

ALSCOTT

501 Baybrook Court
Boise, Idaho 83706-3963
P.O. Box 70001 • Boise, Idaho 83707-0101

TELEPHONE: (208) 424-3840

FAX: (208) 424-3850

June 29, 2006

FAX TO: Jennifer Dean
IDWR

Fax No. 208-287-6700

FROM: Dennis Moyer
Alscott

RE: Correction Deeds

NO. PAGES: Five (5) including this cover sheet.

COMMENTS: Jennifer: Enclosed are copies of the two recorded correction deeds (Payette County Recorder No.'s 291202 and 291201) which transfer the ownership interests of Kathryn Albertson (widow and successor in interest to JA Albertson) to Alscott Limited Partnership #1 and then to Alscott Farms, LLC (whose manager is Alscott Inc.) for the Gamble Island property. Note that Lot 2 in Section 30, Twp 30, 7 N, R 5 W in Payette County is included in the description.

Hopefully this will complete the documentation of the chain of title needed to clear up the ownership questions.

Please call me if you have any questions at 208-424-3885.

Thank you.



I certify that this instrument was filed for record at the request of

Time 3:40 PM Date Dec 14, 1996 Instrument # 291201 *Deeds*
Laura L. Stigile, Ex-Officio Recorder by [Signature], Deputy Fee #60

SECOND
CORRECTION
WARRANTY DEED

This Deed is executed to correct the legal description contained in that certain Correction Warranty Deed from Kathryn Albertson to Alscott Limited Partnership #1, a Texas limited partnership, dated August 3, 1995, and recorded in the real estate records of Payette County, Idaho, on July 15, 1996, as Instrument No. 262693.

Kathryn Albertson, by and through Thomas J. Wilford, attorney in fact, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Alscott Limited Partnership #1, a Texas limited partnership, herein referred to as grantee, whose current address is 380 E. Park Center Blvd., Suite 100, Boise, Idaho 83706, the following described real property situated in Payette County, State of Idaho, together with all improvements thereon and appurtenances thereunto appertaining:

Government Lots 5, 6, 7 and 8 in Section 29, Twp. 7 N, R.5 WBM, Payette County, Idaho
Government Lots 1, 2, and 3 in Section 30, Twp. 7 N, R.5 WBM, Payette County, Idaho
Government Lots 1 and 2 in Section 31, Twp. 7 N, R.5 WBM, Payette County, Idaho
Government Lots 5 and 6 in Section 32, Twp. 7 N, R.5 WBM, Payette County, Idaho

also known as Gambel Island; provided, however, that a six (6) acre tract described as:

Commencing at the Southwestern tip of Gambel Island in Section 31, Twp. 7 N, R.5 WBM, and then proceeding approximately 1,040 feet North along the East line of the Snake River on the West Side of Gambel Island which is the point of beginning; thence continuing North along that line approximately 480 feet in a line extending beyond the turnaround curve in the Snake River; thence due East approximately 470 feet; thence South along the East side of an existing roadway approximately 350 feet; thence 300 feet West; thence West-Southwest approximately 180 feet; thence South-Southwest approximately 180 feet; thence West approximately 80 feet to the point of beginning less a 42' x 80' building located approximately 157 feet North Northeast of the point of beginning.

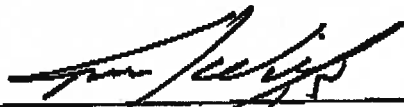
291201

all of which is marked on the sketch which is attached hereto is excluded from the property conveyed and is retained by the grantor.

Grantor, for herself, her heirs, successors and assigns, hereby covenants that she is the owner in fee simple of said premises and that she does warrant and will defend the quiet and peaceable possession of said premises by Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantor has hereunto subscribed her name to this instrument effective as of the 3rd day of August, 1995.

GRANTOR:



Kathryn Albertson by
Thomas J. Wilford, attorney-in-fact
pursuant to Durable Power of Attorney
dated June 13, 1995, and recorded in the
records of Payette County, Idaho on
Nov. 15, 2000 as Instrument No.
290706

STATE OF IDAHO)

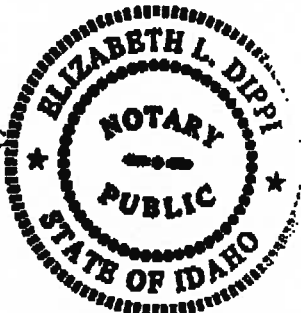
) ss:

County of Ada)

On this 11th day of ~~November~~ ^{December}, 2000, before me, a Notary Public in and for the State of Idaho, personally appeared Thomas J. Wilford, attorney-in-fact for Kathryn Albertson, a widow, known or identified to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same as such attorney-in-fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal the date last above written.

