

C/C, LLC

Dana L. Hofstetter (ISB #3867)
HOFSTETTER LAW OFFICE, L.L.C.
608 West Franklin Street
Boise, ID 83702
(208) 424-7800
(208) 424-8774 (Facsimile)

RECEIVED
JUN 12 2007
Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

In Re SRBA

Case No. 39576

)
)
) Subcase No. 65-19594
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)

MOTION TO FILE LATE OBJECTION

MOTION

C/C, LLC, an Idaho limited liability company, by and through its counsel of record and pursuant to Rule 10(j) of SRBA Administrative Order 1, hereby respectfully moves the Court for leave to file a late Objection to water right number 65-19594 with respect to priority date and the Claimant's name and address. This Motion is supported by the Memorandum below and the contemporaneously submitted Affidavit of Dana L. Hofstetter in Support of Motion to File Late Objection and proposed Objection.

MEMORANDUM

The *Payette Adjudication* covered water rights in the Payette River drainage developed prior to October 19, 1977. *Affidavit of Dana L. Hofstetter* (“*Affidavit*”). However, the *Payette Adjudication* apparently did not cover all in-stream stock water rights existing on this date. *Affidavit*. The claimed priority date of October 20, 1977 for water right no. 65-19594 apparently was based on the mistaken impression that in-stream stockwater rights were included in the *Payette Adjudication* and that since the right had not been claimed in the *Payette Adjudication* a priority date subsequent to October 19, 1977 was required. Actually, it is believed that stock likely had access to the Payette River at this location ever since the land first was irrigated, well in advance of October 20, 1977. *Affidavit*. Therefore, a priority date much earlier than October 20, 1977 is legally supportable for this right.

In January 2002, the C/C, LLC’s counsel filed a Change in Ownership form for water right no. 65-19594 with the Idaho Department of Water Resources . *Affidavit*, Exhibit A. Although this filing has remained pending for several months, it appears that the SRBA computer records for this water right continue to list the former owner as the Claimant of this water right. *Affidavit*. C/C, LLC, as the current owner, should be named in the SRBA partial decree for this water right.

CONCLUSION

For the reasons stated above, good cause exists to correct the priority date and the name of the current water right owner. This Motion to File Late Objection should be granted so that these corrections can be made.

DATED this 10th day of June, 2002.

HOFSTETTER LAW OFFICE, L.L.C.

By 
Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2002, I caused to be served copies of the foregoing **Motion to File Late Objection** by the methods indicated below:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax



Dana L. Hofstetter

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: As indicated in item B on Page 1 of this Objection.
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: Before October 20, 1977
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): A Notice of Completed Administrative Proceeding for the Change in Ownership form filed with IDWR on January 18, 2002 has not been submitted to the Court. Therefore, SRBA Court documents do not accurately reflect current ownership. The Payette Adjudication did not include instream stock water uses and, therefore, priority date may be earlier than October 20, 1977.

F.

VERIFICATION (Must be Completed)

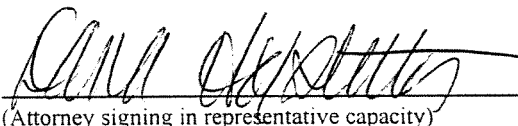
State of Idaho)
) ss.
County of Ada)

Dana L. Hofstetter, duly sworn, upon oath, deposes and says:

(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)



(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 10, 2002



Notary Public for the State of Idaho

Residing at: Boise, ID

My Commission Expires: 2-13-2003

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on June 10, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID

2. One copy to the claimant of the water right at the following address:

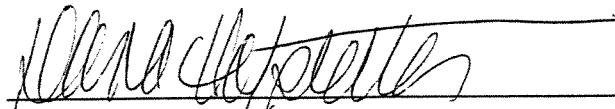
Name: Eastern Western Corporation
Michael E. McGinley, President
Address: P.O. Box 3228
Portland, Oregon 97208-3228

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

C/C, LLC

Dana L. Hofstetter (ISB #3867)
HOFSTETTER LAW OFFICE, L.L.C.
608 West Franklin Street
Boise, ID 83702
(208) 424-7800
(208) 424-8774 (Facsimile)

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Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

In Re SRBA

Case No. 39576

)
)
) Subcase No. 65-19594
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)
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**Affidavit of Dana L. Hofstetter in
Support of Motion to File Late
Objection**

STATE OF IDAHO)

) ss:
COUNTY OF ADA)

Dana L. Hofstetter, being first duly sworn deposes and states:

(1) I am the attorney of record for the Claimant, C/C, LLC, in this subcase.

