



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R1E SECTION 13
Water Right(s) : 63-5322



1320 0 1320 2640 3960 5280 Feet

IRRIGATED ACRES = < 4.0 ACRES



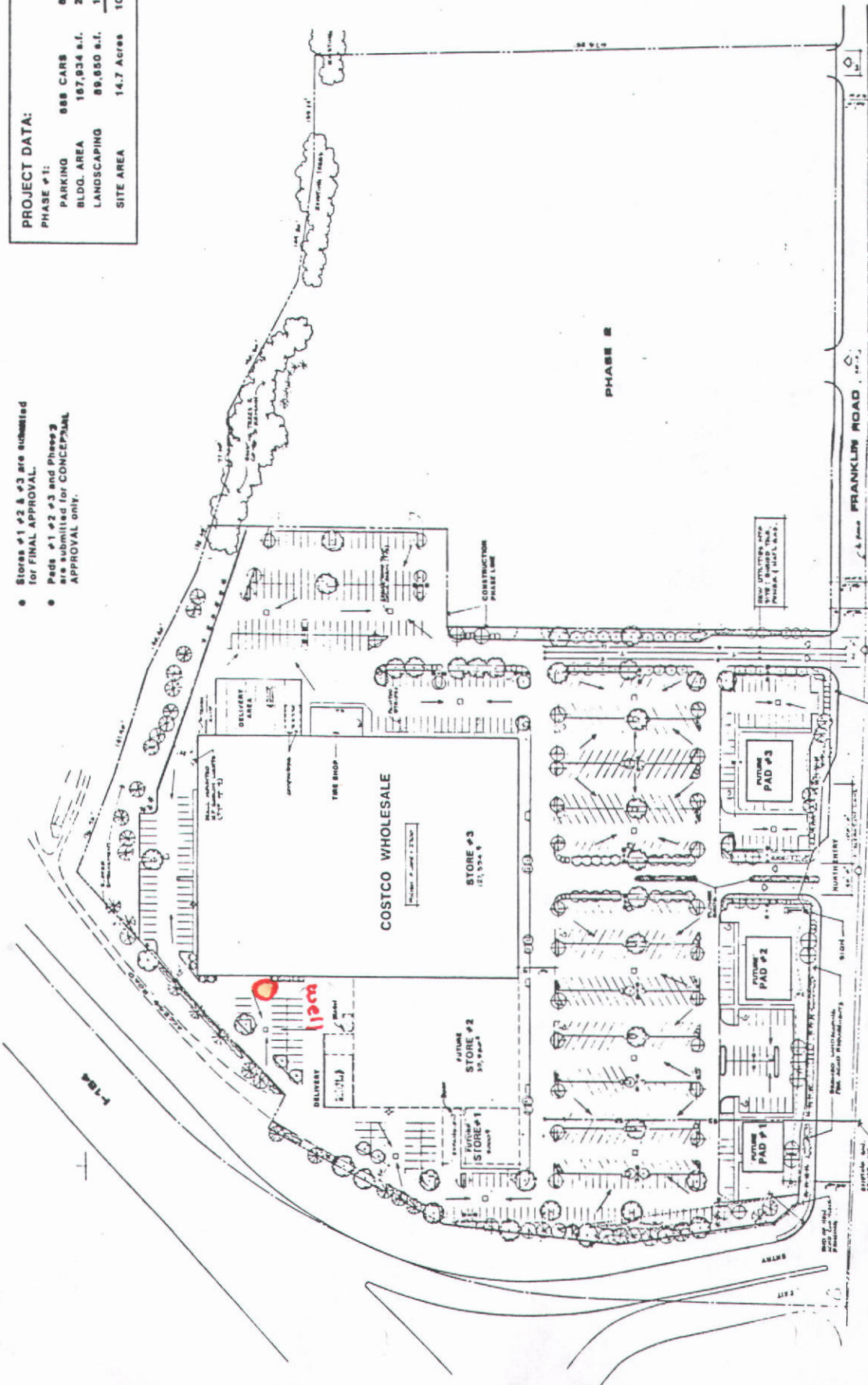
-  Point of Diversion
-  Place Of Use
-  Quarter Quarter Lines
-  Section Lines

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: November 2004

PROJECT DATA:

PHASE #1:	888 CARS	80%
PARKING	187,934 s.f.	28%
BLDG. AREA	89,650 s.f.	14%
LANDSCAPING	14.7 Acres	100%
SITE AREA		

- Stores #1 #2 & #3 are submitted for FINAL APPROVAL.
- Pads #1 #2 #3 and Phase 2 are submitted for CONCEPTUAL APPROVAL only.



LANDSCAPING SCHEDULE

SYMBOL	COMMON NAME	SIZE	QUANTITY
○	BRUNELLIA	2 1/2" GAL	1
○	PERSEA FLORIBUNDA	2 1/2" GAL	1
○	SPYRIS	2 1/2" GAL	1
○	SUNNY	2 1/2" GAL	1
○	ARBOREUS (LINDLEY)	2 1/2" GAL	1
○	AD. B. J. J. J.	2 1/2" GAL	1
○	POTENTIAL	2 1/2" GAL	1
○	DRIVE	2 1/2" GAL	1

SITE DEVELOPMENT PLAN

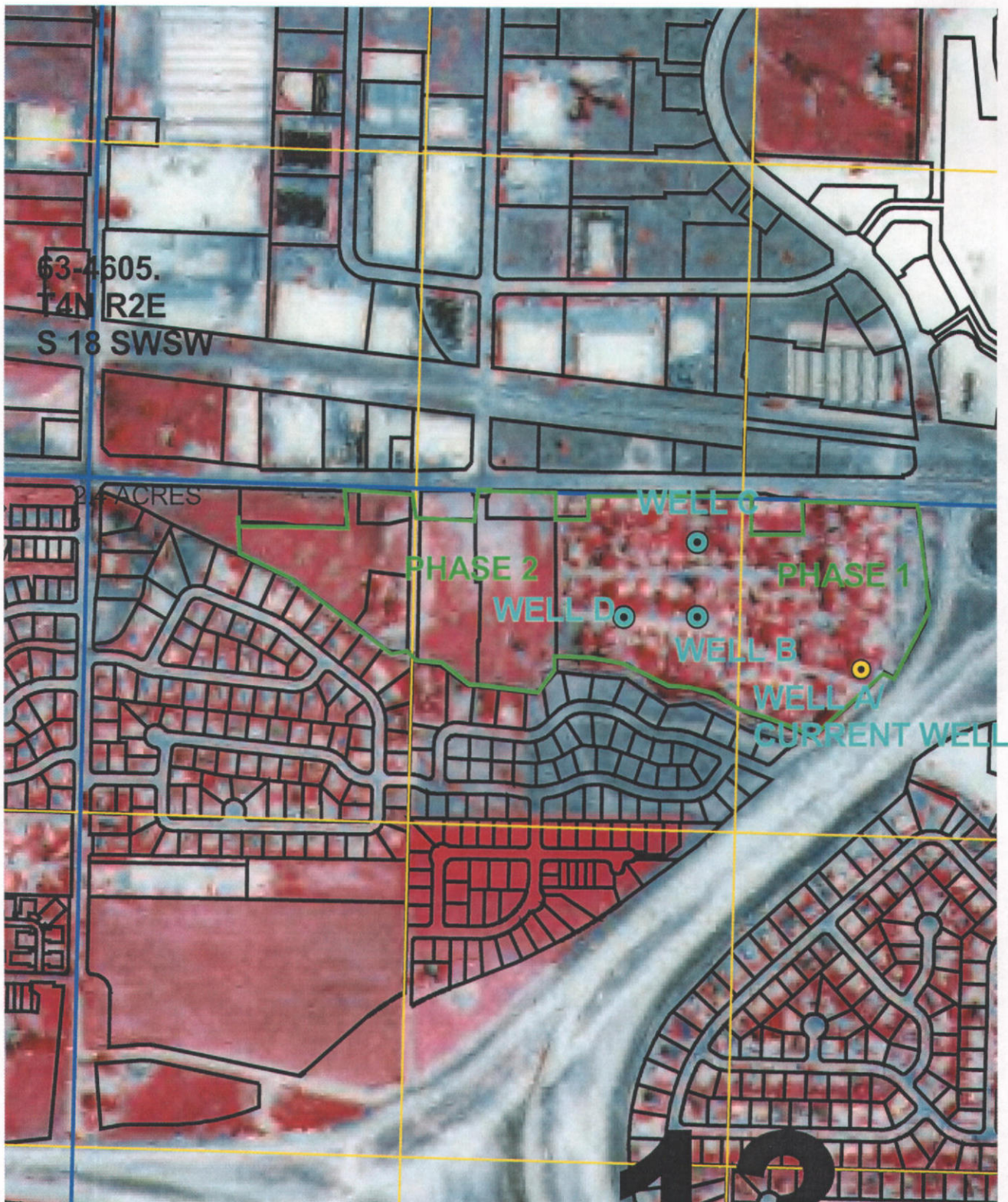
FRANKLIN TOWNE PLAZA

LOCATION: I-184 AT FRANKLIN ROAD BOISE, IDAHO

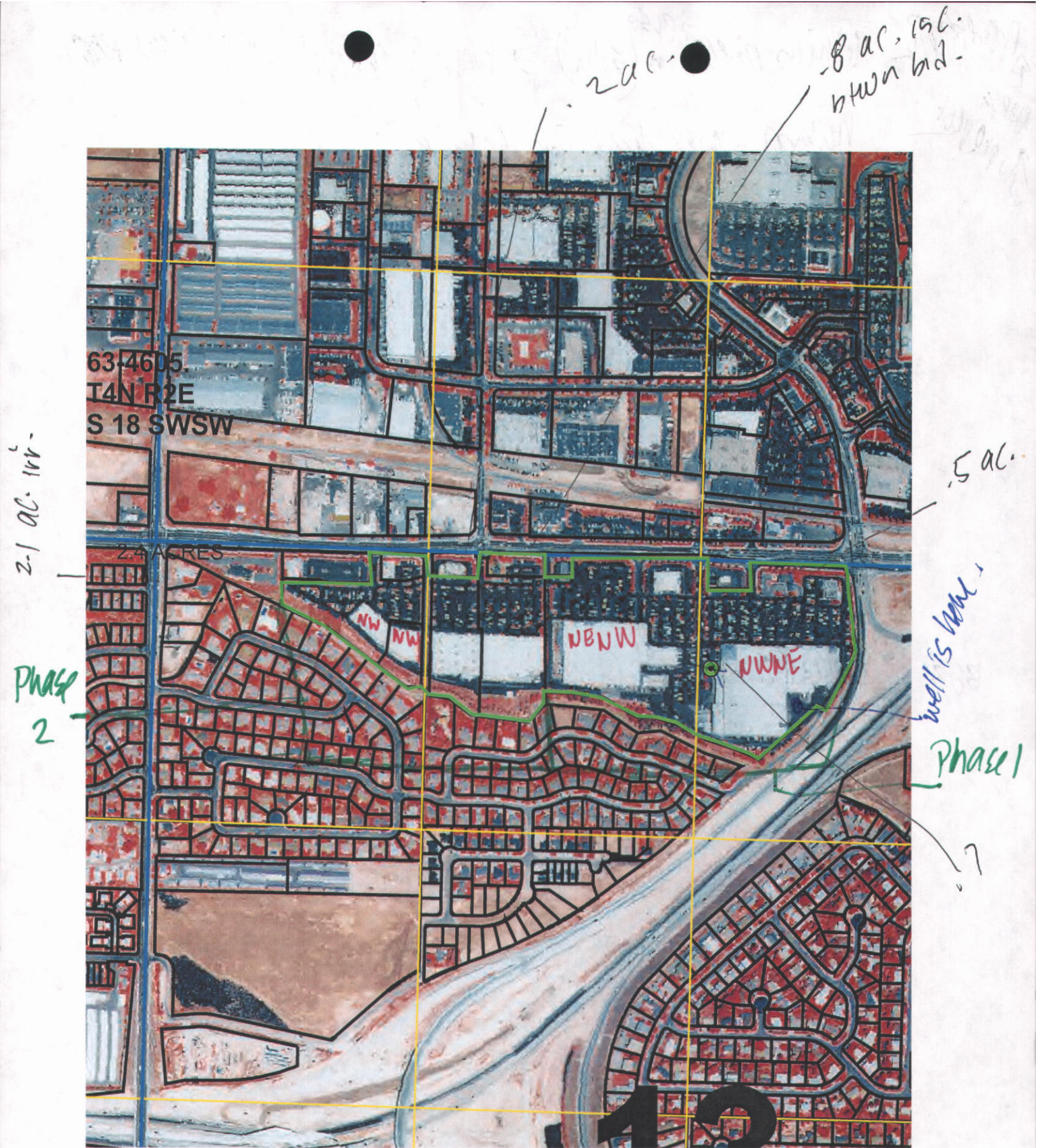
DEVELOPERS: HAWKINS & SMITH

LANDSCAPE SPRINKLER NOTES:
 1. ALL SPRINKLER SYSTEMS SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH THE LATEST EDITION OF THE NFPA 13 CODE.

DESIGN REVIEW 4/6/88
 REVISED SUBMITTAL PER A.C.R.B.
 DESIGN OF FRANKLIN ROAD R.O.W. 8/9/88



63-5322 -- 1987 AERIAL PHOTO SHOWING ENTIRE POU [APPROX 40 ACRES] FOR THE FRANKLIN PLAZA. Randall subdivision present on the Franklin Plaza Phase 1 site. Phase 2 is also Randall subdivision . Was not developed. Looks irrigated.



63-5322 -- 2000 AERIAL PHOTO SHOWING ENTIRE POU [APPROX 40 ACRES] FOR THE FRANKLIN PLAZA.

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 63-5322
Date Received: 5/12/2000
Receipt No: W026441
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FRANKLIN TOWNE PLAZA LLC Phone: (208) 375-8521

1951 S SATURN WAY, SUITE 100
BOISE ID USA 83709

2. Date of Priority: 06/03/1956

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	13	SW NW NE	ADA	

5. Description of diverting works:

168' WELL, SUBMERSIBLE TURBINE PUMP, PIPELINES AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.14	28

7. Total Quantity Appropriated is:

0.14 C.F.S. and/or 28 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	13	NW	NE	IRRIGATION	3
			NE	NW	IRRIGATION	4
					Section Acres	7
					Total Acres	7

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:

CHANGE OF OWNERSHIP- 11/10/04

WATER USED UNDER THIS RIGHT IS FOR IRRIGATION OF LANDSCAPING ELEMENTS AND LAWN FOR THE FRANKLIN TOWNE PLAZA. ALL LANDSCAPING ELEMENTS WERE MEASURED AND ACREAGE CALCULATED IN THE FIELD.

15. Basis of Claim: Beneficial Use



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

November 10, 2004

Franklin Towne Plaza
1951 S Saturn Way
Boise, ID 83709

Re: Notice of Claim to a Water Right No. 63-5322

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

11/10/2004

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

RIGHT NUMBER: 63-5322

NAME AND ADDRESS:

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS
18.000 AFY

PRIORITY DATE: 06/03/1956

POINT OF DIVERSION:

T03N R01E S13 SWNWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.080 CFS
18.00 AFY

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S13

NWNE

2.0

T03N R01E S13

NENW

2.0

4 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.

EXPLANATORY MATERIAL: Beneficial Use

PARCEL NO. S1113120801.

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
63-5322					

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

- ~~A.~~ The appropriate **FILING FEE**. See instructions for fee amounts. - waived
- 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) HAWKINS SMITH MANAGEMENT, INC.
8645 W. FRANKLIN ROAD, BOISE, ID 83709
4. New Owner/Claimant(s) FRANKLIN TOWNE PLAZA LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1951 S. SATURN WAY, SUITE 100
- City, State and ZIP Code BOISE, ID 83709
- New Telephone Number 208) 376-8521
5. Date you acquired the property 1988

All Done!
 Thanks!

X 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)
(include title if applicable)

FRANKLIN TOWNE PLATA LLC

BY: HAWKINS SMITH MANAGEMENT, INC., MANAGER

BY: Robert L. Phillips, PRESIDENT

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 MLG Date 11/10/04 Fee 05
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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: A63-05322
Date Received: 5/12/2000
Receipt No: W026441
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: HAWKINS SMITH MANAGEMENT INC 208-376-8521
Address: 8645 W FRANKLIN RD
BOISE ID 83709

2. Date of Priority: JUN 3, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01E	13	SW	NW	NE		ADA

5. Description of diverting works:
168' WELL, SUBMERSIBLE TURBINE PUMP, PIPELINES AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		28.00

7. Total Quantity Appropriated is:
0.140 C.F.S. (and/or) 28.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	01E	13	NW	NE		IRR	3.0
			NE	NW		IRR	4.0

Section Acres 7.0

10. Place of Use: Continued

Total Acres 7.0

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:
 NONE

14. Remarks:
 WATER USED UNDER THIS RIGHT IS FOR IRRIGATION OF LANDSCAPING
 ELEMENTS AND LAWN FOR THE FRANKLIN TOWNE PLAZA. ALL LANDSCAPING
 ELEMENTS WERE MEASURED AND ACREAGE CALCULATED IN THE FIELD.