2728205_1.DOC





Notary Public for Idaho
Residing at: Boise, Idaho
My commission expires: 1-11-01

SECOND CORRECTION DEED - GAMBEL ISLAND PROPERTY - PAGE 2

State of Idaho, County of Payette

ALLIANCE TITLE & ESCROW CORP.

I certify that this instrument was filed for record at the request of

Time 3:42 PM Date Dec 14 2002 Instrument # 251202 - deeds

Laura L. Stigile, Ex-Officio Recorder by [Signature]

Deputy Fee \$6.00

THIRD
CORRECTION
WARRANTY DEED

This Deed is executed to correct the legal description contained in that certain Correction Warranty Deed from Alscott Limited Partnership #1, a Texas limited partnership, dated August 3, 1995 and recorded in the real estate records of Payette County, Idaho, on July 15, 1996 as Instrument No. 262692, and that certain Second Correction Warranty Deed from Alscott Limited Partnership #1, a Texas limited partnership, dated August 3, 1995, and recorded in the real estate records of Payette County, Idaho, on September 13, 1996, as Instrument No. 263815.

Alscott Limited Partnership #1, a Texas limited partnership, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Alscott Farms, LLC, an Idaho limited liability company, herein referred to as grantee, whose current address is 380 E. Park Center Blvd., Suite 100, Boise, Idaho 83706, the following described real property situated in Payette County, State of Idaho, together with all improvements thereon and appurtenances thereunto appertaining:

Government Lots 5, 6, 7 and 8 in Section 29, Twp. 7 N, R.5 WBM, Payette County, Idaho

Government Lots 1, 2, and 3 in Section 30, Twp. 7 N, R.5 WBM, Payette County, Idaho

Government Lots 1 and 2 in Section 31, Twp. 7 N, R.5 WBM, Payette County, Idaho

Government Lots 5 and 6 in Section 32, Twp. 7 N, R.5 WBM, Payette County, Idaho

also known as Gambel Island; provided, however, that a six (6) acre tract described as:

Commencing at the Southwestern tip of Gambel Island in Section 31, Twp. 7 N, R.5 WBM, and then proceeding approximately 1,040 feet North along the East line of the Snake River on the West Side of Gambel Island which is the point of beginning; thence continuing North along that line approximately 480 feet in a line extending beyond the turnaround curve in the Snake River; thence due East approximately 470 feet; thence South along the East side of an existing roadway approximately 350 feet; thence 300 feet West; thence West-Southwest approximately 180 feet; thence South-Southwest approximately 180 feet; thence West approximately 80 feet to the point of beginning less a 42' x 80'

THIRD CORRECTION DEED - GAMBEL ISLAND PROPERTY - PAGE 1

building located approximately 157 feet North Northeast of the point of beginning.

all of which is marked on the sketch which is attached hereto is excluded from the property conveyed and is retained by the grantor.

Grantor, for itself, its successors and assigns, hereby covenants that it is the owner in fee simple of said premises and that it does warrant and will defend the quiet and peaceable possession of said premises by Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument effective as of the 3rd day of August, 1995.

GRANTOR:

ALSCOTT LIMITED PARTNERSHIP #1

By: [Signature]
Name: Thomas J. Wilford
Its: President

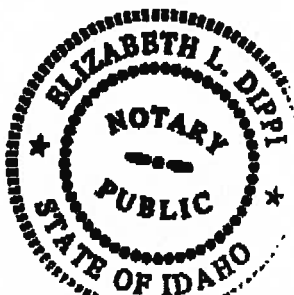
STATE OF IDAHO)

County of Ada)

ss:

On this 11th day of ^{December} ~~November~~, 2000, before me, a Notary Public in and for the State of Idaho, personally appeared Thomas J. Wilford known or identified to me to be the President of Alscott, Inc., the Corporation that executed the instrument as a General Partner of Alscott Limited Partnership #1, a Texas limited partnership, the person who executed the instrument on behalf of the corporation, and acknowledged to me that such corporation executed the instrument as such General Partner, and Thomas J. Wilford, known or identified to me as the Secretary of Alscott, Inc., acknowledged that he attested said instrument on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal the date last above written.



