

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 63-32597
Date Received: 8/3/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NORTH VALLEY INVESTMENTS Phone: (208)343-8012
PO BOX 2723
BOISE ID USA 83701

2. Date of Priority: 07/23/1899

3. Source: STEWART CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	02E	21	SE SE	ADA	

5. Description of diverting works:

GRAVITY DITCH SYSTEM.

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02E	21	SE	SE	IRRIGATION	4
					Section Acres	4
04N	02E	28	SE	NE	IRRIGATION	5.4
					Section Acres	5.4
					Total Acres	9.4

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:

This right is a split from former right 63-307

15. Basis of Claim: Decreed

RECEIVED
FEB 06 2007
WATER RESOURCES
WESTERN REGION

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
63-307	63-307	✓			

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

N/A A. The appropriate **FILING FEE**. See instructions for fee amounts.

B A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

OR

N/A D. 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 or equivalent **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)

NORTH VALLEY INVESTMENTS
PO Box 2723, Boise 83701

4. New Owner/Claimant(s)

CITY OF BOISE, Parks & Recreation Dept
Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

1104 Royal Blvd

City, State and ZIP Code

Boise ID 83706-2898

New Telephone Number

(208) 384 4240

5. Date you acquired the property

Sept 19, 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>63-307</u>		
Irrigation	<u>212 cfs</u>	<u>6 acres</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

Tom Governale Supt. of Parks

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by JALDate 2-6-07Receipt Amt. N/AReceived by JAL

Date _____

Receipt No. _____

Processed by JAL AJDate 3-1-07

WR _____

Date _____

202191
COPY

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 SP 19 PM 4:31

RECORDED - REQUEST OF

FEE 9- DEPUTY *Alkon*

102107389

GIFT DEED

PIONEER TITLE

NORTH VALLEY LAND CO., an Idaho general partnership, with its principal office at P.O. Box 2723, Boise, Idaho 83701, of the County of Ada, State of Idaho ("Grantor"), hereby GIVES, GIFTS, CONVEYS AND ASSIGNS to the City of Boise City, a political subdivision of the State of Idaho ("Grantee") whose address is PO Box 500 Boise Id 83701-0500, in consideration of Grantor's desire to create a public park for the better recreation, enjoyment and preservation of open space for the benefit of the Grantee's citizens and residents, the following real property described located in Ada County, Idaho:

Lot 1 in Block 3 of Medicine Creek Subdivision No. 1,
according to the Plat thereof, filed in Book 65 of Plats at Pages
6650 and 6651, Records of Ada County, Idaho

TOGETHER WITH all easements, hereditaments and appurtenances thereto, and

SUBJECT TO THE CONDITION that all land conveyed herein, pursuant to Department of the Army, Walla Walla Corps of Engineers Permit Number 002201170, Idaho State Number 63-S-1531, shall perpetually remain as wetlands as defined by said Permit;

RESERVING THEREFROM, for the benefit of Arrowhead Canyon LLC and Idaho Power Company, its successors and assigns,, a non-exclusive easement along the north and northwesterly lot line of Lot 1 in Block 3 for a depth of ten (10) feet along the lot line common to said Lot 3 and Lots 11, 10, 9, 8, 7, 6, 2 in Block 1 of Medicine Creek Subdivision No. 1 and the right-of-way for W. Bison Drive, as shown on the attached Exhibit A, for purposes of the construction, repair and maintenance of overhead or underground electric power lines and appurtenances including but not limited to transmission and distribution lines, circuits and poles, other supports, guy wires, crossarms and other attachments and incidental equipment, together with all rights of ingress and egress necessary for the full and complete use, occupation and enjoyment of the easement herein reserved, and all rights and privileges incidental thereto, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the grantees' use, occupation or enjoyment of this easement and the operation, maintenance and repair of the electrical system to be located therein.

FURTHER RESERVING THEREFROM, for the benefit of Arrowhead Canyon LLC and United Water Idaho Inc., its successors and assigns, a non-exclusive easement along the north and northwesterly lot line of Lot 1 in Block 3 for a depth of ten (10) feet along the lot line common to said Lot 3 and Lots 11, 10, 9, 8, 7, 6, 2 in Block 1 of Medicine Creek Subdivision No. 1 and the right-of-way for W. Bison Drive, as shown on the attached Exhibit A, for purposes of the location, relocation, construction, repair and maintenance of underground water transmission lines and related electrical appurtenances and other attachments and incidental equipment (whether underground or above-ground), together with all rights of ingress and egress necessary for the full and complete use, occupation and enjoyment of the easement herein reserved, and all rights and privileges incidental thereto, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere

WARRANTY DEED - 1

012402 1457

1069c

COPY

with the grantees' use, occupation or enjoyment of this easement and the operation, maintenance and repair of the water transmission system to be located therein.

FURTHER RESERVING THEREFROM, for the benefit of CTC Telecom, Inc. ("CTC") and its successors and assigns, a non-exclusive easement over, under and across that portion of the property described on the attached Exhibit B for the purpose of the location, relocation, repair, maintenance and operation of, and access to, a telecommunications device.

The conveyance hereby made is subject to the lien for general taxes for the year 2000 and subsequent years, and all easements, encumbrances, covenants, restrictions and other matters of record.

IN WITNESS WHEREOF, the Grantor has caused its name to be hereunto affixed by one of its partners this 11 day of February 2002.

North Valley Land Co.

By

COLIN CONNELL, General Partner

COPY

STATE OF IDAHO)
) ss.
County of Ada)

On this 11th day of February 2002, before me, a Notary Public in and for said State, personally appeared **COLIN CONNELL**, known or identified to me to be on of the general partners in North Valley Land Co., and the partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



Treva Hamilton
Notary Public for Idaho
Residing at: Eagle, Id
My Commission Expires: 3-11-02

63-307 Change of Ownership City of Boise



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION. Use and distribution of this map subject to copyright and disclaimer notices at www.geocortex.net.



Legend

- ☐ Sections
- ☐ Roads
 - UNKNOWN
 - INTERSTATE
 - LOCAL
 - MAJOR COLLECTOR
 - MINOR ARTERIAL
 - PRINCIPAL ARTERIAL
 - PRIVATE
 - SECTION LINE
- ☐ Railroads
- ☐ Water
- ☐ Parcels
- ☐ 2003 Color Ortho Photos



Scale: 1:4,274

Map center: 2501825, 729544



James R. Hall
Director

Parks & Recreation
1104 Royal Boulevard
Boise, Idaho 83706-2840

Phone
208/384-4240

Fax
208/384-4127

TDD/TTY
800/377-3529

Web
www.cityofboise.org/parks

Mayor
David H. Bieter

City Council
President
Maryanne Jordan

Council ProTem
Elaine Clegg

Vernon L. Bisterfeldt
David Eberle
M. Jerome Mapp
Alan W. Shealy

Boise Parks & Recreation

February 6, 2007

IDWR Western Region
2735 Airport Way
Boise ID 83705-5082

To Whom It May Concern,

Enclosed please find a Change of Ownership for SRBA claim number 63-307. This water right is partially appurtenant to land now owned by the City of Boise.