15. Basis of Claim: BENEFICIAL USE

RECEIVED

MAY 12 2000

WATER RESOURCES
WESTERN REGIONIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

5-12-00

W026441

Should questions arise during
the processing of this applica-
tion please contact:SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Hawkins-Smith Management, Inc. Phone () 376-8521Mailing Address 8645 W. Franklin Road, Boise, ID Zip 837092. Date of Priority (Only one (1) per claim) 6/3/19563. Source of water supply (a) Ground water
which is tributary to (b) N/A4. a. Location of existing point of diversion is: Township 3N Range 1E Section 13,
SW 1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of AdaAdditional points of diversion if any: NONEb. If instream flow, beginning point of claimed instream flow is: N/ATownship Range Section , 1/4 of 1/4 of 1/4,Govt. Lot B.M., County of ending point is: Township Range Section , 1/4 of 1/4 of 1/4, Govt. Lot B.M., County of 5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Drilled well, submersible turbine pump,
distribution pipelines and sprinklers. Well depth is 168 feet in the present well. The original well
depth is unknown and was replaced in February 2000.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .14 or 28

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .14 (cfs) and/or (b) 28 (acre feet)

8. Total consumptive use claimed is 28 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) N/A

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	1E	13		3			4												7

Total number of acres irrigated 7

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

12. Do you own the property listed above as place of use? Yes XXX 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. _____ or None (XX)

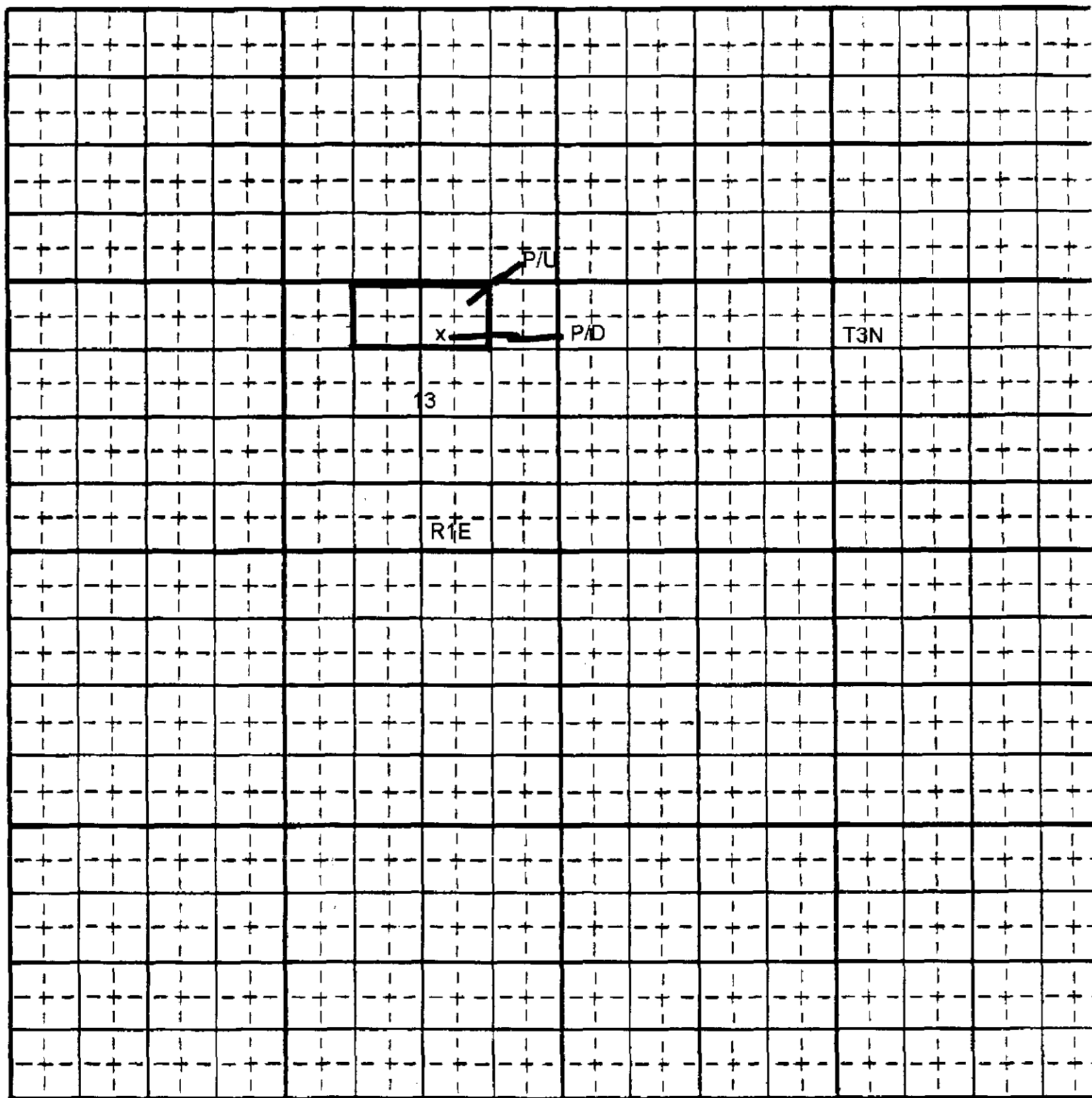
14. Remarks: Water used under this right is for irrigation of landscaping elements and lawn for the Franklin Towne Plaza. All landscaping elements were measured and acreage calculated in the field.

Last Name Hawkins-Smith Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Hawkins-Smith Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use XXX Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

Title

of Hawkins-Smith Management, Inc. _____, that I have signed the foregoing

Organization

document in the space below as Manager/Member _____ of Hawkins-Smith Management, Inc. _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization Manager/Member; Hawkins-Smith Mgmt., Inc. Date _____

State of Idaho/or Idaho)

County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this

10th

day of

May

2020

Notary Public _____

Residing at _____

My Commission Expires

2/29/2023

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Hawkins-Smith Ident. Number _____

Copies White-State, Yellow-Claimant

WR5809NP
No. 63-05322

**IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT**

DATE: 05/16/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ZACHRESON CO. C/O MARTIN ZACHRESON P.O. BOX 2187 BOISE ID 83701	06/03/1956	IRRIGATION DOMESTIC	06/01 09/30 01/01 12/31	0.450 CFS 0.530 CFS	
				TOTAL DIVERSION:	0.980 CFS	

Water Source:	Tributary to:	Stage:
GROUNDWATER		STATUTORY CLAIM
Point(s) of Diversion:	T03N R01E S13	ADA County

Place of use Legal Description for: IRRIGATION																		
		NE				NW				SW				SE				
T	R	S	NENE	NUNE	SWNE	SENE	NENW	NUNW	SWNW	SENW	NESW	NUSW	SWSW	SESW	NESE	NUSE	SESE	
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
03N	01E	13	:	10	:	:	:	10	:	:	:	:	:	:	:	:	:	:
														TOTAL ACRES				20.0
																		20.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Paul County: ADA

Dates:	App. Received:	Priority Date:	06/03/1956
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: _____
Water District Number: _____
Field Exam Fee: _____

Audit: 03/26/84 05/01/88 CONVERT

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
W026441	107.00	63	5322		Claim

11/10/2004

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

RIGHT NUMBER: 63-5322

NAME AND ADDRESS: HAWKINS SMITH MANAGEMENT INC
8645 W FRANKLIN RD
BOISE ID 83709

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS
18.000 AFY

PRIORITY DATE: 06/03/1956

POINT OF DIVERSION:

T03N R01E S13 SWNWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
0.080 CFS
18.00 AFY

PLACE OF USE: IRRIGATION Within ADA County

T03N R01E S13 NWNE 2.0 T03N R01E S13 NENW 2.0

4 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.

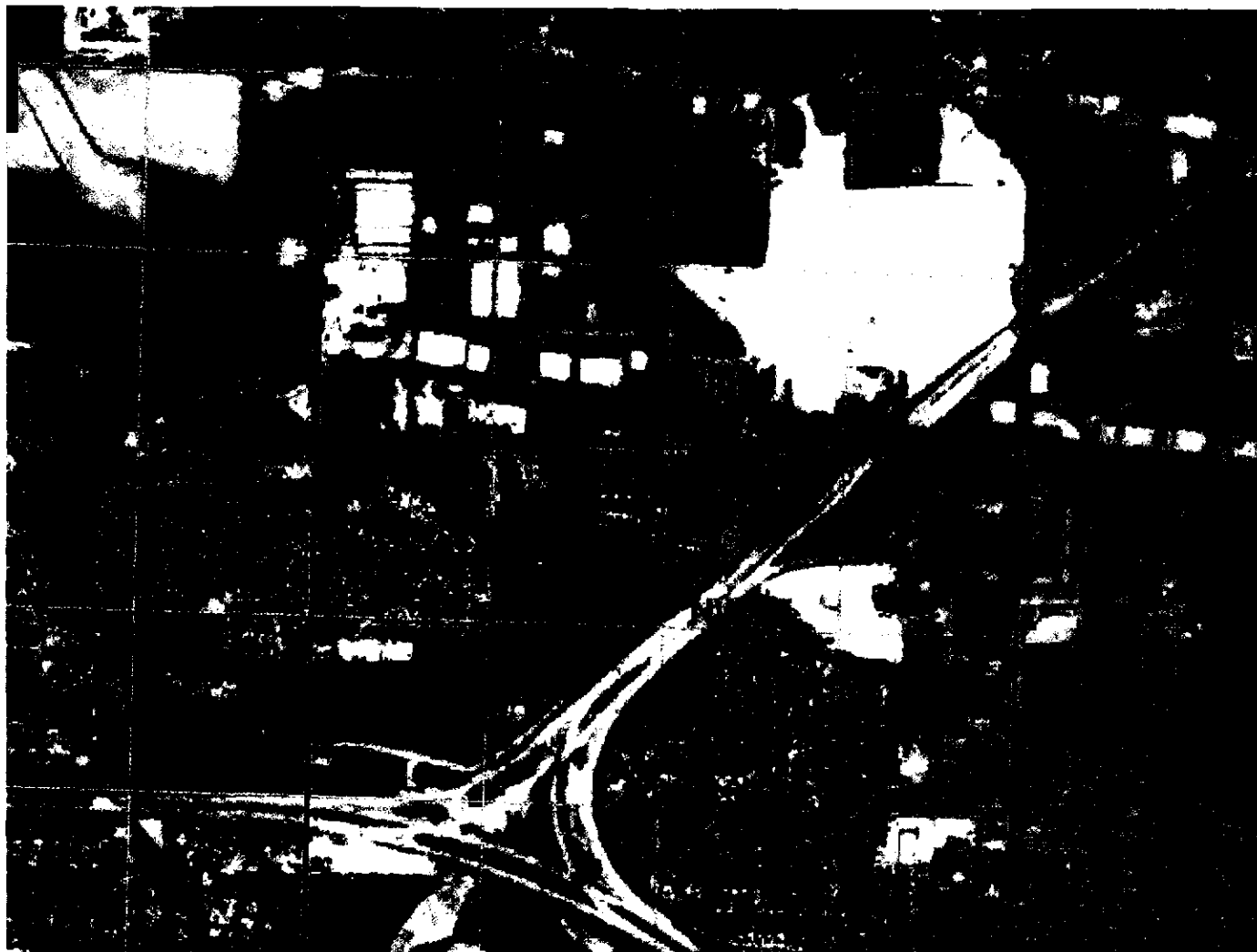
EXPLANATORY MATERIAL: Beneficial Use

PARCEL NO. S1113120801.



State of Idaho
Idaho Department of Water Resources
Western Region

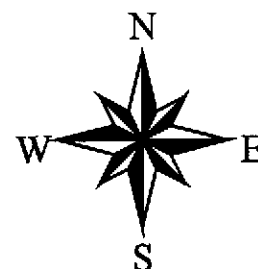
T3N R1E SECTION 13
Water Right(s) : 63-5322



1320 0 1320 2640 3960 5280 Feet



IRRIGATED ACRES = < 4.0 ACRES



- ⊙ Point of Diversion
- Place Of Use
- Quarter Quarter Lines
- Section Lines

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: November 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5322 V1

WATER RIGHT NUMBER: 63-5322 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAWKINS SMITH MANAGEMENT INC 8645 W FRANKLIN RD BOISE, ID 83709 (208)376-8521
Original Owner	ZACHRESON CO C/O MARTIN ZACHRESON PO BOX 2187 BOISE, ID 83701
Current Owner	FRANKLIN TOWNE PLAZA LLC 1951 S SATURN WAY, SUITE 100 BOISE, ID 83709 (208)375-8521

Priority Date: 06/03/1956

Basis: Beneficial Use

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>
IRRIGATION	03/01 to 11/15	0.080 CFS	18.00 AF
	<u>Total Diversion:</u>	0.080 CFS	18.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4NE1/4	Sec. 13, 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	13		2.0			2.0												4.0

Total Acres: 4

Conditions of Approval:

1. PARCEL NO. S1113120801.
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:

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-5322 V1

Comments:

1. vmusic 11/10/2004 QUANTITY/ACRES

Comment: CLAIMED 7 ACRES IRRIGATION HOWEVER THE ARCHITECTS MAP STATE ABOUT 2.5 ACRES FOR LANDSCAPING. I RECOMMENDED 4 ACRES TO ACCOUNT FOR SOME ERROR. CLAIM SAYS ACRES CALCULATED IN FIELD BUT NOT IN CLAIM FILE.

2. vmusic 11/10/2004 EVIDENCE OF PRIORITY

Comment: 1956 TRUST AGREEMENT FOR RANDALL PARK ADD 1 STATES WATER SYSTEM FOR CULINARY ONLY UNLESS TRUSTEES ALLOW IRRIGATION. STATUTORY CLAIM FILED BY ORIG OWNER FOR IRRIGATION AND DOMESTIC SO I ASSUMED AT SOME POINT IRRIGATION WAS ALLOWED. ACRES VERIFIED BY IDWR STAFF WITH OWNER IN 1984.

3. vmusic 11/10/2004 APP FOR PERMIT

Comment: CLAIMANT FILED APP FOR PERMIT IN 2001 TO INCLUDE PHASE 2 OF FRANKLIN PLAZA [EASTERN 20 ACRES OF PLAZA]. APP ON HOLD. DIONA INQUIRED ABOUT ADDING THESE ACRES FOR IRRIGATION UNDER RIGHT. I TOLD HER IT APPEARED FROM AERIALS AND PROPERTY DOCUMENTS THAT PHASE 2 PROPERTY NOT INCLUDED IN ORIG CLAIM. DEVELOPED LATER. SEE MEMOS IN FILE.

4. lgagnon 11/10/2004 OWNERSHIP CHANGE

Comment: THE DATA IN THE NAME FIELD HAS BEEN CHANGED TO SHOW THIS RIGHT HAS AN OWNERSHIP CHANGE

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:

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:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/10/2004 11:32:31 AM	vmusic			Active
Priority Date	11/10/2004 11:33:51 AM	vmusic			Active
POD	11/10/2004 11:34:11 AM	vmusic			Active
Source	11/10/2004 11:39:05 AM	vmusic			Active
POU	11/10/2004 11:41:30 AM	vmusic			Active
Use	11/10/2004 11:44:25 AM	vmusic			Active
Season	11/10/2004 11:45:20 AM	vmusic			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5322 V1

Quantity	11/10/2004 11:51:34 AM	vmusic	Active
Summary	11/10/2004	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/10/2004 11:32:31 AM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW
POD	11/10/2004 11:34:12 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	11/10/2004 11:37:00 AM	vmusic	Edited point location
POU	11/10/2004 11:43:10 AM	vmusic	Edited shape boundary
POU	11/10/2004 11:43:32 AM	vmusic	Edited shape boundary
Priority Date	11/10/2004 11:33:51 AM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - 1956 PROPERTY DOCUMENTS AND STATUTORY CLAIM
Source	11/10/2004 11:39:05 AM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - CLAIMS, TRUST DOCUMENT FROM 1956, REPLACEMENT WELL LOG

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5322 V1

POU	11/10/2004 11:41:30 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - DOCUMENTS RECORDED WITH ADA CO, AERIAL PHOTOS
Use	11/10/2004 11:44:25 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - OLD STATUTORY CLAIM, AERIAL PHOTOS, DOCUMENTS FROM 1956
Season	11/10/2004 11:45:21 AM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/10/2004 11:51:35 AM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - SEE INTREPID FIELD EXAM. Description for Question 10 - 4 ACRES X 4.5 AFA = 18 AFA

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-5322 V1

Summary 11/10/2004 11:55:27 AM vmusic

(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. Does this right have any combined use limits with other rights?
(Yes) 6. Is an additional remark and/or condition required?
(Yes) 7. Would you like to view the recommended right?
(No) 8. Is this a split or combined right?
(No) 9. Do you have documents you would like to attach or link to the file?
(Yes) 10. Would you like to set the verification date?

Water Supply Bank:

06/02/2005 RECEIVED
JUN 23 2005
WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-5322

~~HAWKINS SMITH MANAGEMENT INC~~

~~8645 W FRANKLIN RD~~

BOISE ID 83709

Telephone Number: (208)376-8521

Franklin Towne Plaza LLC
1951 S. Saturn Way, Ste. 100

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

name/address - has been corrected above

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6.20.05 SIGNATURE: Diana Lassiter

Please print your name: Diana Lassiter

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

CONVERSATION MEMO

DATE: 11/10 /04
TO: MEMO TO CLAIM FILE NO. 63-5322
CC: NA
From: Vicky L Music, WATER RESOURCE AGENT,
IDWR/ WESTERN REGION
RE: EVIDENCE OF PRIORITY & CHANGE OF OWNERSHIP

I called Diona Lassiter, Hawkins Smith Management Co., today. I asked for a map to accompany the change of ownership documents because the legal descriptions are very complicated and that is no way for us to determine clearly that the property conveyed is the property associated with the claim. She will send a copy in a few days. [She called back later and sent a runner out with a large map and I was able to verify property for Liberty.]

We discussed the status of the claim as summarized below.

- 1- proof of priority is sufficient [1956 trust document and the statutory claim which from 1983 which indicates that the trustees must have allowed the water system to provide irrigation water.]
- 2- I told her that I was not recommending the full quantity because I could not find *7 acres of irrigation*.
- 3- The claim does not include the 20 acres that is Phase 2 of the Franklin Plaza and cannot be amended or recommended to include Phase 2 because the original statutory claim and water system was for the 20 acres of Randall Park #1 only. I don't have any documentation at all regarding the Phase 2 property or original water use. Diona seemed to remember that the water rights – old irrigation rights – were given away [ditch rights?], sold or somehow severed from the Phase 2 property. We agreed that this is probably why the application for permit was filed in 2001. Application is currently on process hold. [63-31327]. ****NO** – I checked application again and it is for the original 20 acres of Phase 1 only. I called Diona and let her know. Told her they could amend the application if they wanted it to include Phase 2.

