

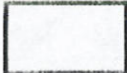
Idaho Dept. of Water Resources

Claim No(s): 65-02538,
65-02541, 65-2633,
65-07817, 65-10453,
65-11363

Claimant(s): Kuenzli
7N, R01E, S 19, 30, 31

Prepared by: Sue Bock

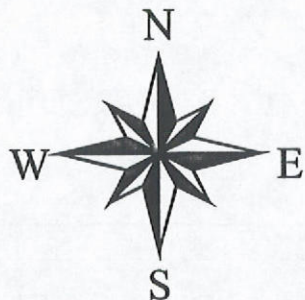
Date: 2/03/2000

 Place of Use

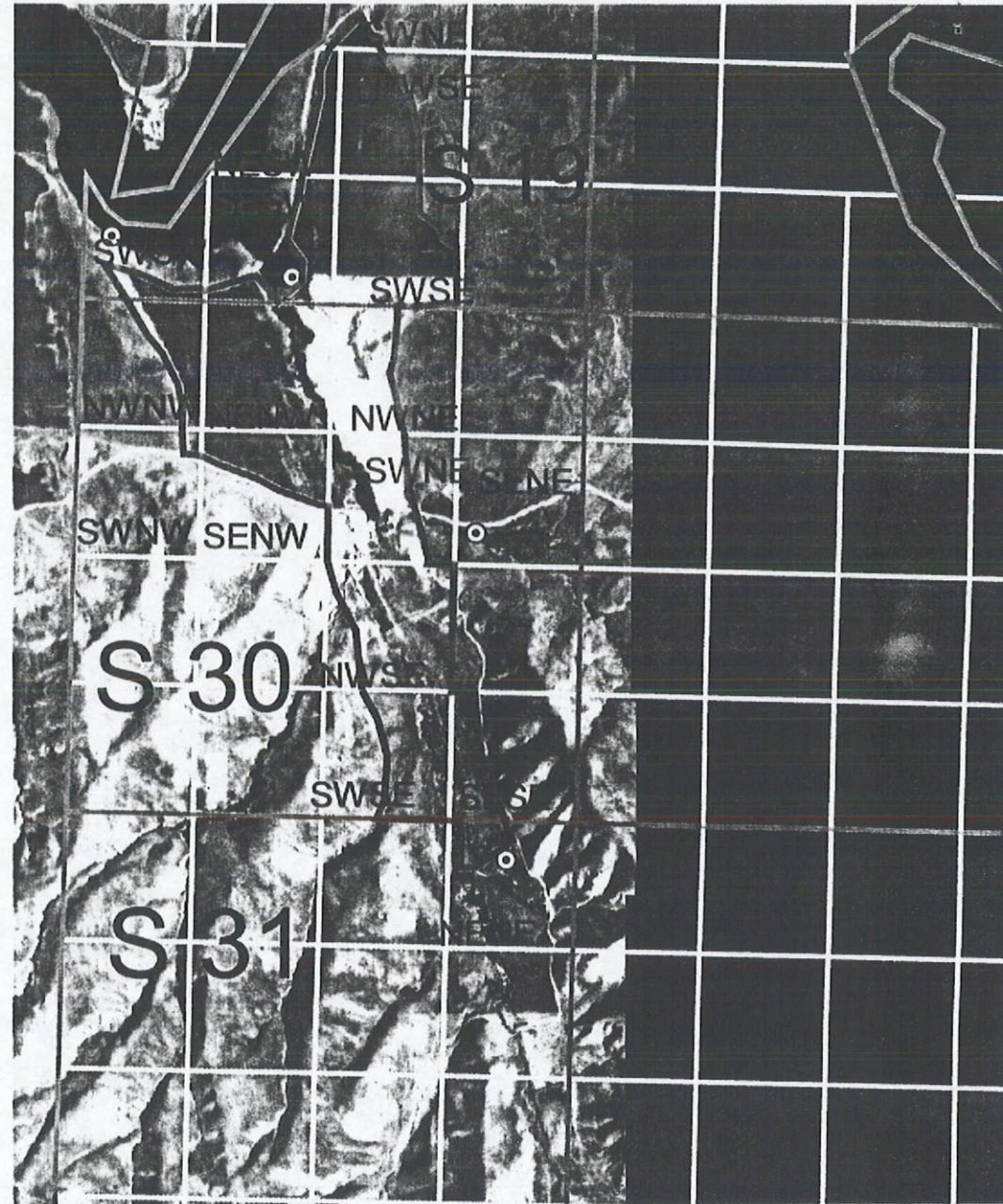
 Point of Diversion

 Section lines

1/4 1/4 lines



0 1000 2000 Feet



1987 NAPP Photo

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 65-22387
Date Received: 5/10/01
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

IDA M KUENZLI Phone: (208)286-7481

PO BOX 284
STAR ID USA 83669

RONALD KUENZLI Phone: (208)286-7481

PO BOX 284
STAR ID USA 83669

2. Date of Priority: 09/28/1950

3. Source: ANDERSON CREEK
SPRINGS

Trib. to: PAYETTE RIVER NORTH FORK
PAYETTE RIVER NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	01E	30	SW NE	GEM	
07N	01E	30	NW SE	GEM	
07N	01E	30	SE SE	GEM	
07N	01E	30	NE NE	GEM	

5. Description of diverting works:

Instream stockwater.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.14	

7. Total Quantity Appropriated is:
0.14 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 500 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	01E	30	SW	NE	STOCKWATER	
			NW	SE	STOCKWATER	
			SE	SE	STOCKWATER	
			NE	NE	STOCKWATER	

11. Place of use in counties: GEM

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Claim associated with irrigation right 65-2538.

15. Basis of Claim: Beneficial Use

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. AL05-22387
Date Received 5/10/01 JFW
Receipt Number NLA

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED
MAY 10 2001
WATER RESOURCE
WESTERN REGION

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

- Name of Claimant (s) RONALD & IDA MARIE KUENZLI Phone (208) 286-7481
Mailing Address P.O. BOX 284 STAR ID 83669 zip 83669
- Date of Priority (Only one per claim) 9-28-50 Month/Day/Year