Also enclosed is the deed to the property as well as a copy of the plat, an aerial photo, and a printed copy of the shape file of IDWR's recommendation to the Court.

The City's portion of the right has been defined by acres, although the City normally describes its rights as "municipal." Mr. Tuthill of your offices has indicated that properties acquired after commencement of the SRBA will not be recommended with a municipal Purpose (or Place) of Use. He has advised the City that it is appropriate to file Applications for Transfer for these water rights after they have been decreed by the Court.

Please contact this office if there are any questions about the Change of Ownership, or if any additional information is required.

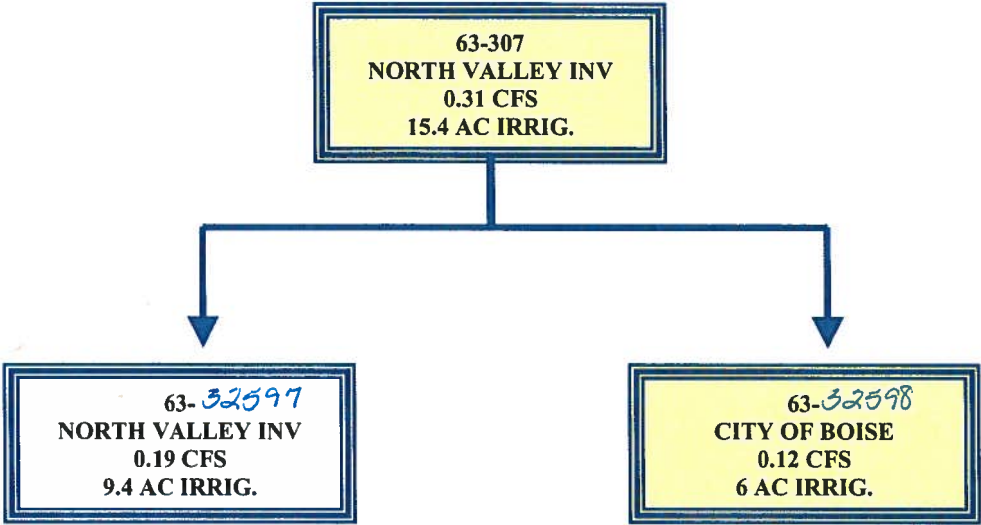
Sincerely,

Maria Minicucci
mminicucci@cityofboise.org
384-4060 Ext. 323

RECEIVED
FEB 06 2007
WATER RESOURCES
WESTERN REGION

I:\MMinicucci\WORD\Water\Medicine Cr CofO.doc

SPLIT TREE FOR 63-307





Idaho Department of Water Resources

SRBA Recommendation:

63-307

(Irrigation)

Legend

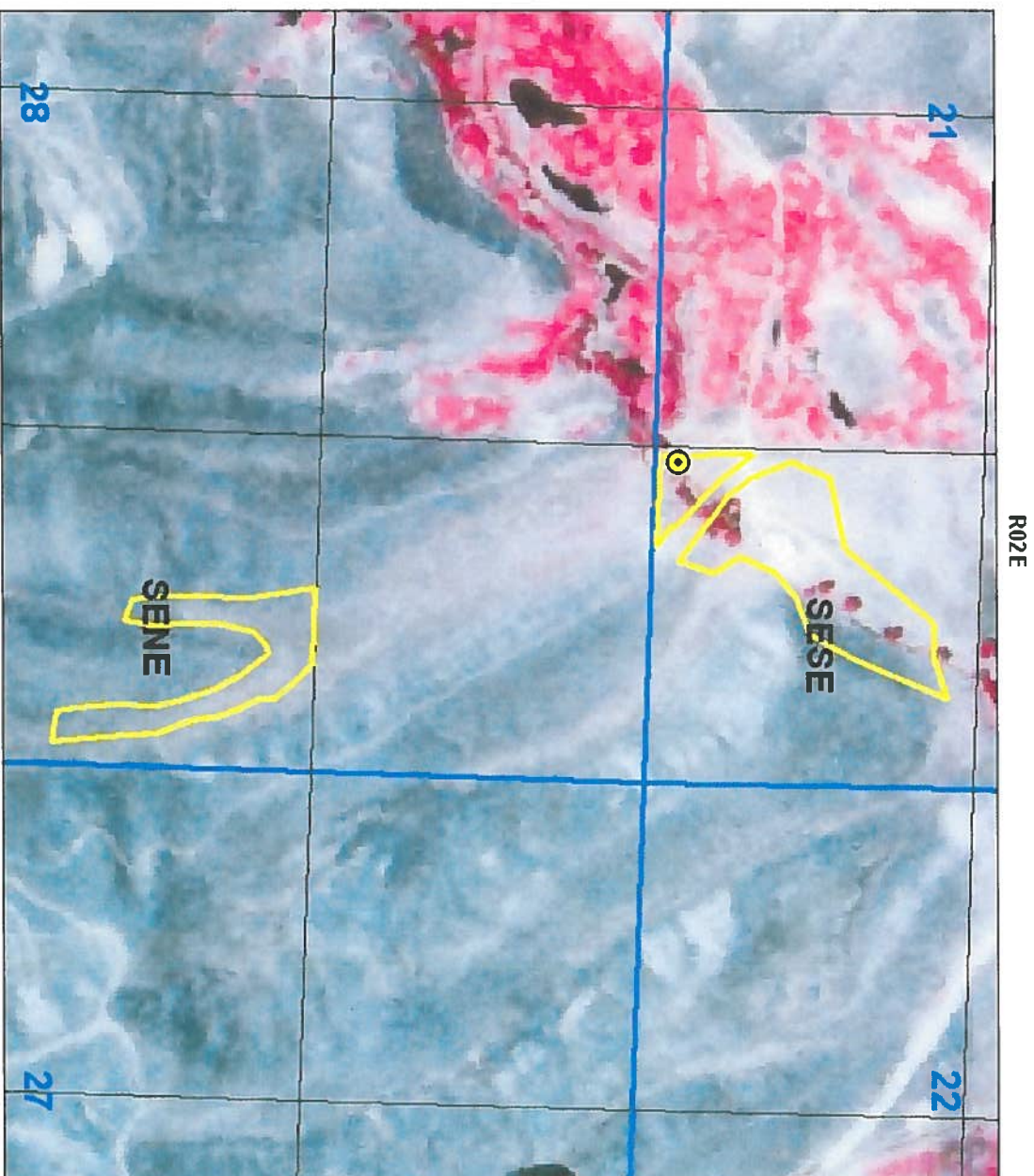
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63