(2) A true and correct copy of the Notice of Change in Water Right Ownership for Water Right No. 65-19594 which I submitted to the Idaho Department of Water Resources ("IDWR") on January 18, 2002 is attached hereto as Exhibit A.

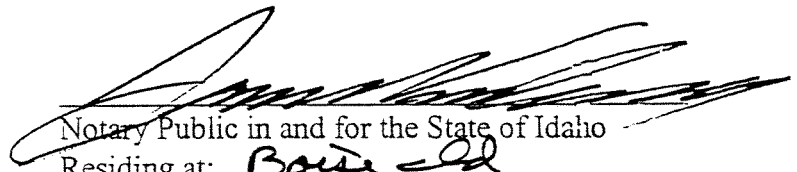
(3) Based on my recent discussions with Jan Shurte of IDWR, it is my understanding that instream stockwater rights were not covered in the *Payette Adjudication*, and therefore such rights from the Payette River drainage may be claimed with a priority date before October 19, 1977 in the SRBA.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 10th day of June, 2002.


DANA L. HOFSTETTER

SUBSCRIBED AND SWORN to before me this 10th day of June, 2002.


Notary Public in and for the State of Idaho
Residing at: Bowen, ID
My Commission Expires: 2-13-2003

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2002, I caused to be served copies of the foregoing **AFFIDAVIT OF DANA L. HOFSTETTER IN SUPPORT OF MOTION TO FILE LATE OBJECTION** by the method indicated upon the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

E:\4001\2\5274

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65-13091		—		65-22524	—
65-05800	65-5800B	—		65-22526	—
65-19594	65-19594	—		65-22527	—
	65-22520	—		65-22528	—
	65-22522	—		65-22529	—
	65-22523	—		65-22530	—

2. The following REQUIRED information must be submitted with this form:

- A. The appropriate FILING FEE. See instructions for fee amounts.
- B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
 OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) Eastern Western Corporation
P.O. Box 3228, Portland, Oregon 97208
4. New Owner/Claimant(s) C/C, LLC
Name Connector (Check one: ☐ and, ☐ or, ☐ and/or)
3990 Highway 52
 New Mailing Address
Pavette, Idaho 83661
 City, State and ZIP Code
208 278-3448
 New Telephone Number
August 22, 2001
5. Date you acquired the property

RECEIVED

JAN 18 2002

WATER RESOURCES
WESTERN REGION

EXHIBIT

A

6.

If the change in ownership affects the entire water right for each water right or water right owner, you must describe, in detail, your portion of each water right after the change. If you own multiple water rights, you must describe, in detail, your portion of each water right after the change. If the quantity of water is greater than a proportionate split, you must attach documentation to show that you are not sure how to identify your portion of the original water right on adjudication. If you are not sure how to identify your portion of the original water right on adjudication, contact the IDWR office for assistance.

number listed in form 10-2000 (Rev. 10/01) the box(es) number. If your large amount, if the amount

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, stop this area and proceed to item 7.)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per season)	Season or (month, number and year)
Irrigation		
Stock		
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, stop this area and proceed to item 7.)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per season)	Season or (month, number and year)
Irrigation		
Stock		
Domestic		
Other		
Total		

7.

Signature of New Owner(s) or Claimant(s)
(Include title if applicable)

C/C, LLC, Jeffery

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance card IDWR to correspond with blowout for all matters related to your claims.

you wish

For Office Use Only

Received by	Date	Fee
Received by	Date	Receipt No.
Processed by	Date	WR

01/18/02 12:56

P.002

C/C, LLC

Dana L. Hofstetter
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, ID 83702
(208) 424-7800
Fax (208) 424-8774
ISB No. 3867

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

In Re SRBA	)	Subcase Nos. 65-5800B, 65-19594, 65-22520,
	)	65-22522, 65-22523, 65-22524, 65-22526,
Case No. 39576	)	65-22527, 65-22528, 65-22529 and 65-22530
	)	
_____	)	

NOTICE OF APPEARANCE

Please take notice that Dana L. Hofstetter of Hofstetter Law Office, LLC hereby appears as counsel of record for C/C, LLC in the above-referenced subcases. You are requested to serve all future papers and pleadings on Ms. Hofstetter at the address listed above.