VLM

MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NO. 63-5322
FROM: VICKY L MUSIC, WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: SRBA CLAIM ANALYSIS/ DESKTOP REVIEW
DATE: 11/10/2004
CC:

I discussed this with Jan because there were a couple of problems.

Firstly, I as worried about the original trust agreement stating that the Randall Park #1 was to be used for culinary only unless the trustees decided otherwise. I felt that because we didn't have any documentation that was specific re whether the trustees every allowed irrigation, it could be considered part of the irrigation use of the original use and not a transfer from domestic to irrigation which is not allowed. However, we decided the statutory claim which was a claim for both domestic and irrigation was a notarized statement of the original owner that the water had been used for irrigation.

Secondly, the current claimant filed the claim for 7 acres of irrigation on Phase 1 of ht Franklin Plaza which the claims states was measured in the field. However, in Arcview I attempted to calculate a ballpark figure of irrigated acres and could not come up with 7 acres. Also, the architectural drawing of Phase 1 states there are 89,650 sq ft. of landscaping which is 2.06 acres irrigation.

I recommended the claim for 4 acres irrigation to allow for error and 0.08 cfs instead of the 0.14 claimed.

VLM

CONVERSATION MEMO

DATE: 11/1 /04
TO: MEMO TO CLAIM FILE NO. 63-5322
CC: NA
From: Vicky L Music, WATER RESOURCE AGENT,
IDWR/ WESTERN REGION
RE: EVIDENCE OF PRIORITY & CHANGE OF OWNERSHIP

Diona Lassiter, Hawkins Smith Management Co, called on 10/29/04 re the search for proof of priority letter that I sent. She found some documents and wanted to set an appointment for someone to come in and talk to me. We decided that she would send the documents and a statement and then if I had questions, I would call her back. Based on our conversation, it sounds like the documents may be sufficient proof of priority.

She found a trust agreement that mentions a common well on Lot 8 Blk 6, old parcel maps of the subdivision that was there before the shopping center, and at least 2 old well logs. She will mail them on Monday.

I told her that I would call her back after I got them and let her know if they were sufficient. She inquired about the change of ownership form for Hawkins Smith to fill out transferring ownership to the Franklin Town Plaza LLC and I told her that I sent it.

She also mentioned the application they have for the expansion that includes the Petsmart area of the shopping center. The application was for irrigation out of the same well. I told her I would review it but that I suspect it was on hold as nearly all new applications for appropriations in Basin 63 were.

VLM



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

October 28, 2004

Diona Lassiter
Hawkins Smith Management Inc.
1951 S. Saturn Way, Ste. 100
Boise, ID 83709

RE: Change of Ownership form for 63-5322

Dear Diona,

This letter is per our conversation on 10/25/04 re evidence of priority and change of ownership for claim no. 63-5322. Enclosed is a change of ownership form. Please complete the form and send it back to our office with the required documentation.

Please call if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vicky L. Music', is written over the typed name.

Vicky L. Music
Water Resource Agent
Adjudication Bureau

Enclosure: change of ownership form

returned call 2:30. 1/m.

IMPORTANT MESSAGE

FOR Vicky

DATE 10/28/04 TIME 11:43 A.M.
P.M.

WHILE YOU WERE OUT

M Diona

OF Hawkins - Smith

PHONE NO. 472-1679

TELEPHONED	☐	PLEASE CALL	☒
CALLED TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	URGENT	☐

RETURNED YOUR CALL ☐

MESSAGE request for water
rights. - something was
sent to her and she
doesn't know what it's

SIGNED Liberty regaurding.

HighMark™
P3-AN2334



Paper contains 50% recycled fibers,
of which 20% is post-consumer waste.

Steve Smith - on mission
in Siberia for 3 years.

Send NO to Diana Lassiter

1951 S. Saturn Way
Ste 100

Bolton, ID 83709

CONVERSATION MEMO

DATE: 10/28/04
TO: MEMO TO CLAIM FILE NO. 63-5322
CC: NA
From: Vicky L Music, WATER RESOURCE AGENT,
IDWR/ WESTERN REGION
RE: EVIDENCE OF PRIORITY & CHANGE OF OWNERSHIP

Diona Lassiter, Hawkins Smith Management Co, called on 10/25/04 re the search for proof of priority letter that I sent on 9/28/04. A follow-up letter was sent by the OAG on 10/15/04.

I explained the need for proof of priority. She said that Steve Smith, the partner who signed the claim, is in Siberia for 3 years on an LDS mission. He is most knowledgeable about the property.

I suggested that they review their file for any information that would date the well or water use on the property. She said she would talk to Mr. Hawkins also and see if he had any knowledge of the site.

Additionally, Hawkins Smith is not the owner of the property. I told her I would send a change of ownership form for Hawkins Smith to fill out transferring ownership to the Franklin Town Plaza LLC. Address has changed – send to 1951 S. Saturn Way, Ste. 100, Boise, ID 83709 address.

She will call me back re proof of priority.

VLM



RECEIVED

OCT 22 2004

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

October 15, 2004

Franklin Towne Plaza LLC
1951 S. Saturn Way #100
Boise ID 83709

Re: SRBA Claim A63-5322

Dear Sir/Madam:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in Basin 63 in the Snake River Basin Adjudication.

The Department of Water Resources has previously contacted you regarding information on the priority date for the above SRBA claim. In order to make a positive recommendation of this water right, each element of the water right must be proven.

The Department plans to issue its Preliminary Recommendations on this water right later this year. If the Department does not receive all the necessary evidence for this claim, it will have no option but to recommend to the SRBA Court that this water right be disallowed, meaning that the water right will not be valid.

Please contact Vicky Music at the Western Regional Office for the Idaho Department of Water Resources at (208) 334-2190. **If she does not hear from you by November 19, 2004, then your water right will be recommended as disallowed.**

Very truly yours,

A handwritten signature in black ink that reads "Nick Spencer".

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

NBS/pm

cc: Vicky Music



RECEIVED

OCT 22 2004

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
October 15, 2004

Hawkins Smith Management Inc.
8645 W. Franklin Rd.
Boise ID 83709

Re: SRBA Claim A63-5322

Dear Sir/Madam:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in Basin 63 in the Snake River Basin Adjudication.

The Department of Water Resources has previously contacted you regarding information on the priority date for the above SRBA claim. In order to make a positive recommendation of this water right, each element of the water right must be proven.

The Department plans to issue its Preliminary Recommendations on this water right later this year. If the Department does not receive all the necessary evidence for this claim, it will have no option but to recommend to the SRBA Court that this water right be disallowed, meaning that the water right will not be valid.

Please contact Vicky Music at the Western Regional Office for the Idaho Department of Water Resources at (208) 334-2190. **If she does not hear from you by November 19, 2004, then your water right will be recommended as disallowed.**

Very truly yours,

A handwritten signature in black ink that reads "Nick Spencer".

NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

NBS/pm

cc: Vicky Music



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 28, 2004

DIRK KEMPTHORNE
Governor

HAWKINS SMITH MANAGEMENT INC
8645 W FRANKLIN RD
BOISE, ID 83709

KARL J. DREHER
Director

RE: EVIDENCE OF PRIORITY

SNAKE RIVER BASIN CLAIM NO(S): A63-05322

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. This claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

If no evidence of this priority date is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by October 18, 2004. Additionally, a field exam may be necessary and a field examiner may be contacting you in the next few weeks. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

Respectfully Submitted,

Vicky L. Music
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim Report A63-5322

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.



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

November 9, 2001

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication, Basin 63

Dear Claimant:

As you may be aware, the Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Boise River Basin (Basin 63). This investigation is a major effort, and IDWR has hired a contractor, Intrepid Engineering Services, to assist us with this task.

The purpose of this letter is to advise you that Intrepid might be contacting you to conduct a field investigation of your water use. This investigation is meant to provide important information to the IDWR Senior Water Resource Agent who will be making a recommendation for your water rights. Accordingly, we request that you provide Intrepid with access to your water diversion system so that their personnel can conduct this field examination. Intrepid will be gathering information on the rate of flow, diversion location and place of use of your water rights, and will be reporting this information to IDWR.

If you have sold your property in the Boise River Basin, we request that you forward this letter to the purchaser, so that the purchaser can report the new name and address to our office. If you are unable to forward this letter, please send any information regarding a new owner to our Western Regional Office located at 2735 Airport Way, Boise, 83705, (208) 334-2190.

The process of adjudicating your water rights is straightforward for most people, resulting in the issuance of decreed water rights on your property. Experience has shown that water users who work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Intrepid to ensure that the results accurately reflect your water uses.

Sincerely,

Jan Shurte
Adjudication Section Supervisor
Western Regional Office

Music, Vicky

From: Harvey, Becky
Sent: Friday, October 15, 2004 12:09 PM
To: Music, Vicky
Subject: RE: OAG letters - request for proof of priority or other information

We will get Patsy cranking these out and will send you a cc for your claim file.

-----Original Message-----

From: Music, Vicky
Sent: Friday, October 15, 2004 12:05 PM
To: Spencer, Nick; Harvey, Becky
Subject: OAG letters - request for proof of priority or other information

Hi Nick and Becky -

Following are the claimants to whom I sent requests for proof of priority or other information that I needed to make a recommendation. I have not received a response. Will you please send a follow-up letter and copy me? I included other info that may be helpful.

Request for proof of priority letter sent

1] statutory claim # 63-4149.

8/20/04 - sent to claimant of record Peltier but returned with note "not at this address."
Sent again 8/23 to Ada co assessor owner of record, Brian Hemenway at same address.

WATER RIGHT NUMBER: 63-4149

Owner Type Name and Address

Current Owner DARICE A PELTIER
6030 OUTLOOK AVE
BOISE, ID 83703
(208)383-9513

2] b/u claim # 63-19338. Sent to claimant of record. no response.

WATER RIGHT NUMBER: 63-19338

Owner Type Name and Address

Current Owner CLIFFORD L GRISHAM JR
6400 SAXTON
BOISE, ID 83703
(208)853-1430

Current Owner CATHERINE J GRISHAM JR
6400 SAXTON
BOISE, ID 83703
(208)853-1430

3] statutory claim 63-5028. Sent to claimant of record on 8/24/04. No response.

WATER RIGHT NUMBER: 63-5028

Owner Type Name and Address

Current Owner COLLISTER UNITED METHODIST CHURCH
4400 TAFT
BOISE, ID 83703
(208)344-0051

4] b/u claim # 63-18061. Sent to claimant of record on 9/30 requesting that evidence by submitted by 10/18. no response yet.

WATER RIGHT NUMBER: 63-18061

Owner Type Name and Address

Current Owner GRANT N LEE
5603 N LOCUST GROVE RD
MERIDIAN, ID 83642
(208)375-3105

Current Owner JOYCE M LEE
5603 N LOCUST GROVE RD
MERIDIAN, ID 83642
(208)375-3105

5] b/u claim # 63-5322. Sent to claimant of record Hawkins Smith on 9/28 requesting that evidence by submitted by 10/18. no response yet. Ada Co assessor states that current owner is Franklin Towne Plaza LLC but no change of ownership was filed. Maybe letter to both of them?

Franklin Towne Plaza LLC
1951 S Saturn Way # 100
Boise, ID 83709

WATER RIGHT NUMBER: 63-5322

Owner Type Name and Address

Current Owner HAWKINS SMITH MANAGEMENT INC
8645 W FRANKLIN RD
BOISE, ID 83709
(208)376-8521

Request for other information

claim # 63-23037. Letter sent 9/1/04 requesting that claimant verify which 10 homes on Lucky Lane are hooked up to this system. No response.

WATER RIGHT NUMBER: 63-23037

Owner Type Name and Address

Current Owner LUCKY LANE HOMEOWNERS ASSOCIATION
6306 LUCKY LN
BOISE, ID 83703
(208)853-1254

Thanks! Vicky

CONVERSATION MEMORANDUM

DATE

1/26/84

FILE

Zacherson's Claims

NAME OF PARTY

Betty - Acct. Zacherson's office

EMPLOYEE

Jan Grover

RE:

Claims re-submitted w/o information
& remaining \$60 fee not submitted.

I talked to Betty from Zacherson's
office concerning the 5 claims returned.
On several of the claims the incorrect
acres place of use was still not
correct. She told me where the acreages
were for the properties located on
Camas & Cummins (20 acres) to ~~East Park~~
& Crenshaw (20 acres). She will send info
on the 80 acre parcel at 5000 Chinden. Also
not returned was the remaining \$60
filing fee. Betty stated this would be
submitted soon.

MICROFILM



Via U.S. Mail

November 2, 2004

State of Idaho
Dept. of Water Resources
Attn: Vicky Music
2735 Airport Way
Boise, ID 83705-5082

**Re: Water Right Adjudication Claim #63-5322, Franklin Towne Plaza,
Boise, Ada County, Idaho**

Dear Ms. Music:

Enclosed is one original executed Notice of Change in Water Right Ownership. As per your request, this letter is an explanation of our ownership history pertaining to the above Claim.

In 1998, Hawkins-Smith purchased the real property and the well system pertaining to the Claim from the Robert-Martin Company. The Warranty Deed from the transaction was recorded as Instrument No. 8822695. The principal of the Robert-Martin Company was Martin Zachreson, the person listed as the contact for the original owner (stated as Zachreson Co.) on the Adjudication Claim Report you provided to our office.

In 1999, Hawkins-Smith refinanced all of Franklin Towne Plaza. As part of the refinance, the property was transferred from Hawkins-Smith to Gary R. Hawkins and Steven C. Smith as tenants in common, via Quitclaim Deeds recorded as Instrument Nos. 99007087 and 99007088, respectively. Steve and Gary then transferred their tenancy in common interest to Franklin Towne Plaza LLC via Quitclaim Deeds recorded as Instrument Nos. 99007091 and 99007092, respectively.

Thus, the current owner of the real property containing the well, and the current owner of the Claim, is Franklin Towne Plaza LLC. Hawkins-Smith Management, Inc., the entity listed as the current owner of the Claim, is merely an agent of the owner and is not the actual owner of the Claim. Accordingly, we are filing with you the enclosed Notice of Change in Water Right Ownership to correct the ownership reflected on the Claim.

I have enclosed copies of all of the deeds referenced above for your files. If you have any comments or questions regarding the foregoing, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert L. Phillips". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Phillips".

Robert L. Phillips
President

cc: Diona Lassiter, Amanda Schaus
encl: 6

WARRANTY DEED

8822695

FOR VALUE RECEIVED ROBERT-MARTIN COMPANY, an Idaho Corporation who
acquired title as Randall Realty Company,

the Grantor, does hereby grant, bargain, sell and convey unto HAWKINS-SMITH, a general
partnership

the Grantee, whose address is 10346 Overland Road, Boise, ID 83709

the following described premises, to-wit:

SEE ATTACHED "EXHIBIT A", WHICH BY THIS REFERENCE BECOMES A PART
HEREOF, AND WHICH IS COMPRISED OF ONE (1) PAGE.

Ada County, Idaho
Request of

PIONEER TITLE CO.

TIME 3:54 P.M.

DATE 5-12-88

JOHN BASTIDA

RECORDER

[Signature]
600 Deputy

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
heirs and assigns forever. And the said Grantor does hereby covenant to and with the
said Grantee, that he the owner in fee simple of said premises; that said premises are free from all
encumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 04, 1988

~~ROBERT-MARTIN COMPANY~~

[Signature]
Martin Zachreson

ACKNOWLEDGMENT - Corporate

STATE OF Arizona, County of Maricopa, ss.

On this 6th day of May, in the year of 1988, before me
Sonya I. MacLaren, a notary public,
personally appeared MARTIN Zachreson,
known or identified to me to be the person
of the corporation that executed the instrument or the person who executed the instrument on behalf of
said corporation, and acknowledged to me that such corporation executed the same.

Notary Public:

[Signature]
Sonya I. MacLaren

Residing at:

Mesa, AZ 85203

My Commission Expires:

Nov. 25, 1990

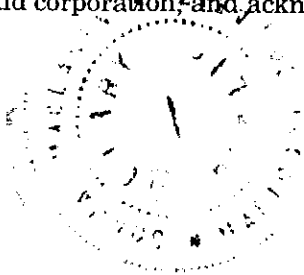


EXHIBIT A

PARCEL A:

That portion of Lot 18, Block 2, RANDALL PARK ADDITION NO. 1, according to the plat thereof filed in Book 14 of Plats at page 946, records of Ada County, Idaho, described as follows:

Beginning at the Southwest corner of said Lot 18; thence

North $0^{\circ}14.1'$ East a distance of 25 feet; thence

South $89^{\circ}49.9'$ East a distance of 37 feet; thence

South $0^{\circ}14.1'$ West a distance of 39.08 feet to the North right of way of Kinslington Street (shown on the plat as Wilshire Avenue); thence

North $70^{\circ}22.2'$ West a distance of 39.33 feet along the North boundary of Kinslington to the POINT OF BEGINNING.

PARCEL B:

The West 16 feet (as measured along the South line) of the South 18 feet (as measured along the West line) of Lot 1, Block 2, RANDALL PARK ADDITION NO. 1, according to the plat thereof filed in Book 14 of Plats, at page 946, records of Ada County, Idaho.

PARCEL C:

The East 10 feet of Lot 26, Block 1, RANDALL PARK ADDITION NO. 1, according to the plat thereof, filed in Book 14 of Plats at page 946, records of Ada County, Idaho.