T04N



0 0.3 0.6 Miles

Prepared by V. Music
On Wednesday, January 31, 2007
1987/88 Aerial Photography

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: A63-00307
Date Received: 8/ 1/1989
Receipt No: W004013
Received By: [Signature]

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

1. Name: NORTH VALLEY INVESTMENTS 208-343-8012
Address: PO BOX 2723
BOISE ID 83701

2. Date of Priority: JUL 23, 1899

3. Source: STEWART CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	02E	22	SE	NW			ADA

5. Description of diverting works:
GRAVITY DITCH SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	02E	21	SE	SE		IRR	16.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	16.0
		28	NE	NE	IRR	14.0
			SE	NE	IRR	10.0
					Section Acres	24.0
					Total Acres	40.0

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:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

THOMAS J. BOOTH

Decree Plaintiff

C.O. SMITH

vs

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 02 1996

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

463-00307

Date Received

Aug 1, 1989

Receipt Number

W004013

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) North Valley Investments Phone (208) 343-8012Mailing Address P.O. Box 2723 Boise ID. Zip 837012. Date of Priority (Only one (1) per claim) 7-23-18993. Source of water supply (a) Stearns Creek
which is tributary to (b) Boise River4. a. Location of existing point of diversion is: Township 4N Range 2E Section 22,S12 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Ada

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ 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.gravity ditch system

MICROFILMED
OCT 02 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from March 15 to Nov. 15 amount .8 or _____

For STOCK WATER purposes from 1/1 to 12/31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

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

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

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	
1N	2E	21	~~16~~															<u>16</u>	<u>cc</u>
4N	2E	28	~~16~~															<u>16</u>	<u>cc</u>

Total number of acres irrigated 32 cc

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 ✓ 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. Irrigation and live stock watering or None ()

14. Remarks: _____

MICROFILMED
OCT 02 1996

Last Name North Valley Investments Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

MICROFILMED
OCT 02 1996

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree 6300307
If applicable provide IDWR Water Right Number 6302355
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) [Signature] Date August 1-1989
for North Valley Investments Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____ Organization _____, that I have signed the foregoing
document in the space below as _____ Title _____ of _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 1st day of August 19 89

SEAL

Notary Public

Residing at

My Commission Expires

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 _____

MICROFILMED
OCT 02 1996

Last Name _____ Ident. Number _____

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

RIGHT NUMBER: 63-32597

NAME AND ADDRESS: THE TERTELING COMPANY INC
5561 N GLENWOOD ST STE B
GARDEN CITY ID 83712

~~NORTH VALLEY INVESTMENTS~~
~~PO BOX 2723~~
~~BOISE ID 83701~~

SOURCE: STEWART CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 07/23/1899

POINT OF DIVERSION:

T04N R02E S21 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.190 CFS

PLACE OF USE: IRRIGATION in ADA County

T04N R02E S21	SESE	4.00	T04N R02E S28	SENE	5.40
---------------	------	------	---------------	------	------

9.4 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: BASIS OF CLAIM - Decreed

This right is a split from former right 63-307 .

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

In Re SRBA

Case No. 39576

Water Rights: 63-32597

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- ☐ Other
- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 12, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 12, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

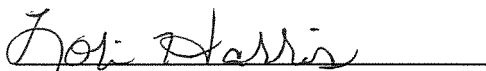
United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

The Terteling Company Inc.	☐ overnight mail
5561 N. Glenwood St. Ste B	☒ regular mail
Garden City ID 83712	☐ hand-delivered
	☐ facsimile

Charles L. Honsinger	☐ overnight mail
PO Box 2773	☒ regular mail
Boise ID 83701-2773	☐ hand-delivered
	☐ facsimile

North Valley Investments	
PO Box 2723	☒ regular mail
Boise ID 83701	


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 12, 2008

THE TERTELING COMPANY INC
5561 N GLENWOOD ST STE B
GARDEN CITY ID 83712

Re: Water Right No. 63-32597

Dear Sir or Madam:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris". The signature is written in dark ink and is positioned above the printed name and title.

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

cc: Charles Honsinger-Ringert Clark
Colin Connell-North Valley Investments

RECEIVED

JAN 23 2003

WATER RESOURCES
WESTERN REGION

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
63-32597	A63-32597	N			

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
 - B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
 - C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)	Colin Connell
		P.O. Box 2723
		Boise, Idaho 83701
4.	New Owner/Claimant(s)	The Terteling Company, Inc.
		Name Connector (Check one): [] and, [] or, [] and/or
	New Mailing Address	5561 N. Glenwood St., Ste. B
	City, State and ZIP Code	Garden City, ID 83712
	New Telephone Number	(208) 381-5200 Email: _____

5. Date you acquired the property January 9, 2008

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) Joe Greenberg PRESIDENT
(title if applicable)
(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature]
 Received by [Signature]
 Processed by [Signature] AJ

Date 1-23-08
 Date 5-8-08
 Date 5-8-08

Receipt Amt. N/A
 Receipt No. _____
 WR _____ Date _____

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 01/17/08 01:57 PM
DEPUTY Gail Garrett
RECORDED - REQUEST OF
Ringier-Clark Chartered

AMOUNT 5.00



108006041

RE-RECORD

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 01/16/08 04:09 PM
DEPUTY Danielle Boulette
RECORDED - REQUEST OF
Ringier-Clark

AMOUNT 6.00

2

108005647

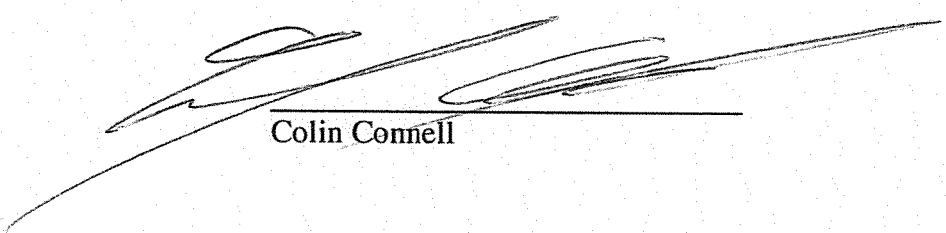
DEED TO A WATER RIGHT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency whereof are hereby acknowledged, Colin Connell, an individual residing in the State of Idaho, does hereby grant and convey unto The Terteling Company, Inc, an Idaho Corporation, a water right for .19 cfs diverted from Stewart Creek with a point of diversion located in Township 4 North, Range 2 East, Section 21, SESE, Ada County, being evidenced by Snake River Basin Adjudication Claim to Water Right No. 63-32597, a copy of which is attached hereto.