DATED this 18th day of January, 2002.

HOFSTETTER LAW OFFICE, LLC

By 
Dana L. Hofstetter

295767

STATE OF IDAHO } SS
County of PayetteI hereby certify that this instrument
was filed for record at the request of

After Recording Return To:

C/C, LLC
3990 Highway 52
Payette, Idaho 83661~~EASTERN WESTERN CORPORATION~~Time 5:20 PMDate August 29, 2001Instrument # 295767-Deeds

LAURA L. STIGILE

Election Recorder

By Kathryn A. Furrer
DeputyFee \$ 27.00

WARRANTY DEED

For value received, EASTERN WESTERN CORPORATION, an Oregon corporation, the grantor, does hereby grant, bargain, sell and convey unto C/C, LLC, an Idaho limited liability company, the grantee, whose address is 3990 Highway 52, Payette, Idaho, 83661, the following described premises in Payette County, Idaho, to-wit:

See Exhibit A attached hereto and incorporated herein by reference.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. The said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that they are free from all encumbrances, except as set forth in attached Exhibit B, which is incorporated herein by this reference, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED: August 29, 2001.

EASTERN WESTERN CORPORATION

By: Michael E. McGinley
Michael E. McGinley, President

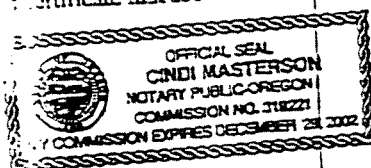
STATE OF OREGON

) ss

County of Multnomah

On August 29, 2001, before me, a notary public in the State of Oregon, personally appeared Michael E. McGinley, known to me to be the President of Eastern Western Corporation, an Oregon corporation, that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Cindi Masterson

Notary Public for Oregon

My commission expires: 12-29-02

WARRANTY DEED

EXHIBIT "A"

PARCEL I

A Parcel of land in Government Lot 1 and in the East Half of the Northeast Quarter of the Southeast Quarter of Section 32, and in Government Lot 6 of Section 33, all in Township 9 North, Range 5 West, Boise County, Payette County, Idaho, and more particularly described as follows:

COMMENCING at the Southeast corner of said Section 32; thence
 North 00°29'12" East 1301.06 feet to the Southeast corner of said East Half of the Northeast Quarter of the Southeast Quarter; thence
 North 89°43'07" West 660.89 feet to the Southwest corner of said East Half of the Northeast Quarter of the Southeast Quarter; thence
 North 00°26'48" East 421.76 feet to the TRUE POINT OF BEGINNING;
 thence
 North 00°26'48" 882.54 feet to the Northwest corner of said East Half of the Northeast Quarter of the Southeast Quarter; thence
 North 00°26'48" East 445.66 feet; thence
 South 84°30'31" East 664.31 feet to a point on the boundary line common to Section 32 and Section 33; thence
 South 84°30'31" East 1208.92 feet; thence
 South 06°09'08" West 934.63 feet; thence
 South 03°43'03" East 202.08 feet; thence
 South 10°28'02" East 230.44 feet; thence
 North 84°54'58" West 1174.10 feet to a point on the boundary line common to Section 32 and Section 33; thence
 North 84°54'58" West 314.45 feet; thence
 North 00°29'12" East 75 feet; thence
 North 89°43'07" West 347.45 feet, more or less, to the point of beginning.

TOGETHER with an Easement for ingress and egress to the above described property described as follows:

CONTINUED

NO.: FA-14015

EXHIBIT "A" CONTINUED

The South 421.76 feet of the West 25 feet of the East Half of the Northeast Quarter of the Southeast Quarter in Section 33, Township 8 North, Range 5 West, Boise Meridian, in the County of Payette, State of Idaho.