FA 124425



ADA COUNTY RECORDER
J. DAVID HAVARRO
BOISE, IDAHO

1999 JA 25 AM 11:12

RECORDED - REQUEST OF
FEE \$18.00 DEPUTY *Shufat*

99007087

FIRST AMERICAN

QUITCLAIM DEED

For Value Received

HAWKINS-SMITH, an Idaho General Partnership

do hereby convey, release, remise and forever quit claim unto

GARY R. HAWKINS, 50% Tenant in Common

whose address is 8645 W. Franklin Road - Boise, ID 83709

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

together with their appurtenances.

Dated: January 25, 1999

Hawkins-Smith

By: *[Signature]*

General Partner

STATE OF IDAHO)

COUNTY OF ADA)

On This 18 day of January, in the year 1999, before me, a Notary Public in and for said State, personally appeared GARY R. HAWKINS, known or identified to me to be one of the partners in the partnership of Hawkins-Smith, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.



[Signature]
Notary Public of Idaho

Residing at 2416 W. Idaho Boise, ID

Commission expires: 4-17-2004 83702

First American Title Company of Idaho

EXHIBIT AFA-124425/MLC
Your No. HAWKINS-SMITH

SCHEDULE C

PARCEL I:

Lot 2 in Block 1, of Lot Line Adjustment Survey, recorded July 30, 1993, as Instrument No. 9361390, Survey No. 2559, being a portion of BIZMART SUBDIVISION, according to the official plat thereof, filed in Book 62 of Plats at Page 6205 and 6206, Official Records of Ada County, Idaho.

PARCEL II:

Lot 4 in Block 1 of BIZMART SUBDIVISION, according to the official plat thereof, filed in Book 62 of Plats at Page 6205 and 6206, Official Records of Ada County, Idaho.

EXCEPT that portion of said land conveyed to Ada County for road right-of way, by Deed recorded February 26, 1968, as Instrument No. 684628, Official Records, more particularly described as follows:

A strip of land in the North-half of the Northwest Quarter of Section 13, Township 3 North, Range 1 East, Boise Meridian, County of Ada, State of Idaho, being a portion of that land described in that certain Deed, dated August 19, 1955, and recorded under Instrument No. 426220, in Book 437 of Deeds at Page 439, records of Ada County, Idaho, said strip of land herein conveyed for additional road right-of-way being more particularly described as follows:

Commencing at the Northwest corner of Section 13, Township 3 North, Range 1 East, Boise Meridian; thence
South 0°22' West for a distance of 25 feet; thence
North 88°51' East to THE REAL POINT OF BEGINNING; thence
North 88°51' East a distance of 1860 feet parallel to and 25 feet
South of the North line of said Section to the West line of
Randall Park Addition No. 1; thence
South 0°22' West 18.35 feet; thence
South 88°56' West 555 feet to the East line of the Northwest
Quarter of the Northwest Quarter of said section; thence
North 0°22' East 5 feet; thence
South 88°56' West 910 feet; thence
North 89°40' West 385 feet to the REAL POINT OF BEGINNING.

continued

1 of 5

FA-124425/MLC
Your No. HAWKINS-SMITH

LEGAL DESCRIPTION CONTINUED
Page 2

PARCEL III:

Lot 2 in Block 1 of Lot Line Adjustment Survey, recorded January 12, 1996, as Instrument No. 96003607, Survey No. 3419, being a portion of PLAZA SUBDIVISION, according to the official plat thereof, filed in Book 69 of Plats at Page 7037 and 7038, Official Records of Ada County, Idaho.

ALSO INCLUDING:

Lot 4 in Block 1 of Lot Line Adjustment Survey, recorded October 3, 1995 as Instrument No. 95072229, Survey No. 3339, being a portion of PLAZA SUBDIVISION, according to the official plat thereof, filed in Book 69 of Plats at Page 7037 and 7038, Official Records of Ada County, Idaho.

ALSO INCLUDING:

Lot 5 in Block 1 of PLAZA SUBDIVISION, according to the official plat thereof, filed in Book 69 of Plats at Page 7037 and 7038, Official Records of Ada County, Idaho.

PARCEL IV:

A parcel of land being a portion of the Vacated RANDALL PARK ADDITION NO. 1, according to the official plat thereof, filed in Book 14 of Plats at Page 946 and 947, Official Records of Ada County, Idaho, all lying in the North half of the North half of Section 13, Township 3 North, Range 1 East, Boise Meridian, Ada county, Idaho, and more particularly described as follows:

Beginning at the one-quarter corner common to Sections 12 and the said Section 13; thence
South 0°42'42" West 51.09 feet to a point on the Southerly right
of way line of Franklin Road, also said point being the REAL
POINT OF BEGINNING; thence
South 89°50'07" West 756.67 feet along the said Southerly right-
of-way line of Franklin Road to a point; thence
South 1°34'01" East (formerly described as South 1°34'07" East)
666.95 feet along the Westerly boundary of the said Vacated
Randall Park Addition No. 1 to a point marking the Southwest
corner of the said Vacated Randall Park Addition No. 1; thence

continued

2015

FA-124425/MIC
Your No. HAWKINS-SMITH

LEGAL DESCRIPTION CONTINUED
Page 3

South 89°39'01" East 135.31 feet (formerly described as South 89°57'30" East 135.24 feet) along the said southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence South 82°16'35" East (formerly described as South 81°21'00" East) 149.80 feet along the said southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence South 61°49'49" East 190.30 feet (formerly described as South 62°56'30" East 190.30 feet) along the said southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence North 86°27'32" East 77.61 feet (formerly described as North 86°23'00" East 77.60 feet) along the said southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence South 72°16'45" East (formerly described as South 72°30'00" East) 133.66 feet along the southerly boundary of the said Vacated Randall Park Addition No. 1 to a point; thence South 63°46'01" East 140.04 feet (formerly described as South 64°12'30" East 140.40 feet) along the said southerly boundary of Vacated Randall Park Addition No. 1 to a point; thence South 72°47'52" East (formerly described as South 73°09'30" East) 141.90 feet along the said southerly boundary of Vacated Randall Park Addition No. 1 to a point; thence South 68°38'52" East (formerly described as South 69°00'30" East) 129.57 feet along the said southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence North 47°22'13" East 96.77 feet (formerly described as North 51°46'41" East 90.64 feet) to a point; thence North 47°42'09" East (formerly described as North 47°41'26" East) 156.90 feet to a point; thence North 45°16'10" East (formerly described as North 45°13'52" East) 132.26 feet to a point; thence South 61°35'46" East 45.35 feet to a point on the Northwesterly right-of-way line of the Interstate 84N, Federal Aid Project (F.A.P.) No. I-IG-80N-I (22)50 Highway Survey on File in the office of the Department of Highways of the State of Idaho; thence North 28°42'42" East 252.17 feet (formerly described as North 28°42'45" East 251.93 feet) along the said Northwesterly right of way line of Interstate 84N to a point; thence along the Southwesterly and Southerly right-of-way line of the Interstate 184, Federal Aid Project (F.A.P.) No. IR-184-I(15)0 the following courses and distances;

continued

3 of 5

FA-124425/KLC
Your No. RAWKINS-SMITH

LEGAL DESCRIPTION CONTINUED
Page 3

North 6°23'17" East 106.35 feet (formerly described as 106.34 feet)
to a point; thence
North 8°15'07" West 331.75 feet to a point; thence
North 47°21'08" West 38.69 feet (formerly described as North 57°48'
West 36.61 feet) to a point; thence
North 88°30'50" West 56.41 feet to a point; thence
North 80°49'58" West 37.39 feet to a point; thence
North 88°30'50" West 319.34 feet to a point; thence
North 44°08'30" West 11.44 feet to a point on the said Southerly
right-of-way line of Franklin Road; thence
North 88°30'50" West 114.82 feet along the said Southerly right-
of-way line of Franklin Road to a point; thence
North 75°04'12" West 51.58 feet along the said Southerly right of
way line of Franklin Road to a point; thence
North 88°30'50" West 92.61 feet along the said Southerly right-
of-way line of Franklin Road to the POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

A parcel of land lying in the North half of the North half of
Section 13, Township 3 North, Range 1 East, Boise Meridian, Ada
County, Idaho, and more particularly described as follows:

Beginning at a point marking the one-quarter corner to Section 12
and the said Section 13; thence South 0°42'42" West 51.09 feet
to a point on the Southerly right-of-way line of Franklin Road
South 88°30'50" East 35.93 feet along the said Southerly right-
of-way line of Franklin Road, which is also along a line 40.00
feet Southerly of and parallel with the centerline of the said
Franklin Road, to a point, also said point being the REAL POINT
OF BEGINNING; thence along the said Southerly right-of-way line
of Franklin Road the following courses and distances; continuing
South 88°30'50" East 56.68 feet to a point; thence
South 75°04'12" East 51.58 feet to a point; thence
South 88°30'50" East 100.15 feet to a point; thence leaving the
said Southerly right-of-way line of Franklin Road
South 0°09'53" East 137.52 feet to a point; thence
South 89°50'07" West 206.57 feet to a point; thence
North 0°09'53" West 155.47 feet to the POINT OF BEGINNING.

continued

4 d 5

FA-124425/MLC
YOUR NO. HAWKINS-SMITH

LEGAL DESCRIPTION CONTINUED
Page 4

ALSO LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

A parcel of land lying in the North half of the North half of Section 13, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Beginning at a brass cap marking the one-quarter corner to Section 12 and the said Section 13; thence
South 88°55'53" West 758.50 feet along the Northerly boundary of the Northwest Quarter of the said Section 13 to a point; thence
South 1°34'01" East (formerly described as South 1°34'07" East) 39.13 feet to an iron pin on the Southerly right-of-way line of Franklin Road; thence
North 89°50'07" East 756.67 feet along the said Southerly right-of-way line of Franklin Road, which is also along a line 40.00 feet Southerly of and parallel with the centerline of the said Franklin Road to an iron pin; thence
South 88°30'50" East 35.93 feet along the said Southerly right-of-way line of Franklin Road, which is also along a line 40.00 feet Southerly of and parallel with the centerline of the said Franklin Road to a point, also said point being the REAL POINT OF BEGINNING; thence along the said Southerly right-of-way line of Franklin Road the following courses and distances; continuing
South 88°30'50" East 56.68 feet to an iron pin; thence
South 75°04'12" East 51.58 feet to an iron pin; thence
South 88°30'50" East 100.15 feet to a point; thence leaving the said Southerly right of way line of Franklin Road,
South 0°09'53" East 137.52 feet to a point; thence
South 89°50'07" West 206.57 feet to a point; thence
North 0°09'53" West 155.47 feet to the POINT OF BEGINNING.

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1999 JA 25 AM11:12

RECORDED REQUEST BY
FEE 18⁰⁰ DEPUTY *Shift*

99007088

FIRST AMERICAN

QUITCLAIM DEED

For Value Received

HAWKINS-SMITH, an Idaho General Partnership

do hereby convey, release, remise and forever quit claim unto

STEVEN C. SMITH, 50% Tenant in Common

whose address is 8645 W. Franklin Road - Boise, ID 83709

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

together with their appurtenances.

Dated: January 25, 1999

Hawkins-Smith

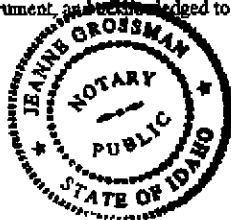
By: *[Signature]*
General Partner

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On This 18th day of January, in the year 1999, before me, a Notary Public in and for said State, personally appeared Gary R. Hawkins, known or identified to me to be one of the partners in the partnership of Hawkins-Smith, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and he acknowledged to me that he executed the same in said partnership name.

*Jeanne Grossman*
Notary Public of Idaho

Residing at Meridian, ID

Commission expires: 04-01-2004

First American Title Company of Idaho

EXHIBIT AFA-124425/MLC
Your No. HAWKINS-SMITH

SCHEDULE C

PARCEL I:

Lot 2 in Block 1, of Lot Line Adjustment Survey, recorded July 30, 1993, as Instrument No. 9361390, Survey No. 2559, being a portion of BIZMART SUBDIVISION, according to the official plat thereof, filed in Book 62 of Plats at Page 6205 and 6206, Official Records of Ada County, Idaho.

PARCEL II:

Lot 4 in Block 1 of BIZMART SUBDIVISION, according to the official plat thereof, filed in Book 62 of Plats at Page 6205 and 6206, Official Records of Ada County, Idaho.

EXCEPT that portion of said land conveyed to Ada County for road right-of way, by Deed recorded February 26, 1968, as Instrument No. 684828, Official Records, more particularly described as follows:

A strip of land in the North-half of the Northwest Quarter of Section 13, Township 3 North, Range 1 East, Boise Meridian, County of Ada, State of Idaho, being a portion of that land described in that certain Deed, dated August 19, 1955, and recorded under Instrument No. 426220, in Book 437 of Deeds at Page 439, records of Ada County, Idaho, said strip of land herein conveyed for additional road right-of-way being more particularly described as follows:

Commencing at the Northwest corner of Section 13, Township 3 North, Range 1 East, Boise Meridian; thence
South 0°22' West for a distance of 25 feet; thence
North 88°51' East to THE REAL POINT OF BEGINNING; thence
North 88°51' East a distance of 1860 feet parallel to and 25 feet
South of the North line of said Section to the West line of
Randall Park Addition No. 1; thence
South 0°22' West 18.35 feet; thence
South 88°56' West 555 feet to the East line of the Northwest
Quarter of the Northwest Quarter of said section; thence
North 0°22' East 5 feet; thence
South 88°56' West 910 feet; thence
North 89°40' West 385 feet to the REAL POINT OF BEGINNING.

continued

1 of 5

FA-124425/MIC
Your No. HAWKINS-SMITH

LEGAL DESCRIPTION CONTINUED
Page 2

PARCEL III:

Lot 2 in Block 1 of Lot Line Adjustment Survey, recorded January 12, 1996, as Instrument No. 96003607, Survey No. 3419, being a portion of PLAZA SUBDIVISION, according to the official plat thereof, filed in Book 69 of Plats at Page 7037 and 7038, Official Records of Ada County, Idaho.

ALSO INCLUDING:

Lot 4 in Block 1 of Lot Line Adjustment Survey, recorded October 3, 1995 as Instrument No. 95072229, Survey No. 3339, being a portion of PLAZA SUBDIVISION, according to the official plat thereof, filed in Book 69 of Plats at Page 7037 and 7038, Official Records of Ada County, Idaho.

ALSO INCLUDING:

Lot 5 in Block 1 of PLAZA SUBDIVISION, according to the official plat thereof, filed in Book 69 of Plats at Page 7037 and 7038, Official Records of Ada County, Idaho.

PARCEL IV:

A parcel of land being a portion of the Vacated RANDALL PARK ADDITION NO. 1, according to the official plat thereof, filed in Book 14 of Plats at Page 946 and 947, Official Records of Ada County, Idaho, all lying in the North half of the North half of Section 13, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Beginning at the one-quarter corner common to Sections 12 and the said Section 13; thence
South 0°42'42" West 51.09 feet to a point on the Southerly right of way line of Franklin Road, also said point being the REAL POINT OF BEGINNING; thence
South 89°50'07" West 756.67 feet along the said Southerly right-of-way line of Franklin Road to a point; thence
South 1°34'01" East (formerly described as South 1°34'07" East) 666.95 feet along the Westerly boundary of the said Vacated Randall Park Addition No. 1 to a point marking the Southwest corner of the said Vacated Randall Park Addition No. 1; thence

continued

20/5

FA-124425/NLC
Your No. HAWKINS-SMITH

LEGAL DESCRIPTION CONTINUED
Page 3

South 89°39'01" East 125.31 feet (formerly described as South 89°57'30" East 135.24 feet) along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence South 82°16'35" East (formerly described as South 81°21'00" East) 149.80 feet along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence South 61°49'49" East 190.30 feet (formerly described as South 62°56'30" East 190.30 feet) along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence North 86°27'32" East 77.61 feet (formerly described as North 86°23'00" East 77.60 feet) along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence South 72°16'45" East (formerly described as South 72°30'00" East) 133.66 feet along the Southerly boundary of the said Vacated Randall Park Addition No. 1 to a point; thence South 63°46'01" East 140.04 feet (formerly described as South 64°12'30" East 140.40 feet) along the said Southerly boundary of Vacated Randall Park Addition No. 1 to a point; thence South 72°47'52" East (formerly described as South 73°09'30" East) 141.90 feet along the said Southerly boundary of Vacated Randall Park Addition No. 1 to a point; thence South 69°38'52" East (formerly described as South 69°00'30" East) 129.57 feet along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence North 47°22'13" East 96.77 feet (formerly described as North 51°46'41" East 90.64 feet) to a point; thence North 47°42'09" East (formerly described as North 47°41'26" East) 156.90 feet to a point; thence North 45°16'10" East (formerly described as North 45°13'52" East)



ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

REC'D REQUEST OF

FEE

DEPUTY

Shipt

1999 JA 25 AM 11:12

99007091

FIRST AMERICAN

QUITCLAIM DEED

For Value Received

STEVEN C. SMITH, 50% Tenant in Common

do hereby convey, release, remise and forever quit claim unto

FRANKLIN TOWNE PLAZA LLC, an Idaho limited liability company

whose address is 8645 W. Franklin Road - Boise, ID 83709

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

together with their appurtenances.

Dated: January 25, 1999

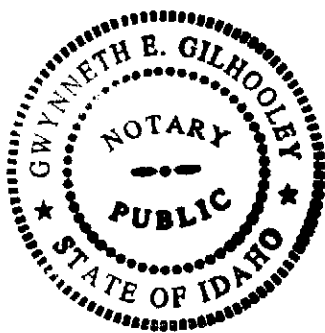
Steven C. Smith

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On This 18 day of January, in the year 1999, before me, a Notary Public in and for said State, personally appeared Steven C. Smith, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that he executed the same.