TO HAVE AND TO HOLD, all and singular the above mentioned and described property together with the appurtenances unto The Terteling Company, Inc., and to its successors and assigns forever.

IN WITNESS WHEREOF, the name of Colin Connell has been hereunto subscribed, thereby acknowledging Colin Connell's ownership of water right no. 63-32597 together with his ability and right to convey the same to The Terteling Company, Inc.

DATED this 4th day of January, 2008


Colin Connell

*Re-recorded to add exhibit A
water rights.*

STATE OF IDAHO)
) ss.
County of Ada)

On this 4th day of January, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared COLIN CONNELL, known or proven 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.

(SEAL)

Charles L. Honsinger

Notary Public for Idaho

Residence: Boise, Idaho

My commission expires: 7/3 0/2 010

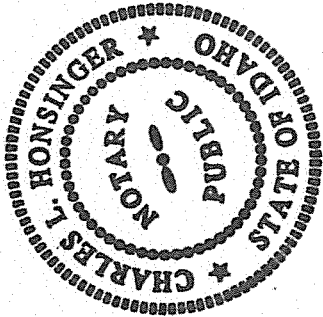


Exhibit A water rights

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

IDAHO DEPARTMENT OF ~~FILED~~ WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

2007 MAR 5 AM 10 44

RECEIVED

MAR 07 2007

DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 63-32597

NAME AND ADDRESS: NORTH VALLEY INVESTMENTS
PO BOX 2723
BOISE ID 83701

SOURCE: STEWART CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 07/23/1899

POINT OF DIVERSION:

T04N R02E S21 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.190 CFS

PLACE OF USE:

IRRIGATION in ADA County

T04N R02E S21

SESE

4.00

T04N R02E S28

SENE

5.40

9.4 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: BASIS OF CLAIM - Decreed

This right is a split from former right 63-307 .



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for NORTH VALLEY LAND LLC](#)]

NORTH VALLEY LAND LLC

P O BOX 2723
BOISE, ID 83701

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING, ANREPT SENT 02 Aug 2007

State of Origin: IDAHO

Date of 26 Oct 2004

Origination/Authorization:

Current Registered Agent: COLIN CONNELL
2292 AMY AVENUE
BOISE, ID 83706

File Number: W34102

Date of Last Annual Report: 16 Aug 2007

Original Filing:

Filed 26 Oct 2004 ARTICLES OF
ORGANIZATION

[[Help Me Print/View TIFF](#)]

[View Image \(TIFF
format\)](#)

Amendments:

[[Help Me Print/View TIFF](#)]

Annual Reports:

[[Help Me Print/View TIFF](#)]

Report for year 2007 ANNUAL REPORT

[View Image \(TIFF format\)](#)

Report for year 2006 ANNUAL REPORT

[View Image \(TIFF format\)](#)

Report for year 2005 ANNUAL REPORT

[View Image \(TIFF format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

FILED EFFECTIVE

(Instructions on back of application)

OCT 26 PM 3:58

SECRETARY OF STATE
STATE OF IDAHO

- The name of the limited liability company is:
North Valley Land LLC
- The street address of the initial registered office is:
2292 Amy Avenue, Boise ID 83706
and the name of the initial registered agent at the above address is:
Colin Connell
- The mailing address for future correspondence is:
PO Box 2723, Boise ID 83701
- Management of the limited liability company will be vested in:
Manager(s) ☒ or Member(s) ☐ (please check the appropriate box)
- If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the member(s), list the name(s) and address(es) of at least one initial member.

Name

Address

Colin Connell

PO Box 2723, Boise ID 83701

- Signature of at least one person responsible for forming the limited liability company:

Signature: [Signature]

Typed Name: Colin Connell

Capacity: Manager

Signature _____

Typed Name: _____

Capacity: _____

Secretary of State use only

9:compforms\LLCforms\articlesoforganization.pdf
Revised 07/2002

IDAHO SECRETARY OF STATE
10/26/2004 05:00
CK: 1690 CT: 168114 BH: 773265
1 @ 100.00 = 100.00 ORGAN LLC # 2
1 @ 20.00 = 20.00 EXPEDITE C # 3

W34102

No. W 34102

Due no later than October 31, 2007

Annual Report Form

1. Mailing Address - Correct in this box, if applicable

Return to:
SECRETARY OF STATE
450 NORTH FOURTH STREET
PO BOX 83720
BOISE, ID 83720-0080

NORTH VALLEY LAND LLC
COLIN CONNELL
P O BOX 2723
BOISE, ID 83701

2. Registered Agent and Office NO PO BOX

COLIN CONNELL
2292 AMY AVENUE
BOISE, ID 83706

3. New Registered Agent Signature

NO FILING FEE IF

RECEIVED BY DUE DATE

4. Limited Liability Companies: Enter Names and Addresses of Managers.

Office held Name

Street or P.O. Address

City

State

Zip

Managing Partner

Colin Connell
P.O. Box 2723

Boise ID 83701

Manager

Partner

Colin Todd Connell
7358 New Almburn Way
Madison Wisconsin 53719

5. Organized Under the Laws of:

IDAHO
W 34102

6.

Signature



Date

8-14-07

Name (Printed)

Colin Connell

Title

Managing Partner

Issued 08/02/2007

Do Not Tape or Staple

200710006050



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]

NORTH VALLEY CO.

PO BOX 2723
BOISE, ID 83701

Type of Business: CORPORATION, GENERAL BUSINESS

Status: FORFEITED 01 Dec 1994

State of Origin: IDAHO

Date of 10 Jul 1991

Origination/Authorization:

Current Registered Agent: COLIN CONNELL
1801 LEADVILLE
BOISE, ID 83701

Organizational ID / Filing C95777
Number:

Number of Authorized Stock 1000
Shares:

Date of Last Annual Report:

Original Filing:

Filed 10 Jul 1991 INCORPORATION

[[Help Me Print/View TIFF](#)]
[View Image \(TIFF format\)](#)

Amendments:

[[Help Me Print/View TIFF](#)]

Annual Reports:

Report for year 1993 ANNUAL REPORT

[[Help Me Print/View TIFF](#)]
[View Image \(TIFF format\)](#)

Report for year 1992 ANNUAL REPORT

[View Image \(TIFF format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov

227

49907

CERTIFICATE OF ASSUMED BUSINESS NAME

(Please type or print legibly. See instructions on reverse.)

