

3

03N01E

LOT 1 BLK 2
29.42 ACRES

10

03N01E

15

1

1339001660

WARRANTY DEED

FOR VALUE RECEIVED, JOE BERNASCONI and ROSE BERNASCONI, husband and wife, LAWRENCE H. BERNASCONI, an unmarried man, VIC BERNASCONI and BRENDA BERNASCONI, husband and wife, LELAND BERNASCONI, a single man, JOANNE BERNASCONI, a single woman, and DONALD BERNASCONI and CAROL BERNASCONI, husband and wife, collectively the Grantor, does hereby grant, bargain, sell and convey unto LYLE R. COBBS and DONNA L. COBBS, husband and wife, and C. COMER BROWN and HAZEL V. BROWN, husband and wife, whose current address is 326 North Orchard, Boise, Idaho 83706, collectively the Grantee, the real property located in Ada County, Idaho, and described on Exhibit "A" attached hereto and incorporated herein, hereinafter referred to as the "premises."

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee, its successors and assigns forever.

And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except those shown on Exhibit "B" attached hereto and incorporated herein, and that it will warrant and defend the same from all other lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantor has executed this instrument effective the 30th day of September, 1991.

*also known as CAROL D.
BERNASCONI

9154814

ADA COUNTY, ID. FOR FIRST AMERICAN

J. DAVIS HAYES

RECORDER

Reade
2100Rose Bernasconi
ROSE BERNASCONI

'91 OCT 1 AM 10 44

Lawrence H. Bernasconi
LAWRENCE H. BERNASCONIVic Bernasconi
VIC BERNASCONIBrenda Bernasconi
BRENDA BERNASCONI

13390C1661

Leland Bernasconi
LELAND BERNASCONI

Joanne Bernasconi
JOANNE BERNASCONI

Donald Bernasconi
DONALD BERNASCONI

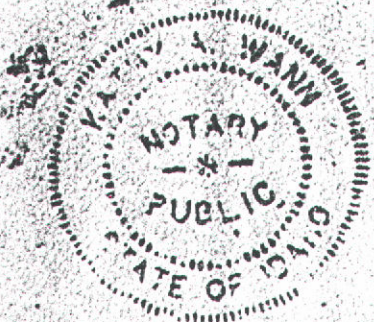
Carol Bernasconi
CAROL BERNASCONI

STATE OF IDAHO)
) ss.
County of Ada)

On this 30th day of September, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared JOE BERNASCONI and ROSE BERNASCONI, husband and wife, known or identified to me to be the persons whose names are subscribed to the within and foregoing 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.

Debra A. Hann
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 9-1-95

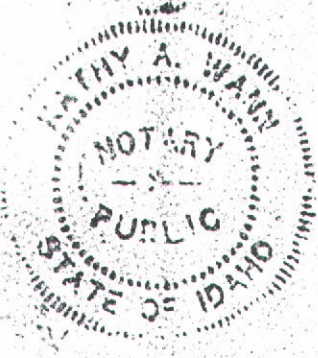


1339001662

STATE OF IDAHO)
) ss.
 County of Ada)

On this 30th day of September, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared LAWRENCE H. BERNASCONI, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

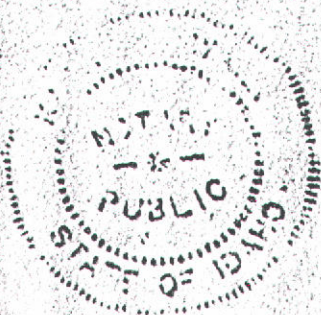


Kathy A. Ward
 Notary Public for Idaho
 Residing at Boise, Idaho
 My commission expires: 9-1-95

STATE OF IDAHO)
) ss.
 County of Ada)

On this 30th day of September, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared VIC BERNASCONI and BRENDA BERNASCONI, 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 in this certificate first above written.



Kathy A. Ward
 Notary Public for Idaho
 Residing at Boise, Idaho
 My commission expires: 9-1-95

1339001663

STATE OF IDAHO)
) ss.
 County of Ada)

On this 3rd day of September, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared LELAND BERNASCONI, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he 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.

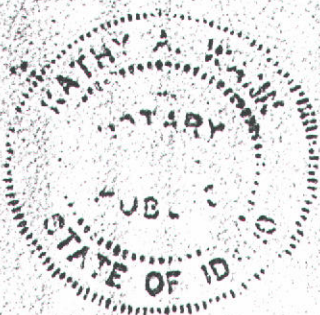


Kathy A. Hansen
 Notary Public for Idaho
 Residing at Boise, Idaho
 My commission expires: 9-1-95

STATE OF IDAHO)
) ss.
 County of Ada)

On this 3rd day of September, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared JOANNE BERNASCONI, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she 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.



Kathy A. Hansen
 Notary Public for Idaho
 Residing at Boise, Idaho
 My commission expires: 9-1-95

13390C1664

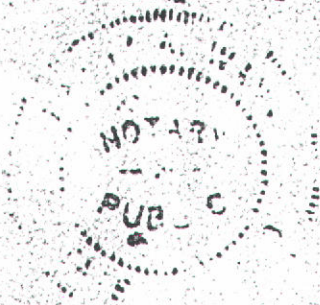
STATE OF IDAHO

)
: ss

COUNTY OF Ada

)

On This 30th day of September, in the year 1991, before me, a Notary Public in and for said State, personally appeared Vic Barnesconi, known or identified to me to be the person whose name is subscribed to the within Instrument as the attorney-in-fact of Carol Barnesconi and Donald Barnesconi, and acknowledged to me that he subscribed the name of Carol Barnesconi and Donald Barnesconi thereto as principal and his own name as attorney-in-fact.



Robby A. Hann
Notary Public of Idaho
Residing at Boise, Idaho
Commission Expires: 9-1-95

1339001665

EXHIBIT "A"

A portion of the Southeast quarter of the Northeast quarter of Section 10, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of the Southeast quarter of the Northeast quarter of said Section 10; thence
South along the East line of said Section 10, 138.20 feet to the REAL POINT OF BEGINNING; thence
South along the East line of said Section 10, 990 feet to the Southeast corner of said Southeast quarter of the Northeast quarter; thence
West along the South line of said Southeast quarter of the Northeast quarter 1335.5 feet to the Southwest corner thereof; thence
North along the West line of said Southeast quarter of the Northeast quarter 992.90 feet to the Southwest corner of that tract described in Instrument No. 392346, records of Ada County, Idaho; thence
North 89°40' East 1334.92 feet along the South line of that tract described in said Instrument No. 392346, to the POINT OF BEGINNING.

EXCEPT ditch and road rights-of-way.

ALSO EXCEPTING that portion of land conveyed to the ADA COUNTY HIGHWAY DISTRICT, by Warranty Deed recorded November 22, 1972, as Instrument No. 827379, Official records.

ALSO EXCEPTING any portion lying within the Cloverdale Lateral.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Taxes for the year 1991.
2. Non-delinquent special assessments for the City of Boise, if any.
3. Non-delinquent liens, levies and assessments of the Nampa-Meridian Irrigation District, and the rights, powers and easements of said District as by law provided.
4. A Right-of-Way Easement over said land in favor of THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a Colorado corporation, for communication facilities and incidental purposes as set forth in an instrument recorded December 14, 1988, as Instrument No. 8861319, Official Records.
5. Agreement dated December 6, 1988, by and between NAMPA & MERIDIAN IRRIGATION DISTRICT, an irrigation district and THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a Colorado corporation, for Cloverdale Lateral recorded December 15, 1988, as Instrument No. 8861483, Official Records.
6. Agreement dated October 16, 1990, by and between CITY OF BOISE CITY, a municipal corporation, and JOE BERNASCONI, ROSE BERNASCONI, VIC BERNASCONI, LELAND BERNASCONI, JOANNE BERNASCONI, LARRY BERNASCONI and DONALD L. BERNASCONI, for sewer system, and incidental purposes, wherein BERNASCONI shall further pay \$53,228.00 for additional connection charge, payable, with 7.5% interest, in 15 equal annual installments of \$6,036.84 on the first day of September hereinafter, beginning on the first day of September, 1991, recorded October 24, 1990, as Instrument No. 9057279, Official Records.

EXHIBIT "A"

A portion of the Southeast quarter of the Northeast quarter of Section 10, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of the Southeast quarter of the Northeast quarter of said Section 10; thence South along the East line of said Section 10, 338.20 feet to the REAL POINT OF BEGINNING; thence South along the East line of said Section 10, 990 feet to the Southeast corner of said Southeast quarter of the Northeast quarter; thence West along the South line of said Southeast quarter of the Northeast quarter 1335.5 feet to the Southwest corner thereof; thence North along the West line of said Southeast quarter of the Northeast quarter 992.90 feet to the Southwest corner of that tract described in Instrument No. 392346, records of Ada County, Idaho; thence North 89°40' East 1334.92 feet along the South line of that tract described in said Instrument No. 392346, to the POINT OF BEGINNING.