Notary Public of Idaho

Residing at 2410 W. Idaho St. Boise, ID

Commission expires: 4-17-2004 83702

PROJECT: FTP
FILE NAME: Deeds
FILE #: 53600 PC:
CO: 003 LOC: 013 PROJ: 00300
INIT: KW DESC: Quitclaim Deed by Steve
Smith unto FTP re:
Bizmart Subdivisions

First American Title Company of Idaho

SCHEDULE C

PARCEL I:

Lot 2 in Block 1, of Lot Line Adjustment Survey, recorded July 30, 1993, as Instrument No. 9361390, Survey No. 2559, being a portion of BIZMART SUBDIVISION, according to the official plat thereof, filed in Book 62 of Plats at Page 6205 and 6206, Official Records of Ada County, Idaho.

PARCEL II:

Lot 4 in Block 1 of BIZMART SUBDIVISION, according to the official plat thereof, filed in Book 62 of Plats at Page 6205 and 6206, Official Records of Ada County, Idaho.

EXCEPT that portion of said land conveyed to Ada County for road right-of way, by Deed recorded February 26, 1968, as Instrument No. 684828, Official Records, more particularly described as follows:

A strip of land in the North-half of the Northwest Quarter of Section 13, Township 3 North, Range 1 East, Boise Meridian, County of Ada, State of Idaho, being a portion of that land described in that certain Deed, dated August 19, 1955, and recorded under Instrument No. 426220, in Book 437 of Deeds at Page 439, records of Ada County, Idaho, said strip of land herein conveyed for additional road right-of-way being more particularly described as follows:

Commencing at the Northwest corner of Section 13, Township 3 North, Range 1 East, Boise Meridian; thence
South 0°22' West for a distance of 25 feet; thence
North 88°51' East to THE REAL POINT OF BEGINNING; thence
North 88°51' East a distance of 1860 feet parallel to and 25 feet
South of the North line of said Section to the West line of
Randall Park Addition No. 1; thence
South 0°22' West 18.35 feet; thence
South 88°56' West 555 feet to the East line of the Northwest
Quarter of the Northwest Quarter of said section; thence
North 0°22' East 5 feet; thence
South 88°56' West 910 feet; thence
North 89°40' West 385 feet to the REAL POINT OF BEGINNING.

continued

LEGAL DESCRIPTION CONTINUED
Page 2

PARCEL III:

Lot 2 in Block 1 of Lot Line Adjustment Survey, recorded January 12, 1996, as Instrument No. 96003607, Survey No. 3419, being a portion of PLAZA SUBDIVISION, according to the official plat thereof, filed in Book 69 of Plats at Page 7037 and 7038, Official Records of Ada County, Idaho.

ALSO INCLUDING:

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ALSO INCLUDING:

Lot 5 in Block 1 of PLAZA SUBDIVISION, according to the official plat thereof, filed in Book 69 of Plats at Page 7037 and 7038, Official Records of Ada County, Idaho.

PARCEL IV:

A parcel of land being a portion of the Vacated RANDALL PARK ADDITION NO. 1, according to the official plat thereof, filed in Book 14 of Plats at Page 946 and 947, Official Records of Ada County, Idaho, all lying in the North half of the North half of Section 13, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Beginning at the one-quarter corner common to Sections 12 and the said Section 13; thence
South 0°42'42" West 51.09 feet to a point on the Southerly right
of way line of Franklin Road, also said point being the REAL
POINT OF BEGINNING; thence
South 89°50'07" West 756.67 feet along the said Southerly right-
of-way line of Franklin Road to a point; thence
South 1°34'01" East (formerly described as South 1°34'07" East)
666.95 feet along the Westerly boundary of the said Vacated
Randall Park Addition No. 1 to a point marking the Southwest
corner of the said Vacated Randall Park Addition No. 1; thence

continued

LEGAL DESCRIPTION CONTINUED
Page 3

South 89°39'01" East 135.31 feet (formerly described as South 89°57'30" East 135.24 feet) along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence South 82°16'35" East (formerly described as South 81°21'00" East) 149.80 feet along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence South 61°49'49" East 190.30 feet (formerly described as South 62°56'30" East 190.30 feet) along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence North 86°27'32" East 77.61 feet (formerly described as North 86°23'00" East 77.60 feet) along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence South 72°16'45" East (formerly described as South 72°30'00" East) 133.66 feet along the Southerly boundary of the said Vacated Randall Park Addition No. 1 to a point; thence South 63°46'01" East 140.04 feet (formerly described as South 64°12'30" East 140.40 feet) along the said Southerly boundary of Vacated Randall Park Addition No. 1 to a point; thence South 72°47'52" East (formerly described as South 73°09'30" East) 141.90 feet along the said Southerly boundary of Vacated Randall Park Addition No. 1 to a point; thence South 68°38'52" East (formerly described as South 69°00'30" East) 129.57 feet along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence North 47°22'13" East 96.77 feet (formerly described as North 51°46'41" East 90.64 feet) to a point; thence North 47°42'09" East (formerly described as North 47°41'26" East) 156.90 feet to a point; thence North 45°16'10" East (formerly described as North 45°13'52" East) 132.26 feet to a point; thence South 61°35'46" East 45.35 feet to a point on the Northwestern right-of-way line of the Interstate 84N, Federal Aid Project (F.A.P.) No. I-IG-80N-I (22)50 Highway Survey on File in the office of the Department of Highways of the State of Idaho; thence North 28°42'42" East 252.17 feet (formerly described as North 28°42'45" East 251.93 feet) along the said Northwestern right of way line of Interstate 84N to a point; thence along the Southwesterly and Southerly right-of-way line of the Interstate I84, Federal Aid Project (F.A.P.) No. IR-I84-I(15)0 the following courses and distances;

continued

3 of 5

LEGAL DESCRIPTION CONTINUED

Page 3

North 6°23'17" East 106.35 feet (formerly described as 106.34 feet) to a point; thence
North 8°15'07" West 331.75 feet to a point; thence
North 47°21'08" West 38.69 feet (formerly described as North 57°48' West 36.61 feet) to a point; thence
North 88°30'50" West 56.41 feet to a point; thence
North 80°49'58" West 37.39 feet to a point; thence
North 88°30'50" West 319.34 feet to a point; thence
North 44°08'30" West 11.44 feet to a point on the said Southerly right-of-way line of Franklin Road; thence
North 88°30'50" West 114.82 feet along the said Southerly right-of-way line of Franklin Road to a point; thence
North 75°04'12" West 51.58 feet along the said Southerly right of way line of Franklin Road to a point; thence
North 88°30'50" West 92.61 feet along the said Southerly right-of-way line of Franklin Road to the POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

A parcel of land lying in the North half of the North half of Section 13, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Beginning at a point marking the one-quarter common to Section 12 and the said Section 13; thence South 0°42'42" West 51.09 feet to a point on the Southerly right-of-way line of Franklin Road
South 88°30'50" East 35.93 feet along the said Southerly right-of-way line of Franklin Road, which is also along a line 40.00 feet Southerly of and parallel with the centerline of the said Franklin Road, to a point, also said point being the REAL POINT OF BEGINNING; thence along the said Southerly right-of-way line of Franklin Road the following courses and distances; continuing
South 88°30'50" East 56.68 feet to a point; thence
South 75°04'12" East 51.58 feet to a point; thence
South 88°30'50" East 100.15 feet to a point; thence leaving the said Southerly right-of-way line of Franklin Road
South 0°09'53" East 137.52 feet to a point; thence
South 89°50'07" West 206.57 feet to a point; thence
North 0°09'53" West 155.47 feet to the POINT OF BEGINNING.

continued

LEGAL DESCRIPTION CONTINUED
Page 4

ALSO LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

A parcel of land lying in the North half of the North half of Section 13, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Beginning at a brass cap marking the one-quarter common to Section 12 and the said Section 13; thence
South 88°55'53" West 758.50 feet along the Northerly boundary of the Northwest Quarter of the said Section 13 to a point; thence
South 1°34'01" East (formerly described as South 1°34'07" East) 39.13 feet to an iron pin on the Southerly right-of-way line of Franklin Road; thence
North 89°50'07" East 756.67 feet along the said Southerly right-of-way line of Franklin Road, which is also along a line 40.00 feet Southerly of and parallel with the centerline of the said Franklin Road to an iron pin; thence
South 88°30'50" East 35.93 feet along the said Southerly right-of-way line of Franklin Road, which is also along a line 40.00 feet Southerly of and parallel with the centerline of the said Franklin Road to a point, also said point being the REAL POINT OF BEGINNING; thence along the said Southerly right-of-way line of Franklin Road the following courses and distances; continuing
South 88°30'50" East 56.68 feet to an iron pin; thence
South 75°04'12" East 51.58 feet to an iron pin; thence
South 88°30'50" East 100.15 feet to a point; thence leaving the said Southerly right of way line of Franklin Road,
South 0°09'53" East 137.52 feet to a point; thence
South 89°50'07" West 206.57 feet to a point; thence
North 0°09'53" West 155.47 feet to the POINT OF BEGINNING.



COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1999 JA 25 AM 11:12

RECEIVED REQUEST OF

FEE 18.00 DEPUTY Shift

99007092

FIRST AMERICAN

QUITCLAIM DEED

For Value Received

GARY R. HAWKINS, 50% Tenants in Common

do hereby convey, release, remise and forever quit claim unto

FRANKLIN TOWNE PLAZA LLC, an Idaho limited liability company

whose address is 8645 W. Franklin Road - Boise, ID 83709

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

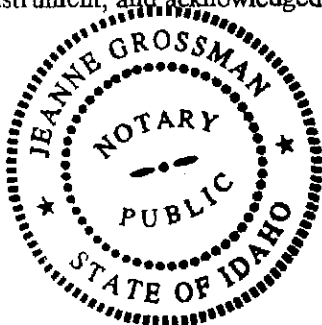
together with their appurtenances.

Dated: January 25, 1999

[Signature]
Gary R. Hawkins

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On This 18th day of January, in the year 1999, before me, a Notary Public in and for said State, personally appeared Gary R. Hawkins, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that he executed the same.



Jeanne Grossman
Notary Public of Idaho
Residing at Meridian, ID
Commission expires: 04-01-2004

PROJECT: FTP
FILE NAME: Deeds
FILE #: 53600 PC:
CO: 003 LOC: 03 PROJ: 00300
INIT: KW DESC: Quitclaim Deed by Gary Hawkins unto FTP re: Bizmart Subdivision

First American Title Company of Idaho

SCHEDULE C

PARCEL I:

Lot 2 in Block 1, of Lot Line Adjustment Survey, recorded July 30, 1993, as Instrument No. 9361390, Survey No. 2559, being a portion of BIZMART SUBDIVISION, according to the official plat thereof, filed in Book 62 of Plats at Page 6205 and 6206, Official Records of Ada County, Idaho.

PARCEL II:

Lot 4 in Block 1 of BIZMART SUBDIVISION, according to the official plat thereof, filed in Book 62 of Plats at Page 6205 and 6206, Official Records of Ada County, Idaho.

EXCEPT that portion of said land conveyed to Ada County for road right-of way, by Deed recorded February 26, 1968, as Instrument No. 684828, Official Records, more particularly described as follows:

A strip of land in the North-half of the Northwest Quarter of Section 13, Township 3 North, Range 1 East, Boise Meridian, County of Ada, State of Idaho, being a portion of that land described in that certain Deed, dated August 19, 1955, and recorded under Instrument No. 426220, in Book 437 of Deeds at Page 439, records of Ada County, Idaho, said strip of land herein conveyed for additional road right-of-way being more particularly described as follows:

Commencing at the Northwest corner of Section 13, Township 3 North, Range 1 East, Boise Meridian; thence
South 0°22' West for a distance of 25 feet; thence
North 88°51' East to THE REAL POINT OF BEGINNING; thence
North 88°51' East a distance of 1860 feet parallel to and 25 feet
South of the North line of said Section to the West line of
Randall Park Addition No. 1; thence
South 0°22' West 18.35 feet; thence
South 88°56' West 555 feet to the East line of the Northwest
Quarter of the Northwest Quarter of said section; thence
North 0°22' East 5 feet; thence
South 88°56' West 910 feet; thence
North 89°40' West 385 feet to the REAL POINT OF BEGINNING.

continued

1 of 5

LEGAL DESCRIPTION CONTINUED
Page 2

PARCEL III:

Lot 2 in Block 1 of Lot Line Adjustment Survey, recorded January 12, 1996, as Instrument No. 96003607, Survey No. 3419, being a portion of PLAZA SUBDIVISION, according to the official plat thereof, filed in Book 69 of Plats at Page 7037 and 7038, Official Records of Ada County, Idaho.

ALSO INCLUDING:

Lot 4 in Block 1 of Lot Line Adjustment Survey, recorded October 3, 1995 as Instrument No. 95072229, Survey No. 3339, being a portion of PLAZA SUBDIVISION, according to the official plat thereof, filed in Book 69 of Plats at Page 7037 and 7038, Official Records of Ada County, Idaho.

ALSO INCLUDING:

Lot 5 in Block 1 of PLAZA SUBDIVISION, according to the official plat thereof, filed in Book 69 of Plats at Page 7037 and 7038, Official Records of Ada County, Idaho.

PARCEL IV:

A parcel of land being a portion of the Vacated RANDALL PARK ADDITION NO. 1, according to the official plat thereof, filed in Book 14 of Plats at Page 946 and 947, Official Records of Ada County, Idaho, all lying in the North half of the North half of Section 13, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Beginning at the one-quarter corner common to Sections 12 and the said Section 13; thence
South 0°42'42" West 51.09 feet to a point on the Southerly right of way line of Franklin Road, also said point being the REAL POINT OF BEGINNING; thence
South 89°50'07" West 756.67 feet along the said Southerly right-of-way line of Franklin Road to a point; thence
South 1°34'01" East (formerly described as South 1°34'07" East) 666.95 feet along the Westerly boundary of the said Vacated Randall Park Addition No. 1 to a point marking the Southwest corner of the said Vacated Randall Park Addition No. 1; thence

continued

LEGAL DESCRIPTION CONTINUED

Page 3

South 89°39'01" East 135.31 feet (formerly described as South 89°57'30" East 135.24 feet) along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence South 82°16'35" East (formerly described as South 81°21'00" East) 149.80 feet along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence South 61°49'49" East 190.30 feet (formerly described as South 62°56'30" East 190.30 feet) along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence North 86°27'32" East 77.61 feet (formerly described as North 86°23'00" East 77.60 feet) along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence South 72°16'45" East (formerly described as South 72°30'00" East) 133.66 feet along the Southerly boundary of the said Vacated Randall Park Addition No. 1 to a point; thence South 63°46'01" East 140.04 feet (formerly described as South 64°12'30" East 140.40 feet) along the said Southerly boundary of Vacated Randall Park Addition No. 1 to a point; thence South 72°47'52" East (formerly described as South 73°09'30" East) 141.90 feet along the said Southerly boundary of Vacated Randall Park Addition No. 1 to a point; thence South 68°38'52" East (formerly described as South 69°00'30" East) 129.57 feet along the said Southerly boundary of the Vacated Randall Park Addition No. 1 to a point; thence North 47°22'13" East 96.77 feet (formerly described as North 51°46'41" East 90.64 feet) to a point; thence North 47°42'09" East (formerly described as North 47°41'26" East) 156.90 feet to a point; thence North 45°16'10" East (formerly described as North 45°13'52" East) 132.26 feet to a point; thence South 61°35'46" East 45.35 feet to a point on the Northwesterly right-of-way line of the Interstate 84N, Federal Aid Project (F.A.P.) No. I-IG-80N-I (22)50 Highway Survey on File in the office of the Department of Highways of the State of Idaho; thence North 28°42'42" East 252.17 feet (formerly described as North 28°42'45" East 251.93 feet) along the said Northwesterly right of way line of Interstate 84N to a point; thence along the Southwesterly and Southerly right-of-way line of the Interstate I84, Federal Aid Project (F.A.P.) No. IR-I84-I(15)0 the following courses and distances;

continued

3 of 5

LEGAL DESCRIPTION CONTINUED
Page 3

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LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

A parcel of land lying in the North half of the North half of Section 13, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

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continued

LEGAL DESCRIPTION CONTINUED
Page 4

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South 0°09'53" East 137.52 feet to a point; thence
South 89°50'07" West 206.57 feet to a point; thence
North 0°09'53" West 155.47 feet to the POINT OF BEGINNING.



RECEIVED

NOV 03 2004

WATER RESOURCES
WESTERN REGION

November 2, 2004

Department of Water Resources
Attn: Ms. Vicky Music
2735 Airport Way
Boise, ID 83705-5082

RE Adjudication Claim #63-5322

Dear Vicky:

Thank you for taking time to talk with me last week regarding the evidence of priority requirements for our water rights claim.

Per your request, we are providing supporting documents for Adjudication Claim #63-5322, wherein we determined a priority date of June 3, 1956 on the basis of beneficial use. The enclosed documentation will evidence that a well located on **Lot 18 of Block 2** of the old Randall Park Addition No. 1 was in service in 1956 and that such well is the active well for which we claim water rights. The following is a brief explanation of how we organized these support documents and how they interact:

Exhibit A confirms that a domestic water system consisting of a fresh water well, pump, storage and distribution system was operating in 1956. Such well is located in the SW corner of **Lot 18, Block 2** of Randall Park Addition No. 1 a subdivision in the north half of Section 13, Township 3 North, Range 1 East of the Boise Meridian in Ada County, Idaho.

Exhibit A

1. *Trust Agreement dated January 3, 1956 recorded as Instrument #441628*

Exhibit B documents the ownership conveyance of the well located on **Lot 18, Block 2** to Hawkins-Smith.