To AMERICAN LAND TITLE CO., LLC
 Pursuant to Section 53-504, Idaho Code, the undersigned
 gives notice of adoption of an Assumed Business Name.

FILED
MAY 21 10 05 AM '98

SECRETARY OF STATE

1. The assumed business name which the undersigned use(s) in the transaction of business is:

NORTH VALLEY LAND CO., AN IDAHO GENERAL PARTNERSHIP

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name is/are:

<u>Name</u>	<u>Complete Address</u>
<u>COLIN CONNELL</u>	<u>P.O. BOX 2723</u>
<u></u>	<u>BOISE IDAHO 83701</u>
<u></u>	<u></u>

3. The general type of business transacted under the assumed business name is:
 (mark only those that apply)

☐ Retail Trade	☐ Manufacturing	☐ Transportation and Public Utilities
☐ Wholesale Trade	☐ Agriculture	☐ Finance, Insurance, and Real Estate
☐ Services	☒ Construction	☐ Mining

4. The name and address to which future correspondence should be addressed: Phone number (optional): _____

Colin Connell

Box 2723

Boise ID 83701

5. Name and address for this acknowledgment copy is (if other than # 4 above):

Signature: [Signature]

Printed Name: Colin Connell

Capacity: _____

(see instruction # 8 on back of form)

IDAHO SECRETARY OF STATE

05/20/1998 09:00
 CR: 4349 CT: 1316 BH: 112374

1 @ 20.00 = 20.00 ASSUM NAME

D-15147

Revision 2/97

St. Stephens & Son, Inc.

254782 SRN/HH.

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 06/08/05 02:40 PM
DEPUTY Patti Thompson
RECORDED - REQUEST OF
Pioneer

AMOUNT 6.00 2



BARGAIN AND SALE DEED

Grantor, **ARROWHEAD CANYON LLC**, an Idaho limited liability company whose address is P. O. Box 27, Boise, Idaho 83707, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby BARGAIN, SELL and CONVEY unto **COLIN CONNELL**, a single man whose address is P.O. Box 2723, Boise, Idaho 83701 ("Grantee") and to his successors and assigns forever, all of the following described real estate located in Ada County, Idaho:

Lot 27, Block 1, Arrowhead Canyon Subdivision No. 1, according to the official plat thereof filed in Book 82 of Plats at pages 8954-8955, records of Ada County, Idaho.

TOGETHER with all improvements, easements, hereditaments, and appurtenances thereunto, and subject to such rights, easements, covenants, and restrictions as appear of record or based upon the premises. With respect to the condition of the improvements, this conveyance is made and accepted **AS IS, WHERE IS, AND GRANTOR SPECIFICALLY DISCLAIMS ALL WARRANTIES OF ANY KIND, INCLUDING BUT NOT LIMITED TO ANY WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY OF THE IMPROVEMENTS.**

IN WITNESS WHEREOF, the Grantor has executed this deed on the 26 day of May, 2005.

ARROWHEAD CANYON LLC
By **Claremont Realty Company**
Its Manager

By Michael A. August
Its President

ATTEST:

Christine E. Nicholas
Name Christine E. Nicholas
Title Assistant Secretary

(acknowledgment on following page)

STATE OF IDAHO)
) ss.
County of Ada)

On this 26th day of May, 2005, before me, a Notary Public in and for said State, personally appeared Michael L. Simplot and Christine E. Nichols the President and Assistant Secretary respectively, of Claremont Realty Company, Manager of Arrowhead Canyon LLC, an Idaho limited liability company, and acknowledged to me that they executed the within instrument on behalf of said corporation, and that such corporation executed the same in said limited liability company name.

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



Vivian L. Stork
Notary Public for Idaho
Residing at: Boise, ID
My Commission Expires: 8-12-2010

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 01/24/07 02:25 PM
DEPUTY Pat Thompson
RECORDED-REQUEST OF
Pioneer

AMOUNT 6.00 2



2

Recording requested by
and when recorded return to:

Christine E. Nicholas, Esq.
Batt & Fisher LLP
PO Box 1308
Boise, Idaho 83701

ACCOMMODATION

BARGAIN AND SALE DEED

Grantor, **ARROWHEAD CANYON LLC**, an Idaho limited liability company with its principal office at P.O. Box 27, Boise, Idaho 83707, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby **BARGAIN, SELL and CONVEY** to **COLIN CONNELL**, a single man whose address is P.O. Box 2723, Boise, Idaho 83701 ("Grantee"), and to its successors and assigns forever, all of the following described real estate in Ada County, State of Idaho: SEE ATTACHED EXHIBIT A

TOGETHER with all improvements, easement, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants and restrictions as appear of record or based upon the premises. With respect to the condition of the improvements, this conveyance is made and accepted **AS IS, WHERE IS, AND GRANTOR SPECIFICALLY DISCLAIMS ALL WARRANTIES OF ANY KIND, INCLUDING BUT NOT LIMITED TO ANY WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY OF THE IMPROVEMENTS.**

IN WITNESS WHEREOF, the Grantor has executed this deed on the 19th day of January, 2007.

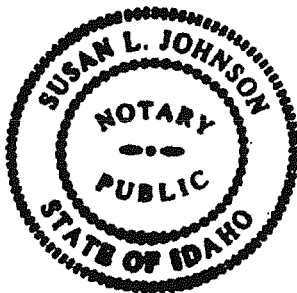
ARROWHEAD CANYON LLC
By **CLAREMONT REALTY COMPANY**
Its Manager

By Michael L. Simplot
Michael L. Simplot, President

STATE OF IDAHO)
) ss.
County of Ada)

On this 19th day of January, 2007, before me, a Notary Public in and for said State, personally appeared Michael L. Simplot, the President of Claremont Realty Company, Manager of Arrowhead Canyon LLC, an Idaho limited liability company, and acknowledged to me that such corporation executed the same in said limited liability company name.

