

09/26/2005

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

RIGHT NUMBER: 22-11451

NAME AND ADDRESS: STONEGATE REXBURG LLC
DBA REXBURG HOUSING
258 S 2ND W
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
7.00 AFY

PRIORITY DATE: 08/31/1960

POINT OF DIVERSION:
T06N R40E S30 NWSENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.040 CFS

7.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

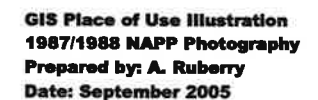
T06N R40E S30 SENW 2.0

2 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 - Beneficial Use



June 28, 2005

STORAGE TOWN
ARBOR CLOVE LLC
REXBURG HOUSING
124 E MAIN
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR: A22-11451

Dear Claimant:

It has come to our attention that you may have recently purchased a tract of land in Bonneville County. The property to which I am referring was most recently owned by The Diet Center. The legal description is as follows:

T06N, R40E, SEC 30 SE/NW

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you questions regarding this matter, please call 525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

PROFILED

SCANNED

JUN 29 2005

encult

PROFILED

SCANNED

JUN 28 2005

June 28, 2005

**THE DIET CENTER
220 S 2ND W
REXBURG ID 83440**

FINAL NOTICE

PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11451

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of AUGUST 31, 1960, from GROUNDWATER.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 26, 2005

VAN ELG
STONEGATE REXBURG LLC
DBA REXBURG HOUSING
258 S 2ND W
REXBURG ID 83440

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-11451

Dear Mr. Elg:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

OK JC
9/26/05

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

RECEIVED

JUL 01 2005

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

Department of Water Resources
Eastern Region

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, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>A22-11451</u>	☒			

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

A. ~~The appropriate FILING FEE. See instructions for fee amounts.~~

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

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

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY or SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

Stonegate Rexburg LLC dba Rexburg Housing
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

500 Elliott Ave West #A 258 S 2nd W

Rexburg, WA 98119 Rexburg 83460

(208) 260-1501 (208) 356-6664

4/13/05

(per Van Elg
@ Rexburg
Housing)
9/26/05

COMMITMENT FOR TITLE INSURANCE

Order No: 3040514732-V

SCHEDULE A

Georgetown
Arbor Cove

1. Effective date: 1/07/2005 at 7:30 A.M.

2. Policy or Policies to be issued:

(a) ALTA Owner's Policy ☐ Standard Coverage ☒ Extended Coverage
Amount: \$2,450,000.00
Premium: \$8,520.00

Proposed Insured:

Horizon Realty Advisors, LLC

(b) ALTA Loan Policy ☐ Standard Coverage ☐ Extended Coverage
Amount: \$
Premium: \$

(c) Endorsements: Amount: \$

Proposed Insured:

RECEIVED
JUL 01 2005
Department of Water Resources
Eastern Region

3. The estate or interest in the land described or referred to in this commitment and covered herein is:
Fee Simple

4. Title to the estate or interest in said land is at the effective date hereof vested in:

Georgetown and Arbor Cove, LLC, an Idaho Limited Liability Company

5. The land referred to in this Commitment is described as follows:

(Georgetown Apartments and Arbor Cove Apartments)

Commencing at the Northeast corner of Lot 1, Block 7 of Southend Addition to the City of Rexburg, Madison County, Idaho, as per the recorded plat thereof; and running thence South 330.00 feet to the Southeast corner of said Lot 1; thence West 150.00 feet; thence South 88.50 feet; thence East 150.00 feet; thence South 60.00 feet; thence West 148.50 feet; thence South 99.00 feet; thence West 140.50 feet; thence South 82.50 feet; thence West 41.00 feet to the Southwest corner of Lot 4, Block 7 of said Southend Addition; thence North 198.00 feet; thence West 100.00 feet; thence North 132.00 feet; thence West 122.75 feet; thence North 96.00 feet; thence East 107.25 feet; thence North 3.00 feet; thence East 57.75 feet; thence North 66.00 feet; thence East 62.25 feet; thence North 165.00 feet; thence East 25.50 feet; thence South 90.00 feet; thence East 100.00 feet; thence North 90.00 feet; thence East 200.00 feet to the point of beginning.

COMMITMENT FOR TITLE INSURANCE

Order No.: 3040514732-V

SCHEDULE B – SECTION 1

The following are the Requirements to be complied with:

- A. Instrument(s) necessary to create the estate or interest or mortgage to be insured must be properly executed, delivered and duly filed for record.
1. A Deed from Georgetown and Arbor Cove, LLC, an Idaho Limited Liability Company to Horizon Realty Advisors, LLC, a Washington Limited Liability Company.
 2. The company will require a copy of articles of organization, operating agreements, if any, and a current list of its members and managers for Georgetown and Arbor Cove, LLC, an Idaho Limited Liability Company.
 3. Proof to the satisfaction of the company that any outstanding or delinquent liens or assessments for City of Rexburg, LID No. 32, Assessment Nos. 25, 26 & 27 have been paid.
 4. The company will require that an ALTA/ACSM survey of the land be submitted. It is recommended that the surveyor contact this company prior to starting the survey.

Note No.: 1: Taxes, including any assessments collected therewith, for the year shown below.
Year: **2004.**

Amount: \$1,759.02 (½ paid, ½ due).	Parcel No.: RP R00SE0070011 A.
Amount: \$2,328.40 (½ paid, ½ due).	Parcel No.: RP R00SE0070051 A.
Amount: \$110.88 (½ paid, ½ due).	Parcel No.: RP R00SE0070731 A.
Amount: \$14,895.78 (½ paid, ½ due).	Parcel No.: RP R00SE0070735 A.
Amount: \$851.62 (½ paid, ½ due).	Parcel No.: RP R00SE0071571 A.
Amount: \$1,893.12 (½ paid, ½ due).	Parcel No.: RP R00SE0071575 A.

Note No.: 2: In the event this transaction fails to close and this commitment is cancelled a fee will be charged complying with the state insurance code.

Note No.: 3: According to the available County Assessor's Office records, the purported address of said land is:

236 West 3rd South And 220 South 2nd West, Rexburg, ID 83440

Note No.: 4: We would like to take this opportunity to thank you for your business, and inform you that your Title Officer is **Vicky L. Hanson**, and your Escrow Officer is **Jennifer Scherneck**.

This commitment is made further subject to the exceptions shown in Schedule B, Section 2 hereof.