Exhibit B

1. *Letter Agreement Dated April 14, 1988 with attachment listing legal descriptions of the well registration for four (4) wells, one of which is on **Lot 18, Block 2**, located in Randall Park Addition #1.*
2. *Agreement to Purchase Water System dated May 1, 1988*
3. *Bill of Sale dated May 1, 1988*
4. *Warranty Deed dated May 4, 1988 recorded as Instrument # 8822695*

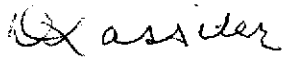
Exhibit C shows that the active well under our claim is the same well that was in service in 1956 governed under our Exhibit A.

Exhibit C

1. *Franklin Towne Plaza site plan indicating the location of our active well which, when compared to Randall Park Addition No. 1 parcel map, is in the same location as the well in service in 1956 on **Lot 18, Block 2.***
2. *Well Drillers Report certified May 15, 2000 for work to our active well noting its legal description, which is the same as that of the well in service in 1956 on **Lot 18, Block 2.***

I hope these documents provide the proof of priority we need. Thank you for your help with this matter, if you need further information please give me a call.

Sincerely,



Diona Lassiter, RPA
Director of Property Management

Exhibit
A-1

BOOK 22 428 INSTRUMENT No. 441628
TRUST AGREEMENT

WHEREAS, RANDALL REALTY COMPANY, hereinafter designated as "donor", is the owner of a fresh water well, pump, storage, and distribution system, hereinafter designated as "water system", in Randall Park Addition No. 1, being a subdivision of the North half of Section 13, Township 3 North, Range 1 East of the Boise Meridian, in Ada County, Idaho, which Randall Park Addition No. 1 is hereinafter designated as "subdivision;" and

WHEREAS, it is the desire of the donor to provide against uncertainties to the owners of the property in the subdivision (and only as to such subdivision) the use and benefit of said water system;

NOW, THEREFORE, and to the end aforesaid, the donor does hereby set over, assign, and transfer, convey and quitclaim to Clifford Y. Vaughn, James R. Glenn and Wallace K. Bond, as Trustees, all of the property rights listed in the schedule "A" attached hereto, to be held by said Trustees and their successors in trust, nevertheless, for the use and benefit of the beneficiaries hereinafter designated in and upon the terms and conditions set up herein.

1. The trustees hereinabove designated need not be beneficiaries as defined herein, but all successors to said trustees above named shall be qualified beneficiaries. The trustees shall consist of three (3) in number, and in the event of the death, resignation, or inability of any trustee now or hereafter serving, the remaining trustees shall fill any vacancy or vacancies from time to time existing; provided, however, that no vacancy shall prevent the remaining trustees from effectively carrying on the objectives and purposes of this trust and their duties as trustees.

2. Unanimous consent shall be unnecessary for the exercise of any powers granted the trustees herein, and in all cases, concurrence by majority of the then trustees shall be sufficient to authorize any official act.

3. The original trustees above named shall hold and serve in that capacity until at least 80% of the lots in said Randall Park Addition No. 1 have been sold or are under contract of sale to third persons, and the trustees and their successors shall hold, control, maintain and operate said water system for the use and benefit of the beneficiaries as defined herein to the end that each of said beneficiaries may, upon compliance with the terms and conditions hereof and the rules and regulations adopted by the trustees pursuant hereto, receive water from said system for culinary purposes only; provided that if, through failure of natural supply, major catastrophe, or increase in demand, the water system shall become unusable or inadequate, the trustees shall be under no obligation to expand, augment, or replace said system.

The trustees shall keep a record of their accounts and proceedings as such, and shall further keep and maintain full, accurate, and adequate books of account, correctly recording all receipts and disbursements and disclosing the financial condition of the trust from time to time, and all such records shall be open to the inspection of the beneficiaries hereunder at reasonable times.

Upon qualification of any person as a beneficiary hereunder, the trustees shall furnish unto such person a copy of the rules and regulations then in force and affecting and pertaining to said water system and to the furnishing of water to the users thereof.

4. The trustees hereunder shall have the following powers:

(a) To adopt regulations pertaining to the connecting

of existing mains with the property of beneficiaries, including the specification of the size and type of material to be used and the location and depth of service line.

(b) To adopt regulations restricting the use of water by beneficiaries where, in the opinion of the trustees, such restrictions are necessary to conserve the supply or to permit replacements or repairs.

(c) To adopt such further regulations as may, in the judgment of the trustees, be deemed necessary for the proper operation of the system.

(d) To fix an initial hook-up charge, not to exceed \$_____, for each lot in said subdivision, except that in case of any initial hook-up by the donor herein to properties owned by donor and not under contract of sale, there shall be no initial hook-up charge.

(e) From time to time to fix a monthly rate to be charged the users of the water from the system in an amount sufficient to realize necessary income for operation, repair, and maintenance, including a sufficient amount to permit an accumulation of reserve fund for replacement and repairs or emergencies occurring in the course of operation, and for any other sums that the trustees may be called upon to pay by reason of a legal liability therefor.

(f) To pay any and all taxes, levies, and assessments, of any kind or nature, from any governmental or taxing body; provided trustees shall not be under the obligation to object or contest any tax levy or assessment from a governmental taxing body.

(g) To obtain and pay for such amounts as trustees shall deem wise, insurance of such type, including any and all liability of the trustees.

(h). To employ agents, servants, and attorneys or other professional assistance as trustees may deem reasonable and necessary.

(i). To transfer or lease said water system, either with or without consideration, to any municipal or public corporation or to any legal entity if, in the judgment of the trustees, the beneficiaries hereunder will be assured of a constant and equivalent supply of water subject to such transfer or lease.

(j). To abandon said water system upon the advent of any reliable public supply to the subdivision.

(k). To adopt and enforce regulations necessary to compel compliance by the beneficiaries, and the power given hereunder shall include the right to refuse to furnish water to a beneficiary and to cut off the service thereto in event of the failure of the beneficiary to comply with the regulations of the trustees or to pay for services of water furnished in the manner provided by the regulations.

(l). To borrow money for the purpose of this trust, if in the discretion of the trustees, such action is reasonably necessary.

5. The trustees hereunder shall serve without compensation, and this trust shall be maintained on a non-profit basis.

6. The trustees hereunder shall be neither jointly nor severally liable for any accounts or omissions by them or any of them in carrying out the terms and provisions of this trust, except for the failure to properly account for moneys handled by said trustees; nor, in that respect, shall any trustee be liable for the debt or default of another trustee; and provided further that by no act or omission by said trustees shall any personal liability be imposed upon said trustees or any of them, either in law or in equity, in contract or tort, except as in this

paragraph specifically provided.

7. A beneficiary hereunder is hereby defined to be any person who shall, from time to time, be the owner, either legal or equitable, or the contract purchasers of property in the subdivision consisting of at least one or more full lots; provided that any person qualified as a beneficiary hereunder who shall cease to own the interest herein specified in the required amount of property shall cease to be a beneficiary.

8. Each and every beneficiary hereunder, before he shall be entitled to water service, shall execute in writing his application therefor, which said application shall include an acceptance of all the terms and provisions of this trust and an agreement to abide by the rules, regulations, and requirements of the trustees hereunder.

9. The trustees hereunder shall be under no obligation to furnish water for the protection of property of the beneficiaries against fire, but may, in their discretion, make available for such fire protection the facilities presently existing or their equivalent; provided, however, that the trustees may expand the existing facilities if, in their sole discretion, they deem it expedient to do so.

10. The trustees hereunder shall be under no obligation to furnish water for gardening, lawn, or similar purposes, and shall furnish water only for culinary purposes, except that the trustees may, in their discretion, make water available for gardening and lawn purposes if, in their judgment, there is ample water for such purposes after making adequate provision for culinary purposes.

11. This trust shall terminate _____ years after its date, unless sooner terminated, and upon such termination, the trustees shall cause to be transferred and conveyed to each of

the then beneficiaries hereunder an undivided equal interest in and to the water system, including all supplies, tools, and equipment, and after paying any and all obligations of the trust, shall pay any and all monies on hand in equal parts to the then beneficiaries. In the event of an earlier termination of the trust by transfer or abandonment, the trustees shall make similar distribution of any balance of monies in their hands.

WITNESS our hands and seals this 3rd day of Jan, 1956.

RANDALL REALTY COMPANY

By Roseita Randall
Donor President

Gifford Y. Vaughan
James R. Glenn
Walter R. [Signature]
Trustees

SCHEDULE A

(a) Well, pump, storage, and distribution facilities located in the Southwest corner of Lot 18, Block 2 of Randall Park Addition No. 1, Ada County, State of Idaho;

(b) All water mains connected to and leading from said well and pumping system described in the foregoing paragraph (a); and

(c) Perpetual easement for said wells, pumping, and storage systems and distribution lines therefrom as the same now exist in Randall Park Addition No. 1, Ada County, State of Idaho.

BOOK

22 PAGE 434

ADDENDUM NUMBER ONE TO TRUST AGREEMENT FOR WATER ON RANDALL PARK ADDITION NUMBER ONE (1)

AMENDMENT TO PARAGRAPH 11 UNDER TRUST AGREEMENT:

"This Trust shall not terminate until the water system is taken over by a municipal or public corporation, or other legal entity for maintenance and operation, or after adequate water service is provided, through means other than the operation of the water system and facilities, transferred herein." It is further agreed and understood that upon termination, the trustees shall cause to be transferred and conveyed to each of the then beneficiaries hereunder an undivided equal interest in and to the water system, including all supplies, tools, and equipment, and after paying any and all obligations of the trust, shall pay any and all monies on hand in equal parts to the then beneficiaries. In the event of an earlier termination of the trust by transfer or abandonment, the trustees shall make similar distribution of any balance of monies in their hands.

WITNESS our hands and seals this 18th day of

November 1958.

STATE OF IDAHO, COUNTY OF ADA, ss.

I, J. David Navarro, Recorder for Ada County, do hereby certify that the Annexed is a full, true and correct copy of last No. 441628

as it appears on record in Book _____ of _____ Records of Ada County, State of Idaho.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal this 29th day of October 2004

J. DAVID NAVARRO, Recorder

By L. Under Deputy

RANDALL REALTY COMPANY

By

Robert Randall
Donor resident

Clifford Y. [unclear]
Secretary

IDAHO, COUNTY OF ADA ss.

Document was filed for record at the request of.

10 minutes past 4 o'clock P. M., this 21 day of Nov, 1958
By Marie [unclear] Deputy

Recorded in

VERN THOMAS
Ex. Office Recorder

44.75
Fees

C. Y. Van [unclear]
Randall Realty Co.
Boise, Ida

ROBERT - MARTIN COMPANY

A MANAGEMENT CONSULTING FIRM

MAILING ADDRESS:
POST OFFICE BOX 2187
BOISE, IDAHO 83701

GENERAL OFFICE

BOISE, IDAHO

TELEPHONE (208) 322-1511

WEST RIVER PARK
5000 CHINDEN BOULEVARD
BOISE, IDAHO 83714

Exhibit
B-1

April 14, 1988

Mr. Gary Hawkins, President
Hawkins & Associates
10346 Overland Road
Boise, Idaho 83709

Bill Gurnes
15⁰⁰ mo
20
no impeller
samples
1 mo
constant
pressure

Karen -
4 pumps all license permits
main approved -
3 well filling Cist Pumps / 375-4756
Burgess 939-6603
Pumps

well house

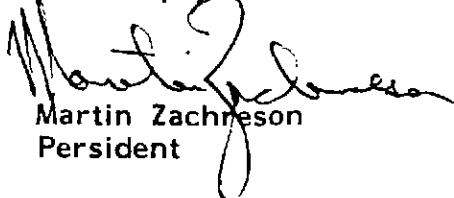
Dear Gary:

This letter is to confirm our conversation by telephone regarding your purchase of the culinary water system at Randall Park Addition #1 near Franklin Road. Your signature in the appropriate place on this letter indicates your acceptance of this letter on the terms as herein set forth.

The purchase price of the wells and system, including land and any right of way or easements, etc., and including the right to collect fees from users, is \$11,000. You are to pay \$500 earnest money concurrent with the execution of this letter of agreement. The closing date for the transaction is to be April 29, 1988.* Closing is to be handled by Pioneer Title Company. At that time, the unpaid balance of \$10,500 is to be paid in full.

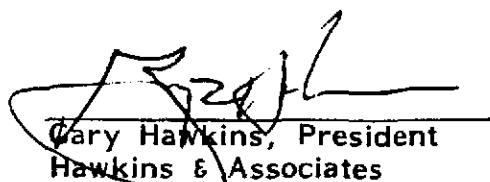
Attached hereto are legal descriptions of the four wells that are subject to this agreement. We do not know the depth of these wells. There are no specific easement lines to be conveyed. We agree to deliver at the time of closing a list of current users and the sum being charged each user. We will be glad to execute any necessary documents to conclude this matter.

Sincerely yours,


Martin Zachreson
President

* The closing date may be adjusted by a couple of days if the title company needs to get all documents ready.

ACCEPTED:


Gary Hawkins, President
Hawkins & Associates

pipeline -
well with
and 1/2" supply
steel boxes
boxes
main line
12 foot
pressure tanks
motors
pumps
casings
Belt - not with
april
unit
Delinquency -
no \$ debit
billed -
assess
northwest legal
11/10

ATTACHMENT

Following are legal descriptions of the well registrations for the
Randall Park Addition #1 - N 1/2 S 13 T3N R1E B.M.

- | | | |
|----|-------------------------------------|--|
| A. | Kinslington/Ash Park | SW 35' x 35' Lot 18, Block 2 |
| B. | 8221 Kinslington | Lot 7, Block 3 |
| C. | 8211 Crenshaw | Lot 27, Block 1 and Lot 26, Block 1,
Except W 76' |
| D. | Vinnel/Kinslington
8223 Crenshaw | W 16' S 18' Lot 1, Block 2 |

AGREEMENT TO PURCHASE WATER SYSTEM

THIS AGREEMENT made this 18 day of May, 1988, between MARTIN ZACHRESON ("Seller") and HAWKINS-SMITH, an Idaho General Partnership ("Buyer");

Exhibit
B-2

W I T N E S S E T H:

IN CONSIDERATION OF the payment by the Buyer to the Seller of the purchase price and for other good and valuable consideration, IT IS AGREED:

1. Sale/Purchase of Water System. Seller agrees to sell to the Buyer and the Buyer agrees to purchase and pay for the domestic water system located within and serving Randall Park Addition No. 1, a subdivision in Boise, Ada County, Idaho. As used herein, "domestic water system" shall mean and refer to four (4) wells and all appurtenances thereto including, but not limited to, well casings, motors, pumps, well houses, electrical boxes, main supply lines, pressure tanks, licenses, permits and approvals and all land and easements owned by the Seller or his predecessors in interest including, but not limited to, Randall Realty Company, together with any and all other property, real or personal, tangible or intangible, used or usable in the operation of the domestic water system.

2. Purchase Price. The total purchase price for the domestic water system shall be the amount of \$11,000.00 of which \$500.00 earnest money has been paid by the Buyer to the Seller, receipt of which is acknowledged by the Seller. The balance of the purchase price in the amount of \$10,500.00 shall be paid by the Buyer to the Seller, in cash, at the closing of the purchase.

3. Income. It is understood and agreed that the Seller shall be entitled to all income which has been billed by the Seller to the customers for the month of April, 1988, and all prior months. The Buyer shall be entitled to all income billed to the users for the month of May, 1988, and all subsequent months.

4. Seller's Warranties. The Seller represents and warrants to the Buyer as follows, all of which representations and warranties shall survive the closing of the purchase:

- (a) There are no liens, mortgages, pledges, encumbrances or charges of any kind against all or any portion of the domestic water system, unless expressly set forth in this Agreement.
- (b) On the closing date, the domestic water system shall be in an operating and working condition.

- (c) All tests of the water and/or domestic water system required to be performed prior to the date of the closing have been performed and the Seller is in full compliance with all requirements imposed by governmental and regulatory agencies having jurisdiction thereof.
- (d) Except for the obligation to provide water service to the customers, there are no outstanding contracts, obligations or other liabilities for which the Buyer may be liable, and the Seller will pay all costs and expenses of every kind or nature with respect to the domestic water system incurred prior to the date of the closing of the purchase.
- (e) The Seller has title to the domestic water system and the full right to enter into this Agreement and to sell the same, and the approval of no other party is required.

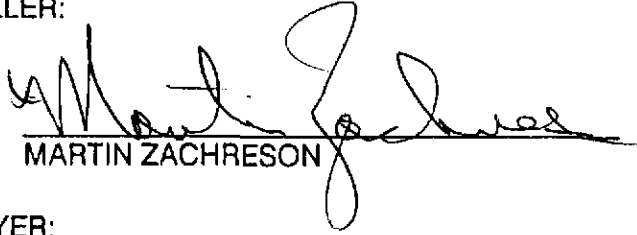
5. Closing of Sale/Purchase. The closing of this transaction shall be conducted by Pioneer Title Company of Ada County. The Seller shall deliver to the closing agent good and sufficient instruments of conveyance required to legally convey and transfer to the Buyer all of the Seller's right, title and interest in and to the domestic water system. The Buyer shall deposit with the closing agent the balance of the purchase price to be paid at the closing. Each party shall pay one-half (1/2) of the closing agent's fees for the closing of this transaction.

6. Cooperation. The Seller agrees to cooperate with the Buyer to effect a transition in the ownership of the domestic water system. At the closing, the Seller shall deliver to the Buyer (or make available to it through the Seller's offices in Boise, Idaho) a complete current list of customers and the monthly charge being billed to each. Seller agrees to assist the Buyer in the Buyer's operation of the water system by allowing his employees who perform maintenance and billing services to provide the same services to the Buyer, subject to the Buyer's payment to the Seller of reasonable charges for such services. for a period not to exceed 60 days.

7. Succession. This Agreement shall inure to and shall bind the respective heirs, personal representatives, successors and assigns of the parties.

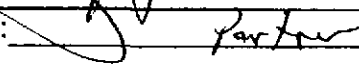
IN WITNESS WHEREOF the parties have hereunto executed this Agreement the day and year first above written.