EXCEPT ditch and road rights-of-way.

ALSO EXCEPTING that portion of land conveyed to the ADA COUNTY HIGHWAY DISTRICT, by Warranty Deed recorded November 22, 1972, as Instrument No. 827379, Official records.

ALSO EXCEPTING any portion lying within the Cloverdale Lateral.

SW 1/4 NE 1/4
Sec 10, T3N, R1E

40 acres

A63-
07674A

30 acres

SE 1/4 NE 1/4, Sec 10
T3N, R1E

PO. Sec 10

MICROFILMED

MICROFILMED

AUG 21 1997

63-7674

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 63-7674A
Date Received: 8/23/1989
Receipt No: C010187
Received By:

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

1. Name of Claimant(s)

HOMETOWN WEST MEADOWS, LLC Phone: (312) 604-7511
150 N WACKER DRIVE, SUITE 2800
CHICAGO IL USA 60606

2. Date of Priority: 10/04/1972

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	01E	10	SE SE NE	ADA	

5. Description of diverting works:

WELL 410'DEPTH,10"CASING,2-7.5HP PUMPS WITH 8"PVC DIST.SYST.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/15	11/15	0.06	13.5
COMMERCIAL	1/01	12/31	1.23	216
FIRE PROTECTION		1/01 12/31	1.07	

7. Total Quantity Appropriated is:

1.23 C.F.S. and/or 229.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	10	SE	NE	IRRIGATION	3
			SE	NE	COMMERCIAL	
			SE	NE	FIRE PROTECTION	
					Section Acres	3
					Total Acres	3

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

COMMERCIAL USE IS DOMESTIC USE FOR 180 UNIT MOBILE HOME PARK. IRRIGATION USE IS FOR 3 ACRES OF COMMUNITY LAWN, GREEN AREAS, ETC.

CHANGE IN OWNERSHIP LG 10/18/05

CHANGE OF OWNERSHIP LG 12/01/05

15. Basis of Claim: License

Form 42-248/42-1408(5) July, 2000

RECEIVED

SEP 08 2005

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

WATER RESOURCES
WESTERN REGION

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
63-7674A	A63-7674A	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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**.

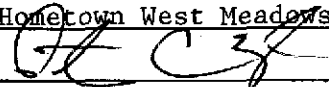
3. Name and Address of Former Owner/Claimant(s) Cobbs - Brown Housing Communities, LLC
326 N. Orchard Street, Boise, Idaho 83706
4. New Owner/Claimant(s) Hometown West Meadows, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 150 N. Wacker Drive, Suite 2800
- City, State and ZIP Code Chicago, IL 60606
- New Telephone Number 312 604-7511
5. Date you acquired the property August 17, 2005

Form 42-24242-1405(6) July, 2000

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) Hometown West Meadows, LLC
(include title if applicable)
By: 

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 _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Form 42-248/42-1409(6) July, 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESINSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change In Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at Item 1. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at Item 3.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

Form 42-24842-14(5/6) July, 2000

6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at Item 6. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). If the water right(s) will not be split, skip Item 6 and go to Item 7.
7. The new owner(s) must sign the form in the space(s) provided at Item 7. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

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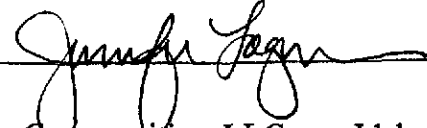
SEP 08 2005

WATER RESOURCES
WESTERN REGION

WARRANTY DEED

This is a certified true and
exact copy of the original
First American Title Insurance Company

By



FOR VALUE RECEIVED, Cobbs-Brown Housing Communities, LLC., an Idaho limited liability company, ("Grantor"), does hereby grant, bargain, sell, and convey unto Hometown West Meadow L.L.C., a Delaware limited liability company, ("Grantee"), whose address is 150 N. Wacker Drive, Suite 2800, Chicago, Illinois 60606, that certain parcel of real property, situated in the County of Ada, State of Idaho, described in Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, together with their appurtenances unto the said Grantee, and Grantee's assigns forever. Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT item nos. 7 through 16, inclusive, described in Exhibit "B" attached hereto and made a part hereof, and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, Grantor has hereunto set its hand the day and year first above written.

Cobbs Brown Housing Communities, LLC

Cobbs Brown Housing Communities, LLC



By: Lyle Cobbs
Its: Member



By: Comer Brown
Its: Member

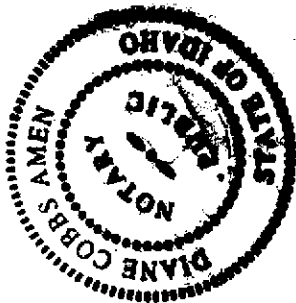


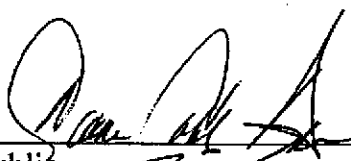
By: Donna Cobbs
Its: Member

STATE OF IDAHO)
) ss.
County of Ada)

On this 7th day of August, 2005, before me, a Notary Public, personally appeared Lyle Cobbs, Donna Cobbs, and Comer Brown known or identified to me to be Members of Cobbs Brown Housing Communities, L.L.C., an Idaho Limited Liability Company, and the Members who executed the foregoing instrument on behalf of said company, and acknowledged to me that they executed the same for and on behalf of said Limited Liability Company.

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





Notary Public
Residing at:
My Commission Expires: 1/26/2011

N 1382029.79 E 2313259.73

EXHIBIT A

LEGAL DESCRIPTION:

A portion of the Southeast quarter of the Northeast quarter of Section 10, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

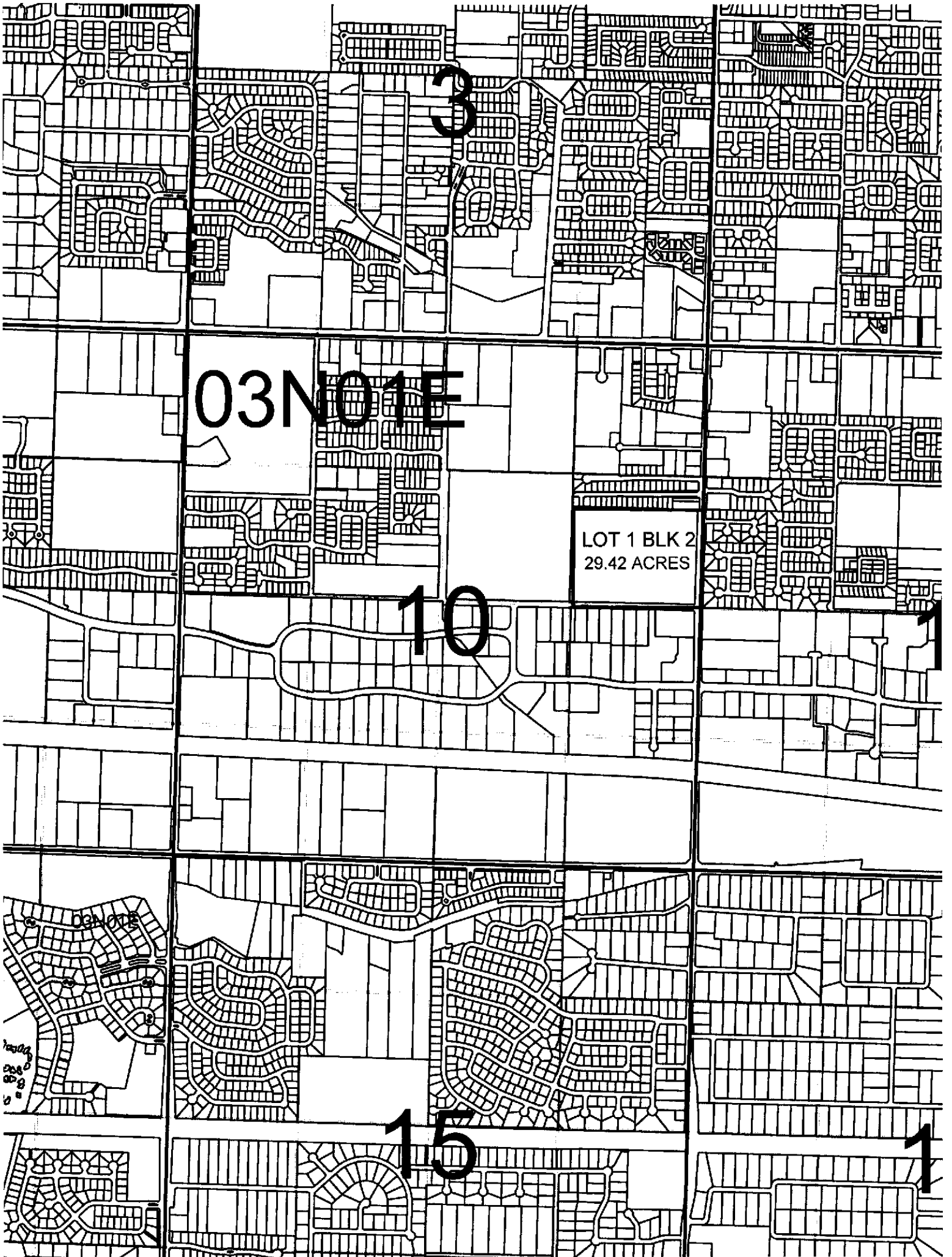
Beginning at the Northeast corner of the said Southeast quarter of the Northeast quarter of said Section 10; thence South 00°51'48" West 337.87 feet, formerly 338.20 feet, along the East line of said Section 10, to the REAL POINT OF BEGINNING; thence South 00°51'48" West 989.93 feet, formerly 990 feet, along the East line of said Section 10, to the Southeast corner of said Southeast quarter of the Northeast quarter; thence North 89°35'03" West 1324.06 feet, formerly 1335.5 feet, along the South line of said Southeast quarter of the Northeast quarter to the Southwest corner thereof; thence North 00°37'33" East 992.75 feet, formerly 992.90 feet along the West line of said Southeast quarter of the Northeast quarter to the Southwest corner of that tract described in Instrument No. 392346, records of Ada County, Idaho; thence South 89°27'42" East 1328.15 feet, formerly North 89°40' East 1334.92 feet along the South line of that tract described in said Instrument No. 392346, to the POINT OF BEGINNING.