PARCEL II

In Township 8-North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 4: A portion of Blocks 1 and 2 of Assessor's Payne according to the plat thereof on file in Book 1, Page 37, Plat Records of said County; said parcel being situated in the Southwest quarter of the South of said Section 4, and described as follows:

Commencing at the Northeast corner of said Southwest quarter of the Southwest quarter;

thence South $88^{\circ}48'06''$ West along the North line of said Southwest quarter of the Southwest quarter a distance of 877.39 feet to the POINT OF BEGINNING;

thence South $3^{\circ}11'30''$ East a distance of 440.00 feet;

thence South $73^{\circ}25'50''$ East a distance of 376.60 feet to the right-of-way line of the Oregon Short Line Railroad;

thence South $24^{\circ}04'50''$ West a distance of 803.93 feet along said line to a point on the South line of said Southwest quarter of the Southwest quarter;

thence South $88^{\circ}49'49''$ West a distance of 497.99 feet along said line to the Southwest corner of said Southwest quarter of the Southwest quarter;

CONTINUED

NO.: FA-14015

EXHIBIT "A" CONTINUED

thence North $0^{\circ}23'42''$ West a distance of 1281.47 feet along the West line of said Southwest quarter of the Southwest quarter to the Northwest corner of said Southwest quarter of the Southwest quarter;

thence North $88^{\circ}48'06''$ East a distance of 449.39 feet along the North line of said Southwest quarter of the Southwest quarter to the POINT OF BEGINNING;

SAVE AND EXCEPT the right of way for a certain public road crossing said parcel on the North and West sides.

PARCEL III

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 32:

The Southwest quarter of the Northwest quarter of the Northwest quarter;
the Northwest quarter of the Southwest quarter of the Northwest quarter;
and the North half of the Southwest quarter of the Southwest quarter of the Northeast quarter.

PARCEL IV

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 29: Government Lots 1 and 2, and the Southwest quarter of the Southeast quarter;

In Section 32: The Northwest quarter of the Northwest quarter of the Northeast quarter; and

CONTINUED

NO.: FA-14014

EXHIBIT "A" CONTINUED

Government Lots 1 and 2, EXCEPTING the West 660 feet the

AND FURTHER EXCEPTING that portion of said Lot 1 lying South of the following described line:

Commencing at the Southwest corner of the East half of the Southeast quarter of the Southeast quarter;

thence North 0°26'48" East 1304.30 feet to the Northwest corner of the East half of the Northeast quarter of the Southeast quarter;

thence North 0°26'48" East 445.66 feet to the TRUE POINT BEGINNING for this line;

thence South 84°30'31" East 664.31 feet to a point on the boundary line common to Section 32 and Section 33 and the termination of said line;

AND FURTHER EXCEPTING that portion of Lot 1 lying East of the mean high water line of the Payette River as established by survey recorded August 3, 2001 as Instrument No. 295230, Official Records.

PARCEL V

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 29: Government Lots 3, 4 and 5;

In Section 30: Government Lot 1;

In Section 31: Government Lot 2;

In Section 32: Government Lots 3, 4, 5, 7 and the Northeast quarter of the Southwest quarter,

EXCEPTING from said Lots 4 and 5 and from said Northeast quarter of the Southwest quarter the following described tract of land:

CONTINUED

NO.:FA-14015

-5-

EXHIBIT "A" CONTINUED

Beginning at the Southeast corner of said Northeast quarter of the Southwest quarter of Section 32, Township 9 North, Range 5 West, Boise Meridian;

thence North $0^{\circ}00'22''$ East 720.02 feet along the East line of said Northeast quarter of the Southwest quarter;

thence North $85^{\circ}05'20''$ West 528.96 feet;

thence North $8^{\circ}26'10''$ East 454.94 feet;

thence North $43^{\circ}28'39''$ West 65.91 feet;

thence North $58^{\circ}29'07''$ West 374.66 feet to a point within said Lot 4;

thence South $28^{\circ}05'43''$ West 456.29 feet to a point within said Northeast quarter of the Southwest quarter;

thence North $84^{\circ}21'34''$ West 648.70 feet to a point within said Lot 5;

thence South $8^{\circ}23'09''$ West 484.82 feet;

thence North $87^{\circ}31'01''$ West 316.33 feet;

thence South $1^{\circ}10'55''$ East 654.90 feet to a point on the South line of said Lot 5;

thence North $89^{\circ}59'12''$ East 2058.62 feet along the South line of said Lot 5 and the South line of said Northeast quarter of the Southwest quarter to the Point of Beginning.