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



Susan L. Johnson
Notary Public for Idaho
Residing at: Ada County
My Commission Expires: 3 NOV 2011

EXHIBIT A

That portion of the Southeast quarter of the Southeast quarter of Section 21, Township 4 North, Range 2 East of Boise Meridian, in Ada County, Idaho described as follows:

Beginning at the Southwest corner of said Southeast quarter of the Southeast quarter;

Thence North $0^{\circ}13'10''$ East, 315.43 feet along the Westerly boundary of said Southeast quarter of the Southeast quarter of Section 21, to a point marking the Southwest corner of Lot 1 of Block 2 of the Medicine Creek Subdivision No. 1, as filed for record in the office of the Ada County Recorder, Boise Idaho, in Book 65 of Plats at pages 6650 and 6651;

Thence South $89^{\circ}26'50''$ East 344.00 feet along the Southerly boundary of said Medicine Creek Subdivision No. 1 to a point;

Thence North $41^{\circ}17'10''$ East, 305.63 feet along the Southeasterly boundary of said Medicine Creek Subdivision No. 1 to a point;

Thence departing said Southeasterly boundary South $71^{\circ}44'39''$ East 169.15 feet;

Thence South $51^{\circ}01'49''$ East, 810.26 feet to said aluminum cap marking the corner common to the said Sections 21, 22, 27 and 28;

Thence North $89^{\circ}06'33''$ West, 1337.59 feet to the POINT OF BEGINNING.

EXCEPT that portion lying within the plat of Eyrie Canyon Subdivision No. 1, according to the plat thereof filed in Book 86 of Plats at Page 9635 and 9636, records of Ada County, Idaho.

AND EXCEPT that portion lying within the plat of Eyrie Canyon Subdivision No. 2, according to the plat thereof, filed in Book 86 of Plats at Page 9636 and 9637, records of Ada County, Idaho.

2001 SP -6 AH 10: 41

FEE 12 DEPT

101091974

BARGAIN AND SALE DEED

PIONEER TITLE

Lot 5, Block 1, Lot 11, Block 1, Lot 2, Block 2, Lot 11, Block 2,
Arrowhead Canyon Subdivision No. 1, according to the official plat
thereof filed in Book 82 at Pages 8954 - 8955, records of Ada County,
Idaho

IN WITNESS WHEREOF, the Grantor has executed this deed on the 30th day of August, 2001.

By **Claremont Realty Company, an Idaho
corporation**
Its Manager

By Michael L. Simplot
Michael L. Simplot, President


Christine E. Nicholas, Assistant Secretary

BARGAIN AND SALE DEED
1120298 1030
[DOCUMENT NUMBER]

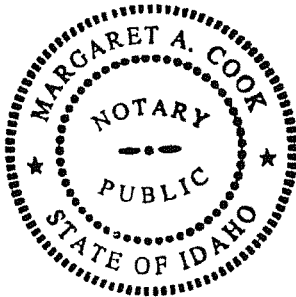
1120298 1030
[DOCUMENT NUMBER]

STATE OF IDAHO)
) ss.
County of Ada)

On this 30th day of August, 2001, before me, a Notary Public in and for said State, personally appeared **MICHAEL L. SIMPLOT** and **CHRISTINE E. NICHOLAS**, the President and Assistant Secretary, respectively, of **CLAREMONT REALTY COMPANY**, known or identified to me to be the Manager of **ARROWHEAD CANYON LLC**, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such corporation executed the same in said limited liability company name.

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

Margaret A. Cook
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 8/26/2003



DEED
011807 1430
CLR 2014 cen

EXHIBIT A

That portion of the Southeast quarter of the Southeast quarter of Section 21, Township 4 North, Range 2 East of Boise Meridian, in Ada County, Idaho described as follows:

Beginning at the Southwest corner of said Southeast quarter of the Southeast quarter;

Thence North $0^{\circ}13'10''$ East, 315.43 feet along the Westerly boundary of said Southeast quarter of the Southeast quarter of Section 21, to a point marking the Southwest corner of Lot 1 of Block 2 of the Medicine Creek Subdivision No. 1, as filed for record in the office of the Ada County Recorder, Boise Idaho, in Book 65 of Plats at pages 6650 and 6651;

Thence South $89^{\circ}26'50''$ East 344.00 feet along the Southerly boundary of said Medicine Creek Subdivision No. 1 to a point;

Thence North $41^{\circ}17'10''$ East, 305.63 feet along the Southeasterly boundary of said Medicine Creek Subdivision No. 1 to a point;

Thence departing said Southeasterly boundary South $71^{\circ}44'39''$ East 169.15 feet;

Thence South $51^{\circ}01'49''$ East, 810.26 feet to said aluminum cap marking the corner common to the said Sections 21, 22, 27 and 28;

Thence North $89^{\circ}06'33''$ West, 1337.59 feet to the POINT OF BEGINNING.

EXCEPT that portion lying within the plat of Eyrie Canyon Subdivision No. 1, according to the plat thereof filed in Book 86 of Plats at Page 9635 and 9636, records of Ada County, Idaho.

AND EXCEPT that portion lying within the plat of Eyrie Canyon Subdivision No. 2, according to the plat thereof, filed in Book 86 of Plats at Page 9636 and 9637, records of Ada County, Idaho.

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

CT OF THE
FALLS

MAR - 4 2008

By _____ Clerk

District Clerk

By _____ Clerk

Deputy Clerk

PAGE 1
Feb-28-2008

DISTRICT COURT - SEBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR - 4 2008

By _____ Clerk

Deputy Clerk

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

In Re SRBA
Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-00307
63-32597 63-32598

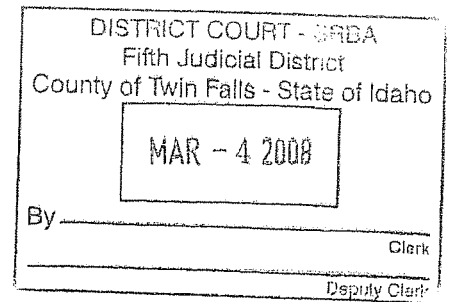
On March 04, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED March 04, 2008.


DIANA R DELANEY
Deputy Clerk



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

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 63-00307
63-32597 63-32598

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 04, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

THE TERTELING CO INC
Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

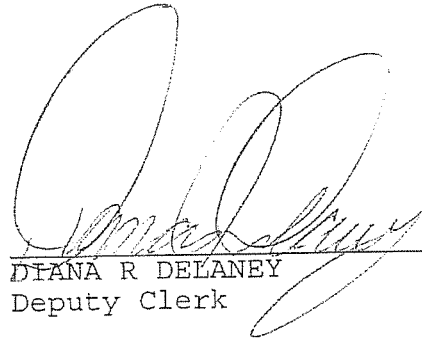
CITY OF BOISE
Represented by:
ERIKA E MALMEN
251 EAST FRONT ST STE 400
BOISE, ID 83702-7310
Phone: 208-343-3434

CERTIFICATE OF MAILING

PAGE 1
03/04/08

COLIN CONNELL, REGISTERED
AGENT FOR ARROW VILLA LLC
2291 AMY AVE
BOISE, ID 83706

ARROW VILL LLC
ARROW VILLA LLC
NORTH VALLEY INVESTMENTS
PO BOX 2723
BOISE, ID 83701
Phone: 208-343-8012



DIANA R DELANEY
Deputy Clerk

RECEIVED

MAR 05 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR - 4 2008

By _____

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

In Re SRBA) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-32597 and
) 63-32598 (Split from 63-00307)