COMMITMENT FOR TITLE INSURANCE

Order No.: 3040514732-V

SCHEDULE B - SECTION 2

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.

B. General Exceptions:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

C. Special Exceptions:

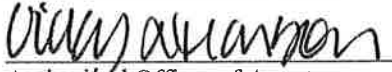
1. Taxes including any assessments collected therewith, for the year 2004, for which the first installment is paid and the second installment is due and payable on or before June 20, 2005.
2. Taxes, including any assessments collected therewith, for the year 2005, which are a lien not yet payable.
3. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted to: Mountain States Telephone and Telegraph Company.
Purpose: Public Utilities.
Recorded: September 13, 1967.
Instrument No.: 132015.
4. The provisions contained in Record of Survey No. 20412 by J.P. Barnes & Associates, which shows: (a) An encroachment by a sign onto the City of Rexburg rights of way approximately 2.25 feet by 1.7 feet; (b) a paved drive encroaching off subject property by 5.75 feet; (c) fencelines off the property lines; (d) underground sewer line across subject property; and (e) overhead power, cable and/or telephone lines across subject property.

5. Agreement and the terms and conditions contained therein
Between: K.S.T. Properties, L.L.C.
and: Scott D. Kidd as registered agent and managing member and Scott D. Kidd and Tirzah L. Kidd, husband and wife
Recorded: February 16, 1998
Instrument No.: 270506 of Official Records.
6. A Deed of Trust to secure an indebtedness in the amount shown below and any other obligations secured thereby:
Amount: \$.
Trustor/Grantor: K.S.T. Properties, LLC.
Trustee: First American Title Co..
Beneficiary: First Security Bank, N.A.
Recorded: February 25, 1998.
Instrument No.: 270645.
The beneficial interest under said Deed of Trust was assigned of record to Morgan Guaranty Trust Company of New York, as Trustee under Declaration of Trust dated December 9, 1960 as amended for Commingled Pension Trust Fund (Fixed Income – Mortgage Private Placements), by Assignment recorded March 31, 1998, as Instrument No. 271338 of Official Records.
Amendment recorded August 6, 1998, as Instrument No. 273596.
Modification recorded August 10, 2000, as Instrument No. 285139.
7. The provisions contained in Assignment of Leases and Rents.
Recorded: February 25, 1998.
Instrument No.: 270646 of Official Records.
8. The provisions contained in Assignment of Leases and Rents.
Recorded: February 25, 1998.
Instrument No.: 270647 of Official Records.
9. The provisions contained in Subordination Agreement.
Recorded: February 25, 1998.
Instrument No.: 270650 of Official Records.
10. A Deed of Trust to secure an indebtedness in the amount shown below and any other obligations secured thereby:
Amount: \$420,000.00.
Trustor/Grantor: Georgetown Properties, LLC.
Trustee: First American Title Company of East Idaho.
Beneficiary: Myrth Kidd, an unmarried woman.
Recorded: April 20, 1999.
Instrument No.: 278187 of Official Records.
11. A Financing Statement filed in the Office of the County Recorder showing:
Debtor: Georgetown and Arbor Cove, LLC.
Secured Party: Morgan Guaranty Trust Company of New York as Trustee under Declaration of Trust dated December 9, 1960 as amended for the Co-mingled Pension Trust Fund.
Recorded: August 10, 2000.
Instrument No.: 285140 of Official Records.
12. The provisions contained in Modification and Assumption Agreement.
Recorded: August 10, 2000.
Instrument No.: 285141 of Official Records.

13. A Deed of Trust to secure an indebtedness in the amount shown below and any other obligations secured thereby:
Amount: \$411,857.50.
Trustor/Grantor: Georgetown and Arbor Cove, LLC.
Trustee: First American Title Company of East Idaho.
Beneficiary: Myrth J. Kidd, a widow.
Recorded: August 10, 2000.
Instrument No.: 285142 of Official Records.
14. A Deed of Trust to secure an indebtedness in the amount shown below and any other obligations secured thereby:
Amount: \$623,142.50.
Trustor/Grantor: Georgetown and Arbor Cove, LLC.
Trustee: First American Title Company.
Beneficiary: Myrth J. Kidd, an unmarried woman, Scott David Kidd and Tirzah Lee Kidd, husband and wife, and Todd Hammond and Noelle Hammond, husband and wife.
Recorded: August 10, 2000.
Instrument No.: 285143 of Official Records.
15. A Deed of Trust to secure an indebtedness in the amount shown below and any other obligations secured thereby:
Amount: \$120,000.00.
Trustor/Grantor: Georgetown and Arbor Cove, LLC.
Trustee: First American Title Co..
Beneficiary: Summit Accommodators, Inc.
Recorded: August 10, 2000.
Instrument No.: 285144 of Official Records.
Assigned to Scott D. Kidd and Tirzah L. Kidd, by Assignment of Deed of Trust recorded March 9, 2001, as Instrument No. 288051.
16. Special assessments for City of Rexburg, Local Improvement District No. 32, Assessment Nos. 25, 26 & 27.
17. Unrecorded leaseholds, if any, and the rights of vendors and holders of security interest in personal property of tenants to remove said personal property at the expiration of the term.
18. Rights of the parties in possession of said land, as disclosed by an inspection of subject land.

END OF SCHEDULE B

Countersigned at: Rexburg, ID
Alliance Title & Escrow Corp.


Authorized Officer of Agent

Fidelity National Financial Group of Companies' Privacy Statement

July 1, 2001

We recognize and respect the privacy expectations of today's consumers and the requirements of applicable federal and state privacy laws. We believe that making you aware of how we use your non-public personal information ("Personal Information"), and to whom it is disclosed, will form the basis for a relationship of trust between us and the public that we serve. This Privacy Statement provides that explanation. We reserve the right to change this Privacy Statement from time to time consistent with applicable privacy laws.

In the course of our business, we may collect Personal Information about you from the following sources:

- From applications or other forms we receive from you or your authorized representative;
- From your transactions with, or from the services being performed by, us, our affiliates, or others;
- From our internet web sites;
- From the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others; and
- From consumer or other reporting agencies.

Our Policies Regarding the Protection of the Confidentiality and Security of Your Personal Information

We maintain physical, electronic and procedural safeguards to protect your Personal Information from unauthorized access or intrusion. We limit access to the Personal Information only to those employees who need such access in connection with providing products or services to you or for other legitimate business purposes.