- Source of water supply (Check one) () Groundwater or Other (X) (a) ANDERSON CREEK / SPRINGS
which is tributary to (b) Payette River - North Fork Name or kind of source
- Location of point of diversion is: Township 7N Range 0E
Section 30, 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____, BM.,
County of GEM
Additional points of diversion if any: Sec. 30 NW ^{of} SE, SE of SE, NE NE S
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Instream Stock
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For Stockwater purposes from 1/1 to 12/1 amount .14 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed _____ (cfs)
- Total consumptive use claimed is de minimus
- Non-Irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Cattle: 500 units

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: _____ Range _____ Same as P/D.

Section _____ 1/4 of _____ 1/4, Govt. Lot _____, B.M.,

for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? GEM.

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
() None or 65-2538 MK 65-2538

14. Remarks: FOR IRRIGATION

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Ida Marie Kuengli Date 5-10-2001
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Ada)

SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 10 day of May 19 2001

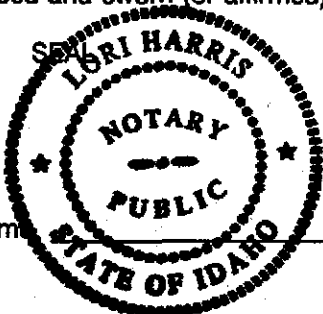
Notary Public Lori Harris

Residing at Boise, Idaho

My Commission Expires 12-8-06

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant



It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.



Idaho Dept. of Water Resources

Claim No(s): 65-02538,
65-02541, 65-2633,
65-07817, 65-10453,
65-11363

Claimant(s): Kuenzli
7N, R01E, S 19, 30, 31

Prepared by: Sue Bock

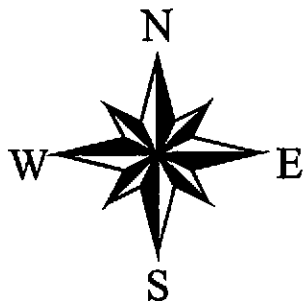
Date: 2/03/2000

 Place of Use

 Point of Diversion

 Section lines

1/4 1/4 lines



0 1000 2000 Feet



1987 NAPP Photo

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.