I. FINDINGS OF FACT

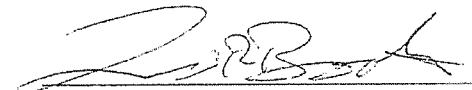
A notice of claim was filed for water right 63-00307 pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 21, 2006, the Terteling Company, Inc., through its attorney Charles Honsinger, filed an objection to the *Director's Report*, asserting that the water right should not exist. On March 5, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding*, which split water right 63-00307 into water rights 63-32597 and 63-32598. On February 28, 2008, the Terteling Company, Inc., filed a withdrawal of its objections in subcases 63-32597 and 63-32598. Accordingly, the Terteling Company's objections are hereby dismissed.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 63-32597 and 63-32598 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*. It is further recommended that the Court issue a final order disallowing water right no. 63-00307.

Dated March 4, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

RECEIVED

FEB 29 2008

DEPARTMENT OF
WATER RESOURCES

CHARLES L. HONSINGER (ISB #5240)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 455
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657
Attorneys for Objector The Terteling Company, Inc.

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

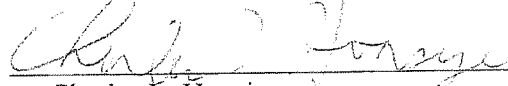
In Re SRBA	)	
	)	Subcase Nos. 63-32597
Case 38576	)	
	)	THE TERTELING COMPANY INC'S
	)	WITHDRAWAL OF OBJECTION TO
	)	RECOMMENDATION OF WATER RIGHT
	)	NO. 63-32597
	)	

COMES NOW, The Terteling Company, Inc. by and through its attorneys of record,
Ringert Clark, Chartered, and hereby withdraw their Objection to the recommendation of water
right no. 63-32597, claimed in the Snake River Basin Adjudication by claimant Colin Connell.
The Tertling Company, Inc. hereby requests that the Court enter an Order dismissing its objection
filed in the Snake River Basin Adjudication to the recommendation of water right no. 63-32597.

DATED this 28th day of February, 2008.

RINGERT CLARK CHARTERED

By:


Charles L. Honsinger
Attorneys for Objector

THE TERTELING COMPANY INC'S WITHDRAWAL OF OBJECTION TO
RECOMMENDATION OF WATER RIGHT NO. 63-32597 - Page 1

COPY

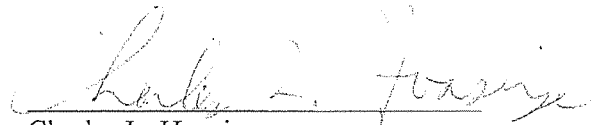
CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing document was made this 28th day of February, 2008, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

Colin Connell
P.O. Box 2723
Boise, ID 83701

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

Erika Malmen
Perkins Coie, LLP
251 East Front Street, Ste. 400
Boise, ID 83702


Charles L. Honsinger



Idaho Department of Water Resources

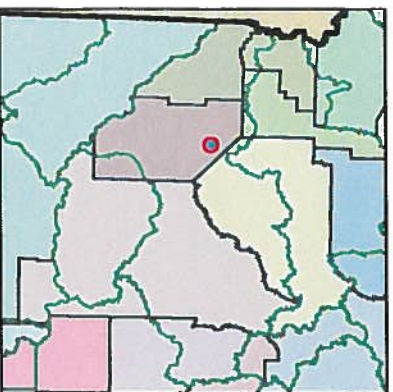
SRBA Recommendation:

63-32597

(Irrigation)

Legend

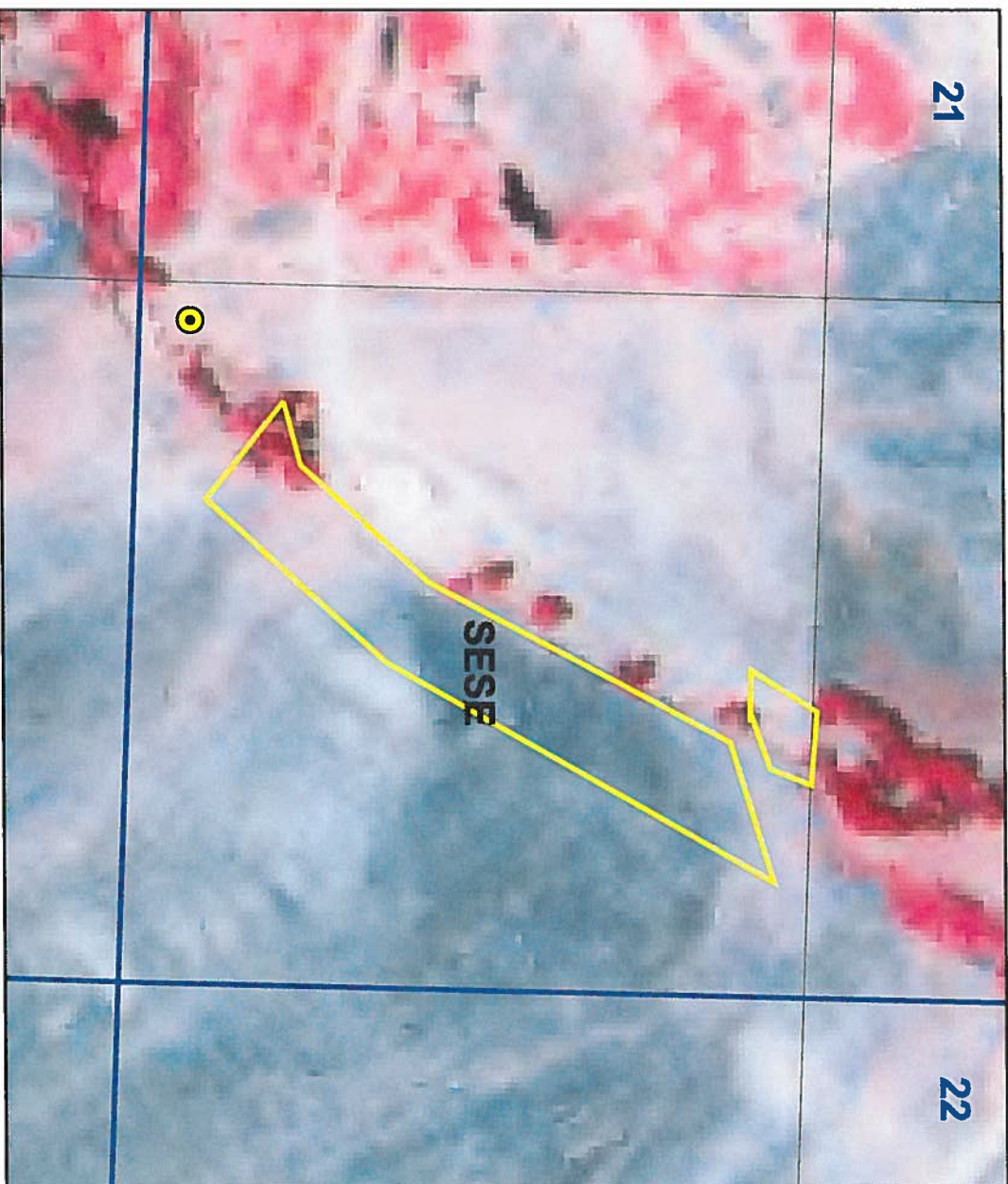
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63