Our Policies and Practices Regarding the Sharing of Your Personal Information

We may share your Personal Information with our affiliates, such as insurance companies, agents, and other real estate settlement service providers. We also may disclose your Personal Information:

- to agents, brokers or representatives to provide you with services you have requested;
- to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf; and
- to others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest.

In addition, we will disclose your Personal Information when you direct or give us permission, when we are required by law to do so, or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

One of the important responsibilities of some of our affiliated companies is to record documents in the public domain. Such documents may contain your Personal Information.

Right to Access Your Personal Information and Ability To Correct Errors Or Request Changes Or Deletion

Certain states afford you the right to access your Personal Information and, under certain circumstances, to find out to whom your Personal Information has been disclosed. Also, certain states afford you the right to request correction, amendment or deletion of your Personal Information. We reserve the right, where permitted by law, to charge a reasonable fee to cover the costs incurred in responding to such requests.

All requests must be made in writing to the following address:

Privacy Compliance Officer
Fidelity National Financial, Inc.
4050 Calle Real, Suite 220
Santa Barbara, CA 93110

Multiple Products or Services

If we provide you with more than one financial product or service, you may receive more than one privacy notice from us. We apologize for any inconvenience this may cause you.

ALLIANCE TITLE & ESCROW CORP.
PRIVACY POLICY NOTICE
As of May 31, 2001
PURPOSE OF THIS NOTICE

Alliance Title & Escrow Corp. shares your concerns about privacy. Our Company is committed to respecting the privacy of our customers. Therefore, in accordance with Federal and State laws and regulations, we are providing you with this notice of how we might use the information about you which we gather in the process of issuing a policy of title insurance and closing your real estate transaction.

Title V of the Gramm-Leach-Bliley Act (GLBA) and the laws of the State in which you reside generally prohibit us from sharing non-public personal information about you with a third party unless we provide you with this notice of our privacy policies and practices, such as the type of information that we collect about you and the categories of persons or entities to whom that information might be disclosed. In compliance with GLBA and the laws of this State, we are providing you with this document, which notifies you of the privacy policies and practices of Alliance Title & Escrow Corp. and the Agent.

Our Privacy Policies and Practices

Information we collect and sources from which we collect it:

We do not collect any nonpublic information about you other than the following:

- Information we receive from you or from your attorney or other representatives on applications or other forms, such as your name, address, telephone number, or social security number;
- Information about your transactions with us.

In addition, we may collect other nonpublic personal information about you from individuals and companies other than those proposed for coverage.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional information will be collected about you.

Information we disclose to third parties

In the course of our general business practices, we may disclose the information that we collect (as described above) about you or others without your permission to the following types of institutions for the reasons described:

- To a third party such as a surveying, real estate tax research or municipal data firm if the disclosure will enable that party to perform a business, professional or insurance function for us;
- To an insurance institution, agent, or credit reporting agency in order to detect or prevent criminal activity, fraud or misrepresentation in connection with an insurance transaction;
- To an insurance institution, agent, or credit reporting agency for either this Company or the entity to whom we disclose the information to perform a function in connection with an insurance transaction involving you;
- To an insurance regulatory authority, law enforcement, or other governmental authority in order to protect our interests in preventing or prosecuting fraud, or if we believe that you have conducted illegal activities;
- To an actuarial or research organization for the purpose of conducting actuarial or research studies.

The disclosures described above are permitted by law.

We do not disclose any nonpublic personal information about you with affiliates or non-affiliated third parties for any purpose that is not specifically permitted by law.

Your right to access and amend your personal information:

You have the right to request access to the personal information that we record about you. Your right includes the right to know the source of the information and the identity of the persons, institutions or types of institutions to whom we have disclosed such information within 2 years prior to your request. Your right includes the right to view such information and copy it in person, or request that a copy of it be sent to you by mail (for which we may charge you a reasonable fee to cover our costs). Your right also includes the right to request corrections, amendments or deletions of any information in our possession. The procedures that you must follow to request access to or an amendment of your information are as follows:

To obtain access to your information from Alliance Title & Escrow Corp.: You should submit a request in writing to :

Privacy Compliance Officer
Alliance Title & Escrow Corp., Inc.
380 Parkcenter Blvd. Suite 105
Boise, ID 83706

The request should include your name, address, policy number, telephone number and the information to which you would like access. The request should state whether you would like access in person or a copy of the information sent to you by mail. Upon receipt of your request, we will contact you within 30 business days to arrange providing you with access in person or the copies that you have requested.

To correct, amend, or delete any of your information: You should submit a request in writing to the address referenced directly above. The request should include your name, address, policy number, telephone number, the specific information in dispute, and the identity of the document or record that contains the disputed information. Upon receipt of your request, we will contact you within 30 business days to notify you either that we have made the correction, amendment or deletion, or that we refuse to do so and the reasons for the refusal which you will have an opportunity to challenge.

Our practices regarding information confidentiality and security:

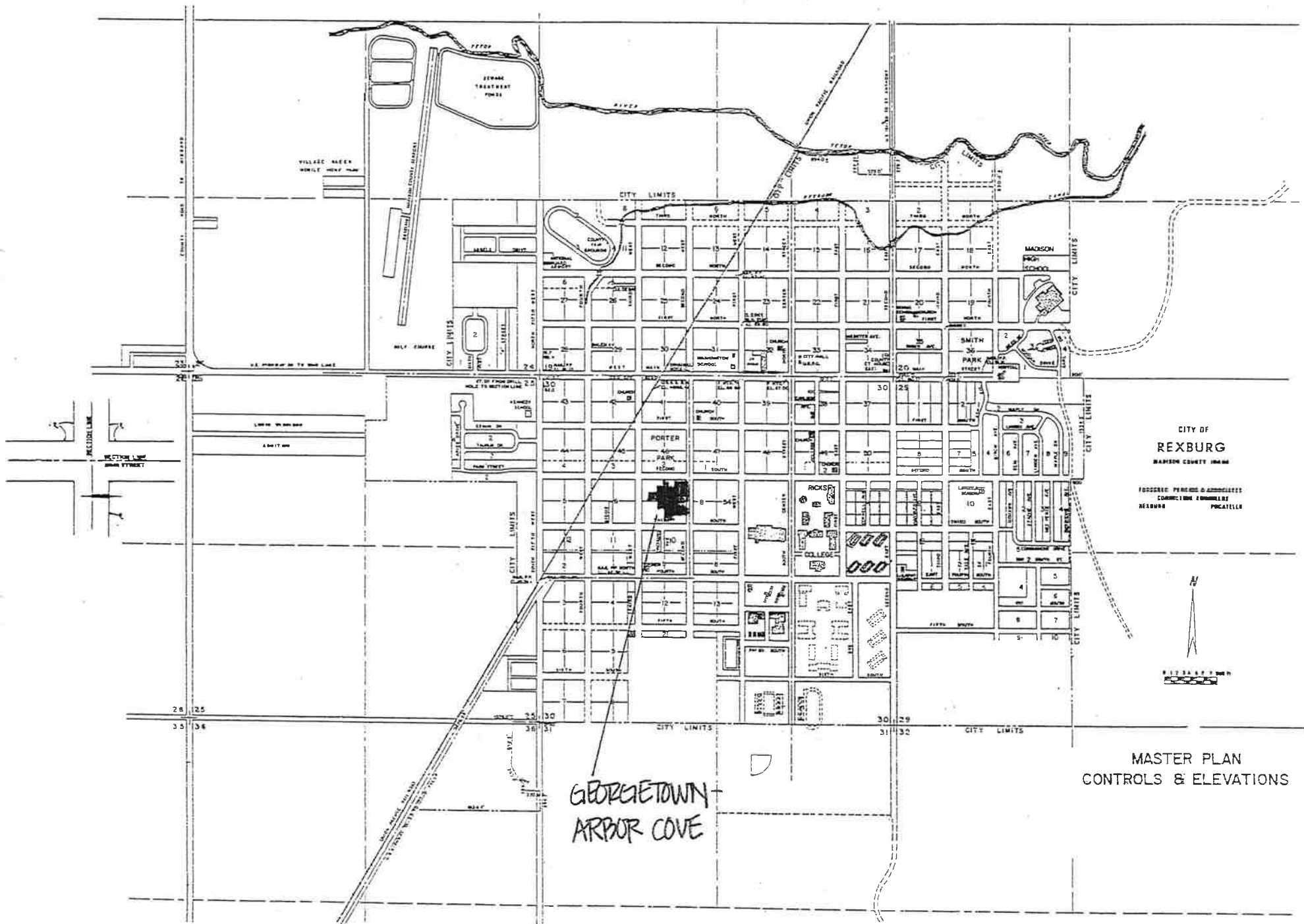
We restrict access to nonpublic information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Our policy regarding dispute resolution:

Any controversy or claim arising out of or relating to our policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgement upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

Reservation of the right to disclose information in unforeseen circumstances:

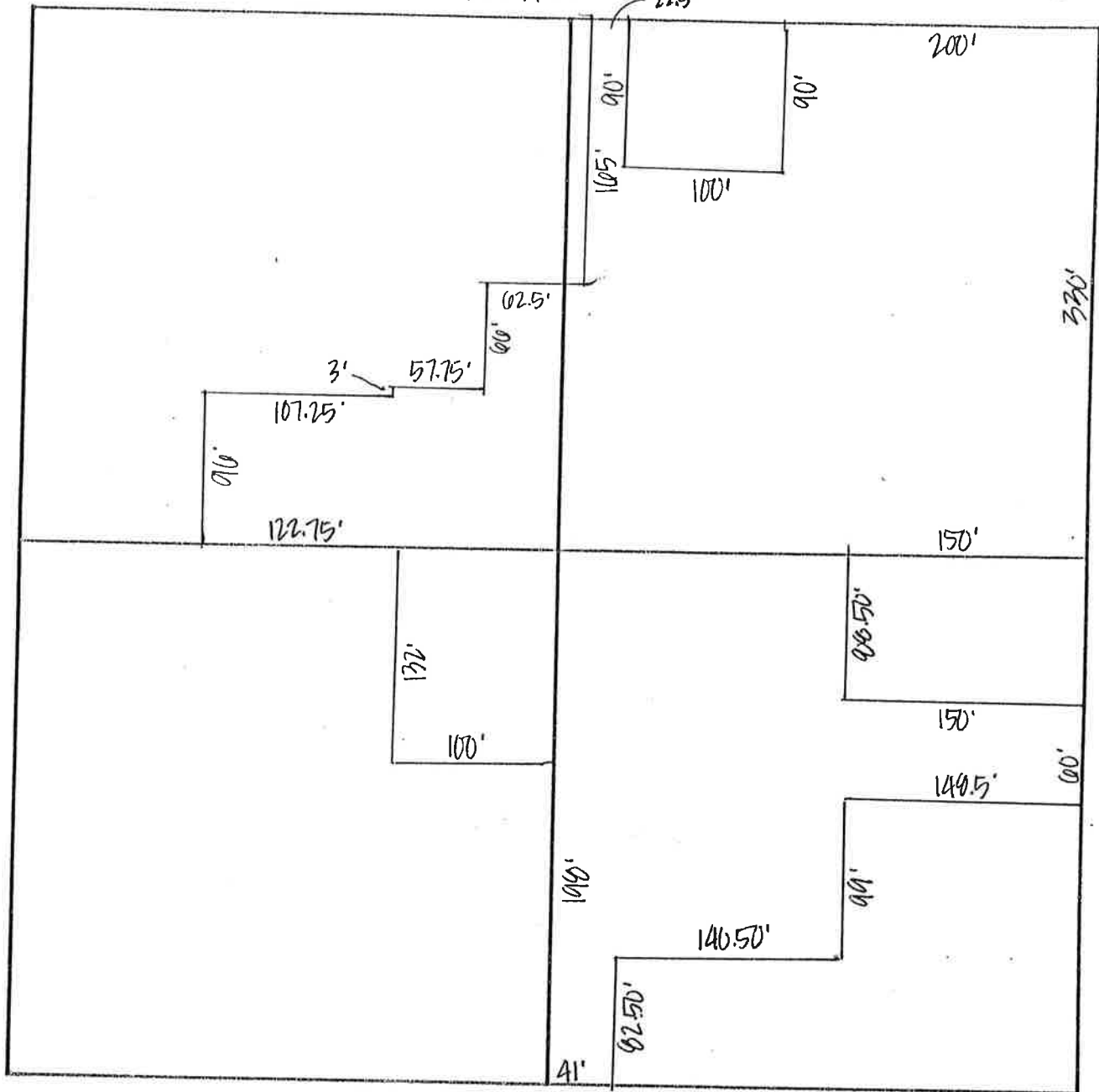
In connection with the potential sale or transfer of its interests, Alliance Title & Escrow Corp. reserves the right to sell or transfer your information (including but not limited to your address, name, age, sex, zip code, state and country of residency and other information that you provide through other communications) to a third party entity that (1) concentrates its business in a similar practice or service; (2) agrees to be a successor in interest of Alliance Title & Escrow Corp. with regard to the maintenance and protection of the information collected; and (3) agrees to the obligations of this privacy statement.



