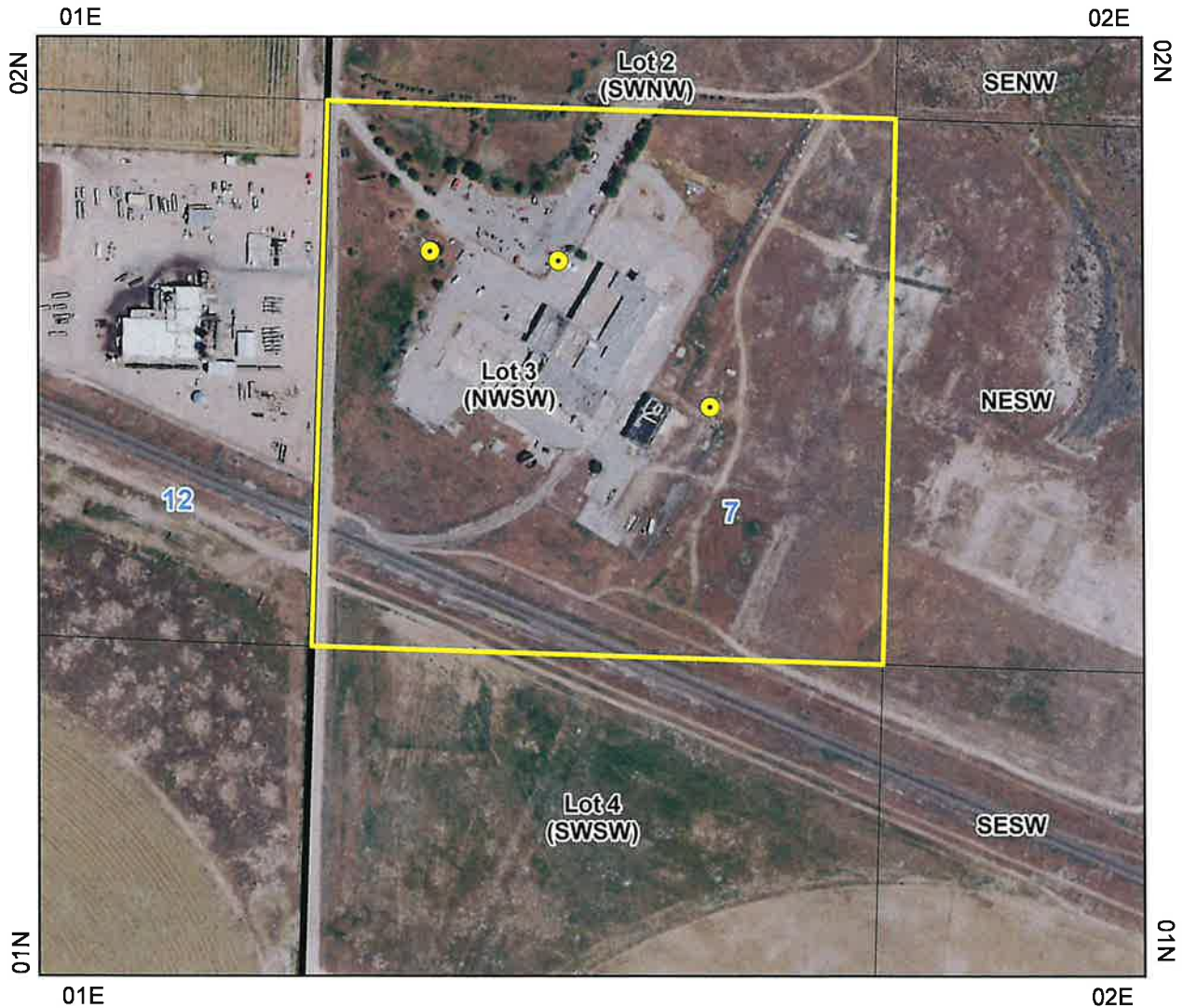
SubCase:

N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Water Right
63-7531
AFTER SPLIT



0 0.05 0.1 0.2 Miles

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



SCANNED

MAY 02 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-7531

2/7/2023

BEFORE SPLIT

<u>Owner Type</u>	<u>Name and Address</u>
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
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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
	<u>Total Diversion</u>		3.600 CFS	744.6 AF

SCANNED

MAY 12 2023 63-7531/23

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-7531

2/7/2023

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

COMMERCIAL within ADA County

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

DOMESTIC within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-7531

2/7/2023

- 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

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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-7531

2/7/2023

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
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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 63-7531

2/7/2023

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
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:

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

SubCase:

N/A

Water Supply Bank:

N/A

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

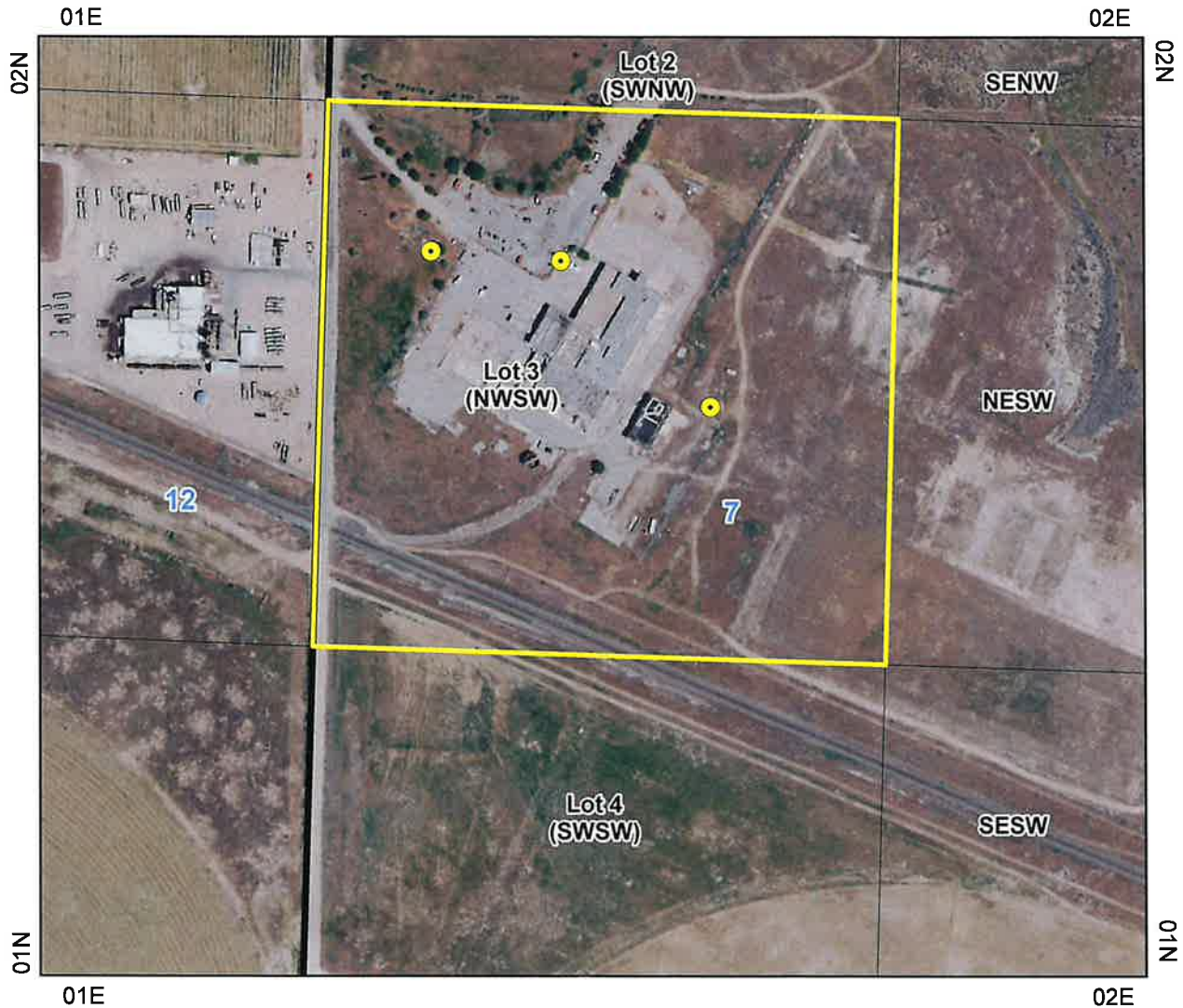
SCANNED
MAY 02 2023



State of Idaho
Department of Water Resources

Water Right

63-7531
BEFORE SPLIT



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

SCANNED
MAY 02 2024



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)

SCANNED
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



CONFIDENTIALITY NOTICE: This e-mail contains confidential information that is protected by the attorney-client privilege and/or work product doctrine. It is intended only for the use of the individual(s) named as recipients. If you are not the intended recipient of this e-mail, please notify the sender and please do not deliver, distribute, or copy this e-mail, disclose its contents, or take any action in reliance on the information it contains.

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

SCANNED

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

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.

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



SCANNED
MAY 02 2023

CONFIDENTIALITY NOTICE: This e-mail contains confidential information that is protected by the attorney-client privilege and/or work product doctrine. It is intended only for the use of the individual(s) named as recipients. If you are not the intended recipient of this e-mail, please notify the sender and please do not deliver, distribute, or copy this e-mail, disclose its contents, or take any action in reliance on the information it contains.

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

CONFIDENTIALITY NOTICE: This e-mail contains confidential information that is protected by the attorney-client privilege and/or work product doctrine. It is intended only for the use of the individual(s) named as recipients. If you are not the intended recipient of this e-mail, please notify the sender and please do not deliver, distribute, or copy this e-mail, disclose its contents, or take any action in reliance on the information it contains.

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

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.

SCANNED

MAY 02 2023

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



CONFIDENTIALITY NOTICE: This e-mail contains confidential information that is protected by the attorney-client privilege and/or work product doctrine. It is intended only for the use of the individual(s) named as recipients. If you are not the intended recipient of this e-mail, please notify the sender and please do not deliver, distribute, or copy this e-mail, disclose its contents, or take any action in reliance on the information it contains.

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.

The current diversion rate and volume are:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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
	<u>Total Diversion</u>		3.600 CFS	744.6 AF

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
~~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~~
	<u>Total Diversion</u>		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:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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
	<u>Total Diversion</u>		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

SCANNED
MAY 02 2023

Technical Records Specialist II

Idaho Dept Water Resources

(208) 287-4942

SCANNED

MAY 02 2023