T04N



Prepared by V. Music
On Monday, March 26, 2007
1987/88 Aerial Photography

1276

ORIGINAL

DISTRICT COURT - SALT LAKE
TWIN FALLS CO., IDAHO
FILED

2007 DEC 14 07 11 06

Erika E. Malmen, Bar No. 6185
EMalmen@perkinscoie.com
PERKINS COIE LLP
251 East Front Street, Suite 400
Boise, ID 83702-7310
Telephone: 208.343.3434
Facsimile: 208.343.3232

Attorneys for City of Boise

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

In Re SRBA

Case No. 39576

Subcase Nos. 63-32597 and 63-32598
(Split from 63-00307)

**MOTION TO AMEND TRIAL
SCHEDULING ORDER**

Participants City of Boise, by and through its counsel of record, Perkins Coie LLP, hereby petitions this Court for an Amended Trial Scheduling Order.

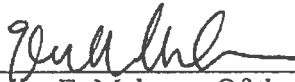
On September 26, 2007 the Presiding Judge issued a **Trial Scheduling Order** which governs certain deadlines through trial. Since that time the parties have engaged in productive settlement discussions and are optimistic that a mutually acceptable settlement agreement is forthcoming. The undersigned counsel has contacted counsel for Terteling Co., Inc. and the registered agent for Arrow Villa LLC and all parties have stipulated to move certain deadlines. To that end, City of Boise, with the approval of the other parties, petitions this Court for an Order that resets the following deadlines by 60 days:

1. **Motion for IDWR to Prepare a 706 Report** – March 4, 2008;
2. **Status Conference** – March 4, 2008;

3. **Disclosure of Witnesses** – April 8, 2008;
4. **Discovery Served and Responses Completed** – May 7, 2008;
5. **Hearing on Motion for Summary Judgment** – April 25, 2008;
6. **Final Pre-Trial Conference** – June 2, 2008;
7. **Trial** – June 10-11, 2008.

DATED: December 13, 2007

PERKINS COIE LLP

By: 
Erika E. Malmen, Of the Firm
Attorneys for City of Boise

CERTIFICATE OF SERVICE

I, the undersigned, certify that on December 13th, 2007, I caused a true and correct copy of the foregoing to be forwarded with all required charges prepaid, by the method(s) indicated below, in accordance with the Rules of Procedure, to the following person(s):

The Terteling Co., Inc.
c/o Charles L. Honsinger
455 South Third Street
PO Box 2773
Boise, Idaho 83701-2773

Hand Delivery ☐
U.S. Mail ☒
Facsimile: _____ ☐
Overnight Mail ☐

Colin Connell, Registered Agent for
Arrow Villa LLC
2291 Amy Avenue
Boise, Idaho 83706

Hand Delivery ☐
U.S. Mail ☐
Facsimile: (208) 343-4040 ☒
Overnight Mail ☐

Arrow Vill LLC
Arrow Villa LLC
North Valley Investments
PO Box 2723
Boise, Idaho 83701

Hand Delivery ☐
U.S. Mail ☒
Facsimile: _____ ☐
Overnight Mail ☐

Director
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

Hand Delivery ☐
U.S. Mail ☐
Facsimile: (208) 342-4657 ☒
Overnight Mail ☐



Erika E. Malmen



Laura E. Burri
Adam S. Christenson
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark *
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger **
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid *
Daniel V. Steenson

January 22, 2008

Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

JAN 23 2008

WATER RESOURCES
WESTERN REGION

Re: Notice of Change of Ownership - Water Right No. 63-32597

Dear Sir or Madam:

Enclosed herewith please find the above-referenced Notice of Change of Ownership that I hereby submit to the Idaho Department of Water Resources on behalf of my client, The Terteling Company, Inc. Please process the change as soon as possible, and contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles L. Honsinger".

Charles L. Honsinger

enclosure

cc: Clients

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

RIGHT NUMBER: 63-32597

NAME AND ADDRESS: NORTH VALLEY INVESTMENTS
PO BOX 2723
BOISE ID 83701

SOURCE: STEWART CREEK

TRIBUTARY: BOISE RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 07/23/1899

POINT OF DIVERSION:

T04N R02E S21 SESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.190 CFS

PLACE OF USE: IRRIGATION in ADA County

T04N R02E S21	SESE	4.00	T04N R02E S28	SENE	5.40
---------------	------	------	---------------	------	------

9.4 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: BASIS OF CLAIM - Decreed

This right is a split from former right 63-307 .

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

In Re SRBA

Case No. 39576

)
)
)
)
)

Water Rights: 63-307 (Split Right)
63-32597, 63-32598
**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐

Address change

XX

Substitution of Party

☐

IC § 42-222 transfer

☐

Point of diversion

☐

Place of use

☐

Period of use

☐

Nature of use

☐

Split of water right

☐

Change in ownership

☐

Other

☐

IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 2, 2007


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 2, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

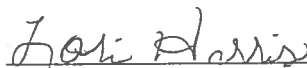
3. Copies to all parties to the subcase:

North Valley Investments
PO Box 2723
Boise ID 83701

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

City of Boise
Parks & Recreation Dept
1104 Royal Blvd
Boise ID 83706-2898

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 2, 2007

NORTH VALLEY INVESTMENTS
PO BOX 2723
BOISE ID 83701

Re: Original Water Right No. 63-307

Renumbered to Water Right Nos. 63-32597

Dear Sir or Madam:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of the original claim.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original right number is renumbered to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original right after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new number when corresponding with our office. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the SRBA Court as notification of this change.

If you have any questions concerning this ownership change, or the enclosed copy, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 1
Adjudication Section
Western Region Office

LH:1
Enclosures