REXBURG TOWNSITE

MADISON COUNTY, IDAHO

SOUTH END 225'



BLOCK NUMBER 7

SCALE: 1"=100'



This plat is made for location purposes only, no liability is assumed hereto for any incorrectness with actual survey.

EXHIBIT "A"

270646

LEGAL DESCRIPTION

Situated in the State of Idaho, County of Madison, more particularly described as follows:

Commencing at a point 90 feet South of the Northeast corner of Lot 1, Block 7 of Southend Addition to the City of Rexburg, Madison County, Idaho, as per the recorded plat thereof, running thence West 300 feet, thence North 90 feet; thence West 25.50 feet; thence South 330 feet; thence East 325.50 feet, thence North 240 feet to the point of beginning.

SUBJECT TO an easement for egress and ingress along the West 25.50 feet.

Borrower Initial

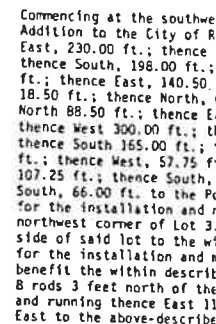
AK LK

22 June 2005

Our house was built
in 1960. We moved into it
in Dec. of that year.

I think it was "probably" the
next year that the Golden Housing
Center was built. I remember
they were trying to water the
large lawn area with city water
and it wasn't too successful, and
soon after, maybe the next year
they put in the well on the
west side of the building. ~~the~~
I'm not positive of their ~~data~~ date
but it is very close

Robert L. Meikle



POU sketch based
on field inspection
22 June 05
Buck map copied from
claim file
BAC 22 June 05

DIET CENT



Pou looking
South from
near Pond

A22-11451
Pou

Yba



Pou looking
with clay
south edge

A22-11451
Pou Yba

6 22 '05

mailed
10 March 04

March 8, 2004

**DIET CENTER INC
220 S 2ND WEST
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11451

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of AUGUST 30, 1960, from a WELL.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

Claim no. 2211451

Claimant Contact Log

Date

Remarks

Agent initials

Q PR 005E070735 A

19 May 05 ~~R0005E070735~~ Parcel # per count down

Georgetown & Arbor Cove LLC

Rexburg Housing

Rudd & Co

124 E Main Rexburg BAC

per phone book Rudd & Co 356-3677

16 June 05 356-3677 talked to woman @ Rudd & Co - talk to
10:30 AM Val Elge @ Rexburg Housing - 356-6664.

10:34 AM 356-6664 - Bart Manwaring - 10 AM - 11 AM.

stop @ office, next door to Taco Time,

next door to Hair Affair - 2 doors N of Taco Time
(Rexburg Housing on Door) BAC

22 June 05 Met w/ Mr. Manwaring for field exam
also visited w/ Robert Meltz who provided
EOP affidavit. BAC

Contacts Data Entry Form

Claim Number: 2211451

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: DW1 CENTER INC Phone No.: 208-356-9381

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.B. H.Owner will mail A ownership form.SECOND well on SAME property under permit ApplicationThe only use from this well is for irrigation. All
water use inside the facility is from City of Rexburg.
Bac. 22 June 05.

Reviewer: _____ Date: _____

Priority Date Data Entry FormClaim Number: 2211451

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 31 Aug 1960 Claimed Basis: B.U

Recommended Priority Date: _____ Recommended Basis: _____

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Please see Robert Meikle affidavit. In visiting w/ Meikle I believe use commenced in the summer of 1962 but Meikle wasn't completely certain of dates, as noted in his affidavit. BAC

The affidavit refers to the "Golden Living Center."

That was the name of the facility when I first came to Rexburg. BAC.

Reviewer: _____

Date: _____

Water Right No(s). 2211451



GPS DATA:

Tag # A0013645 Location: electrical box attached to casing

Diversion Data:

Source: GW Trib to: _____

MOTOR

Make: Franklin Model: 2823028110 Hp: 3
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

installer's notes on motor panel state "Water level 18'
pump set 44' 3 hp 230 v."

Field Exam Date: 22 June 05 Agent: Bac

Point of Diversion and Source Data Entry Form

Claim Number: 2211451Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
6N	40E	30			SENV	Madison	Groundwater

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? Rubens notes mention permit for 2nd well.
 Transfers Pending or approved: This is the only well noted by Meikle.

Document how the POD and Source were verified:

GPS Waypoint 27, poor accuracy (20 meter).
2677658 E, 1404607 N IDTM 83. Please see
POD location on sketch. Doc 22 June 05

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: 2211451Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
LN	4/DE	30	SE	NW	Madison		4	IRIGATION

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Document how the POU was verified:

Please see marks on layout made w/ guidance of Mr. Manwaring and sketch on copy from original claim. BAC 22 June 05,

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: 2211451

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	11/1		

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

INWR. STd 500 4/1 - 10/31

Reviewer: _____

Date: _____

Log for claim 22-11451

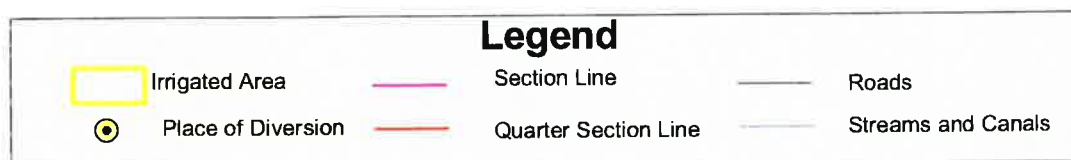
Spatial Dynamics LTD

7/16/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n40e	30	SENW	4	4.6	
Totals:			4	4.6	