EXCEPTING that portion of land conveyed to the ADA COUNTY HIGHWAY DISTRICT, by Warranty Deed recorded November 22, 1972, as Instrument No. 827379, Official Records.

SCHEDULE B - SECTION TWO

**EXCEPTIONS
PART II:**

7. General and Special Taxes for the year 2005, an accruing lien not due or payable until the fourth Monday in November 2005 when the bills are issued, the first half of which is not delinquent until after December 20, 2005.
8. Liens, levies and assessments by City of Boise. (None due and payable as of the date hereof)
9. Liens, levies and assessments by Nampa-Meridian Irrigation District. (None due and payable as of the date hereof)
10. Right of way for Cloverdale Lateral.
11. Except mineral or water rights, claims or title to mineral or water.
12. Easement, including terms and provisions contained therein:
Recording Information: 8861319
In Favor of: THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY
For: communication lines
13. License Agreement upon the terms, conditions and provisions contained therein:
Dated: December 6, 1988
Parties: NAMPA & MERIDIAN IRRIGATION DISTRICT & THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY
Recorded: December 15, 1988
Instrument No.: 8861483
14. License Agreement upon the terms, conditions and provisions contained therein:
Dated: May 3, 2005
Parties: NAMPA & MERIDIAN IRRIGATION DISTRICT & QWEST CORPORATION
Recorded: May 9, 2005
Instrument No.: 105058029
15. Unrecorded Leaseholds, if any, rights of parties in possession other than the vestees herein, rights of chattel mortgages, vendors and vendees under conditional sales contracts of personal property installed on the premises herein, and rights of tenants to remove trade fixtures.
Rights of tenants under unrecorded leases, as tenants only, per a current rent roll.
16. Any facts, rights, interests or claims which would be disclosed by a correct ALTA/ACSM survey.



Ad

LEVENFELD PEARLSTEIN, LLC

WWW.LPLEGAL.COM

Kelly Garbars
Legal Coordinator

312.476.7623

KGARBARS@LPLEGAL.COM

Chicago Office



September 7, 2005

VIA FEDEX

IDWR Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

SEP 08 2005

WATER RESOURCES
WESTERN REGION

Re: West Meadows Estates Manufactured Housing Community
Our File Number: 33186-59527

To Whom It May Concern:

In connection with my client's recent purchase of the above-referenced property, enclosed for recording please find the original and one copy of the State of Idaho Department of Water Resources Notice of Change in Water Rights Ownership along with a copy of the fully executed Warranty Deed. Please stamp the extra copy and return it to the undersigned in the enclosed self-addressed stamped envelope.

Please feel free to contact me should you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Kelly Garbars".

Kelly Garbars
Legal Coordinator

/kls
Enclosures

807273_1

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 63-7674A
Date Received: 8/23/1989
Receipt No: C010187
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

COBBS BROWN HOUSING COMMUNITIES LLC Phone: (208)321-9000

326 N. ORCHARD
BOISE ID USA 83706

2. Date of Priority: 10/04/1972

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	01E	10	SE SE NE	ADA	

5. Description of diverting works:

WELL 410'DEPTH,10"CASING,2-7.5HP PUMPS WITH 8"PVC DIST.SYST.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/15	11/15	0.06	13.5
COMMERCIAL	1/01	12/31	1.23	216
FIRE PROTECTION		1/01 12/31	1.07	

7. Total Quantity Appropriated is:

1.23 C.F.S. and/or 229.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	10	SE	NE	IRRIGATION	3
			SE	NE	COMMERCIAL	
			SE	NE	FIRE PROTECTION	
					Section Acres	3
					Total Acres	3

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

COMMERCIAL USE IS DOMESTIC USE FOR 180 UNIT MOBILE HOME PARK. IRRIGATION USE IS FOR 3 ACRES OF COMMUNITY LAWN, GREEN AREAS, ETC.

CHANGE IN OWNERSHIP LG 10/18/05

15. Basis of Claim: License

OK-
VLM

RECEIVED
AUG 02 2005
WATER RESOURCES
WESTERN REGION

**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
<u>63-7674A</u>	<u>A63-7674A</u>				

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 Joe E. Bernasconi or Vic Bernasconi
- Owner/Claimant(s) 120 Driftwood, Boise, Idaho 83704
4. New Owner/Claimant(s) Cobbs-Brown Housing Communities LLC
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 326 N. Orchard Street
- City, State and ZIP Code Boise, Idaho 83706
- New Telephone Number (208) 321-9000
5. Date you acquired the property March 15, 2000

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): Comer Brown, Member
(include title if applicable)

Comer Brown, Member, Cobbs-Brown Housing Communities LLC

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

1339001660

WARRANTY DEED

FOR VALUE RECEIVED, JOE BERNASCONI and ROSE BERNASCONI, husband and wife, LAWRENCE H. BERNASCONI, an unmarried man, VIC BERNASCONI and BRENDA BERNASCONI, husband and wife, LELAND BERNASCONI, a single man, JOANNE BERNASCONI, a single woman, and DONALD BERNASCONI and CAROL BERNASCONI, husband and wife, collectively the Grantor, does hereby grant, bargain, sell and convey unto LYLE R. COBBS and DONNA L. COBBS, husband and wife, and C. COMER BROWN and HAZEL V. BROWN, husband and wife, whose current address is 326 North Orchard, Boise, Idaho 83706, collectively the Grantee, the real property located in Ada County, Idaho, and described on Exhibit "A" attached hereto and incorporated herein, hereinafter referred to as the "premises."

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee, its successors and assigns forever.

And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except those shown on Exhibit "B" attached hereto and incorporated herein, and that it will warrant and defend the same from all other lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantor has executed this instrument effective the 3rd day of September, 1991.

*also known as CAROL D.
BERNASCONI

9154814

ADA COUNTY, ID. FOR FIRST AMERICAN
J. DAVIS
RECORDED BY R. Wade
2100

'91 OCT 1 AM 10 44

Joe Bernasconi
JOE BERNASCONI

Rose Bernasconi
ROSE BERNASCONI

Lawrence H. Bernasconi
LAWRENCE H. BERNASCONI

Vic Bernasconi
VIC BERNASCONI

Brenda Bernasconi
BRENDA BERNASCONI

1339001661

Leland Bernasconi
LELAND BERNASCONI

Joanne Bernasconi
JOANNE BERNASCONI

Donald Bernasconi
DONALD BERNASCONI

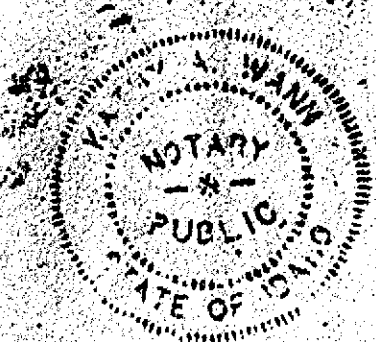
Carol Bernasconi
CAROL BERNASCONI

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of September, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared JOE BERNASCONI and ROSE BERNASCONI, husband and wife, known or identified to me to be the persons whose names are subscribed to the within and foregoing 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.