Elizabeth L. Dippi
Notary Public for Idaho
Residing at: Boise, Idaho
My commission expires: 1-1-01

2728384_1.DOC

THIRD CORRECTION DEED - GAMBEL ISLAND PROPERTY - PAGE 2



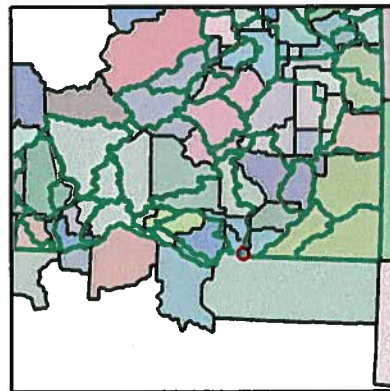
Idaho Department of Water Resources

SRBA Recommendation:

3-2054

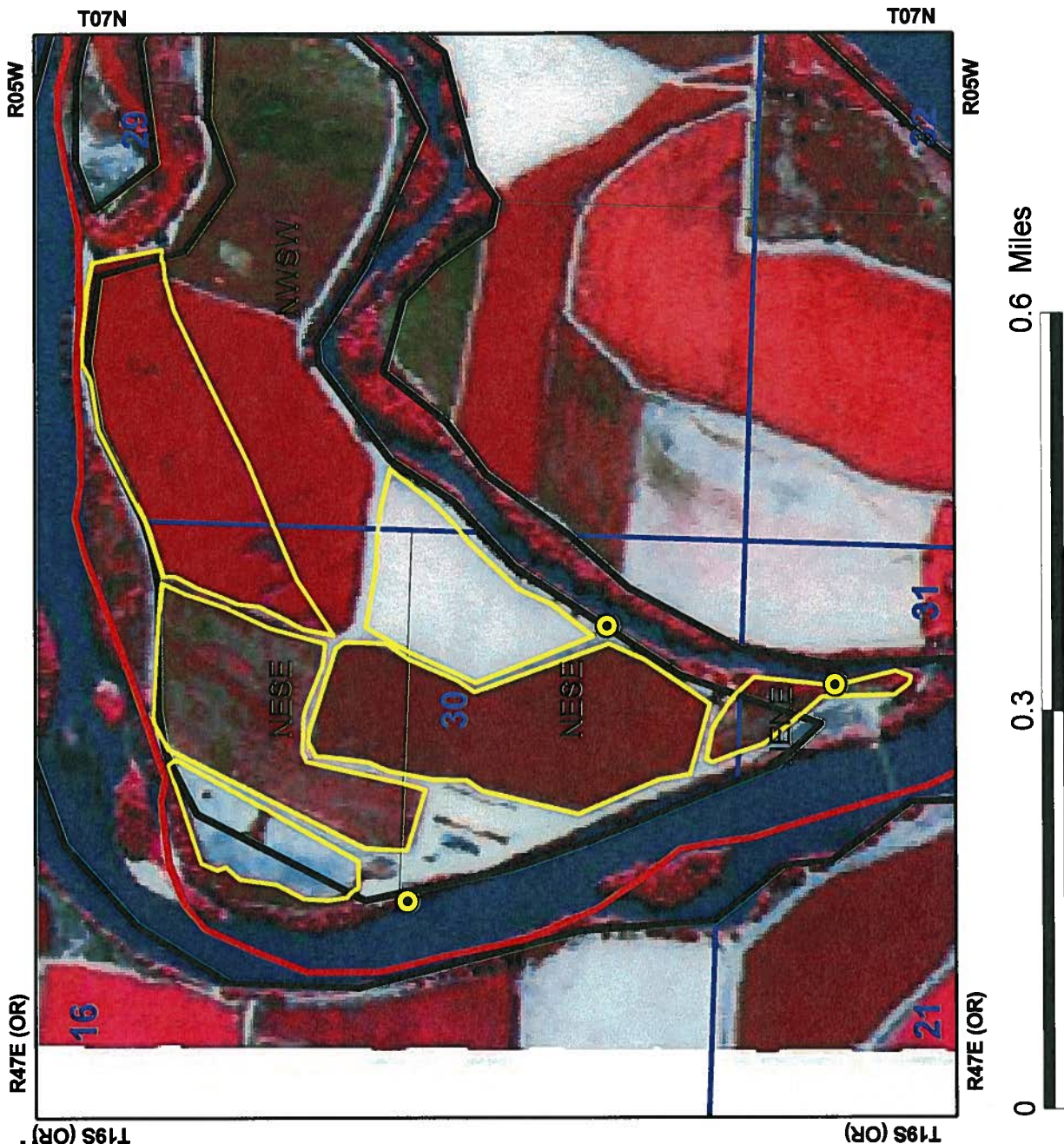
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Payette, Malheur Or Counties
IDWR Basin 3