RECEIVED
MAR 02 2004
 WATER RESOURCES
 WESTERN REGION

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
65-11363			65-02543		
65-7817 No FEE			65-02546		
65-02633			65-02307		
65-10453			65-02538		
65-11362			65-22387		
65-02541			65-07818		

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)	Ronald L. & Ida Marie Kuenzli P.O. Box 284, Star, ID 83669
4.	New Owner/Claimant(s)	Black Canyon Partners, LLC
	Name Connector (Check one): [] and, [] or, [] and/or	
	New Mailing Address	124 W. Main Street, #D
	City, State and ZIP Code	Emmett, ID 83617
	New Telephone Number	208 365-4965
5.	Date you acquired the property	2/2/04

Note:

Original sent to S.O. 3/3/04.

Decreed 7-31-03

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip 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 annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip 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 annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Black Canyon Partners LLC
(include title if applicable) Shirley Louche

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by DB Date 3.2.04 Fee \$25 - Each *
 Receipted by DB Date 3.2.04 Receipt No. W031340
 Processed by _____ AJ Date _____ WR _____ Date _____

* fee applies to all except 65-7817

RECEIVED

MAR 02 2004

WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
Michael J. Doolittle
S. Bryce Farris
David Hammerquist
Charles L. Honsinger
Joseph B. Jones
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Stenson
Allyn L. Sweeney

William F. Ringert, of Counsel
Samuel Kaufman (1921-1986)

March 1, 2004

Idaho Department of Water Resources
Western Regional Offices
2735 Airport Way
Boise, ID 83705-5082

Re: Notice of Change of Water Right Ownership

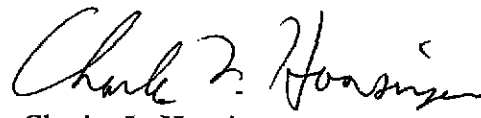
Dear Sir or Madam:

Enclosed herewith please find the following which we submit on behalf of our client,
Black Canyon Partners, LLC:

1. Notice of Change in Water Right Ownership for water rights currently owned by Ronald and Marie Kuenzli
2. Notice of Change in Water Right Ownership for water right no. 65-608.
3. Notice of Change in Water Right Ownership for water right no. 65-884.
4. Aerial photos with the Place of Use outlined and Point of Diversion marked for each water right for the irrigation of ten or more acres.
5. Deeds establishing Black Canyon Partners, LLC's ownership of both the water rights and the lands to which those rights are appurtenant.
6. A check in the amount of \$325.00 (Although ownership of 14 water rights has changed, the \$25 fee is waived for water right no. 65-7817 as it is the subject of a currently pending SRBA District Court subcase).

Please process the Notice of Change in Water Right Ownership as quickly as possible, and notify us upon completion. Please direct all inquiries regarding this matter to this office.

Sincerely,


Charles L. Honsinger

Enclosures

cc: Tom Blessenger
File

405-04 2075

INSTRU. NO. <u>234506</u>
PAGES <u>1</u> OF <u>6</u>

0055 Sec 29, Sec 30 7N1E
 0241 Sec 32 7N1E
 0017 Sec 25 7N1W
 0191, 0030, 0197, 0017, Sec 24 7N1W
 0168, 0111, 0050, 0072, 0119, 0118, 0058, 0189, 0111
 Sec 257
QUITCLAIM DEED

(Water Rights)

0247 Sec 26 7N1W
 0065, 0059, 0060, 0040, 0058, 0061, Sec 35 7N1W
 0084 Sec 36 7N1W

RONALD L. KUENZLI and IDA MARIE KUENZLI, husband and wife, "Grantor,"

hereby convey, release, remise and forever quit claim unto BLACK CANYON PARTNERSHIP LLC, an Idaho Limited Liability Company, "Grantee," whose address is 124 W. Main Street #D, Emmett, Idaho 83617, all right, title and interest, together with all right, title and interest hereinafter acquired by Grantor, in any and all water rights appurtenant to that certain parcel of real property located in the County of Gem, State of Idaho, more particularly described on Exhibit A attached hereto and incorporated herein by this reference, including but not limited to those certain water rights described below, to wit:

65-11363	65-7817	65-02633	65-10453
65-11362	65-02541	65-02543	65-02546
65-02538	65-22387	65-07818	65-02307
65-608 (currently in name of Elwood R. Bingham)	65-884 (currently in name of Evelyn L. Isgrigg)		

and including all shares and interest of Grantor in ditch companies, irrigation companies, and reservoir rights and shares.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold all and singular the said premises, together with the appurtenances, unto Grantee as its sole and separate property and to Grantee's heirs and assigns forever.

QUITCLAIM DEED - 1

Instrument # 234506

EMMETT, GEM, IDAHO

2004-02-06

02:23:00 No. of Pages: 6

Recorded for: ALLIANCE TITLE & ESCROW

SUSAN K. HOWARD

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: QUIT CLAIM DEED



IN WITNESS WHEREOF, Grantor has hereunto set his hands this 2nd day of February 2004.

Ronald L. Kuenzli
Ronald L. Kuenzli

Ida Marie Kuenzli
Ida Marie Kuenzli

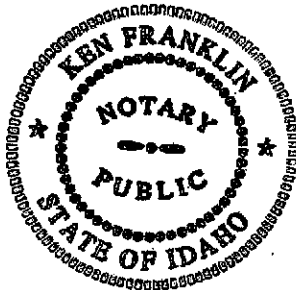
STATE OF Idaho)

: ss.

County of Ada)

On this 2nd day of February, 2004, before me,
Ken Franklin, a notary public for said State, personally appeared
RONALD L. KUENZLI and IDA MARIE KUENZLI known or identified to me to be the
persons who executed the 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 in this certificate first above written.



Ken Franklin
Notary Public for: Idaho
Residing at: Boise
My Commission Expires: 10/5/04

3188154_1.DOC

EXHIBIT

A

INSTRU. NO. 234506

PAGES 3 OF 6

TOWNSHIP 7 North, Range 1 East, B.M., Gem County, Idaho

Section 19: The SE $\frac{1}{4}$ NE $\frac{1}{4}$; the E $\frac{1}{2}$ of the SE $\frac{1}{4}$

TOWNSHIP 7 North, Range 1 East, B.M., Gem County, Idaho

Section 20: Government Lot 4, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$

TOWNSHIP 7 North, Range 1 East, B.M., Gem County, Idaho

Section 29: The NW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the S $\frac{1}{2}$ of the SW $\frac{1}{4}$, the S $\frac{1}{2}$ of the SE $\frac{1}{4}$

TOWNSHIP 7 North, Range 1 East, B.M., Gem County, Idaho

Section 30: The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ below the County Road, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Government Lots 2, 3, 4, the E $\frac{1}{2}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$

TOWNSHIP 7 North, Range 1 East, B.M., Gem County, Idaho

Section 31: Government Lots 1, 2, 3, 4, the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the E $\frac{1}{2}$ of the SW $\frac{1}{4}$, the E $\frac{1}{2}$

TOWNSHIP 7 North, Range 1 East, B.M., Gem County, Idaho

Section 32: The W $\frac{1}{2}$ of the NW $\frac{1}{4}$, the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SW $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$

TOWNSHIP 7 North, Range 1 West, B.M., Gem County, Idaho

Section 25: The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Government Lot 1

EXCEPT any railroad rights of way and any easements to Bureau of Reclamation.

TRACT I

The W $\frac{1}{2}$ of the SE $\frac{1}{4}$ and Government Lot 4 lying within the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 19, Township 7 North, Range 1 East, B.M., Gem County, Idaho.

