

NOV 09 2009
DEPARTMENT OF
WATER RESOURCES

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

COUNTY OF ADA

AFFIDAVIT OF DANA L. HOFSTETTER #2

) SS.

(1) I am Dana L. Hofstetter, counsel of record in this matter for Estate of Tina Iest, Tina Iest Family L.L.L.P., The Hauck Family Revocable Trust, and Greg Obendorf, and I have personal knowledge of the following.

(2) Attached hereto as Exhibit A is a true and correct copy of a printout I requested and obtained from the Canyon County Assessor's Office stating that Tina Iest and The Iest Family Limited Partnership are the record owners of the land that is the recommended place of use of Water Right No. 63-178C.

(3) Attached hereto as Exhibit B is a true and correct copy of a Deed recorded as Canyon County Instrument No. 200345103 The Iest Family Limited Partnership was deeded a title interest in the land that is the recommended place of use of Water Right No. 63-178C along with a title interest in Water Right No. 63-178C itself.

(4) Attached hereto as Exhibit C is a true and correct copy of Certificate of Limited Partnership for The Tina Iest Family Limited Partnership that I obtained from the Idaho Secretary of State's Internet website.

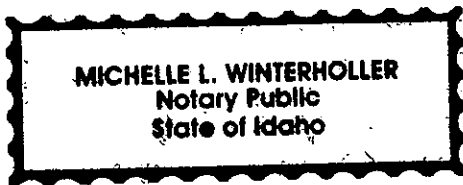
(5) Attached hereto as Exhibit D is a true and correct copy of Amendment to Certificate or Registration of Limited Partnership for The Tina Iest Family Limited Partnership that I obtained from the Idaho Secretary of State's Internet website. This document changed the name of The Tina Iest Family Limited Partnership to The Tina Iest Family L.L.L.P. Thus, it appears that The Tina Iest Family Limited Partnership and The Tina Iest Family L.L.L.P are one and the same entity.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 6th day of November, 2009.


Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 6th day of November, 2009.



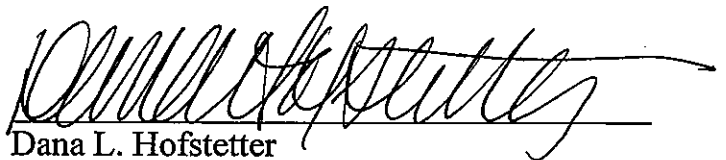

Notary Public in and for the State of Idaho
Residing at: Kuna, ID
My Commission Expires: 3-5-13

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document (with attachments) this 6th day of November, 2009, by U.S. Mail postage pre-paid to:

IDWR Director
P.O. Box 83720
Boise, ID 83720-0098

Scott Campbell
Moffatt Thomas
P.O. Box 829
Boise, ID 83701-0829


Dana L. Hofstetter

MANATRON

424-8774
Dana

Return All revenue types as of 02/12/2009 and sorted by Revenue Object

Search Results

PIN AIN GeoCode	Type Subtype	Owner	Account	Situs Address	Description
06912000 0 C03750010040	Parcel Parcel	TEST TINA-TRSTEE \$ TEST TINA TIDWELL HELEN CATHERINE-TRST	0000007377	2313 TERRACE DR CA ID	14-4N-3W SW 1 ADD LOT 4 BLK
34798011 0 04N03W146750	Parcel Parcel	TEST TINA FAMILY LTD PTNRSH	0000057040	0 LINCOLN RD CA ID	14-4N-3W SW 1 LESS TAX 10A I
34803000 0 04N03W146900	Parcel Parcel	TEST TINA FAMILY LTD PTNRSH	0000057053	0 LINCOLN RD CA ID	14-4N-3W SW 1 SW 1/4 N&E OF LIMITS
34804000 0 C00000146950	Parcel Parcel	TIDWELL HELEN CATHERINE \$ TEST TINA TEST TINA FAM LTD PTNRSH @@ \$ TEST TINA-CO-TRUSTEES \$	0000057054	0 LINCOLN RD CA ID	14-4N-3W SW 1 OF CITY LIMITS IN SW
34804010 0 C00000146935	Parcel Parcel	TEST TINA FAMILY LTD PTNRSH	0000057055	0 LINCOLN RD CA ID	14-4N-3W SW 1 LS TX 19 IN SW
39029000 0 05N05W234900	Parcel Parcel	TEST TINA TEST TINA FAMILY PARTNERSHIP	0000065021	26237 DEB LN PA ID	23-5N-5W SW E LS TX 2 E 1/2 N 1/2 SE LS TX 2 LS HWY2 T7619
39050000 0 05N05W253600	Parcel Parcel	TEST TINA TEST TINA FAMILY PARTNERSHIP	0000065050	0 DEB LN PA ID	25-5N-5W NW 1
39054000 0 05N05W266001	Parcel Parcel	TEST TINA TEST TINA FAMILY PARTNERSHIP	0000065055	0 BOISE RIVER RD CA ID	26-5N-5W SW S TX 4 & TX 5
39054010 0 05N05W263600	Parcel Parcel	TEST TINA TEST TINA FAMILY PARTNERSHIP	0000065056	25706 BOISE RIVER RD PA ID	26-5N-5W NW S OF RIVER,, LTS OF RIVER,, LT 7 S OF ...
39056000 0 05N05W260100	Parcel Parcel	TEST TINA TEST TINA FAMILY PARTNERSHIP	0000065062	0 HWY 95 PA ID	26-5N-5W NE L & N&NW LS TX :
39056010 0 05N05W264200	Parcel Parcel	TEST TINA TEST TINA FAMILY PARTNERSHIP	0000065063	0 HWY 95 PA ID	26-5N-5W NE L IN NE & SE N O & TX 1 LS TX 1- RIVER IN NW
		TEST TINA			