Kathy A. Wann
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 9-1-95

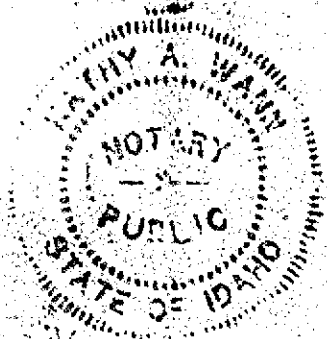


1339001662

STATE OF IDAHO)
) ss.
 County of Ada)

On this 30th day of ~~August~~ ^{September}, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared LAWRENCE H. BERNASCONI, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

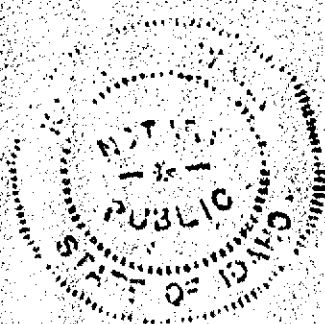


Kathy A. Hanes
 Notary Public for Idaho
 Residing at Boise, Idaho
 My commission expires: 9-1-95

STATE OF IDAHO)
) ss.
 County of Ada)

On this 30th day of ~~August~~ ^{September}, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared VIC BERNASCONI and BRENDA BERNASCONI, 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 in this certificate first above written.



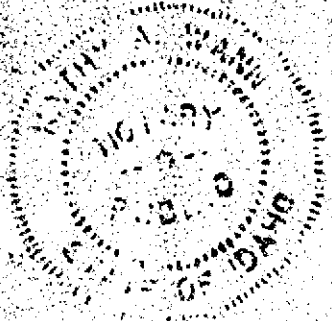
Kathy A. Hanes
 Notary Public for Idaho
 Residing at Boise, Idaho
 My commission expires: 9-1-95

1339001663

STATE OF IDAHO)
) ss.
County of Ada)

On this 31st day of September, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared LELAND BERNASCONI, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he 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.

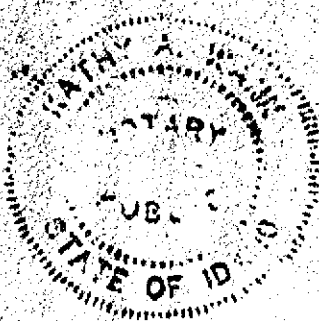


Patricia A. Hansen
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 9-1-95

STATE OF IDAHO)
) ss.
County of Ada)

On this 31st day of September, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared JOANNE BERNASCONI, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she 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.



Patricia A. Hansen
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 9-1-95

1239001664

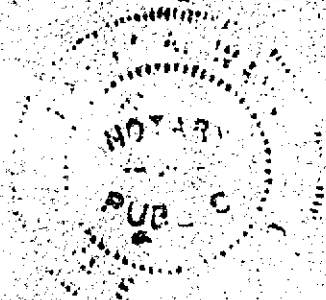
STATE OF IDAHO

)
: ss

COUNTY OF Ada

)

On This 30th day of September, in the year 1991, before me, a Notary Public in and for said State, personally appeared Vic Bernasconi, known or identified to me to be the person whose name is subscribed to the within Instrument as the attorney-in-fact of Carol Bernasconi and Donald Bernasconi, and acknowledged to me that he subscribed the name of Carol Bernasconi and Donald Bernasconi thereto as principal and his own name as attorney-in-fact.



Harry A. Mann
Notary Public of Idaho
Residing at Boise, Idaho
Commission Expires: 9-1-95

1339001665

EXHIBIT "A"

A portion of the Southeast quarter of the Northeast quarter of Section 10, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of the Southeast quarter of the Northeast quarter of said Section 10; thence
South along the East line of said Section 10, 136.20 feet to the
REAL POINT OF BEGINNING; thence
South along the East line of said Section 10, 990 feet to the
Southeast corner of said Southeast quarter of the Northeast
quarter; thence
West along the South line of said Southeast quarter of the
Northeast quarter 1335.5 feet to the Southwest corner thereof;
thence
North along the West line of said Southeast quarter of the
Northeast quarter 992.90 feet to the Southwest corner of that
tract described in Instrument No. 392346, records of Ada County,
Idaho; thence
North 89°40' East 1334.92 feet along the South line of that tract
described in said Instrument No. 392346, to the POINT OF
BEGINNING.

EXCEPT ditch and road rights-of-way.

ALSO EXCEPTING that portion of land conveyed to the ADA COUNTY HIGHWAY DISTRICT, by Warranty Deed recorded November 22, 1972, as Instrument No. 877379, Official records.

ALSO EXCEPTING any portion lying within the Cloverdale Lateral.

1339001666

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Taxes for the year 1991.
2. Non-delinquent special assessments for the City of Boise, if any.
3. Non-delinquent liens, levies and assessments of the Nampa-Meridian Irrigation District, and the rights, powers and easements of said District as by law provided.
4. A Right-of-Way Easement over said land in favor of THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a Colorado corporation, for communication facilities and incidental purposes as set forth in an instrument recorded December 14, 1988, as Instrument No. 8861319, Official Records.
5. Agreement dated December 6, 1988, by and between NAMPA & MERIDIAN IRRIGATION DISTRICT, an irrigation district and THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a Colorado corporation, for Cloverdale Lateral recorded December 15, 1988, as Instrument No. 8861483, Official Records.
6. Agreement dated October 16, 1990, by and between CITY OF BOISE CITY, a municipal corporation, and JOE BERNASCONI, ROSE BERNASCONI, VIC BERNASCONI, LELAND BERNASCONI, JOANNE BERNASCONI, LARRY BERNASCONI and DONALD L. BERNASCONI, for sewer system, and incidental purposes, wherein BERNASCONI shall further pay \$53,228.00 for additional connection charge, payable, with 7.5% interest, in 15 equal annual installments of \$6,036.84 on the first day of September hereinafter, beginning on the first day of September, 1991, recorded October 24, 1990, as Instrument No. 9057279, Official Records.

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2000 MAR 27 AM 11:03

RECORDED-REQUEST OF

FEE 9.00 DEPUTY Mason

100022724

WARRANTY DEED

FIRST AMERICAN

FOR VALUE RECEIVED, LYLE R. COBBS and DONNA L. COBBS, husband and wife, and C. COMER BROWN and HAZEL V. BROWN, husband and wife, the Grantors, do hereby bargain, sell and convey, unto COBBS-BROWN HOUSING COMMUNITIES LLC, an Idaho limited liability company, Grantee, whose current address is c/o Lyle R. Cobbs, 326 N. Orchard Street, Boise, Idaho 83706 to wit:

Legal Description designated Exhibit A attached hereto and made a part hereof.

SUBJECT to all easements, rights-of-way, restrictions and reservations of record and appearing on the land;

SUBJECT to all taxes and assessments levied and assessed for the current calendar year which are now liens but not yet due nor payable.

TOGETHER with all and singular the tenements, water rights hereditaments and appurtenances thereto belonging or in anywise appertaining and all lease agreements pertaining to said real property.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: March 12, 2000

Lyle R. Cobbs
LYLE R. COBBS

Donna L. Cobbs
DONNA L. COBBS

C. Comer Brown
C. COMER BROWN

Hazel V. Brown
HAZEL V. BROWN

STATE OF IDAHO)

County of Ada)

On this 12th day of MARCH, 2000, before me, the undersigned, Notary public in and for said State, personally appeared LYLE R. COBBS and DONNA L. COBBS, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing 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.

Diane J. A.
NOTARY PUBLIC for Idaho
Residing at Boise
Commission expires: 1/26/2005

WARRANTY DEED
97058-03 12/20/99

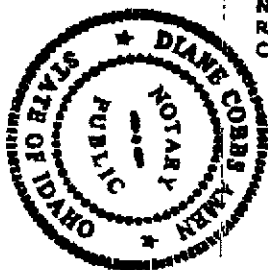
STATE OF IDAHO)

: ss

County of Ada)

On this 12TH day of MARCH, 2010, before me, the undersigned, notary public in and for said State, personally appeared C. COMER BROWN and HAZEL V. BROWN, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing 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.