Water Right Claim Number 22-11451
Township , 6N40E

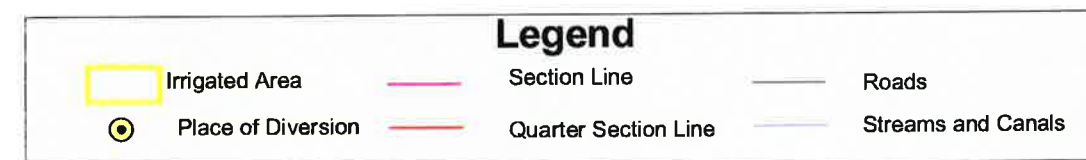
07/16/2001



SPATIAL
DYNAMICS

Water Right Claim Number 22-11451
Township , 6N40E

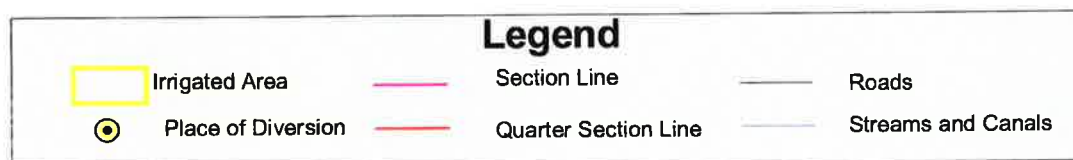
07/16/2001



SPATIAL
DYNAMICS

Water Right Claim Number 22-11451
Township , 6N40E

07/16/2001



SPATIAL
DYNAMICS

10/19/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Diet Center, Inc. CLAIM I T. NO. A22-11451
DATE RECEIVED 8-15-88 CK # 542449 AMOUNT \$ 54

- | | YES | NO |
|--|---|--------------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ |
| 2. Is a priority date entered? | ☒ | ☐ |
| Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. | | |
| 3. (a) Is a source entered? | ☒ | ☐ |
| (b) Is a tributary to entered? (if required) | ☐ N/A | ☐ |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ |
| 5. Is there a description of the diverting works? | ☒ | ☐ |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ |
| Is the period of use included? | ☒ | ☐ |
| Is a quantity claimed for each use? | ☒ | ☐ |
| 7. Is a total quantity claimed entered? | ☒ | ☐ |
| 8. If required is a consumptive use entered? | ☒ N/A | ☐ |
| Is the consumptive use correct? | ☒ N/A | ☐ |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4. | ☒ | ☐ |
| 10. Is (are) the place(s) of use entered? | ☒ | ☐ |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ N/A | ☐ |
| 15. Is the basis of the claim checked? | ☒ | ☐ |
| 16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) | ☒ | ☐ |
| Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ |
| Was this claim filed on time, or was an extension granted? | ☒ | ☐ |
| Is the fee enclosed correct? | ☒ | ☐ |
| If this claim is based on an existing water right, has the identification number been entered? | ☒ N/A | ☐ |
| Should this claim be receipted and data entered? | ☒ | ☐ |

Claim checked by: ESJ

Comments:

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NOV 06 1992

1954

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: A22-11451
Date Received: 8/15/1988
Receipt No: E001954
Received By: dk

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DIET CENTER, INC. 208-356-9381
Address: 220 S. 2ND WEST
REXBURG, ID 83440

2. Date of Priority: AUG 31, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	30	SE	NW			MADISON

5. Description of diverting works:
WELL PUMP MAINLINE TO UNDERGROUND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.040		

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

8. Total consumptive use is 8.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	30	SE	NW		IRR	4.0
Section Acres							4.0

A22-11451

Page 1

Date: 01/18/89

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A2211451



10. Place of Use: Continued

Total Acres 4.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

SECOND WELL ON SAME PROPERTY UNDER PERMIT APPLICATION

14. Remarks:

THIS WELL WAS COMPLETED 8/31/60 AND HAS BEEN IN USE SINCE THEN.
POD IS IN BLOCK 7, SOUTH END ADDITION, CITY OF REXBURG, MADISON
COUNTY. (PLAT ATTACHED)

15. Basis of Claim: BENEFICIAL USE

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 _____

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: 39356

Ident. Number A22-11451Date Received 8/15/88Receipt Number E001954

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Diet Center, Inc. Phone (208) 356-9381Mailing Address 220 South Second West, Rexburg, ID Zip 834402. Date of Priority (Only one (1) per claim) August 31, 19603. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 6N Range 40E Section 30,
_____ 1/4 of SE 1/4 of NW 1/4, Govt. Lot, E. B.M., County of Madison

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. Well pump mainline to underground
Sprinkler system.

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6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/1 to 11/1 amount .04 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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	
6N	40E	30								4									4

Total number of acres irrigated 4

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

12. Do you own the property listed above as place of use? Yes X 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.
Second well on same property under permit application or None ()

14. Remarks:
This well was completed 8/31/60 and has been in use since then.
Point of diversion is in Block 7, South End Addition, City of Rexburg,
Madison County. (Plat attached)

Last Name Diet Center, Inc. Ident No. _____

Copies: White, Yellow, Claimant

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NOV 06 1992

Scale: 2 inches equals 1 mile

[illegible]

MICROFILMED
Copies: White-State, Yellow-Claimant **NOV 6 1992**

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

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Vice President

Title

of Diet Center, Inc., that I have signed the foregoing

Organization

document in the space below as Vice President of Diet Center, Inc.

Title

Organization

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

Signature of Authorized Agent *Richard S. L.*

Title and Organization Vice President, Diet Center, Inc. Date 8/11/88

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

Subscribed and sworn (or affirmed) before me this 11th day of August 19 88

SEAL

Notary Public *W.B. Kennedy*

Residing at Rexburg, Idaho

My Commission Expires 3/3/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, William B. Kennedy 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 *W.B. Kennedy*

Address 220 South Second West, Rexburg, ID 83440

Date August 11, 1988

Last Name Diet Center, Inc. Ident. Number _____

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NOV 8 6 1992
Copies White-State, Yellow-Claimant