39070010 0

39070010 AO

39070011 0

SECOND CORRECTION WARRANTY DEED

TINA IEST AND HELEN CATHERINE TIDWELL, CO-TRUSTEES OF THE TINA IEST DECLARATION OF TRUST, U/T/A dated March 29, 1990, "Grantor," for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby convey, grant, and warrant to the TINA IEST FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership, "Grantee," whose current address is 2313 Terrace Drive, Caldwell, Idaho 83605, for the sum of ten dollars (\$10.00) and other good and valuable consideration, the following described real property located in Canyon County, Idaho, more particularly described as follows, to wit:

An undivided fifty percent (50%) interest in and to the following described real property, to wit:

The E1/2 of the SW1/4; the E1/2 of the NW1/4 of the SW1/4; the SW1/4 of the SW1/4; and the NW1/4 of the SE 1/4 of Sec. 23, and Lots 1, 2, 3 and the NE1/4 of the NW1/4 of Sec. 26, all in Twp. 5 N., R. 5 W., B.M.; and

An undivided fifty percent (50%) in and to a parcel situated in the N1/2 of Section 26, Township 5 North, Range 5 West of the Boise Meridian, more particularly described as follows:

Commencing at the Northeast corner of the NW1/4 of the NW1/4 of said Section 26;

thence S 0°03' E. along the East boundary of the NW1/4 of the NW1/4 of said Section 26, a distance of 1480.0 feet to the TRUE POINT OF BEGINNING;

thence S 0°03' E, a distance of 416.16 feet;

thence S 60°25' E, a distance of 927.91 feet;

thence N 59°35' E, a distance of 1398.90 feet;

thence N 79°48' E, a distance of 469.15 feet;

thence N 88°05' W, a distance of 2479.80 feet to the TRUE POINT OF BEGINNING, containing 25.43 acres, more or less.

EXCEPTING THEREFROM highway right of way for U.S. Highway 95;

ALSO EXCEPTING THEREFROM the following described parcel of land situated in the South Half of Section 23, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 23; thence

South 0° 08' West a distance of 2233.58 feet along the East boundary of said Northwest Quarter of the Southeast Quarter and Southwest Quarter of the Southeast Quarter of said Section 23; thence traversing the Easterly boundary of a certain irrigation ditch,

North 24° 47' 40" West a distance of 92.50 feet; thence

North 44° 45' 20" West a distance of 132.20 feet; thence

North 64° 38' 40" West a distance of 186.50 feet; thence

North 56° 40' 10" West a distance of 108.15 feet; thence

North 42° 19' 30" West a distance of 102.08 feet; thence

North 28° 10' 30" West a distance of 112.10 feet; thence

North 13° 53' 20" West a distance of 172.90 feet; thence

North 8° 56' 40" East a distance of 425.10 feet; thence

North 20° 15' 10" West a distance of 51.50 feet; thence

North 37° 24' 10" West a distance of 162.62 feet; thence

North 34° 47' 50" West a distance of 424.90 feet; thence

North 63° 49' West a distance of 174.35 feet; thence

South 84° 31' West a distance of 67.72 feet; thence

North 69° 52' 10" West a distance of 126.25 feet; thence

North 53° 12' 10" West a distance of 127.40 feet; thence

North 33° 31' 20" West a distance of 159.00 feet; thence

North 6° 17' 40" West a distance of 309.30 feet to the point of intersection with the North boundary of the South Half of said Section 23; thence

North 89° 53' 40" East a distance of 97.39 feet along the North boundary of the South Half of said Section 23 to the Center of said Section; thence

South 89° 53' 40" East along the North boundary of the South Half of said Section 23

a distance of 1320.88 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM a 30 foot wide non-exclusive easement for utilities and ingress and egress, created by Grant of Easement recorded November 10, 1977 as Instrument NO. 814565, the centerline of which is described as follows:

BEGINNING at the Southwest corner of the Southeast Quarter of the Northwest Quarter of Section 23, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho; thence

North 0° 06' 20" East, a distance of 15 feet to the Beginning of the centerline of the easement; thence

South 89° 53' 40" East, parallel with the South boundary of said Southeast Quarter of the Northwest Quarter, a distance of 1224.45 feet; thence

North 73° 06' 30" East, a distance of 165.00 feet; thence

South 89° 52' 40" East, a distance of 173.33 feet; thence

South 22° 14' 30" East, a distance of 45.45 feet to the South boundary of said Southeast Quarter of the Northwest Quarter, which is the end of said easement.

ALSO EXCEPTING THEREFROM that part thereof conveyed to the State of Idaho in Warranty Deed, dated November 14, 1961, recorded December 14, 1961, Document No. 510238, Book 275 Deeds, page 223, records of Canyon County, Idaho;

ALSO EXCEPTING THEREFROM the following described property situated in the NE1/4

NW1/4 and the SE1/4 NW1/4 of Section 26, Township 5 North, Range 5 West of the Boise Meridian and more particularly described as follows: Commencing at the NW corner of the NE1/4 NW1/4 of said Section 26; thence S 0°03'00" E, along the West boundary of said NE1/4 NW1/4, a distance of 458.20 feet to the TRUE POINT OF BEGINNING; thence S 81°03'00" E, a distance of 256.00 feet; thence S 38°10'30" E, a distance of 298.00 feet; thence N 82°29'30" E, a distance of 274.00 feet; thence S 0°03'00" E, a distance of 807.23 feet; thence N 88°05'00" W, a distance of 708.93 feet to a point on the West boundary of said SE1/4 NW1/4; thence N 0°03'00" W, along the West boundary of said SE1/4 NW1/4 and NE1/4 NW1/4, a distance of 1021.80 feet to the TRUE POINT OF BEGINNING.

TOGETHER With an easement for ingress and egress to the above described property, which easement is located on the SW1/4 SW1/4 and the SE1/4 SW1/4 of Section 23 and in the NE1/4 NW1/4 of Section 26, all in Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, which easement is 25 feet in width, being 12.50 feet each side of the centerline, which centerline is described as follows: COMMENCING At the SW corner of said Section 23; thence North, along the West boundary of said Section 23, a distance of 12.50 feet; thence N 89° 54' 00" E, parallel with the South boundary of said Section 23, a distance of 1336.24 feet to a point 12.50 feet Easterly from the West boundary of the SE1/4 SW1/4 of said Section 23; thence S 0° 03' 00" E, parallel with the West boundary of the SE1/4 SW1/4 of said Section 23; and the West boundary of the NE1/4 NW1/4 of said Section 26, a distance of 472.67 feet to the end of said easement centerline.

ALSO EXCEPTING A parcel situated in Government Lot 3 of Section 26, Township 5 North, Range 5 West of the Boise Meridian and

is more particularly described as follows: Commencing at the NW corner of the NE1/4 NW1/4 of said Section 26; thence S 0°03'00" E, along the West boundary of said NE1/4 NW1/4 and Government Lot 3, a distance of 1480.00 feet to the TRUE POINT OF BEGINNING; thence S 88°05'00" E, a distance of 575.04 feet; thence S 26°58'00" E, a distance of 519.40 feet; thence S 63°02'00" W, a distance of 162.58 feet; thence N 70°49'27" W, a distance of 704.14 feet to a point on the West boundary of said Government Lot 3; thence N 0°03'00" W, along the West boundary of said Government Lot 3, a distance of 324.60 feet to the TRUE POINT OF BEGINNING.

Together with all water and water rights, ditches and rights of way thereunto belonging however evidenced, including (but not limited to) dams, flumes and controls of every kind.

SUBJECT TO taxes and assessments for the year 2003 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, revisions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenants to the Grantee that it is the owner in fee simple of said premises, that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that it will warrant and defend the same from all lawful claims.

The Grantor executes this instrument solely in its fiduciary capacity and covenants only that it is authorized to

SECOND CORRECTION WARRANTY DEED - 5

SECOND CORRECTION WARRANTY DEED - 6

make this conveyance in such fiduciary capacity. The Grantor hereby disclaims any and all other warranties and covenants, whether express or implied. Any further recourse hereunder is to be only against the aforementioned trust.