[Signature]
NOTARY PUBLIC for Idaho

Residing at [Signature]

Commission expires: 1/26/2015

WARRANTY DEED

97058-03

12/20/99

EXHIBIT "A"

A portion of the Southeast quarter of the Northeast quarter of Section 10, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, were particularly described as follows:

Beginning at the Northeast corner of the Southeast quarter of the Northeast quarter of said Section 10; thence
South along the East line of said Section 10, 338.20 feet to the
REAL POINT OF BEGINNING; thence
South along the East line of said Section 10, 990 feet to the
Southeast corner of said Southeast quarter of the Northeast
quarter; thence
West along the South line of said Southeast quarter of the
Northeast quarter 1315.5 feet to the Southwest corner thereof;
thence
North along the West line of said Southeast quarter of the
Northeast quarter 992.90 feet to the Southwest corner of that
tract described in Instrument No. 392346, records of Ada County,
Idaho; thence
North 89°40' East 1314.92 feet along the South line of that tract
described in said Instrument No. 392346, to the POINT OF
BEGINNING.

EXCEPT ditch and road rights-of-way.

ALSO EXCEPTING that portion of land conveyed to the ADA COUNTY HIGHWAY DISTRICT,
by Warranty Deed recorded November 22, 1972, as Instrument No. 827379, Official
Records.

ALSO EXCEPTING any portion lying within the Cloverdale Lateral.

Ada County Assessor's Plat Maps - T3N R1E 10, Scale: 1 inch = 178.94 feet

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: A63-07674A
Date Received: 8/23/1989
Receipt No: Colo 187
Received By: GA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOE E. BERNASCONI 208-376-8971
Address: 120 DRIFTWOOD
BOISE, ID 83704
OR
Name: VIC BERNASCONI 208-376-8835
Address: 120 DRIFTWOOD
BOISE, ID 83704

2. Date of Priority: OCT 04, 1972

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	10	SE	SE	NE		ADA

5. Description of diverting works:
WELL 410' DEPTH, 10" CASING, 2-7.5HP PUMPS WITH 8" PVC DIST. SYST.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/15	11/15	0.060		13.50
COMMERCIAL	01/01	12/31	1.230		216.00
FIRE PROTECTION	01/01	12/31	1.070		

7. Total Quantity Appropriated is:
1.230 C.F.S. (and/or) 229.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
COMM. USE FOR DOMEST. FOR 180 UNIT MOBILE HOME PARK, FIRE PROT. ETC.

A63-07674A

Page 1

Date: 08/23/89

MICROFILMED
AUG 21 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01E	10	SE	NE		IRR	3.0
			SE	NE		COMMER	
			SE	NE		FIRE	
						Section Acres	3.0
						Total Acres	3.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
DITCH RIGHTS-NAMPA MERIDIAN

14. Remarks:
COMMERCIAL USE IS DOMESTIC USE FOR 180 UNIT MOBILE HOME
PARK. IRRIGATION USE IS FOR 3 ACRES OF COMMUNITY LAWN, GREEN
AREAS, ETC.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: 3

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Ma Remson* Date: 8/23/89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of August 19 89 *Donna E. Luthy*
Notary Public