Prepared by J. Dean
On Thursday, May 25, 2006
1987/88 Aerial Photography



05/25/2006

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

RIGHT NUMBER: 3-2054

NAME AND ADDRESS: ALSCOTT FARMS LLC
PO BOX 70001
BOISE ID 83707-0101

J A ALBERTSON ENTERPRISES
380 E PARKCENTER BLVD
BOISE ID 83706

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.200 CFS
270.000 AFY

PRIORITY DATE: 01/28/1929

POINT OF DIVERSION:

T07N R05W S30 NWSESE Lot 2 Within PAYETTE County

T07N R05W S30 SESESE Lot 2 Within PAYETTE County

T07N R05W S31 NENE Lot 2 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

1.200 CFS

270.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within PAYETTE County

T07N R05W S29	NWSW	1.00	T07N R05W S29 Lot 6	NWSW	11.00
T07N R05W S30	NESE	2.00	T07N R05W S30 Lot 1	NESE	24.00
T07N R05W S30 Lot 2	NESE	20.00	T07N R05W S31	NENE	1.00
T07N R05W S31 Lot 2	NENE	1.00			

60 ACRES TOTAL

T07N, R05W S29 NWSW, S30 NESE, & S31 NENE is unsurveyed, nonfederal land except where noted by GCDB lot number.

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: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

07/13/2006

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

RIGHT NUMBER: 3-2054

NAME AND ADDRESS: ALSCOTT FARMS LLC
PO BOX 70001
BOISE ID 83707-0101

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.200 CFS
270.000 AFY

PRIORITY DATE: 01/28/1929

POINT OF DIVERSION:

T07N R05W S30 NWSESE Lot 2 Within PAYETTE County
T07N R05W S30 SESESE Lot 2 Within PAYETTE County
T07N R05W S31 NENE Lot 2 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

1.200 CFS
270.00 AFY

The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date

a

partial decree is entered for this right.

PLACE OF USE:

IRRIGATION Within PAYETTE County

As per map no overlap okay

T07N R05W S29	NWSW	1.00	T07N R05W S29 Lot 6 NWSW	11.00
T07N R05W S30	NESE	2.00	T07N R05W S30 Lot 1 NESE	24.00
T07N R05W S30 Lot 2	NESE	20.00	T07N R05W S31	NENE 1.00
T07N R05W S31 Lot 2	NENE	1.00		

60 ACRES TOTAL

T07N, R05W S29 NWSW, S30 NESE, & S31 NENE is unsurveyed, nonfederal land except where noted by GCDB lot number.

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: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

no shared pod okay

07/13/2006

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

RIGHT NUMBER: 3-10013
NAME AND ADDRESS: ALSCOTT FARMS LLC
PO BOX 70001
BOISE ID 83707-0101
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 3.240 CFS
PRIORITY DATE: 10/19/1927
POINT OF DIVERSION:

T07N R05W S29 NWSW Lot 6 Within PAYETTE County
T07N R05W S29 SWSW Lot 7 Within PAYETTE County
T07N R05W S29 SESW Lot 8 Within PAYETTE County
T07N R05W S31 NWNENE Lot 1 Within PAYETTE County
T07N R05W S31 SENENE Lot 1 Within PAYETTE County
T07N R05W S32 NENENW Lot 5 Within PAYETTE County
T07N R05W S32 SWNENW Lot 5 Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	3.240 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T07N R05W S29 Lot 3 NESW	14.00	T07N R05W S29 NWSW	2.00
T07N R05W S29 Lot 6 NWSW	24.50	T07N R05W S29 Lot 7 SWSW	34.00
T07N R05W S29 Lot 8 SESW	26.00	T07N R05W S30 Lot 1 NESE	1.00
T07N R05W S30 Lot 3 SESE	3.50	T07N R05W S31 Lot 1 NENE	12.00
T07N R05W S32 Lot 5 NENW	9.00	T07N R05W S32 Lot 6 NWNW	36.00

162 ACRES TOTAL

T07N, R05W S29 NWSW is unsurveyed, nonfederal land except where noted by GCDB lot number.