CONTINUED

NO. :FA-14015

In Section 33: Government Lot 6,

EXCEPTING THEREFROM the following described tract of land:

Commencing at the Southeast corner of Section 32;

thence North $0^{\circ}29'12''$ East 1301.06 feet to the Southeast corner of the East half of the Northeast quarter of the Southeast quarter of said Section 32;thence North $89^{\circ}43'07''$ West 660.89 feet to the Southwest corner of said East half of the Northeast quarter of the Southeast quarter;thence North $0^{\circ}26'48''$ East 421.76 feet;thence North $0^{\circ}26'48''$ East 882.54 feet to the Northwest corner of said East half of the Northeast quarter of the Southeast quarter;thence North $0^{\circ}26'48''$ East 445.66 feet;thence South $84^{\circ}30'31''$ East 664.31 feet to a point on the boundary line common to Section 32 and Section 33 and the TRUE POINT OF BEGINNING;thence South $84^{\circ}30'31''$ East 1208.92 feet;thence South $6^{\circ}09'08''$ West 934.63 feet;thence South $3^{\circ}43'03''$ East 202.08 feet;thence South $10^{\circ}28'02''$ East 230.44 feet;thence North $84^{\circ}54'58''$ West 1174.10 feet to a point on the boundary line common to Section 32 and Section 33;

CONTINUED

NO.: FA-14015

-7-

EXHIBIT "A" CONTINUED

thence North along said boundary line to the Point of Beginning.

AND FURTHER EXCEPTING THEREFROM the following described tract of land:

Beginning at the Southwest corner of said Lot 6;

thence North $0^{\circ}29'12''$ East 320.43 feet;

thence South $84^{\circ}54'58''$ East 1174.10 feet;

thence South $10^{\circ}28'02''$ East to a point on the South side line of Lot 6;

thence West along said South side line to the Point of Beginning.

PARCEL VI

Land in Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 33: Government Lot 7 and that portion of Government Lot 8 lying Westerly of the Union Pacific Railroad right of way.

PARCEL VII

Land in Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho, as follows:

A portion of the Southeast Quarter of the Southeast Quarter of Section 5, Township 8 North, Range 5 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of said Southeast Quarter of the Southeast Quarter of Section 5;

CONTINUED

01/18/02 12:42 FAX 2082785294

295767

-8-

NO.:FA-14515

thence North 89°59'55" West along the South line of said Southeast Quarter of the Southeast Quarter a distance of 680.84 feet;

thence North 0°31'51" West a distance of 985.37 feet;

thence North 89°30'48" East a distance of 79.26 feet;

thence North 03°28'56" East a distance of 307.47 feet to the North line of said Southeast Quarter of the Southeast Quarter;

thence East along the North line to the Northeast corner of said Southeast Quarter of the Southeast Quarter;

thence South along the East line to the POINT OF BEGINNING.

In Section 3: All that portion of the Northeast Quarter, EXCEPTING the North 165 feet thereof, lying West of the right-of-way of the Oregon Short Line Railroad Government Lot 3; and All that portion of Government Lot 4 lying West of the right-of-way of the Oregon Short Line Railroad;

ALSO, East 680.84 feet of the North 165 feet of the Northeast Quarter of the Northeast Quarter;

In Section 9: All that portion of the Northwest quarter of the Northwest Quarter lying West of the right-of-way of the Oregon Short Line Railroad; said tract being also described as Blocks 4A, 5, 6 and 6A of the Recorder's Amended Plat of Point 1, but, as per Plat in Book 2, Page 6, Plat Records of Payette County, Idaho.

END

After Recording Return To:

C/C, LLC
3990 Highway 52
Payette, Idaho 83661I hereby certify that this instrument
was filed for record at the request of

FIRST AMERICAN TITLE CO.