Seal

Residing at BOISE, ID
My Commission Expires 11/08/1994

JRCES

A63-07674A
T3N-R1E
SEC 10 SE SE NE

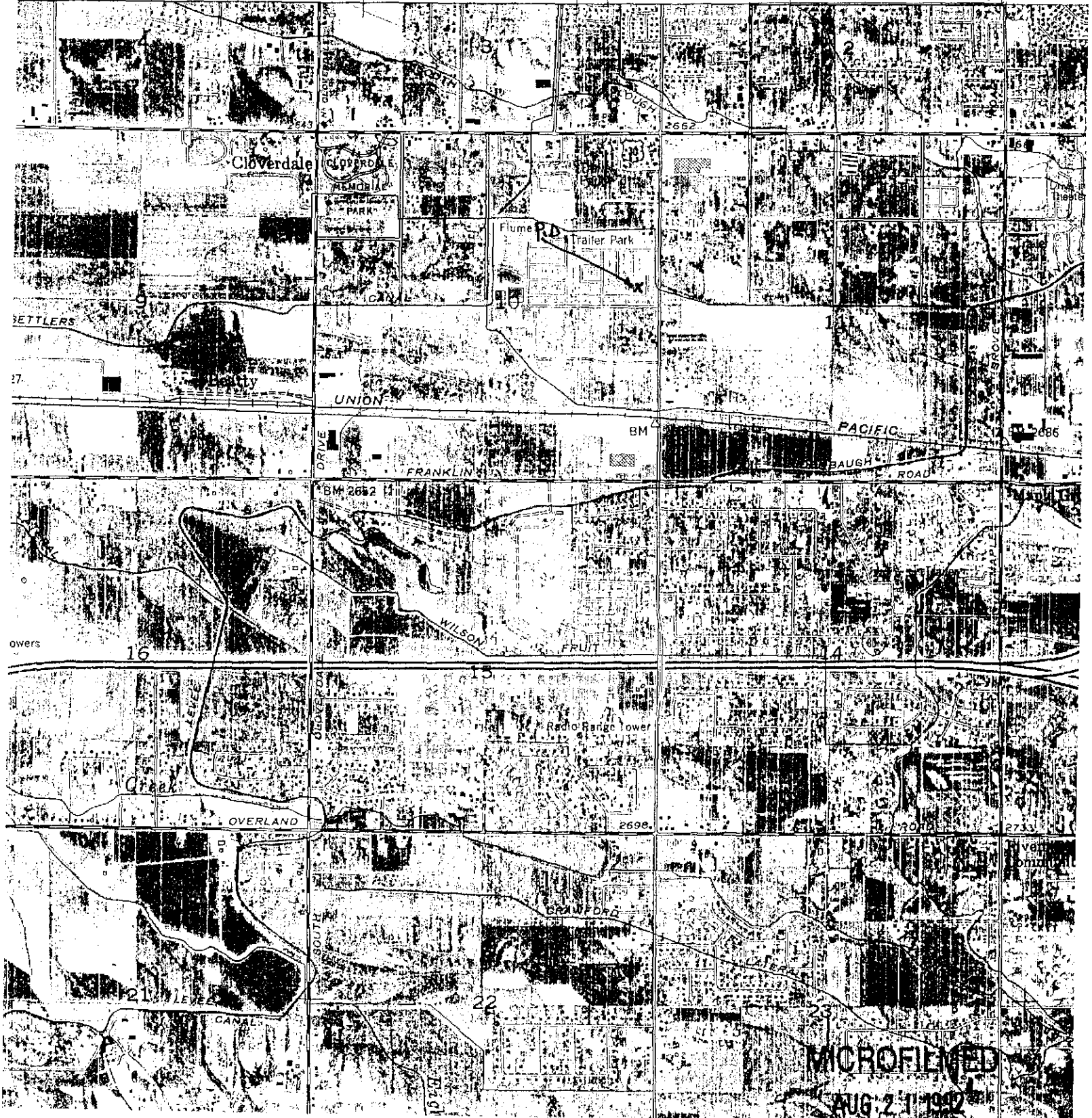
E 4.8 MI
TO U.S. 20 & 26 S93

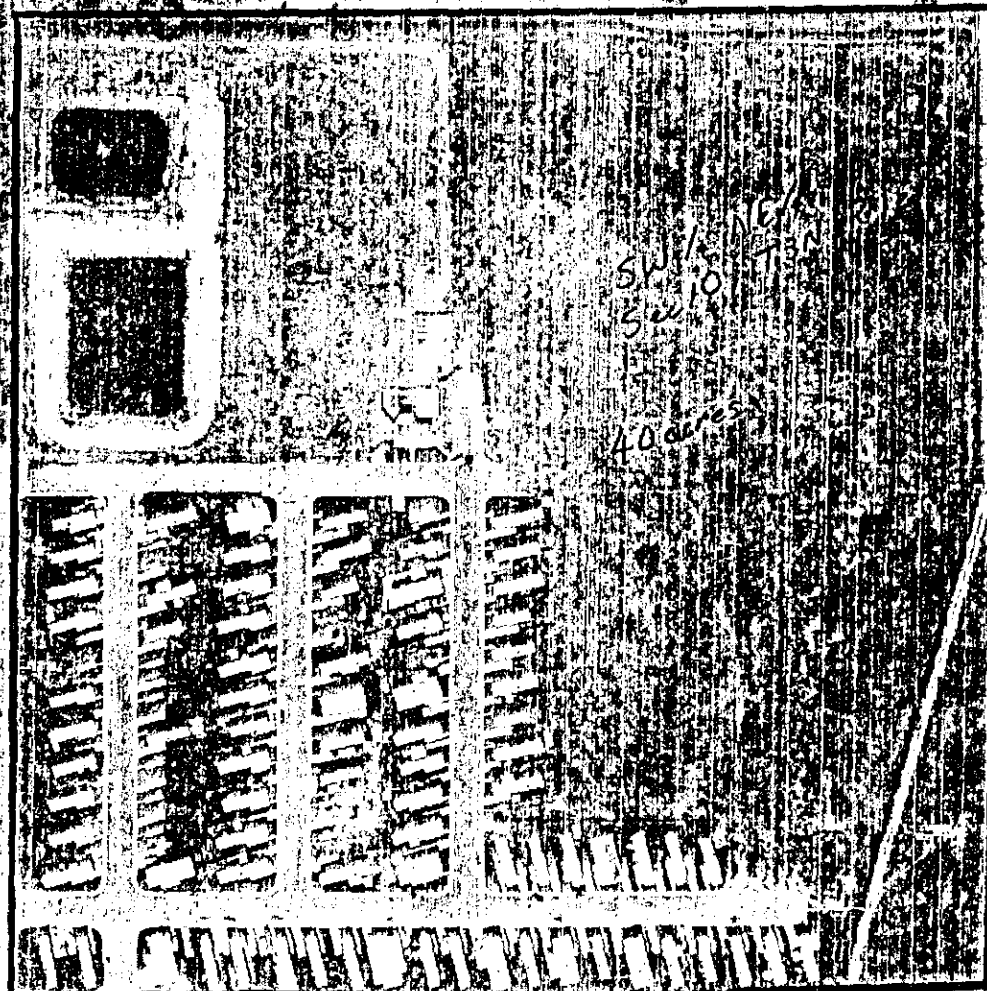
20' S94

S95

S96

S97 17' 30"





A63-
07674A



MICROFILMED
AUG 22 1992

63-7674

RECEIVED
APR 24 2006
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case 39576

A. Subcase 63-7674A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Hometown West Meadows, LLC

Address: 150 N. Wacker Drive, Suite 2800
Chicago, IL 60606

Daytime Phone: 208-424-7800 (Hofstetter Law Office, LLC)

Name & Address of Attorney, if any:

Dana Hofstetter

Hofstetter Law Office, LLC

608 West Franklin Street

Boise, Idaho 83702

208-424-7800

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Hometown West Meadows, LLC

Address: 150 N. Wacker Drive, Suite 2800
Chicago, IL 60606

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: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Section E
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: See Section E
8. ☒ **Period of Year**
Should be: See Section E
9. ☒ **Place of Use**
Should be: See Section E
10. **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):** The quantity for fire protection should be additional, rather than included in other uses. Since the water use includes inside domestic uses at a mobile home park, domestic use should be identified in addition to commercial use. It should be noted that the domestic/commercial use includes lawn watering in addition to the 3 acres of irrigation. The standard irrigation season should be designated, at least as an accomplished transfer. The place of use should include individual lot lawn acreage. Ground water is not combined with Nampa-Meridian Irrigation District water.

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)

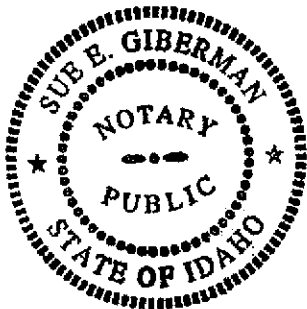
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

Dana Hofstetter

Attorney signing in representative capacity

Subscribed and sworn to before me on: April 20 2006



Sue E. Giberman
Notary Public for the State of Idaho
Residing at: Boise Idaho
My Commission expires: 2-25-09

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 April 21, 2006, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Hometown West Meadows, LLC
Address: 150 N. Wacker Drive, Suite 2800
Chicago, IL 60606

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

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



Signature of Objector or attorney
mailing on Objector's behalf

12/01/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7674A

NAME AND ADDRESS: HOMETOWN WEST MEADOWS, LLC
150 N WACKER DRIVE, SUITE 2800
CHICAGO IL 60606

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.230 CFS
229.500 AFY

PRIORITY DATE: 10/04/1972

POINT OF DIVERSION:

T03N R01E S10 SESENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	5/15 11/15	0.060 CFS 13.50 AFY
COMMERCIAL	1/01 12/31	1.230 CFS 216.00 AFY
FIRE PROTECTION	1/01 12/31	1.070 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S10 SENE 3.0

COMMERCIAL Within ADA County

T03N R01E S10 SENE

FIRE PROTECTION Within ADA County

T03N R01E S10 SENE

3 ACRES TOTAL

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.

COMMERCIAL USE IS FOR 180 MOBILE HOME UNITS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NAMPA MERIDIAN IRRIGATION DISTRICT.

Water Right 63-7674A

1



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 1, 2005

Hometown West Meadows, LLC
150 N Wacker Drive, Suite 2800
Chicago IL 60606

Re: Notice of Claim to a Water Right No. 63-7674A

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

10/18/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7674A

NAME AND ADDRESS: COBBS BROWN HOUSING COMMUNITIES LLC
326 N. ORCHARD
BOISE ID 83706

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.230 CFS
229.500 AFY

PRIORITY DATE: 10/04/1972

POINT OF DIVERSION:

T03N R01E S10 SESENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	5/15 11/15	0.060 CFS 13.50 AFY
COMMERCIAL	1/01 12/31	1.230 CFS 216.00 AFY
FIRE PROTECTION	1/01 12/31	1.070 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER
15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED.
THE USE OF WATER BEFORE MAY 15 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S10 SENE 3.0

COMMERCIAL Within ADA County

T03N R01E S10 SENE

FIRE PROTECTION Within ADA County

T03N R01E S10 SENE

3 ACRES TOTAL

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.

COMMERCIAL USE IS FOR 180 MOBILE HOME UNITS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NAMPA MERIDIAN
IRRIGATION DISTRICT.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

October 18, 2005

Cobbs Brown Housing Communities LLC
326 N Orchard
Boise ID 83706

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Re: Notice of Claim to a Water Right No. 63-7674A

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Liberty Gagnon".

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7674A V1

WATER RIGHT NUMBER: 63-7674A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VIC BERNASCONI 120 DRIFTWOOD BOISE, ID 83704 (208)376-8835
Current Owner	JOE E BERNASCONI 120 DRIFTWOOD BOISE, ID 83704 (208)376-8971

Priority Date: 10/04/1972

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/15 to 11/15	0.060 CFS	13.50 AF
COMMERCIAL	1/01 to 12/31	1.230 CFS	216.00 AF
FIRE PROTECTION	1/01 to 12/31	1.070 CFS	
	<u>Total Diversion:</u>	1.230 CFS	229.50 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4NE1/4	Sec. 10, Twp 03N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	10				3.0													3.0

Total Acres: 3

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	10				X													

FIRE PROTECTION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7674A V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	10				X													

Conditions of Approval:

1. USE OF THIS RIGHT IS COMBINED WITH WATER FROM NAMPA MERIDIAN IRRIGATION DISTRICT.
2. C18 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.

Remarks:

1. General COMMERCIAL USE IS FOR 180 MOBILE HOME UNITS.
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. sbock 7/9/2002 EXAM
Comment: ON SITE 7-9-02 TO GPS WELL LOCATION

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-7674A V1

Priority Date	7/8/2002 1:31:38 PM	sbock	Active
POD	7/8/2002 1:31:58 PM	sbock	Active
Source	7/8/2002 1:32:20 PM	sbock	Active
POU	7/8/2002 1:33:08 PM	sbock	Active
Use	7/8/2002 1:34:49 PM	sbock	Active
Season	7/8/2002 1:35:16 PM	sbock	Active
Quantity	7/8/2002 1:35:42 PM	sbock	Active
Summary		07/08/2002 sbock	Active
Contacts	12/1/2004 3:24:30 PM	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	7/9/2002 2:34:48 PM	sbock	Edited point location
Contacts	12/1/2004 3:24:30 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
Priority Date	7/8/2002 1:31:39 PM	sbock	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	7/8/2002 1:31:59 PM	sbock	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	7/8/2002 1:32:21 PM	sbock	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	7/8/2002 1:32:38 PM	sbock	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-7674A V1

POU	7/8/2002 1:33:09 PM	sbock	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	7/8/2002 1:34:51 PM	sbock	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	7/8/2002 1:35:18 PM	sbock	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	7/8/2002 1:35:44 PM	sbock	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - AS LICENSED
Summary	7/8/2002 1:37:16 PM	sbock	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Is an additional remark and/or condition required?