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: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Idaho Dept. of Water Resources
322 E. Front St. Boise, ID
May 25, 2006

To: 3-2054 Claim File
From: Jennifer Dean
Subject: Unsurveyed Lands

At various places along the Snake River (and other rivers) the most recent federal land survey (as represented by the BLM's Geographic Coordinate Database, GCDB) stops at river meander lines. Since the time of the survey, the river has changed course in several places, which created land that is not represented in the survey data. This land is known as omitted lands.

This recommendation for this claim consists of 60 acres. Of those acres, 4 acres are on omitted lands. The 4 acres were included in the nearest quarter quarter with no lot number because it is not part of the official survey. A condition was added to explain that this land is not surveyed land.

POD Overlap Analysis

					Field Boundaries by POD									
Twp	Rng	Sec	Q-Q	Lot	33	34	35	36	37	38	39	40	41	42
07N	05W	29	NWSW	6		X								
			SWSW	7										X
			SESW	8	NW		E						X	
07N	05W	30	SESE	2	X		X							
07N	05W	31	NENE	1					X	X				
			NENE	2				X			SW	NE		
07N	05W	32	NENW	5							X	X		

POU Overlap Analysis

					License		Claims		GCDB	GIS				Field Boundaries by POD												Rec		
Twp	Rng	Sec	Q-Q	Lot	3-02054	3-02054	3-10013	Total	acres	3-02054	3-10013	Total	33	34	35	36	37	38	39	40	41	42	Overlap	Total	3-02054	3-10013	QQ Total	
07N	05W	29	NESW	5			14	14	26.38		14.2	14.2									14.2	14.2	14.2	14.2		14	14	
			NWSW	6	10		24	34	40.65	11.3	24.5	35.9		24.5	11.3									35.9	11	24.5	38.5	
			NWSW					0			0.6	1.7	2.3		1.7	0.6									2.3	1	2	
			SWSW	7			31	31	36.4		34.1	34.1					14.3	5.9			13.9		34.1		34	34		
			SESW	8			30	30	39.92		26	26						0.2		16.9	25.8	16.9	26		26			
			SESW					0				0	0											0			26	
07N	05W	30	NESE	1	25	25	1	26	29.4	24.3	1.2	25.5	11.8	1.2	12.5									25.5	24	1	27	
			NESE					0			2		2											2	2		27	
			SESE	2	25	25		25	28.74	19.8		19.8	0.3		19	0.5								19.8	20		20	
			SESE	3			3	3	3.81		3.6	3.6					3.6						3.6		3.5	3.5		
		07N	05W	31	NENE	1			11	19.09		12	12					6.9	5.1				12		12	12		
			NENE	2				0	1.46		0.7		0.7				0.7							0.7	1		2	
			NENE					0		1.2		1.2				1.2							1.2				2	
		07N	05W	32	NENW	5			8	10.54		8.7	8.7					6.2			2.5	2.5		8.7		9	9	
			NWNW	6				40	40	42.4		36	36					5.2	29.1	1.7				36		36	36	
					60	60	162	222	238.14	59.9	162.1	222	14.1	27.5	43.4	2.4	30	46.5	1.7	33.6	2.5	53.9	33.6	222	60	162	222	

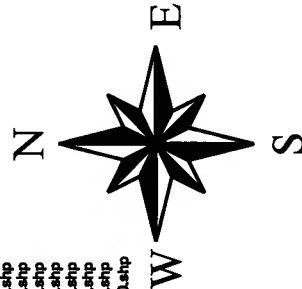
Right No:	Diversion	Acres	CFS/ Acre
3-02054	1.2	60	0.020
3-10013	3.24	162	0.020