SELLER:


MARTIN ZACHRESON

BUYER:

HAWKINS-SMITH

By 
Title: 

BILL OF SALE

THIS INDENTURE made this 18 day of May, 1988, between MARTIN ZACHRESON, resident of the State of Idaho ("Grantor"), and HAWKINS-SMITH, an Idaho General Partnership, whose address is 10346 Overland Road, Boise, Idaho ("Grantee");

WITNESSETH;

The Grantor, for and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to him in hand paid by the Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the successors and assigns of the Grantee forever, the following:

All property and equipment of whatever kind or type comprising the domestic water system located in and serving Randall Park Addition No. 1, a subdivision in Boise, Ada County, Idaho, including, but not limited to, four (4) wells and all appurtenance thereto, all well casings, motors, pumps, well houses, electrical boxes, main supply lines and pressure tanks.

IN ADDITION, the Grantor hereby assigns, transfers and sets over unto the Grantee, its successors and assigns, all licenses, permits, approvals and rights of whatever kind or nature, and all easements, if any, owned by the Grantor and used in connection with, or related to, the domestic water system described above.

TO HAVE AND TO HOLD the same to the said Grantee, the successors and assigns of the Grantee forever; and the Grantor does hereby covenant to and with the said Grantee, and the successors and assigns of the Grantee, that said described property is free from all liens, encumbrances and claims of whatever kind or nature, except as may be otherwise expressly specified herein; that the Grantor is the owner of all of said described property; and that the Grantor will warrant and defend said described property from and against all and every person and persons whatsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the Grantor has executed this instrument the day and year first above written.


MARTIN ZACHRESON

Arizona
STATE OF ~~IDAHO~~)
Maricopa) ss:
County of ~~Ada~~

On this 6th day of May, 1988 before me, the undersigned, a Notary Public in and for said State, personally appeared MARTIN ZACHRESON, known to me to be the person whose name is subscribed to the 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.

Sonya I. MacLaren
Notary Public for ~~Idaho~~ *Arizona*
Residing at ~~Boise, Idaho~~ *Mesa, Az 85203*
My Commission Expires: NOV. 25, 1990

(SEAL)

WARRANTY DEED

8822695

FOR VALUE RECEIVED ROBERT-MARTIN COMPANY, an Idaho Corporation who
acquired title as Randall Realty Company,

the Grantor, does hereby grant, bargain, sell and convey unto HAWKINS-SMITH, a general
partnership

the Grantee, whose address is 10346 Overland Road, Boise, ID 83709

the following described premises, to-wit:

SEE ATTACHED "EXHIBIT A", WHICH BY THIS REFERENCE BECOMES A PART
HEREOF, AND WHICH IS COMPRISED OF ONE (1) PAGE.

Exhibit
B-4

Ada County, Idaho
Request of

PIONEER TITLE CO.

TIME 3:54 P.M.

DATE 5-12-88

JOHN BASTIDA

RECORDER

John Bastida
Deputy

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
heirs and assigns forever. And the said Grantor does hereby covenant to and with the
said Grantee, that he the owner in fee simple of said premises; that said premises are free from all
encumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 04, 1988

~~ROBERT-MARTIN COMPANY~~

Martin Zachreson
Martin Zachreson

ACKNOWLEDGMENT - Corporate

STATE OF Arizona, County of Maricopa, ss.

On this 6th day of May, in the year of 1988, before me
Sonja I. MacLaren, a notary public,
personally appeared MARTIN Zachreson,
known or identified to me to be the person
of the corporation that executed the instrument or the person who executed the instrument on behalf of
said corporation, and acknowledged to me that such corporation executed the same.

Notary Public: Sonja I. MacLaren

Residing at: Mesa, AZ 85203

My Commission Expires: Nov. 25, 1990

EXHIBIT A

PARCEL A:

That portion of Lot 18, Block 2, RANDALL PARK ADDITION NO. 1, according to the plat thereof filed in Book 14 of Plats at page 946, records of Ada County, Idaho, described as follows:

Beginning at the Southwest corner of said Lot 18; thence

North $0^{\circ}14.1'$ East a distance of 25 feet; thence

South $89^{\circ}49.9'$ East a distance of 37 feet; thence

South $0^{\circ}14.1'$ West a distance of 39.08 feet to the North right of way of Kinslington Street (shown on the plat as Wilshire Avenue); thence

North $70^{\circ}22.2'$ West a distance of 39.33 feet along the North boundary of Kinslington to the POINT OF BEGINNING.

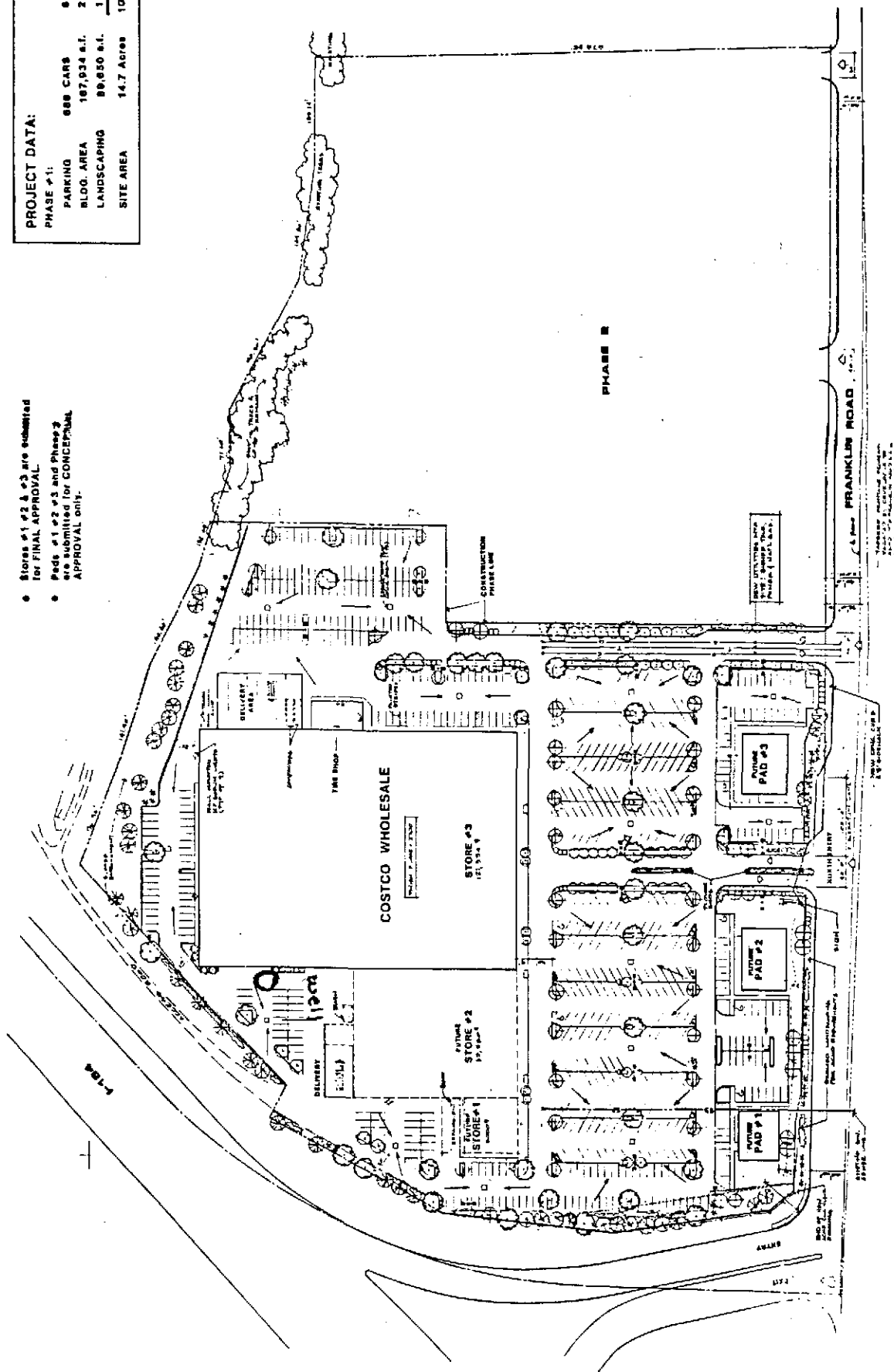
PARCEL B:

The West 16 feet (as measured along the South line) of the South 18 feet (as measured along the West line) of Lot 1, Block 2, RANDALL PARK ADDITION NO. 1, according to the plat thereof filed in Book 14 of Plats, at page 946, records of Ada County, Idaho.

PARCEL C:

The East 10 feet of Lot 26, Block 1, RANDALL PARK ADDITION NO. 1, according to the plat thereof, filed in Book 14 of Plats at page 946, records of Ada County, Idaho.

- Stores #1 #2 & #3 are submitted for FINAL APPROVAL.
- Pods #1 #2 #3 and Phase 3 are submitted for CONCEP-TUAL APPROVAL only.



SITE DEVELOPMENT PLAN



FRANKLIN TOWNE PLAZA

LOCATION: I-184 AT FRANKLIN ROAD BOISE, IDAHO
DEVELOPERS: HAWKINS & SMITH

[illegible]

1. The first step is to identify the problem or question.

Exhibit
C-7

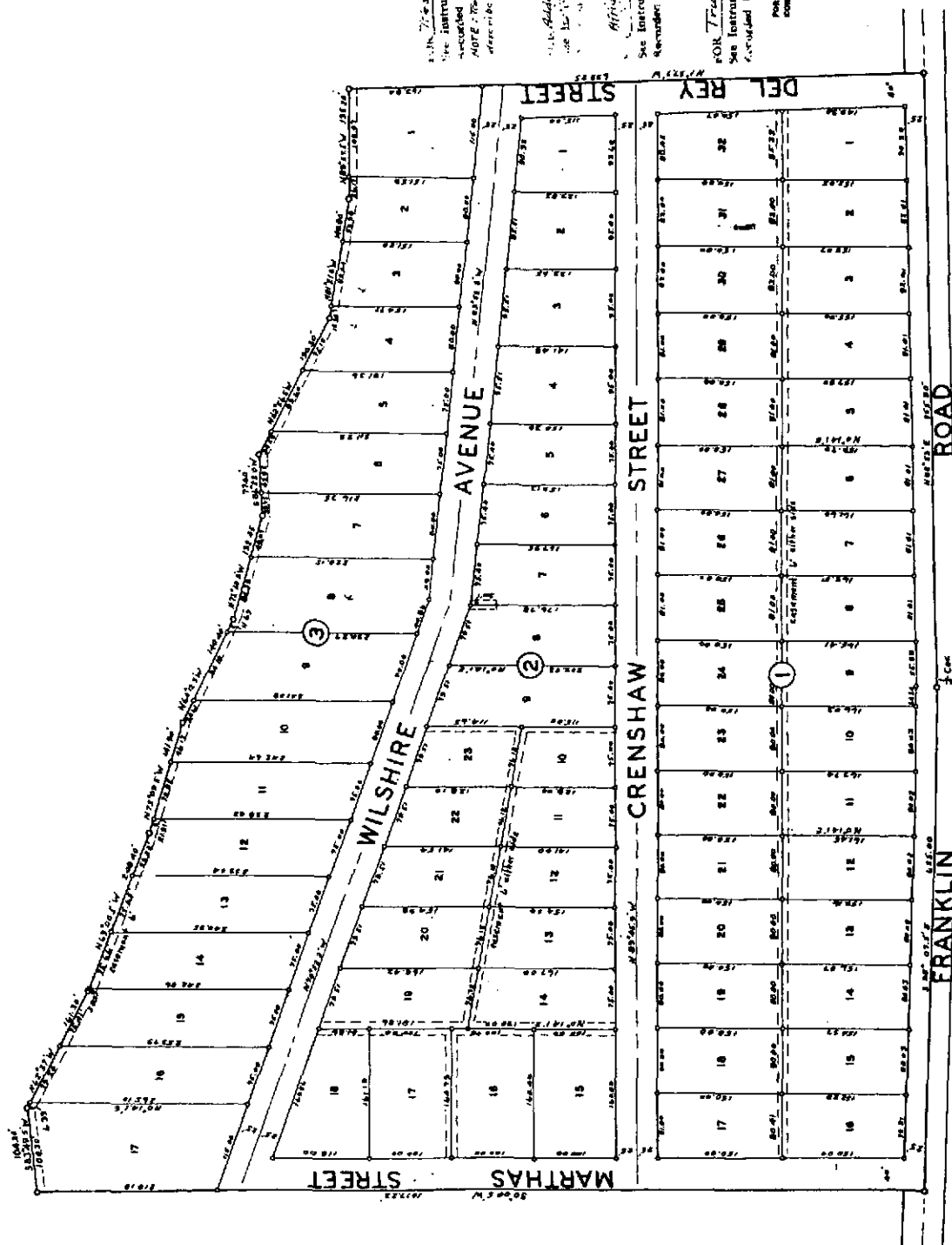
DEBIDM ADVVBY 4/11/88
REVISED SUBMITAL FOR A.C.N.B.
SECTION ON RESEARCH AND EVALUATION 10/19/88

RANDALL PARK ADDITION NO. 1
N $\frac{1}{4}$ SEC. 13, T3N., R.1E., B.M., ADA COUNTY, IDAHO

HOFFMANN & FISKE, ENGINEERS, BOISE, IDAHO



SCALE: 1" = 100'



File # 15-11013
 Instrument No. 576-23 Filed 8/28/19 5:26
 recorded book 36 page 474 of the Record
 NOTE: The original record of this action, as
 filed in the original, is a Ten dollar Bank note/Note

Address: 4014 N. 17th St., Phoenix, Arizona 85018
Phone: 461-7344

See Instrument No. 445636 Filed Nov - 1 1957

FOR Trust against the use of water
see Instrument No. 44142 filed Dec. 11, 1928
in said work in page 435 of volume
Court of Highways

FOR STUDENT NAME CHANGES FOR
COMPLETION, MAIL IN BY PAGE SIX

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-5322

WATER RIGHT NUMBER: 63-5322

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAWKINS SMITH MANAGEMENT INC 8645 W FRANKLIN RD BOISE, ID 83709 (208)376-8521
Original Owner	ZACHRESON CO C/O MARTIN ZACHRESON PO BOX 2187 BOISE, ID 83701

Priority Date: 06/03/1956
Basis: Beneficial Use
Status: Active

Source
GROUND WATER

3/11 - 11/15 no shoulder dev

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.140 CFS	28.00 AF
	<u>Total Diversion:</u>	0.140 CFS	28.00 AF

Location of Point(s) of Diversion

GROUND WATER SW 1/4 NW 1/4 NE 1/4 Sec. 13, Twp 03N, Rge 01E, B.M.
ADA County

Place of Use

IRRIGATION Within ADA County
T03N R01E S13 NWNE 3.0 T03N R01E S13 NENW 4.0
Total Acres: 7.0

Conditions of Approval:

Remarks:

1. General

WATER USED UNDER THIS RIGHT IS FOR IRRIGATION OF LANDSCAPING ELEMENTS AND LAWN FOR THE FRANKLIN TOWNE PLAZA. ALL LANDSCAPING ELEMENTS WERE MEASURED AND ACREAGE CALCULATED IN THE FIELD.

Comments:

used architects Ph I plan

not submitted



63-5322 -- 1987 AERIAL PHOTO SHOWING ENTIRE POU
[APPROX 40 ACRES] FOR THE FRANKLIN PLAZA. Randall subdivision
present on the Franklin Plaza Phase 1 site. Phase 2 is also Randall
subdivision . Was not developed. Looks irrigated.



63-5322 -- 2000 AERIAL PHOTO SHOWING ENTIRE POU
[APPROX 40 ACRES] FOR THE FRANKLIN PLAZA.

PROCESS CHECK
7 PLS
7 MORE
7 NEW PROJECT

Admin and (son) $\Rightarrow$ brings in all - Start new Proj.
Nahang - meridian irr district

irr CO on x drmi

no lawful app shown

> 81

place of use

purpose of use / place of use

The app led us to believe did this cuz wasn't

B63

4000 - 5000 - stat CI.

OVERLAP SEARCH - PARAMETERS: T3N R1E S13 NWNE

Search Information - Microsoft Internet Explorer

File

Edit

View

Favorites

Tools

Help

Back

Forward

Home

Stop

Search

Media

Links

Go

Address http://www.wenet/apps/appsMisc/infoSearch.asp

Shortcut to Internet Explorer

Customize Links

IDWR Workflow

Information Search (WR/AJ)

Basin	Seque...	Source Table	Basis	Status	Priority Date	Di...	Source List	Water Use List	Owner List	Applic...
63	2389	wrAdjudication...	License	Active	1924-08-18	30	BOISE RIVER	IRRIGATION	UNITED STATES OF AM...	
63	2576	wrAdjudication...	License	Active	1938-04-26	1.90	GROUND W...	MUNICIPAL	UNITED WATER IDAHO	
63	2605	wrAdjudication...	License	Active	1943-07-02	0.90	GROUND W...	MUNICIPAL	UNITED WATER IDAHO	
63	2874	wrAdjudication...	License	Active	1951-08-18	4.00	GROUND W...	MUNICIPAL	UNITED WATER IDAHO	
63	2954	wrAdjudication...	License	Active	1953-08-27	0.90	GROUND W...	MUNICIPAL	UNITED WATER IDAHO	
63	2956	wrAdjudication...	License	Active	1953-08-27	0.56	GROUND W...	MUNICIPAL	UNITED WATER IDAHO	
63	2989	wrAdjudication...	License	Active	1954-06-02	1.00	GROUND W...	MUNICIPAL	UNITED WATER IDAHO	
63	3164	wrAdjudication...	License	Active	1959-08-05	1.73	GROUND W...	MUNICIPAL	UNITED WATER IDAHO	
63	5322	wrAdjudication...	Beneficial...	Active	1956-06-03	0.14	GROUND W...	IRRIGATION	HAWKINS SMITH MANA...	
63	7067	wrAdjudication...	License	Active	1968-02-28	2.84	GROUND W...	MUNICIPAL	UNITED WATER IDAHO	
63	7577	wrAdjudication...	License	Active	1972-04-06	2.01	GROUND W...	MUNICIPAL	UNITED WATER IDAHO	
63	7998	wrAdjudication...	License	Active	1974-06-25	1.27	GROUND W...	MUNICIPAL	UNITED WATER IDAHO	
63	19456	wrAdjudication...	Beneficial...	Active	1953-03-31	1.60	GROUND W...	MUNICIPAL	UNITED WATER IDAHO	
63	2388	wrWaterRight	License	Active	1924-08-18	30	BOISE RIVER	IRRIGATION	US DEPT OF INTERIOR (...)	
63	5322	wrWaterRight	Statutory ...	Active	1956-06-03	0.98	GROUND W...	DOMESTIC, IR...	ZACHRESON CO (Current)	

The number of records is 15

View Documents Print Proof Report Print Transfer Part 2

Results

Parameters

Done

Start

Internet

Archive

Print

Find

Home

Local intranet

Links

Yahoo!