EXCEPTING a piece of land for reservoir right of way purposes, above Black Canyon Diversion Dam, Boise Project, Idaho, described as follows:

BEGINNING at a point on the South line of Section 19, Township 7 North, Range 1 East, B.M., Gem County, Idaho, which point is 606.3 feet North 89°55' West of the South quarter corner of said Section 19; thence North 20°12' West 389.9 feet; thence North 46°32' East 42.5 feet; thence North 44°09' West 50.0 feet, to a point on the centerline of the Idaho Northern Branch of the Oregon Short Line Railroad, which point is on 5°05' curve of said railroad, and is approached from the convex side, and normal to said curve; thence North 44°09' West 52.9 feet; thence North 17°51' West 83.1 feet; thence North 40°50' West 142.9 feet; thence North 75°29' West 96.0 feet; thence South 70°23' West 80.4 feet; thence South 47°58' West 73.1 feet; thence South 50°10' East 130.6 feet; thence South 14°26' East 184.0 feet; thence South 65°09' West 42.2 feet; thence North 66°30' West 151.7 feet; thence South 89°38' West 159.6 feet to a point on the West Lot line of said Lot 4; thence along the West lot line of said Lot 4 North 00°02' East 868.4 feet; thence along a meander line North 62°30' East 105.3 feet to a point on the North Lot line of said Lot 4; thence along the North Lot line of said Lot 4, North 89°00' East 649.6 feet; thence South 26°50' West 136.1 feet; thence South 2°06' West 161.0 feet; thence South 65°24' East 166.0 feet; thence South 14°57' West 97.5 feet; thence South 21°32' West 86.6 feet; thence South 28°58' West 67.0 feet; thence South 61°41' East 51.1 feet to a point on above mentioned 5°05' curve and center line of said Idaho Northern Railroad, approached from the concave side of said 5°05' curve and normal to said curve which point is 345.2 feet from above mentioned intersection, measured on a 50 foot chord along said 5°05' curve; thence South 61°01' East 50.0 feet; thence South 42°46' East 233.7 feet; thence South 8°09' East 336.8 feet; thence South 25°49' East 192.9 feet to a point on the South section line of said Section 19, which point is 202.0 feet North 89°55' West of the South quarter corner of said Section 19; thence along the South section line of said Section 19 North 89°55' West 404.3 feet to the **REAL POINT OF BEGINNING**.

AND EXCEPT railroad right of way.

AND EXCEPT County Road right of way.

TRACT II

The N $\frac{1}{2}$ of Section 30, Township 7 North, Range 1 East, B.M., Gem County, Idaho,
lying North of the County Road.

EXCEPT any portion lying within the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section.

TRACT III

TOWNSHIP 7 North, Range 1 West, B.M., Gem County, Idaho.

Section 24: Government Lots 4, 5, 6 and 7 (to highwater mark of reservoir)

EXCEPT railroad rights of way.

TRACT IV

TOWNSHIP 7 North, Range 1 West, B.M., Gem County, Idaho

Section 25: The S $\frac{1}{2}$ of the SE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, the SW $\frac{1}{4}$ lying South and
East of the County Road, the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ lying East of drain ditch, the NW $\frac{1}{4}$
of the SE $\frac{1}{4}$ lying South of the road, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Government Lot 1

EXCEPT railroad rights of way.

TRACT V

TOWNSHIP 7 North, Range 1 West, B.M., Gem County, Idaho

Section 26: The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ lying South of the County Road.

TRACT A

TOWNSHIP 7 North, Range 1 West, B.M., Gem County, Idaho

Section 35:

The NE $\frac{1}{4}$ of the SW $\frac{1}{4}$

The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ EXCEPT the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ (commonly known as the Water Reservoir Storage Lot)

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$

The W $\frac{1}{2}$ of the SE $\frac{1}{4}$

All lying South and East of the County Road.