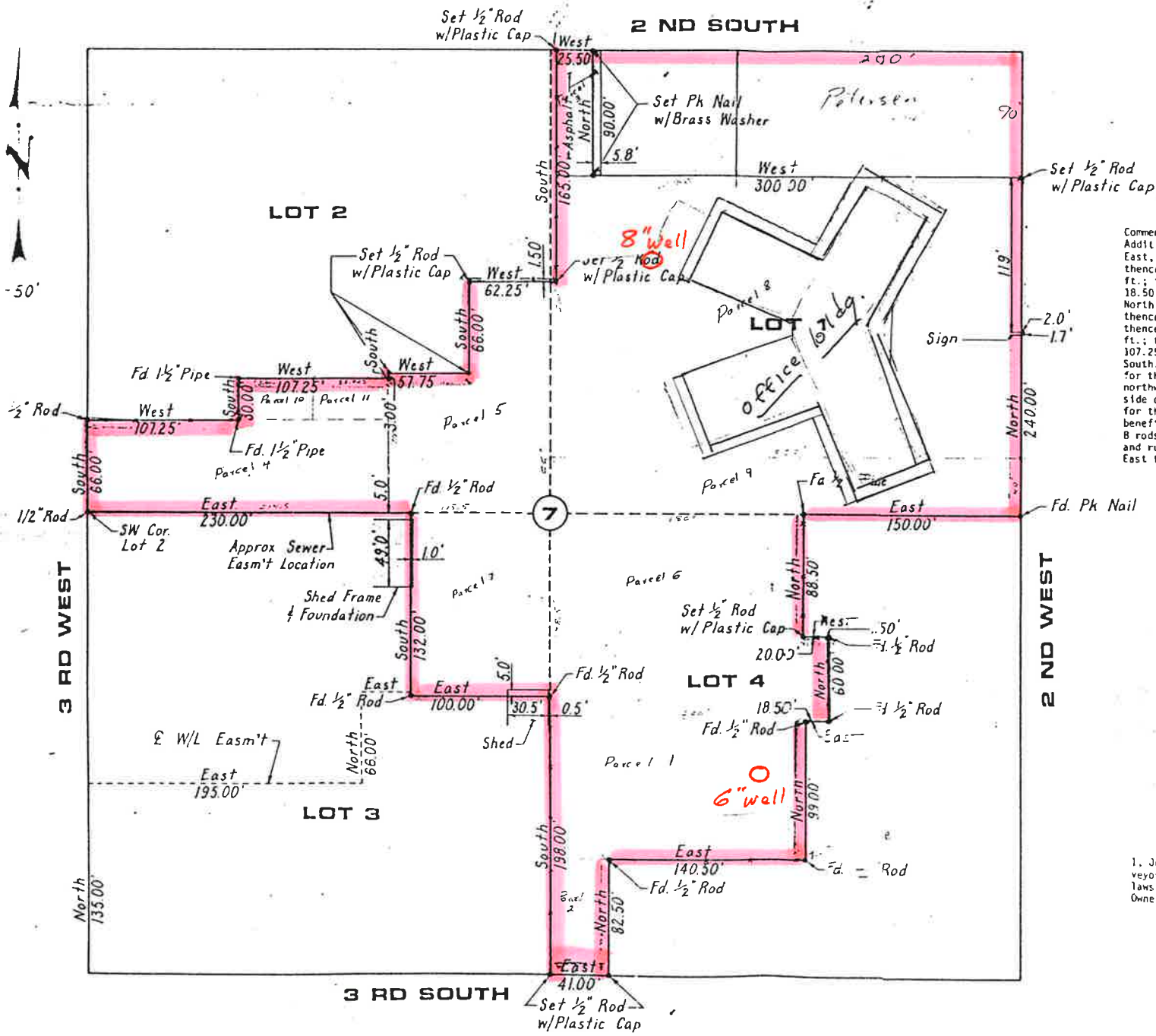
MICROFILMED
 NOV 06 1992

PROPERTY DESC

Commencing at the southwest corner of Addition to the City of Rexburg, Madis East, 230.00 ft.; thence South, 132.00 ft.; thence East, 198.00 ft.; thence East, 140.50 ft.; thence North 18.50 ft.; thence North, 60.00 ft.; thence North 88.50 ft.; thence East 150.00 ft. thence West 300.00 ft.; thence North 9 thence South 165.00 ft.; thence West 6 ft.; thence West, 57.75 ft.; thence South 107.25 ft.; thence South, 30.00 ft.; to South, 66.00 ft. to the Point of Begin for the installation and maintenance o northwest corner of Lot 3, Block 7, an side of said lot to the within describ for the installation and maintenance o benefit the within described property, 8 rods 3 feet north of the southwest co and running thence East 11 rods 13 1/4 East to the above-described property.

SURVEYOR'S CERT

I, John B. Hegsted, do hereby certify, veyor, and that I hold Certificate No. Laws of the State of Idaho. I further Owners, I have made a survey of the tr