Shortcut to Internet Explorer

Microso...

Sea...

Accr...

Po...

Ar...

Inc...

Overlap search - parameter: T3N R1E S13 NW

NE NW

Search Information - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Search

Address http://www.wnet/apps/appsMisc/infoSearch.asp

Go

Links

Yahoo!

Shortcut to Internet Explorer

Customize Links

Local intranet

Information Search (WR/AJ)

Basin	Seque...	Source Table	Basis	Status	Priority Date	Di...	Source List	Water Use List	Owner List	Applic...
63	2388	wrAdjudication...	License	Active	1924-08-18	30...	BOISE RIVER	IRRIGATION	UNITED STATES OF AM...	
63	2576	wrAdjudication...	License	Active	1938-04-26	1.90	GROUND W...	MUNICIPAL	UNITED WATER IDAHO ...	
63	2605	wrAdjudication...	License	Active	1943-07-02	0.90	GROUND W...	MUNICIPAL	UNITED WATER IDAHO ...	
63	2874	wrAdjudication...	License	Active	1951-08-18	4.00	GROUND W...	MUNICIPAL	UNITED WATER IDAHO ...	
63	2954	wrAdjudication...	License	Active	1953-08-27	0.90	GROUND W...	MUNICIPAL	UNITED WATER IDAHO ...	
63	2956	wrAdjudication...	License	Active	1953-08-27	0.56	GROUND W...	MUNICIPAL	UNITED WATER IDAHO ...	
63	2989	wrAdjudication...	License	Active	1954-06-02	1.00	GROUND W...	MUNICIPAL	UNITED WATER IDAHO ...	
63	3164	wrAdjudication...	License	Active	1959-08-05	1.73	GROUND W...	MUNICIPAL	UNITED WATER IDAHO ...	
63	5322	wrAdjudication...	Beneficial...	Active	1956-06-03	0.14	GROUND W...	IRRIGATION	HAWKINS SMITH MANA...	
63	7067	wrAdjudication...	License	Active	1968-02-28	2.84	GROUND W...	MUNICIPAL	UNITED WATER IDAHO ...	
63	7577	wrAdjudication...	License	Active	1972-04-06	2.01	GROUND W...	MUNICIPAL	UNITED WATER IDAHO ...	
63	7998	wrAdjudication...	License	Active	1974-06-25	1.27	GROUND W...	MUNICIPAL	UNITED WATER IDAHO ...	
63	19456	wrAdjudication...	Beneficial...	Active	1953-03-31	1.60	GROUND W...	IRRIGATION	FRANKLIN TOWNE PLA...	
63	31327	wrWaterApplica...		Active	2001-10-01	0.14	GROUND W...	IRRIGATION	US DEPT OF INTERIOR (...)	69475
63	2388	wrWaterRight	License	Active	1924-08-18	30...	BOISE RIVER	IRRIGATION	ZACHRESON CO (Current)	
63	5322	wrWaterRight	Statutory ...	Active	1956-06-03	0.98	GROUND W...	DOMESTIC, IR...	GILBERTSON, H JEANN...	
63	15959	wrWaterRight	Decreed	Active	1972-01-25	0.04	GROUND W...	DOMESTIC	DANA, RICH (Current); DA...	
63	22418	wrWaterRight	Decreed	Active	1925-12-09	0.04	GROUND W...	DOMESTIC		

The number of records is: 18

Parameters

Results

View Documents

Print Proof Report

Print Transfer Part 2

Done

Start

In...

A...

P...

A...

S...

D...

Links

Yahoo!

Shortcut to Internet Explorer

Local intranet

9/81

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Department of Water
Western Regional Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that ZACHRESON COMPANY Martin Zachreson
(Name of Claimant)

P. O. Box 2187, Boise, Idaho 83701
(Mailing Address)

Telephone No. 322-1511

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1956, June 3

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Ground water _____ tributary to _____

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo.,

(Mo., Day)

Quantity 53 Use Domestic Period of Use From 1/1 To 12/31

Quantity .45 Use Irrigation Period of Use From June 1 To Sept 30

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity	Use	Period of Use From	To
----------	-----	--------------------	----

Quantity	Use	Period of Use From	To
10000	10000	10000	10000

- (4) .98 TOTAL QUANTITY USED.

$\{cfs, af\}$

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NW 1/4 Sec. 13 Twp. 3N Rge. 1E B.M., County of Ada
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 4 well, 4 pumps and pipeline. All pumps 3 HP.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 20

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

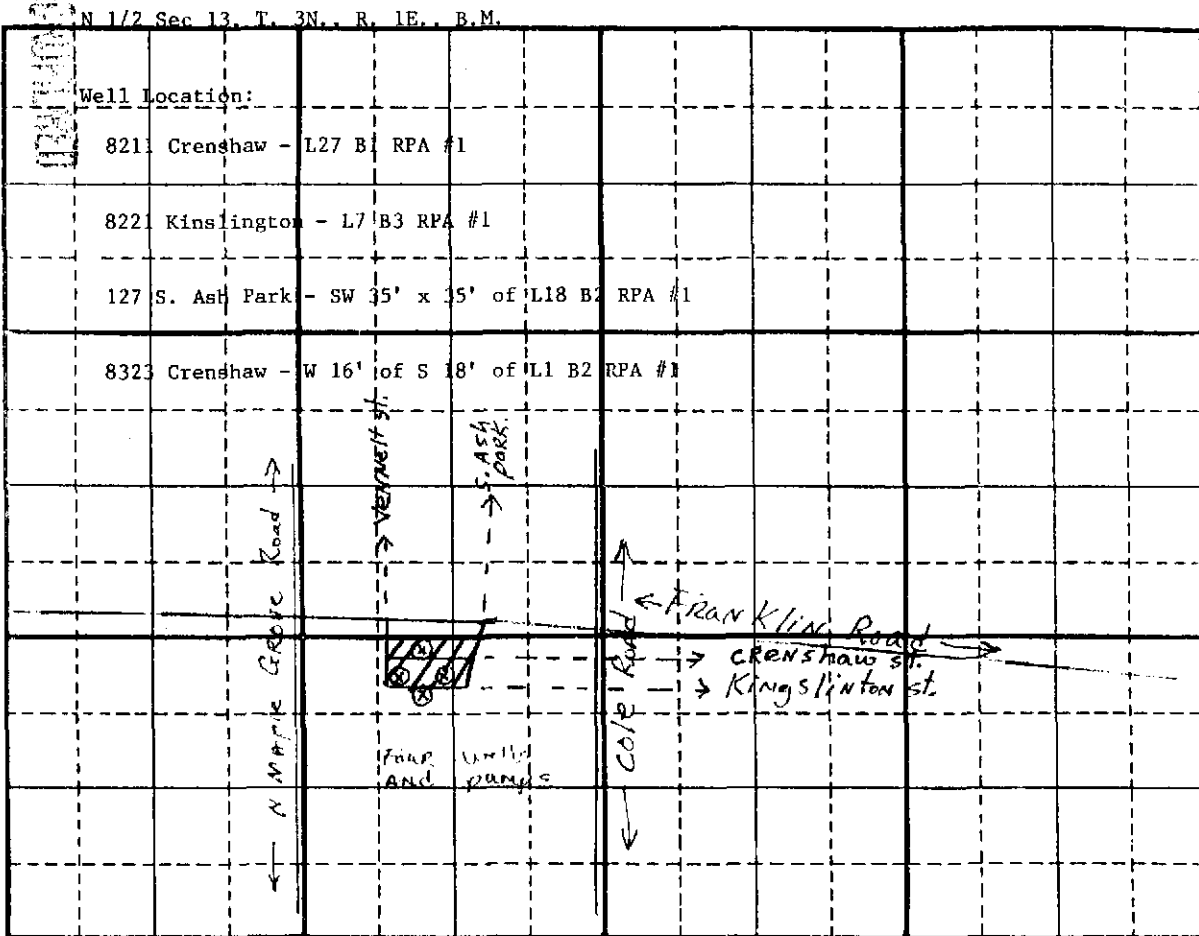
Domestic use for 69 homes.

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

~~Zachreson Company.~~

8) Remarks _____



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 28 day of June, 1983.

Notary Public
Residing at Boise

My commission expires July 1985

FOR DEPARTMENT USE ONLY

Received by _____ Date 7-5-83 Exception filed by: _____ Forwarded to _____ Date _____

Prelim. check by _____ Date 7-7-84

\$30.00 fee received by _____ Date 7-6-83 #3234330 #3254690

Published in Idaho Statesman

Dates 3/29 & 4/5/84

63-5322 – Hawkins Smith Management Inc.
(Franklin Towne Plaza)

Facts:

Beneficial use claim for 7 acres from groundwater.

1987 NAPP irrigation present

Under .2 cfs – *no measurement required*

Intrepid gyped well behind Costco

Construction began in 1989 in 3 phases from east to west

Application for permit has been filed for the 2nd and 3rd phase – on hold

Total irrigation for all 3 phases would not exceed 7 acres

Questions:

With no field exam necessary, would have recommended the 7 acres based on 1987 NAPP

Looking at 2000 photography, not more than 1 acre can be recommended

Phase II falls within the NWNE, could this be counted if other acres are considered abandoned, even though change occurred after 1987?

Diona Lussiter
376-8521

Der. of property mgmt.

Using this as a "case study"
w/ Dave

Once we have answer,

please let Diona know.

Desktop Review/VLM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
☒ Check fees paid
 NA - ☐ Well logs (if needed) - replacement not found
☒ Copy of topo or NAPP
☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
☒ Check POD & POU overlap, see below - include overlapping right for exam
☒ Evidence of Priority - if none, talk with claimant

CLAIMANT INFORMATION - verify contact information is completeClaim No(s) 63-5322

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
☐ NEW OWNER
☐ No change Address
☐ NEW ADDRESS
☐ How long owned property? _____

Adm Co. Assessor info states
 Franklin Towne Plaza LLC

owner is

Accompanied by: _____

PRIORITY DATE

- ☐ No change - Complete evidence submitted or not necessary
☒ Incomplete - Claimant should be asked when water was first used and submit proof of date.
☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

no evidence - letter sent to claimant

Source: _____ Tributary to _____

- ☒ No Change - SAME SOURCE
☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
☐ POD found is different than claimed: _____
☐ If different, when did POD change? _____

Is 63-5330 related? not in stat. claim file. - stat claim for
 no such # per workflow
 garden city

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

see claim**OVERLAP REVIEW**Other water rights with the same point of diversion: none

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☒ No change☐ Different UsesUse irrig From 3/1 To 4/15 Amount 0.08 CFS 78 AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

4 ac x 4.5 = 18 afa or (.08)(1.0935)(260) = 41.26 afa**TOTAL VOLUME** — Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☐ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☐ Changes shown below:

Franklin Town Plaza is over 40 ac. now. Claimed 7 ac. out of the entire plan for irrigation of landscaping. Irrigation much less than that. Will rec. 4 ac. based on architect's map + extra for error.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: no

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

NA

Delivery System Narrative:

see claims.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

✓
 PAPER # 51113120801, R073512207,
 R 0473510407, R 7100910107,
 R 02100410300

Stat. claim for irrigation & domestic.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

11-10-04

FIELD EXAMINER:

W. J. V. V. V.

Ada Co Assessor website:	date built
1635 S Ash Park Ln	1957
1719	1957
1725, 1735	1970

RE

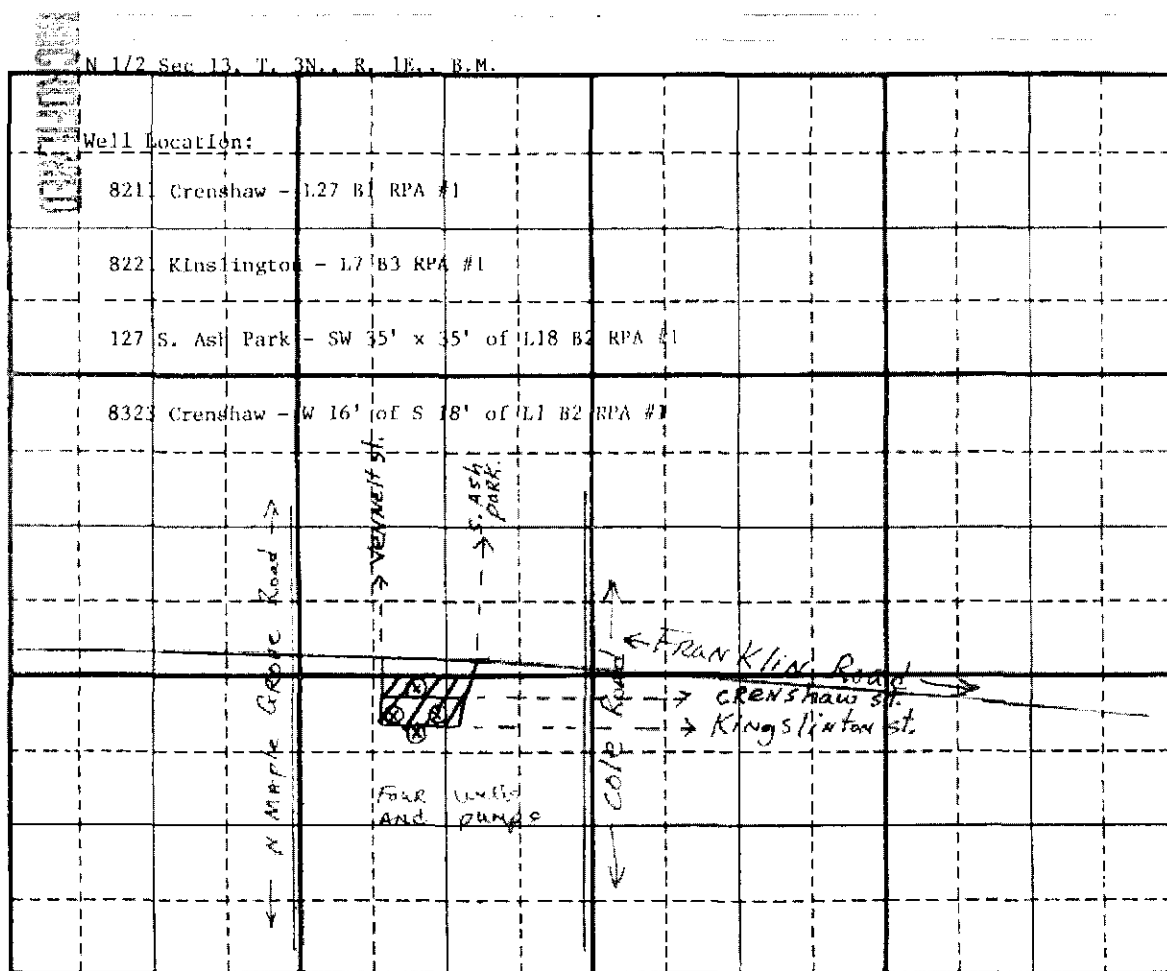
JUL 5 1952

Department of Water Resources
Western Regional Office

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

~~Zachreson Company~~

(B) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim: to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 28 day of June, 1983.

Notary Public
Residing at Boise

My commission expires July 1985

FOR DEPARTMENT USE ONLY

Received by JO Date 7-5-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JO Date 9-7-84 claimant by: _____
\$30.00 fee received by MA Date 7-16-83 #3234320 #3254670
Published in Tribune Statesman
Dates 3/29 & 4/5/84

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

Right Number

63-5322

Applicant

Jackson

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 4/6/84
- ☒ Claim published correctly. 2d statement
301 32342 & 32542
- ☒ Exceptions processed.

By DSS

Date

5/8/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

SC

Date

5/30/84

see file ~~for~~ 63-5330 for memo dated 1/26/84 & correspondence to show claims were received prior to 6/30/83
SC

RECEIVED
MAY 30 1984

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 63



RIGHT ID 63 5322
POD ID 471436
Quad Cloverdale 3
Claim Type Small
Easting 315864
Northing 280540
GPSID A0013083

Diversion Description

Single well located on East side of COSTCO building. Well is behind 3 bollards. Claim lists 4 wells, property manager says only one being used.

Assumptions

Horse power, pressure head, and elevation head.

Invoice

2000-055-01

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

Photos

Photos\471436a.JPG

EPE (ft)

25 LH

Date (M/D/Y)

12/5/01

Time

14.48

Flow Rate (CFS)

0.14

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 0

☐ Rectangular Channel

Width 0

Depth 0

Flow Calculation

☐ Continuity

Velocity

0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP 3

Pressure Head (psi) 35

Elevation Head (ft) 50

Motor Mfg

Motor Serial #

Pump Type Submersible

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

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RIGHT ID

63 5322