TRACT B

TOWNSHIP 7 North, Range 1 West, B.M., Gem County, Idaho

Section 35:

The E $\frac{1}{2}$ of the NE $\frac{1}{4}$

The E $\frac{1}{2}$ of the SE $\frac{1}{4}$

Section 36:

The SW $\frac{1}{4}$ NW $\frac{1}{4}$

405-045073

0008 Sec 19 & Sec 20, Sec 30, Sec 31, Sec 32 7N1E
 0055 Sec 29, Sec 30 7N1E
 0241 Sec 32 7N1E
 0017 Sec 25 7N1W

INSTRU. NO. 234422
 PAGES 1 OF 3

Re-recorded
 INSTRU. NO. 234502
 PAGES 1 OF 3

Instrument # 234422

EMMETT, GEM, IDAHO
 2004-02-03 01:53:00 No. of Pages: 3
 Recorded for: ALLIANCE TITLE & ESCROW
 SUSAN K. HOWARD Fee: 9.00
 Ex-Officio Recorder Deputy *Judy Evans*
 Index to: WARRANTY DEED

WARRANTY DEED

THIS WARRANTY DEED is made by RONALD L. KUENZLI and IDA MARIE KUENZLI, whose address is PO Box 284, Star, ID 83669 as Grantor, to BLACK CANYON PARTNERS, LLC, an Idaho limited liability company, as Grantee, whose address is 124 W. Main Street, #D, Emmett, ID 83617,

NOW, THEREFORE, Grantor does hereby grant, convey, assign, transfer and set over unto Grantee, a fee simple interest in and to the real property as described on exhibit A, attached hereto and made a part hereof, all of which is situate in the County of Gem, State of Idaho.

TOGETHER WITH all the improvements, tenements and appurtenances on such property, and all easements, rights, and all fixtures now a part of the property.

TOGETHER WITH all water rights and ditch rights, however evidenced and to the full extent assignable, appurtenant to the property herein described or heretofore conveyed by Grantor to Grantee.

TOGETHER WITH Idaho State Grazing Lease No. G-6467, and Assignment of Reclamation Plan No. RP-2197, and the U.S. Bureau of Land Management grazing permit numbered 181 ("Anderson Creek"), being a combination of allotments 181 (Black Cy. Ranch) and 184 (Siller Ranch), now known as permit 181, to the full extent assignable.

RESERVING UNTO the Grantor the right to remove for Grantor's own use 50,000 yards of gravel from the gravel pit situate in Section 29, T7N, R1E., B.M., which may be terminated by Grantee's payment of \$1.00 per yard for the amount of the 50,000 yards not yet removed. The right to remove gravel expires October 31, 2008.

RESERVING FURTHER unto the Grantor the right to continue farming the property herein conveyed from the date hereof to October 31, 2008. This includes the dry farm ground, feed lot, dry pastures, and irrigated land, plus the grazing leases and permits aforesaid, and the irrigation and livestock equipment hereafter described, plus all outbuildings and dwellings now existing on such property. However, Grantee may request Grantor to discontinue such farming at any time due to Grantor's development of the property. Grantee shall reimburse Grantor for the costs incurred for the crops which are abandoned due to such discontinuance.

AND FURTHER TOGETHER WITH all sprinkler equipment, handlines, pumps, wheel lines, pivots and all irrigation pipes existing on the property, and all livestock scales, gates, water tanks and chutes on the property.

WARRANTY DEED-1

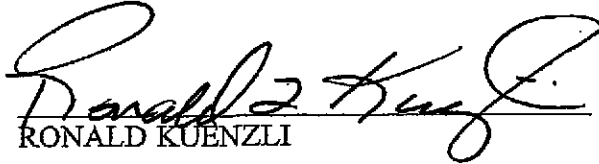
Instrument # 234502 - Re-recorded

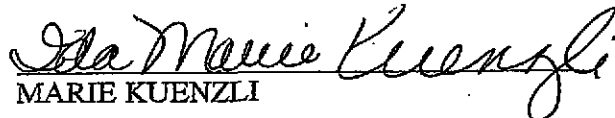
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 2004-02-05 02:19:00 No. of Pages: 3
 Recorded for: ALLIANCE TITLE & ESCROW
 SUSAN K. HOWARD Fee: 9.00
 Ex-Officio Recorder Deputy *Judy Evans*
 Index to: WARRANTY DEED

This document is being re-recorded to correct an error in the legal description.

GRANTOR COVENANTS that Grantor is lawfully seized of the estate hereby conveyed and has the right to grant and convey the same, both real and personal, and that all property and property rights herein transferred are unencumbered.