07/08/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7674A

NAME AND ADDRESS: VIC BERNASCONI
120 DRIFTWOOD
BOISE ID 83704

JOE E BERNASCONI
120 DRIFTWOOD
BOISE ID 83704

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.23 CFS
229.5 AFY

PRIORITY DATE: 10/04/1972

POINT OF DIVERSION:

T03N R01E S10 SESENE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	5/15 11/15	0.060 CFS 13.50 AFY
COMMERCIAL	1/01 12/31	1.230 CFS 216.00 AFY
FIRE PROTECTION	1/01 12/31	1.070 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S10 SENE 3.0

COMMERCIAL Within ADA County

T03N R01E S10 SENE

FIRE PROTECTION Within ADA County

T03N R01E S10 SENE

3 ACRES TOTAL

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

COMMERCIAL USE IS FOR 180 MOBILE HOME UNITS.
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.

EXPLANATORY MATERIAL:

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NAMPA MERIDIAN IRRIGATION DISTRICT.

AJ5809NP
No. A63-07674A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/27/01
PAGE: 29

=====

Dates:	Exam Made Date:	Verified Date:	07/01/1985	Objection filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:	
Audit:	08/23/89 LUTHY	03/30/95 POST-STD		

=====

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-7674A

WATER RIGHT NUMBER: 63-7674A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOE E BERNASCONI RT 3 BOISE, ID 83705

Priority Date: 10/04/1972

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FIRE PROTECTION	1/01 to 12/31	1.070 CFS	
IRRIGATION	5/15 to 11/15	0.060 CFS	13.50 AF
DOMESTIC	1/01 to 12/31	1.230 CFS	216.00 AF
	<u>Total Diversion:</u>	1.230 CFS	229.50 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 10, Twp 03N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R01E S10 SENE 3.0

Total Acres: 3

FIRE PROTECTION same as IRRIGATIONDOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-7674A

Dates and Other Information:

Licensed Date: 12/26/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7674A Priority October 4, 1972 Amount 1.23 cfs

THIS IS TO CERTIFY, that JOE E. BERNASCONI
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 63-7674A issued pursuant to Application for Permit dated October 4, 1972,
and has submitted proof to the Department of Water Resources on November 28, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.23 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (180 units)	from January 1 to December 31	at 1.23 cfs	and 216 acre feet
Irrigation	from May 15 to November 15	at 0.06 cfs	and 13.5 acre feet
Fire Protection	from January 1 to December 31	at 1.07 cfs	and N/A

(both dates inclusive)

Subject, however, to the condition that no more than 1.23 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
229.5 acre feet per year, said waters to be diverted within the SE 1/4, Sec. 10, Twp. 3N,
Rge. 1E, B.M. in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	1E	10				X 3													3

Total number of acres irrigated 3

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of
September, 19 79

Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7674B Priority October 4, 1972 Amount 1.33 cfs

THIS IS TO CERTIFY, that RUSTIC ACRES
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 63-7674B issued pursuant to Application for Permit dated October 4, 1972,
and has submitted proof to the Department of Water Resources on November 28, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.33 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (190 units)	from <u>January 1</u> to <u>December 31</u>	at <u>1.33</u> cfs and	<u>228</u> acre feet
Irrigation	from <u>May 15</u> to <u>November 15</u>	at <u>0.04</u> cfs and	<u>9</u> acre feet
Fire Protection	from <u>January 1</u> to <u>December 31</u>	at <u>1.13</u> cfs and	<u>N/A</u>

(both dates inclusive)

Subject, however, to the condition that no more than 1.33 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
237 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 3N,
Rge. 1E, B.M. in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3N	1E	10			X 2														2

Total number of acres irrigated 2

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of
September, 19 79.

Director

State of Idaho
Department of Water Resources

OK jg

PARTIAL ASSIGNMENT OF PERMIT

I, Joe E. Bernasconi, hereby assign to Rustic Acres
of c/o Eldon Crisp, 1530 Travis Place, Boise, ID
Address

CHECK ONE

☐ All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

☒ The following described portion of my right, title, and interest in and to Permit
No. 63-7674 to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

P.D.- SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 3N, Rge. 1E; P.U.- SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 3N,
Rge. 1E.

Domestic (190 Lots) Q= 1.54 cfs; Fire Protection Q= 1.13 cfs;

Irrigation Q= 0.51 cfs

Made this 18 day of May, 19 79.

Joe E. Bernasconi
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 18 day of May, 19 79, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Kathleen A. Walker
Notary Public residing at
Boise

My commission expires:
life

MICROFILMED

Send correspondence to:
Carlyle W. Briggs, P.E.
619 Grove Street
Boise, Idaho 83702
Tel. 343-3381

Identification No. _____
Application No. 63-7674

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

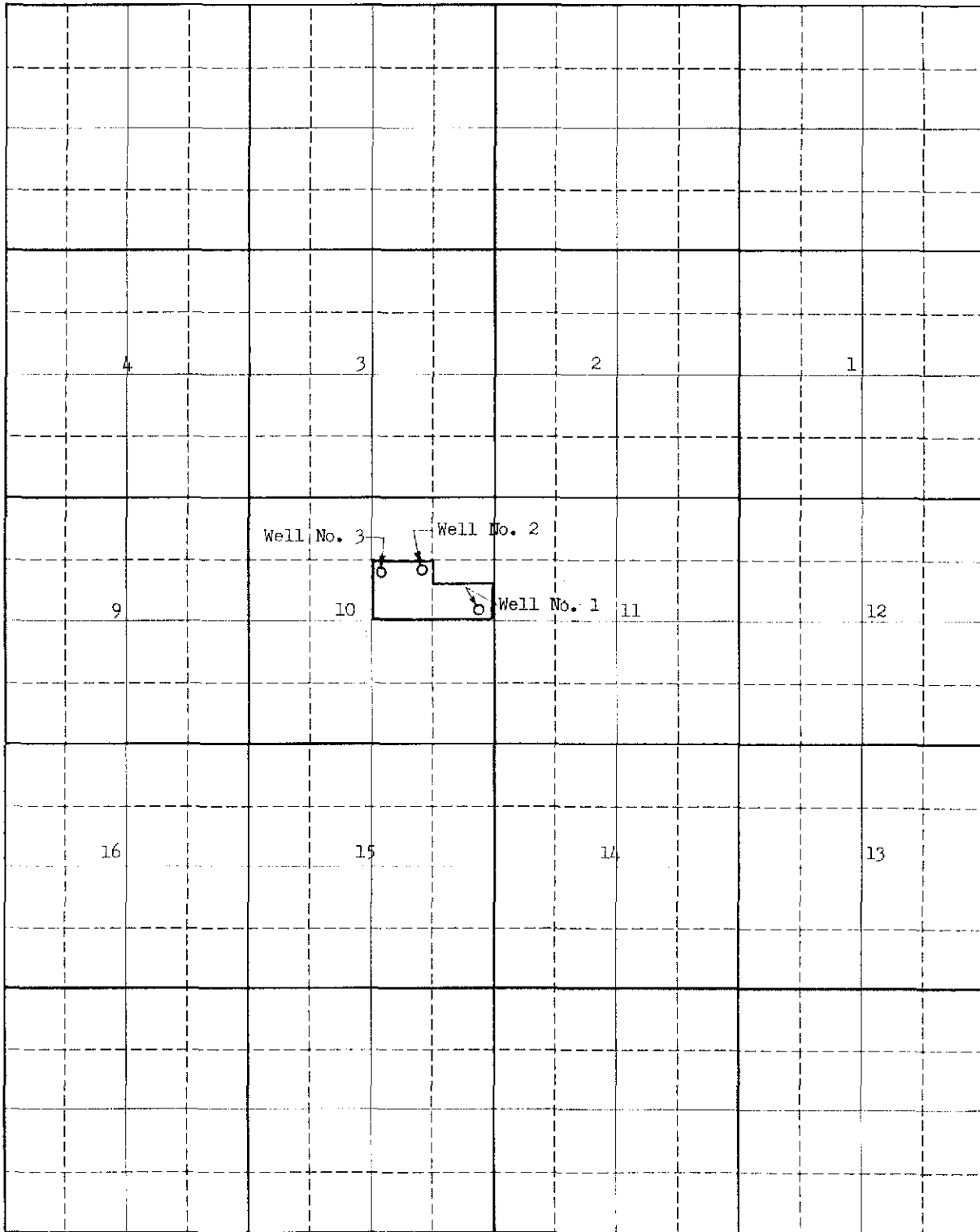
APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

*Permit Assignment to:
Rustic Homes
40 Eldon Crisp
1530 TRIMBLE PLACE
BOISE, ID*

1. Name of applicant Joe E. Bernasconi
post office address Route 3, Boise, Idaho 83705
2. Source of water supply Underground Water which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10 Township 3 North
Range 1 East B.M. Ada County; additional points of diversion if any: 2nd & 3rd well
in SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 10, T.3N., R.1E., B.M.
- b. If water is not consumed, it will be discharged into underground at a point in SW $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 10 Township 3N Range 1E B.M. Ada County
4. Water will be used for the following purposes:
Amount 3.0 cfs for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 2.2 cfs for fire protection purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1 cfs for irrigation purpose from May 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 6.2 cubic feet per second and/or
b. none acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 50 HP deep well pumps, minimum 12"
dia. well casing, estimated depth 300 feet, 8" & 6" dia. water mains to serve
370 to 400 residential lots initially, and more lots possibly to be added in the
future.
b. Height of storage dam none feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 12 inches; proposed depth of well is 300 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 21,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW & SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10 Township 3N
Range 1E B.M.
(2) Amount of power to be generated: none hp under _____ feet of head.
(3) List number of each kind of livestock to be watered none presently contemplated
(4) Name of municipality to be served none, or number of families to be
supplied with domestic water West Meadow Mobile Estates, 370 lots for mobile homes in
a Mobile Home Park
(5) If water is to be used for other purposes describe: Water to be used for household,
irrigation lawn sprinkling, fire protection, etc.