Time 5:18 PM

Date August 29, 2001

Instrument # 295766 - Deeds

LAURA L. STIGILE

Notario Recorder

By Laura L. Stigile
/Deputy

Fee \$ 12.00

QUITCLAIM DEED

For value received, EASTERN WESTERN CORPORATION, an Oregon corporation does hereby convey, release, remise and forever quitclaim unto C/C, LLC, an Idaho limited liability company, whose address is 3990 Highway 52, Payette, Idaho, 83661, the following described premises in Payette County, Idaho, to-wit:

See Exhibit A, attached hereto and incorporated herein by reference.

Together with their appurtenances.

DATED: August 22, 2001.

EASTERN WESTERN CORPORATION

By: Michael E. McGinley
Michael E. McGinley, President

STATE OF OREGON)
) ss
County of Multnomah)

On August 22, 2001, before me, a notary public in the State of Oregon, personally appeared Michael E. McGinley, known to me to be the President of Eastern Western Corporation, an Oregon corporation, that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Cindi Masterson

Notary Public for Oregon

My commission expires: 12-29-02

QUITCLAIM DEED

EXHIBIT "A"

Order No. FA - 14016

PARCEL 1

A parcel of land situated adjacent to Lots 1 and 2, in Section 23, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, lying easterly of the G.L.O. Meander Line, and being more particularly described as follows:

Commencing at the South 1/4 Corner of Section 32, Township 9 North, Range 5 West, Boise Meridian, marked by a G.L.O. Brass Cap Monument; thence along the North-South Centerline of said Section 32, North 00° 03' 32" West a distance of 5274.67 feet, to the calculated North 1/4 Corner common to Section 32 and said Section 29; thence along the project North-South Centerline of said Section 29, North 00° 00' 00" West, a distance of 2668.39 feet, to a point of the calculated G.L.O. Meander Line of said Section 29, and the POINT OF BEGINNING; thence continuing North 00° 00' 00" East, a distance of 314.63 feet, to a point on the approximate mean high water line of the Snake River, marked as per the instructions of the Idaho Department of Lands; thence, along said line, the following 5 calls:

- 1.) North 85° 58' 58" East, a distance of 679.17 feet;
 - 2.) South 82° 19' 17" East, a distance of 919.05 feet;
 - 3.) South 89° 34' 19" East, a distance of 75.92 feet;
 - 4.) South 84° 12' 18" East, a distance of 281.78 feet;
 - 5.) North 64° 13' 33" East, a distance of 285.69 feet, to a point on the approximate mean high water line of the Payette River, marked as per the instructions of the Idaho Department of Lands;
- thence along said line, the following 5 calls:

- a.) South 14° 27' 22" East, a distance of 503.60 feet;
- b.) South 31° 54' 55" West, a distance of 276.69 feet;
- c.) South 36° 49' 00" West, a distance of 586.40 feet;
- d.) South 18° 57' 41" West, a distance of 418.33 feet;
- e.) South 26° 10' 59" West, a distance of 253.49 feet, to a point on the calculated G.L.O. Meander Line;

thence along said Meander Line, the following 3 calls:

- A.) North 58° 05' 13" West, a distance of 1441.32 feet;
- B.) North 01° 05' 13" West, a distance of 664.33 feet;
- C.) North 81° 05' 13" West, a distance of 350.26 feet, to the POINT OF BEGINNING

Subject to a 25.00 foot wide conservation/greenbelt easement along the easterly and northerly perimeter of the lands described above.

EXHIBIT "A" CONTINUED

Order No. FA - 14016

PARCEL II

A parcel of land situated adjacent to Lots 1 and 2, in Section 32, and adjacent to Lots 6, 7, and 8, in Section 33, all in Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, lying easterly of the G.L.O. Meander Line, and being more particularly described as follows:

Commencing at the South 1/4 Corner of Section 33, Township 9 North, Range 5 West, Boise Meridian, marked by a Brass Cap Monument; thence along the South Line of said Section 33, North 89°48'43" East, a distance of 76.59 feet more or less, to a point on the Westerly Right-of-Way of the Union Pacific Railroad (101.0 feet of record); thence along said Right-of-way, North 23° 54' 49" East, a distance of 551.16 feet, to a point on the calculated G.L.O. Meander Line of said Section 33, and the POINT OF BEGINNING;

thence, along said Meander Line the following 8 calls:

- 1.) South 88° 54' 47" West, a distance of 534.09 feet;
- 2.) North 23°05' 13" West a distance of 132.87 feet;
- 3.) North 43° 35' 13" West, a distance of 1660.81 feet;
- 4.) North 21° 05' 13" West, a distance of 465.03 feet;
- 5.) North 59° 05' 13" West, a distance of 1328.65 feet;
- 6.) North 60° 05' 13" West, a distance of 624.47 feet;
- 7.) North 07° 54' 47" East, a distance of 1992.98 feet;
- 8.) North 06° 05' 13" West, a distance of 197.16 feet, to a point on the approximate mean high water line of the Payette River, marked as per the instructions of the Idaho Department of Lands;

thence, along said line, the following 11 calls:

- a.) South 75° 18' 02" East, a distance of 240.90 feet;
- b.) South 53° 30' 25" East, a distance of 308.32 feet;
- c.) South 87° 45' 05" East, a distance of 226.55 feet;
- d.) South 47°10' 16" East, a distance of 629.59 feet;
- e.) South 29° 02' 16" East, a distance of 347.86 feet;
- f.) South 01° 21' 22" West, a distance of 761.79 feet;
- g.) South 22°36' 32" East, a distance of 579.54 feet;
- h.) South 50° 49' 49" East, a distance of 1576.19 feet;
- i.) South 30°52' 25" East, a distance of 493.40 feet;

CONTINUED

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EXHIBIT "A" CONTINUED

Order No. FA - 14016

- j.) South 70° 56' 56" East, a distance of 310.21 feet;
 - k.) South 58° 50' 31" East, a distance of 467.80 feet, to a point on the westerly Right-of-Way of the Union Pacific Railroad;
- thence along said right-of-way, South 23° 54' 49" West, a distance of 950.12 feet, to the POINT OF BEGINNING.
- Subject to a 25.00 foot wide conservation/greenbelt easement along the easterly and northerly perimeter of the lands described above.

C/C, LLC

Dana L. Hofstetter (ISB #3867)
HOFSTETTER LAW OFFICE, L.L.C.
608 West Franklin Street
Boise, ID 83702
(208) 424-7800
(208) 424-8774 (Facsimile)

RECEIVED
JUN 12 2002
Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

In Re SRBA

Case No. 39576

)
)
) Subcase No. 65-19594
)
)

) **ADDENDUM TO CERTIFICATES OF**
) **SERVICE FOR MOTION TO FILE**
) **LATE OBJECTION AND AFFIDAVIT**
) **IN SUPPORT**
)

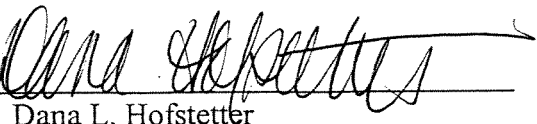
NOTICE IS HEREBY GIVEN that on the 10th day of June 2002, true and correct copies of the **MOTION TO FILE LATE OBJECTION AND AFFIDAVIT OF DANA L. HOFSTETTER IN SUPPORT** were served on the following party by U.S. Mail postage pre-paid in addition to those who were served as indicated in the Certificates of Service attached to those documents:

Eastern Western Corporation
Michael E. McGinley, President
P.O. Box 3228
Portland, Oregon 97208-3228

DATED this 10th day of June, 2002.

HOFSTETTER LAW OFFICE, L.L.C.

By


Dana L. Hofstetter

CERTIFICATE OF SERVICE

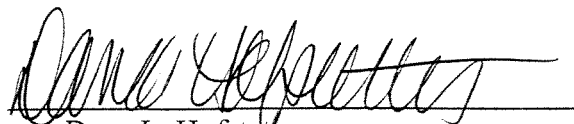
I hereby certify that on the 10th day of June, 2002, I caused to be served copies of the foregoing **Notice of Addendum to Certificate of Service** by the methods indicated below:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Eastern Western Corporation
Michael E. McGinley, President
P.O. Box 3228
Portland, Oregon 97208-3228
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

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