Dated this 2nd day of February, 2004.

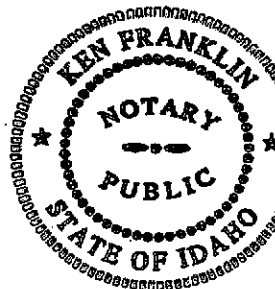

RONALD KUENZLI


IDA MARIE KUENZLI

STATE OF IDAHO)
) ss.
County of Ada)

On this 2nd day of ~~January~~ February, 2004, before me, the undersigned, a notary public in and for said State, personally appeared RONALD KUENZLI and MARIE KUENZLI, husband and wife, known 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 in this certificate first above written.




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 10/5/04

Exhibit "A"

Re-recorded
INSTRU. NO. 234502
PAGES 3 OF 3

INSTRU. NO. 234422
PAGES 3 OF 3

TOWNSHIP 7 North, Range 1 East, B.M., Gem County, Idaho

Section 19: The SE $\frac{1}{4}$ NE $\frac{1}{4}$; the E $\frac{1}{2}$ of the SE $\frac{1}{4}$

TOWNSHIP 7 North, Range 1 East, B.M., Gem County, Idaho

Section 20: Government Lot 4, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$

TOWNSHIP 7 North, Range 1 East, B.M., Gem County, Idaho

Section 29: The NW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the S $\frac{1}{2}$ of the SW $\frac{1}{4}$, the S $\frac{1}{2}$ of the SE $\frac{1}{4}$

TOWNSHIP 7 North, Range 1 East, B.M., Gem County, Idaho

Section 30: The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ below the County Road, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Government Lots 2, 3, 4, the E $\frac{1}{2}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$

TOWNSHIP 7 North, Range 1 East, B.M., Gem County, Idaho

Section 31: Government Lots 1, 2, 3, 4, the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the E $\frac{1}{2}$ of the SW $\frac{1}{4}$, the E $\frac{1}{2}$

TOWNSHIP 7 North, Range 1 East, B.M., Gem County, Idaho

Section 32: The W $\frac{1}{2}$ of the NW $\frac{1}{4}$, the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SW $\frac{1}{4}$, the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$

TOWNSHIP 7 North, Range 1 West, B.M., Gem County, Idaho

Section 25: The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Government Lot 1

EXCEPT any railroad rights of way and any easements to Bureau of Reclamation.

This document is being re-recorded to correct an error in the legal description in Section 19, 7N1E.

SRBA

PARTIAL DECREE 65-22387

Issued on 07-31-2003. THIS PARTIAL DECREE MAY HAVE BEEN AMENDED.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: IDA M KUENZLI
RONALD KUENZLI
PO BOX 284
STAR, ID 83669

SOURCE: SPRINGS TRIBUTARY: NORTH FORK PAYETTE RIVER
ANDERSON CREEK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
GALLONS PER DAY.
THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREME
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED

PRIORITY DATE: 09/28/1950

POINT OF DIVERSION: T07N R01E S30 SENE Within Gem County
S31 NENE
S32 SWSW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTIT
Stockwater 01-01 TO 12-31 0.02 C

PLACE OF USE: Stockwater Within Gem Cou
T07N R01E S30 SWNE NWSE
SESE
S31 NENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NO
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIO
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFI
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN T
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

[Return to SRBA Home Page](#)

RIGHT NUMBER: 65-22387

NAME AND ADDRESS: IDA M KUENZLI
PO BOX 284
STAR ID 83669

RONALD KUENZLI
PO BOX 284
STAR ID 83669

SOURCE: ANDERSON CREEK
SPRINGS

TRIBUTARY: NORTH FORK PAYETTE RIVER
TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR
STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY
DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 09/28/1950

POINT OF DIVERSION:

T07N R01E S30 SENE Within GEM County

T07N R01E S31 NENE Within GEM County

T07N R01E S32 SWSW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

STOCKWATER Within GEM County

T07N R01E S30	SWNE	T07N R01E S30	NWSE
T07N R01E S30	SESE	T07N R01E S31	NENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use