THIS SECOND CORRECTION WARRANTY DEED CORRECTS THE LEGAL DESCRIPTION SET FORTH ON THE CORRECTION WARRANTY DEED RECORDED FEBRUARY 12, 2002, IN CANYON COUNTY, IDAHO, AS INSTRUMENT NO. 200206961. ALSO, TO THE EXTENT THE LEGAL DESCRIPTIONS CONTAINED IN INSTRUMENT NUMBERS 9212698, 9212699, 9846692, AND 9846690 WERE IN ERROR AND THE LEGAL DESCRIPTIONS IN THIS INSTRUMENT PERTAIN TO THE SAME PARCELS, THE LEGAL DESCRIPTIONS IN THIS INSTRUMENT SHALL CORRECT THE ERRONEOUS LEGAL DESCRIPTIONS CONTAINED IN THE PRIOR ABOVE-REFERENCED INSTRUMENTS.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 23rd day of June, 2003.

Tina Iest Declaration of Trust, U/T/A dated March 29, 1990

By: Tina Iest
Tina Iest, Co-Trustee

By: Helen Catherine Tidwell
Helen Catherine Tidwell, Co-Trustee

STATE OF IDAHO)
County of Canyon) ss.

On this 23rd day of June, in the year 2003, before me, the undersigned, a Notary Public in and for said state, personally appeared Tina Iest as Co-Trustee of the Tina Iest Declaration of Trust, U/T/A dated March 29, 1990, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same for and on behalf of said trust.



Tina Iest
Notary Public for Idaho
Commission expires: 7-30-2006

STATE OF Idaho)
County of Ada) ss.

On this 10 day of July, in the year 2003, before me, the undersigned, a Notary Public in and for said state, personally appeared Helen Catherine Tidwell as Co-Trustee of the Tina Iest Declaration of Trust, U/T/A dated March 29, 1990, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same for and on behalf of said trust.

(SEAL) TERESA D. LAUGHIDGE
Notary Public
State of Idaho

Teresa D. Laughidge
Notary Public for
Commission expires: 12-15-2005

SECOND CORRECTION WARRANTY DEED - 7

SECOND CORRECTION WARRANTY DEED - 8

200345103
RECORDED
JUL 22 PM 3 50
CANYON COUNTY RECORDER
BY [Signature]
NOTARY PUBLIC
Tina Iest

CERTIFICATE OF LIMITED PARTNERSHIP

(Instructions on back of application)

Dec 8 2 41 PM '98



1. The name of the limited partnership is: The Tina Iest Family Limited Partnership

2. The name and business address of the registered agent are:

Tina Iest, 6313 Terrace Drive, Caldwell, ID 83605

(not a P.O. Box)

3. The name and business address of each general partner are:

Name

Address

Tina Iest

6313 Terrace Drive, Caldwell, ID 83605

Helen Catherine Tidwell 5700 S. Linder Rd., Meridian, ID 83642

(If more space is needed, continue in item 5.)

4. Other matters (optional):

5. Signatures of all general partners:

Tina Iest
Helen Catherine Tidwell

IDAHO SECRETARY OF STATE

12/08/1998 09:00
 CK: 2849 CT: 187848 DH: 168361

1 @ 100.00 = 100.00 LTD PTR DM # 2

L3922

g:\compforms\CLP.pms Revised 7/87



AMENDMENT TO CERTIFICATE OR REGISTRATION OF LIMITED PARTNERSHIP

(instructions on back of application)

FILED EFFECTIVE

2007 JUL 24 AM 8:18

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited partnership is:

The Tina Iest Family Limited Partnership

If the Limited Partnership has been administratively dissolved and the name is no longer available for use, #3a below must include an amendment of name.

2. The date of which its certificate or registration of limited partnership was filed with the Idaho

Secretary of State was December 8, 1998 and its domestic state is: Idaho

3. The certificate of limited partnership is amended as follows: [check appropriate box(es)]

- ☒ a. The name of the limited partnership is amended to read:

The Tina Iest Family L.L.P.

- ☐ b. The name of each withdrawing general partner is:

- ☐ c. The name and business address of each new general partner is: (if more space is needed, continue in block g)

- ☐ d. The statement that this limited liability limited partnership is hereby deleted.

- ☒ e. This limited partnership [☒ is] [☐ is not] a limited liability limited partnership.

- ☐ f. The business of the limited partnership is continued following an event of withdrawal of a general partner.

- ☐ g. Other amendments (optional):

Units of ownership are subject to transfer restrictions as set forth in the limited liability limited partnership agreement.

Signature of all general partners:

Signature

Tina Iest

Typed Name

Tina Iest

Signature

Helen C. Tidwell

Typed Name

Helen C. Tidwell

Signature

Typed Name

Secretary of State use only

L3922

IDAHO SECRETARY OF STATE
07/24/2007 08:18
CK: 12987 CT: 44162 MH: 1067111
10 38.00 = 38.00 LP AMEND # 2

g:\compliance\amend\amend to ymd
Revised 11/2006

Web Form