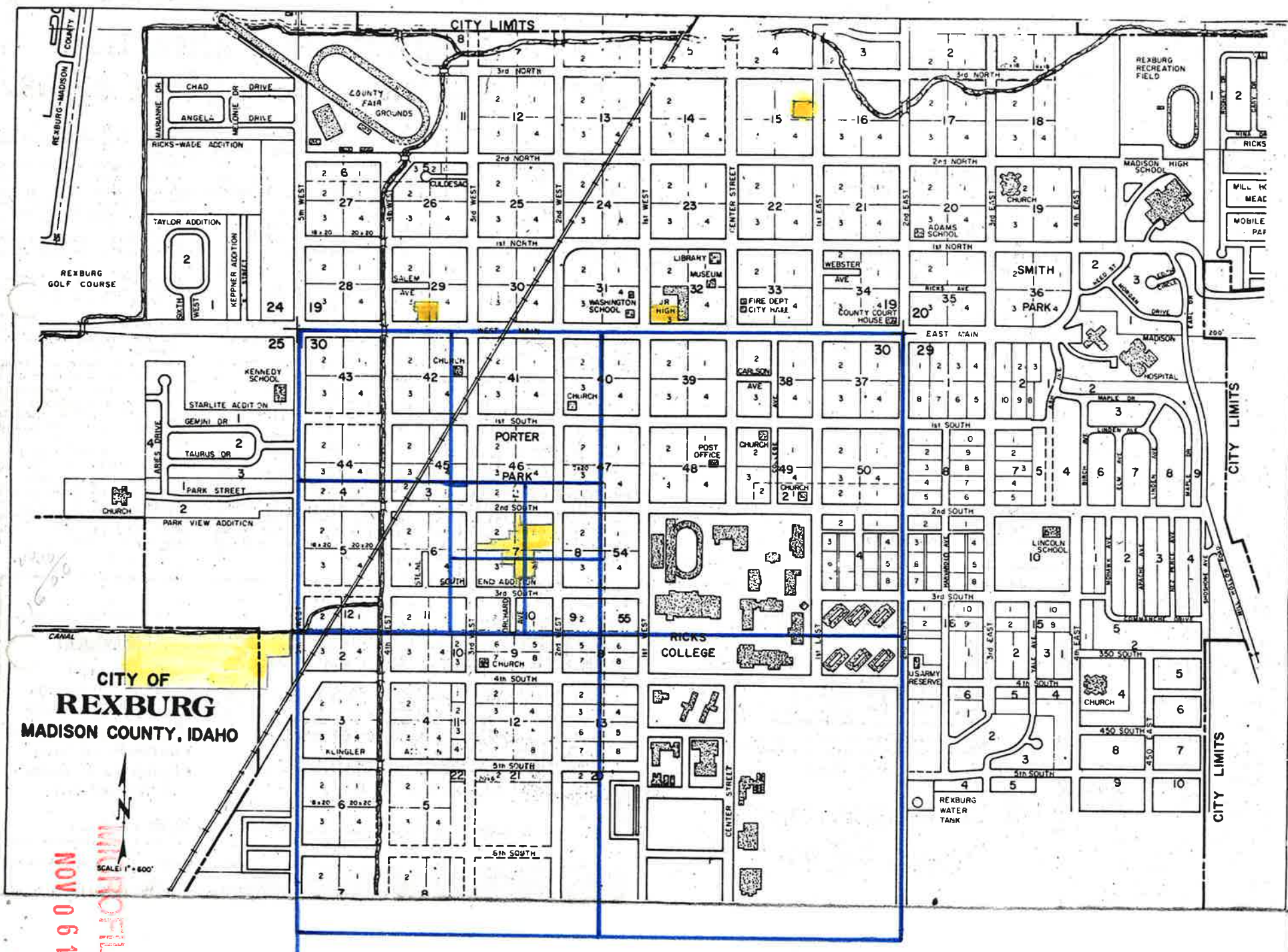
SCALE	1"=50'
DATE	3-15-83
REVISION	

BLOCK 7 SOUTHEND ADD.
CITY OF REXBURG

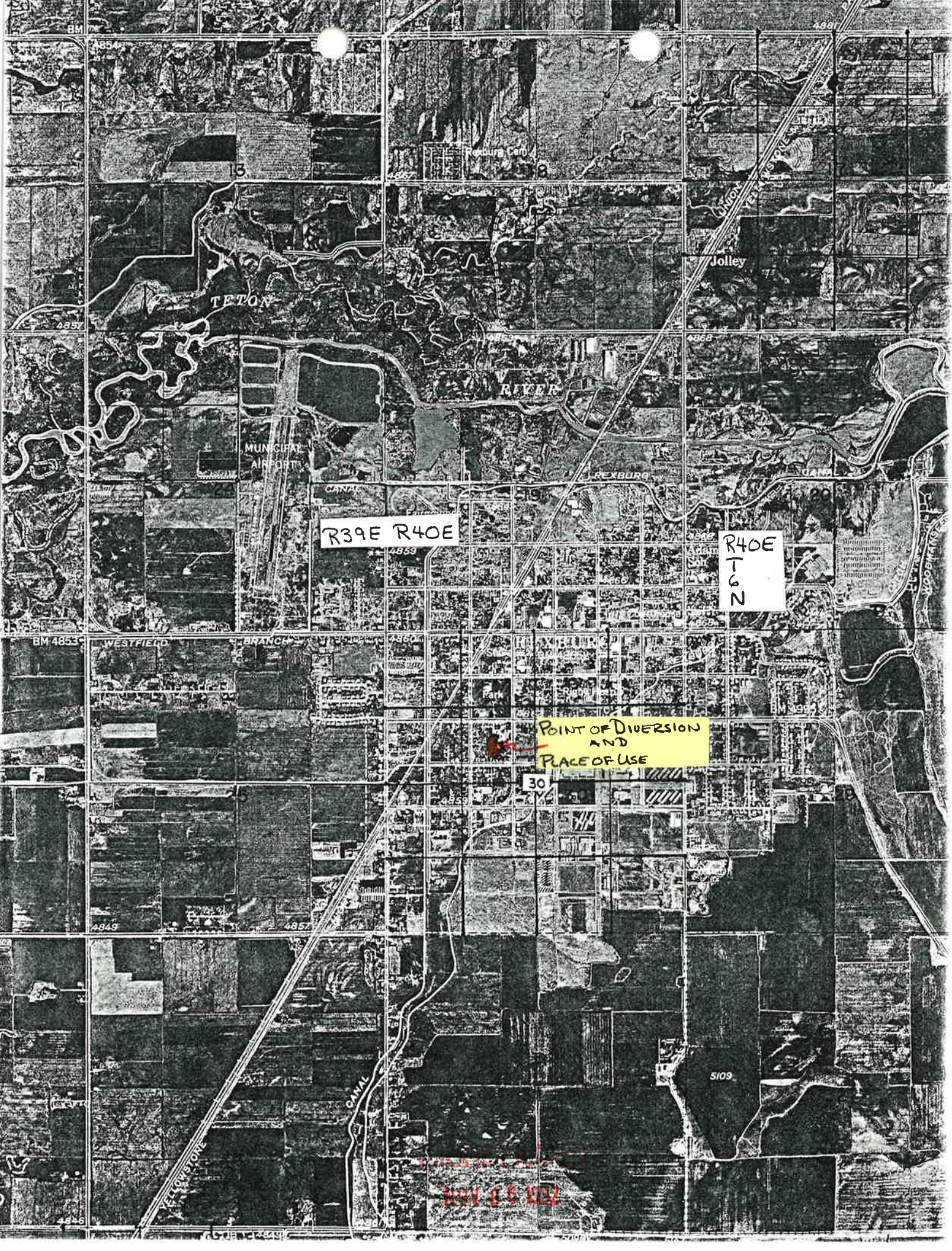


FORSGREEN - PERKINS
ENGINEERING, p.a.

DIET CENTER PT
MAIN OFFICE



Sec. 30, T.G.N. R 40 E.B.M.



R39E R40E

R40E
T6N

POINT OF DIVERSION
AND
PLACE OF USE

NOV 15 1977