Idaho Department of Water Resources

Claim Number:
03-02054
03-10013

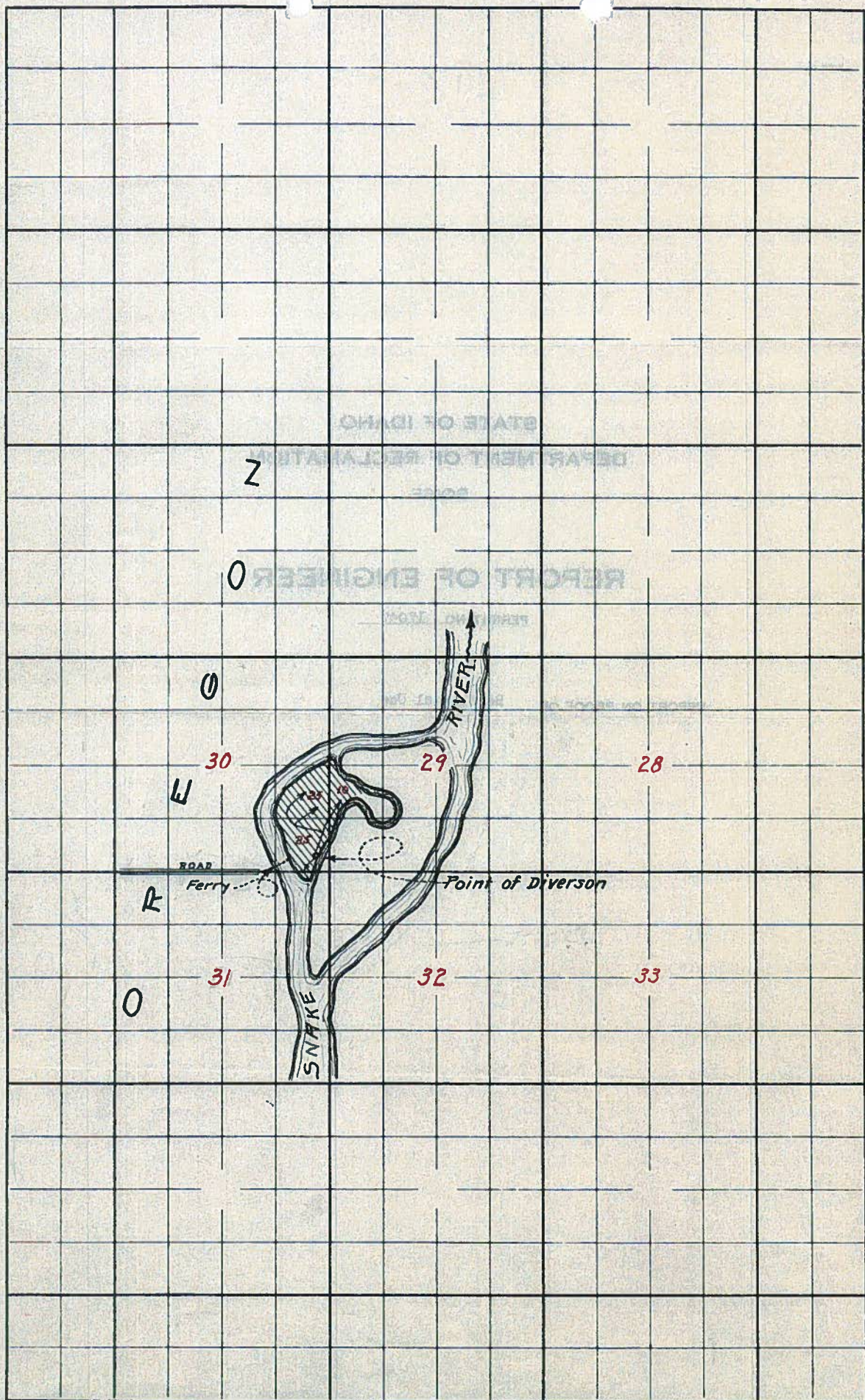
Sections
 GC0307N05W GC08

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- Alcoot_30.shp
- Graph246.shp
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- Graph196.shp
- Graph194.shp
- Graph193.shp
- Graph192.shp
- Graph191.shp
- Graph189.shp
- Alcoot_40.shp



0.2 0 0.2 0.4 0.6 Miles

1987 Aerial Photo
Legal: T07N, R05W, S29 - 32



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

17047

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 17047/02-2408 ⁰³⁻²⁰⁵⁴ Priority Jan. 28, 1929 Amount 1.2 cfs

THIS IS TO CERTIFY, that ERNEST A. BODMER
of Nyssa, Oregon, has complied with the terms and conditions of Permit
No. 17047/02-2408 issued pursuant to Application for Permit dated January 28, 1929
and has submitted proof to the Department of Water Administration on January 6, 1940
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.2 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from the Snake River
tributary of the Columbia River, is hereby confirmed in the following amounts:
Amount 1.2 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 1.2 cfs of water be diverted at
any one time, said waters to be diverted within the

Lot 2 of Sec. 30, Twp. 7 N, Rge. 5 W, B. M.

in the county of Payette; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 270 acre feet per year or
4.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7 N	5 W	29									10								10
											(lot 6)								
		30												25				25	50
														(lot 1)				(lot 2)	

Total number of acres irrigated 60

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 8 day of
December, 19 72.


Director

02-2408