11. Map of proposed project:



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Joe E. Remondet
(Applicant)

FIELD REPORT

3. Water will be used for the following purposes:

Other uses: _____

- Other Points of Diversions:

Description of diverting works: 1 7.5 hp motor sub pump, 1-10hp SCIS pump
12" DIAMETER X 400'.

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____ 70

DATE OF EXAM 5/15/79

ACREAGE

Found 40
Recommended 2

Irrigation Requirement 4.5 Ac Ft/Ac

USE

Irrigation Q = 1.04 c.f.s. V = 9.0 AF/Ann. from 5/15 to 11/15
Domestic Q = 1.33 c.f.s. V = 228.00 AF/Ann. from 1/1 to 12/31
Livestock Q = 1.33 c.f.s. V = 228.00 AF/Ann. from 1/1 to 12/31
1900 gpm (1.77 cfs) 228.00
not assigned for this project.

Is water co-mingled? yes no ✓

Name source: GROUNDWATER
twp. 3N N/S, Rge 1E E/W, B.M., Sec. 10, Sub. SW 1/4 NE 1/4 ADA County

Exchange? yes no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 1.33 cfs Method of measurement DIRECT + CALCULATION

Total Q recommended 1.33 cfs Meter No. 3552208 Type ANALOG Condition GOOD

Total V recommended 237.0 AF/Ann.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:

$Q = 7.5 \text{ hp } (80\% \text{ eff}) (8.8) / 40 \text{ ft } / 1.47 = .57 \text{ cfs}$
 $Q = 10 \text{ hp } (80\% \text{ eff}) (8.8) / 40 \text{ ft } / 1.47 = .76 \text{ cfs}$
 $V = 2 \text{ acres } (4.5 \text{ cfs/Ac}) = 9.0 \text{ AF/Ann.}$
 $V = 190 \text{ gpm } (1.77 \text{ cfs}) = 228.00$
 $V = 1.33 \text{ cfs } (1.77 \text{ cfs}) = 228.00$

SYSTEM DESCRIPTION:

1-7 1/2 hp pump + 1-10 hp pump, 12" x 900', 0' lift
190 gpm - MOBILE MOBILE PARK 300 gpm observed
1500 gpm RESERVOIR TANK
228.00 AF/Ann. for community 190 gpm

REMARKS:

THIS PERMIT IS SPLIT FROM 63-7679X.

Examiner's Signature Charles W. [Signature] Date 5/18/79

Checked by _____ Date _____

Approved by _____ Date _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7674A Priority October 4, 1972 Amount 1.23 cfs

THIS IS TO CERTIFY, that JOE E. BERNASCONI

of Boise, Idaho, has complied with the terms and conditions of Permit No. 63-7674A issued pursuant to Application for Permit dated October 4, 1972, and has submitted proof to the Department of Water Resources on November 28, 1977, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 1.23 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (180 units)	from January 1 to December 31	at 1.23 cfs and	216 acre feet
Irrigation	from May 15 to November 15	at 0.66 cfs and	13.5 acre feet
Fire Protection	from January 1 to December 31	at 1.07 cfs and	N/A

(both dates inclusive)

Subject, however, to the condition that no more than 1.23 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 229.5 acre feet per year, said waters to be diverted within the SE 1/4, Sec. 10, Twp. 3N, Rge. 1E, B.M. in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	1E	10				X 3									3

Total number of acres irrigated 3

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of September, 19 79.


Director

MICROFILMED
AUG 21 1982

Idaho Department of Water Resources

Claim Number: 63-07674A

Legal: T03N, R01E, S10

Reviewed By:

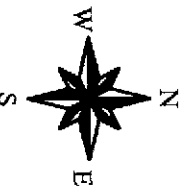
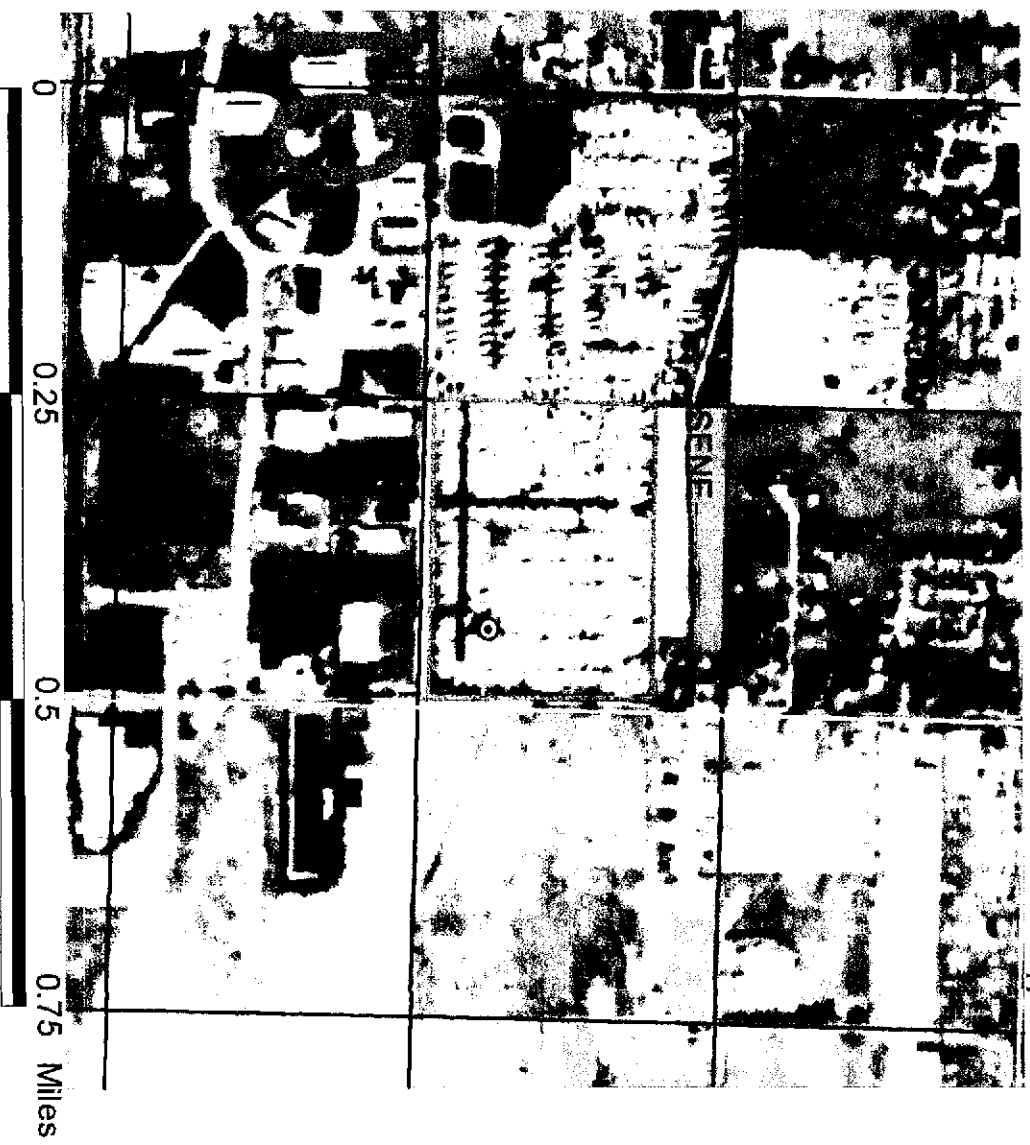
⊙ Point of Diversion

□ Place of Use

□ Section Lines

□ Quarter Quarter Lines

1987 Napp Photo



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-07674 A Date: 3-10-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	3N	1E	10				3													3
GIS							29													29
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 3

Overlapping POU Claim #'s:

Total GIS Acres: 29

COMMENTS:
