

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: A63-02896

Date Received: 2/14/1990

Receipt No: MOO 5226

Received By: g se

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LEONARD A. TIEGS  
Address: 15951 GARRITY BLVD.  
NAMP, ID 83651 208-466-7053

2. Date of Priority: MAR 24, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01N      | 02W   | 5       | NW     | NE     | SW     | 30  | CANYON |
|          |       | 6       | SE     | SE     | NE     | 31  | CANYON |

5. Description of diverting works:  
2 WELLS, 450'W/10" CASING 75 HP., 750' W/12" CASING 100 HP. MOTOR

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 3.040  |      |        |

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

8. Total consumptive use is 525.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 01N      | 02W   | 5       | NE     | SW     |     | IRR | 40.0  |
|          |       |         | NW     | SW     |     | IRR | 40.0  |

Section Acres 80.0

A63-02896

Page 1

Date: 02/14/90

MICROFILMED  
AUG 18 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 01N      | 02W   | 6       | SW         | NE  | IRR           | 32.0  |
|          |       |         | SE         | NE  | IRR           | 38.0  |
|          |       |         |            |     | Section Acres | 70.0  |
|          |       |         |            |     | Total Acres   | 150.0 |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
63-7876

14. Remarks:

15. Basis of Claim: LICENSE  
Water Right Number: 22673

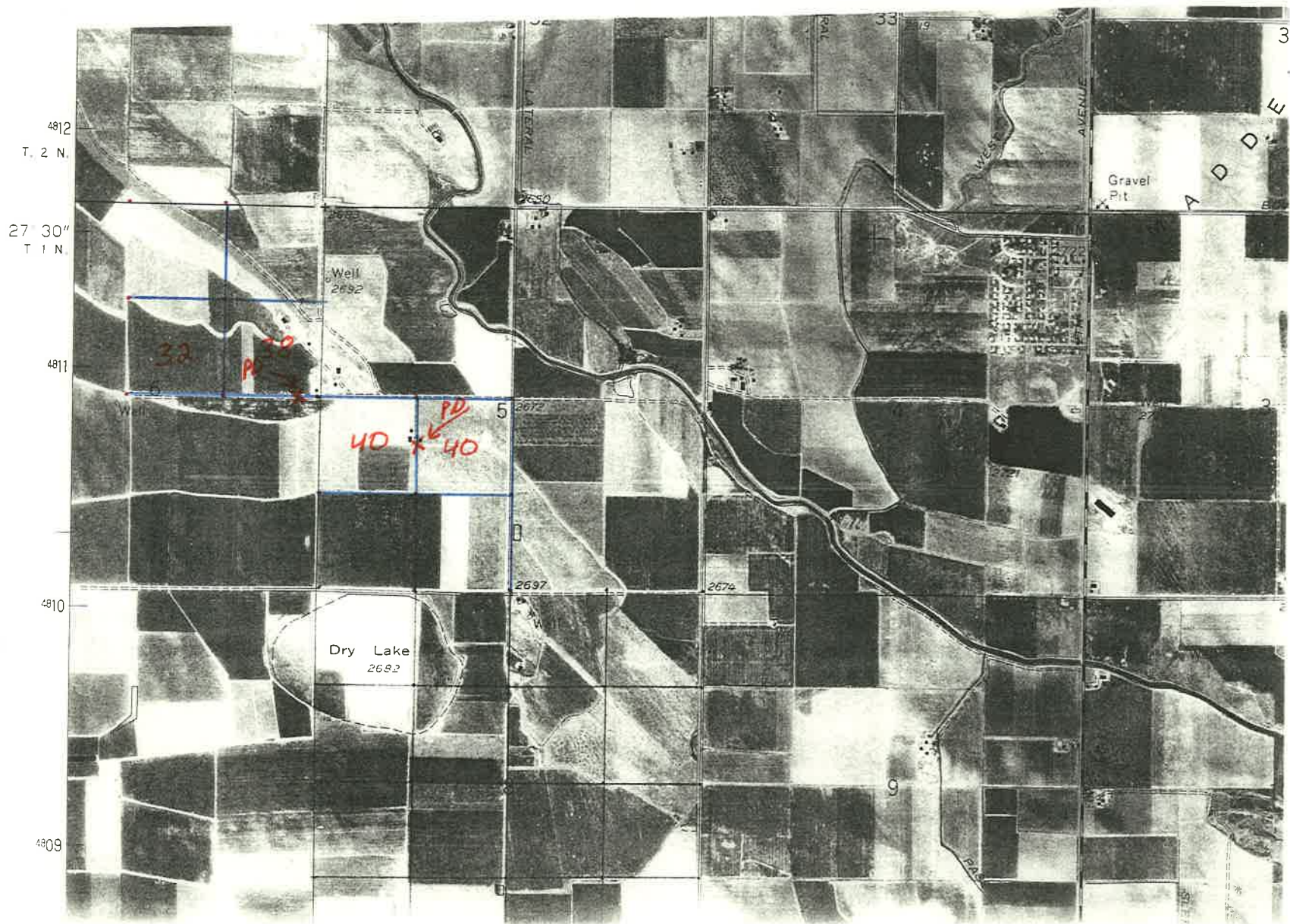
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do y do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

AUG 18 1992

AC 3-2896

T2N  
T1N

MICROFILMED  
AUG 18 1992



WR5808NP  
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

07/13/95 00:01:44

Page 1

Water Right Number - 63-02896

Prefix Translation: WATER RIGHT

Old (D) Number - 22673

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
TIEGS

LEONARD A.

1 - RT. 2

2 -

3 -

City- NAMPA

Phone -

State- ID Zip- 83651

+ - - Priority Date - - +  
03/24/1952

+ - - Region - - - +  
14 WESTERN

+ - - Stage - - - +  
L - LICENSE

+ - - Status - - - +

+ - - - - Source - - - - +  
GROUNDWATER

+ - - - - Tributary - - - - +

+ - - - - Point of Diversion - - - - - +  
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

01N 02W 5 NE SW (27) CANYON  
6 SE NE (27) CANYON

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION  
43 - DOMESTIC

3.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +  
3.040

+ - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County

|     |     |   |       |  |      |    |            |             |
|-----|-----|---|-------|--|------|----|------------|-------------|
| 01N | 02W | 5 | NE SW |  | 40.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 02W | 5 | NW SW |  | 40.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 02W | 6 | SW NE |  | 32.0 | 01 | IRRIGATION | (27) CANYON |
| 01N | 02W | 6 | SE NE |  | 38.0 | 01 | IRRIGATION | (27) CANYON |

Total Acres: 150.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +  
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

WR5808NP  
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

07/13/95 00:01:44  
Page 2

Water right number - 63-02896

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - -  
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - Comments - - - - -  
No Comments Found

+ - - Audit Fields - 06/03/85 05/01/88

+ - - - - Water Rights Dates and Flags Area - - - - -

|                                |                              |                      |
|--------------------------------|------------------------------|----------------------|
| Proof Due Date - 00/00/0000    | Field Exam Made - 00/00/0000 | Field Exam Fee -     |
| Approved/Denied - 00/00/0000   | Protested Date - 00/00/0000  | Swan Falls -         |
| Proof Made Date - 00/00/0000   | Hearing Date - 00/00/0000    | Temporary Right - P  |
| Exam to S.O. Date - 00/00/0000 | Verified Date - 06/03/1985   | DLE/Carey Act -      |
| Order Show Cause - 00/00/0000  | Receipt Number -             | Water District -     |
| Licensed Date - 08/28/1979     | Appl Received - 00/00/0000   | Transfer/Amended -   |
| Decree Date - 00/00/0000       | Name Connector -             | POU Ownership Flag - |
| Presumption Flag -             |                              |                      |

## License and Certificate of Water Right

Water License No. G-22673

Amount 3.04 c.f.s.

Water District No.

Priority March 24, 1952

THIS IS TO CERTIFY that LEONARD A. TIEGS  
 of Route # 2, Nampa, Idaho, made application for a permit to appropriate the  
 public waters of the State of Idaho, dated March 24, 1952; that Permit No. G-22673  
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
 3.04 second feet, was issued thereunder on June 17, 1957, showing that said works  
 were completed on the 25th day of February, 1957; and that on the 25th  
 day of February, 1957, LEONARD A. TIEGS

of Nampa, State of Idaho, made proof to the satisfaction of the  
 State Reclamation Engineer of Idaho, of the right to use the waters of a well  
 subterranean, ~~artesian~~ flow, for the purpose of Irrigation and  
 domestic purposes, under Use Permit No. G-22673 of the Department of Reclamation  
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume  
 10 of Licenses at page 6011, on the 17th day of June, 1957;  
 The right hereby confirmed dates from March 24, 1952;

The Point of Diversion is located NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 5 and  
 in the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Sec. 6, Tp. 1 N., R. 2 W., B. M. County Canyon

That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall  
 not exceed 3.04 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                  | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|-----------------------------------|----------------------------------|---------------------------------|
| 1 N  | 2 W   | 5    | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 40                               | 40                              |
|      |       |      | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 40                               | 40                              |
|      |       |      | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 40                               | 38                              |
|      |       |      | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 40                               | 32                              |
|      |       | 6    | Total number of acres irrigated - | - - - -                          | 150                             |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this  
 17th day of June, 1957.

/s/ Mark R. Kulp  
 State Reclamation Engineer.

(SEAL)

# To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-30418

Permit No. G- 22673

District No.

1. Name of Applicant: LEONARD A. TIEGS  
Postoffice address: Route 2, Nampa County: Canyon State: Idaho
2. Quantity of water claimed:
  - (a) Rate of withdrawal in cubic feet per second. 3.2 or Idaho  
Miners' inches 160 or gallons per minute.
  - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean from a well  
Northwest corner of the
4. Location of point of diversion or well is in the/ NW 1/4 of the SW 1/4 of Section 5  
Twp. 1 N. , Rge. 2 W. , B.M., County of Canyon
5. Water is to be used for: Irrigation and domestic purposes.
6. If for municipal, industrial or recreational purposes, give:
  - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.  
Rge. , B.M.
  - (b) Waste water or sewage effluent is to be returned to  
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Well, pump and ditches
8. Estimated cost of works: \$ 10,000.00
9. (a) Is reservoir to be used?  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is Five (5) years.
11. If applicant is a corporation, give:
  - I. (a) Date and place of incorporation:  
(b) Amount of capital stock: \$ (c) Amount paid in: \$  
(d) Names and addresses of directors:
  - II. The financial resources of the applicant are (a) Cash on hand: \$  
(b) Treasury stock: (c) Bonds to be issued:  
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
  - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
  - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Management.  
This application is to take the place of and supersede Permit No. G-22654 for a portion of this water, for  
on the N $\frac{1}{2}$  SW $\frac{1}{4}$  Section 5 which is being relinquished.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

LEONARD A. TIEGS

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 4:15 P. M. March 24, 1952

Returned to applicant for correction:

Corrected application received:

### Approval of State Reclamation Engineer

The number of this permit is G-22673

Recorded in Book 81 Page 22673 Approved March 27, 1952

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before May 27, 1952 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before September 27, 1954

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before March 27, 1954

Witness my hand this 27th day of March, 1952

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 27th day of March, 1952.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS  
Secretary of State.

By LEN JORDAN  
Governor

12.

| Twp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Range | Sec.   | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |       |        | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |                                            |
| 1 N.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 2 W.  | 5<br>6 |                  |                  | 40               | 40               |                  |                  |                  |                  | 40               | 40               |                  |                  |                  |                  |                  |                  | 80<br>80                                   |
| Total Number of Acres to be Irrigated - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |       |        |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 160                                        |
| APPLICATION FOR AMENDMENT<br>TO PERMIT TO APPROPRIATE THE PUBLIC WATERS<br>OF THE STATE OF IDAHO, NO. G-22673                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |        |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                                            |
| Comes now Leonard A. Tiegs and represents to the State Reclamation Engineer of the State of Idaho:<br>That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-22673.<br>That the point of diversion is described in said permit as being located in the Northwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, Township 1 North, Range 2 West, B.M.<br>That he now requests that an additional point of diversion be included located in the Center of the West line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 1 North, Range 2 West, B.M.<br>That his reasons for desiring to make such change are as follows: He finds it more convenient and economical to use a sprinkler system for irrigating the land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, from the second well described above.<br>That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.<br>Signed at Boise, Idaho, this 11th day of April, 1952.<br>Date of receipt at Department of Reclamation April 11, 1952. |       |        |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                                            |
| LEONARD A. TIEGS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |       |        |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                                            |
| APPROVAL OF STATE RECLAMATION ENGINEER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |        |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                                            |
| I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-22673. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and application is approved only insofar as the rights of others will not be adversely affected thereby.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |       |        |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |       |        |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | MARK R. KULP<br>State Reclamation Engineer |

APPLICATION FOR AMENDMENT  
PERMIT TO APPROPRIATE THE PUBLIC WATERS  
OF THE STATE OF IDAHO, NO. G-22673

Comes now Leonard A. Tiegs and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. G-22673. That the point of diversion is described in said permit as being located NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 5., Twp. 1 N., Rge 2 W., B.M. That he now requests that the point of diversion be changed to a point located SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 6., Twp. 1 N., Rge. 2 W., B.M. and also NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 5., Twp. 1 N., Rge 2 W., B.M. That his reasons for desiring to make such change are as follows: In the new location it is more advantageous due to the fact that it requires less pipe to get the water to the high points.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, this 16th day of January 1957

/s/ Leonard A. Tiegs

Date of receipt at Department of Reclamation  
January 16, 1957

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-22673. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Mark R. Kulp  
State Reclamation Engineer

Recorded in Department of Reclamation  
January 17, 1956

—((—

Permit No. G-22673

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that LEONARD A. TIEGS of Route # 2, Nampa, County of Canyon, and State of Idaho, the holder of Permit No. G-22673, issued upon Application No. G-30418 bearing date of priority of March 24, 1952, authorizing the diversion of 3.2 second feet of the waters of Subterranean Flow from a well County of Canyon, State of Idaho, for Irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.04 second feet of the waters of a well - subterranean flow that the points of diversion of said waters NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 5 and SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 6, Township 1 North, Range 2 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 150 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$  Section 5; S $\frac{1}{2}$ NE $\frac{1}{4}$  Section 6, Township 1 North, Range 2 W., B.M. Proof of Completion of Works made: February 25, 1957.

Witness my hand this 17th day of June, 1957.

/s/ Mark R. Kulp  
State Reclamation Engineer

Proof of Completion of Works made: February 25, 1957  
Certificate of Completion of Works issued: June 17, 1957.

LICENSE ISSUED FOR 3.04 SEC FI.

8.6011

APPLICATION FOR AMENDMENT  
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS  
OF THE STATE OF IDAHO, NO. G-22673

Comes now Leonard A. Tiegs and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. G-22673. That the point of diversion is described in said permit as being located NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 5., Twp. 1 N., Rge 2 W., B.M. That he now requests that the point of diversion be changed to a point located SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 6., Twp. 1 N., Rge. 2 W., B.M. and also NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 5., Twp. 1 N., Rge 2 W., B.M. That his reasons for desiring to make such change are as follows: In the new location it is more advantageous due to the fact that it requires less pipe to get the water to the high points.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, this 16th day of January 1957

/s/ Leonard A. Tiegs

Date of receipt at Department of Reclamation  
January 16, 1957

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-22673. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Mark R. Kulp  
State Reclamation Engineer

Recorded in Department of Reclamation  
January 17, 1956

--((--

Permit No. G-22673

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that LEONARD A. TIEGS of Route # 2, Nampa, County of Canyon, and State of Idaho, the holder of Permit No. G-22673, issued upon Application No. G-30418 bearing date of priority of March 24, 1952, authorizing the diversion of 3.2 second feet of the waters of Subterranean Flow from a well County of Canyon, State of Idaho, for Irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.04 second feet of the waters of a well - subterranean flow that the points of diversion of said waters NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 5 and SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 6, Township 1 North, Range 2 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 150 acres in the N $\frac{1}{4}$ SW $\frac{1}{4}$  Section 5; S $\frac{1}{2}$ NE $\frac{1}{4}$  Section 6, Township 1 North, Range 2 W., B.M. Proof of Completion of Works made: February 25, 1957.

Witness my hand this 17th day of June, 1957.

/s/ Mark R. Kulp  
State Reclamation Engineer

Proof of Completion of Works made: February 25, 1957  
Certificate of Completion of Works issued: June 17, 1957.

LICENSE ISSUED FOR 3.04 SEC. FT.

sp. 6011

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
**REPORT OF ENGINEER**

Permit No. G-22673This proof is for Completion of Works & Beneficial Use In Water District No. \_\_\_\_\_1. Name of applicant Leonard Hogg2. Source of water supply: Subterranean flow from 2 wells3. Location of point of diversion: Is in the \_\_\_\_\_ of Section 5T. 1 N R. 2 W. B.M. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: #1. 7.5 hp. U.S. Motor  
#27157 Byron Jackson Turbine measured with spring meter  
to fields by gravity.

#2 = 7.5 hp. U.S. motor #1065527 Laguna R. Turbine #22575  
100 hp. 2 7.5 hp. Westinghouse motor Jacuppin 5' x 4" Cent.  
100 hp. 2 pump to lift water up the hill

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

160 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$  of Sec. 5., S $\frac{1}{2}$ NE $\frac{1}{4}$  of Sec. 6., all in Twp. 1 N., Rge. 2 W., B.M.

See map.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

Crops are seed crops (specialty crops)

This examination was made on the 22 day of May, 1957(Signed) E. H. Humphrey Examiner.

22673

dieck 71 thru 8x10'

4 m. 27 s. = 588 ft  
240  
 267  
90"

U.S. motor 75 hp.  
440 V. 90 a. # 106 5527

Layne Fowler  
22575

720' x 12" and 420' x 120' x 12"

$$h = 238' \quad dd = 292'$$

Left 260' today.

Whse. 7 1/2<sup>th</sup> up. 1439249  
for motor

Jaeger's cont. pump.  
5" x 4".

$\frac{1}{\sqrt{20}} \approx .22$

## INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED  
MAY 22 1957

Department of Reclamation

Leonard Tiegs  
Rt.#2, Nampa, Idaho

67053

Permit No. G-22673

Examination for Completion of Works & Beneficial Use

County.....Canyon

586-1A-214

Q 3.2 c.f.s.

Sz Wells

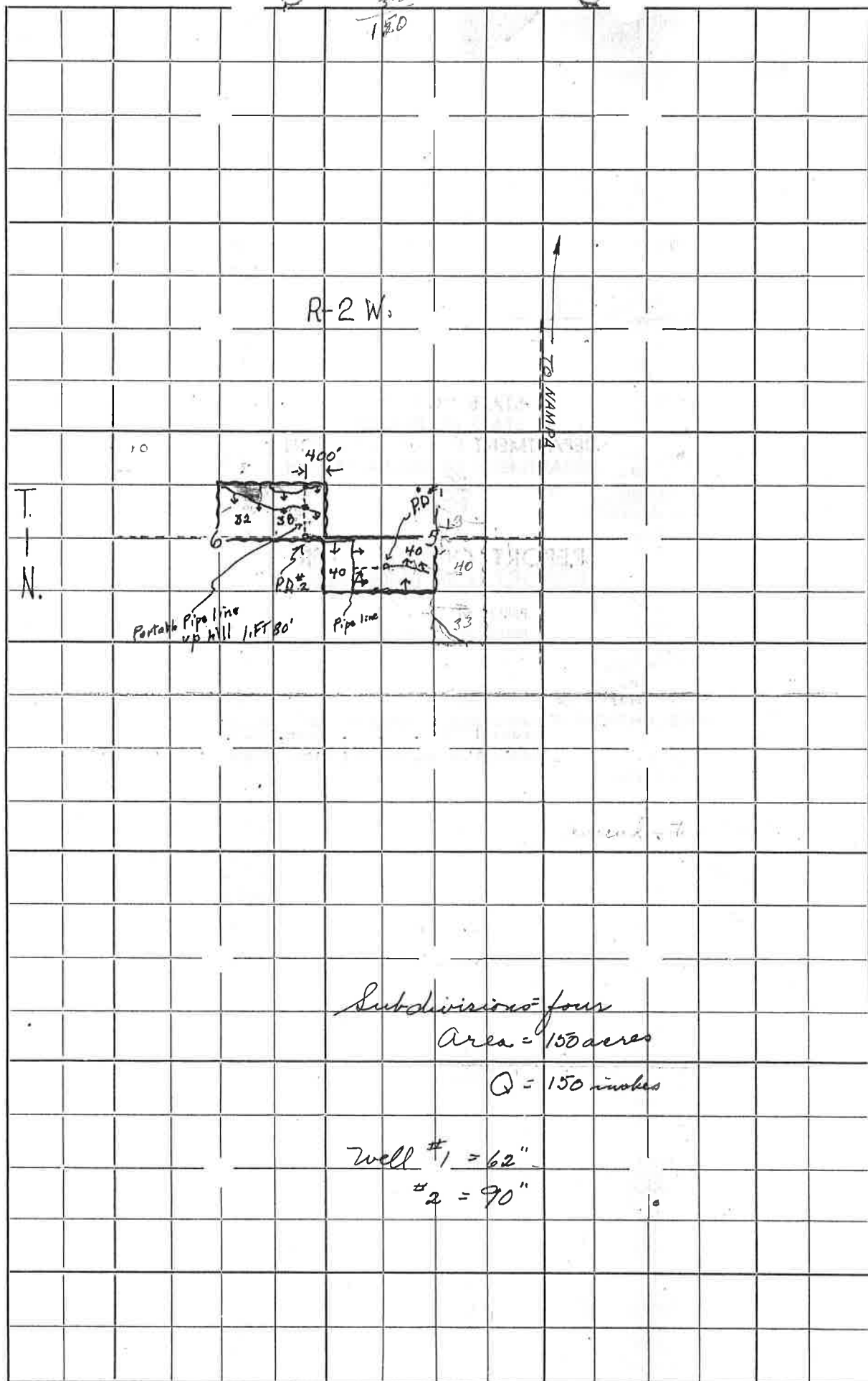
P.D. -  $\left. \begin{array}{l} \text{NE, SW., Sec. 5} \\ \text{SE, NE., Sec. 6} \end{array} \right\} \text{T. 1 N. - R. 2 W}$

Use = Irrigation, Sweet. is

Filed = March 24, 1952

Due - March 27, 1957

[illegible]



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

22673

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. Q-22673

REPORT ON PROOF OF Completion of Works & Beneficial Use

Leonard Tiegs, Rt. #2, Nampa, Idaho

304 cfs  
max

app. 3.2 cfs  
sub 4  
adv 150

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 Right: 63-2896, 63-3043,  
63-3255, 63-7876, and 63-31476

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following administrative proceeding:

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

IDWR certifies that it has completed its investigation into the changes to the elements of the water right(s) 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 right(s) 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: 10-7-08



Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 10/8, 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  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

### 2. Copies to:

David J. Barber  
Off ice of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

### 3. Copies to all parties to the subcases

DBSI Tiegs 979, LLC  
1550 South Tech Lane  
Meridian ID 83642

Elmer H Tiegs  
12035 W Stagecoach Rd  
Nampa ID 83686

Kastera Development, LLC  
372 S Eagle Rd, Ste 375  
Eagle ID 83616

Dylan B Lawrence  
Scott L Campbell  
Moffatt Thomas  
PO Box 829  
Boise ID 83701-0829



Signature of person mailing this document

10/07/2008

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

RIGHT NUMBER: 63-2896

NAME AND ADDRESS: DBSI TIEGS 979 LLC  
1550 S TECH LN  
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.040 CFS  
675.00 AFY

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to a total combined annual diversion volume of 2214 AF.

PRIORITY DATE: 03/24/1952

POINT OF  
DIVERSION:

T01N R02W S5 NWNE Within CANYON County  
T01N R02W S6 SESENE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 03/01 11/15          | 3.040 CFS<br>675.00 AFY |

PLACE OF USE: IRRIGATION in CANYON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01N R02W S05 | NESW | 40.00 | T01N R02W S05 | NWSW | 40.00 |
| T01N R02W S06 | SWNE | 32.00 | T01N R02W S06 | SENE | 38.00 |

150 ACRES TOTAL

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to the irrigation of a combined total of 492 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

10/07/2008

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

RIGHT NUMBER: 63-3043

NAME AND ADDRESS: DBSI TIEGS 979 LLC  
1550 S TECH LN  
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.920 CFS  
504.00 AFY

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to a total combined annual diversion volume of 2214 AF.

PRIORITY DATE: 05/02/1955

POINT OF  
DIVERSION:

T01N R02W S5 SWNNW Within CANYON County  
T01N R02W S5 NESESW Within CANYON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.920 CFS  
504.00 AFY

PLACE OF USE: IRRIGATION in CANYON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01N R02W S05 | NENW | 10.00 | T01N R02W S05 | NWNW | 37.00 |
| T01N R02W S05 | SWNW | 25.00 | T01N R02W S05 | SENW | 40.00 |

112 ACRES TOTAL

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to the irrigation of a combined total of 492 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

10/07/2008

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

RIGHT NUMBER: 63-3255

NAME AND ADDRESS: DBSI TIEGS 979 LLC  
1550 S TECH LN  
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.900 CFS  
459.00 AFY

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to a total combined annual diversion volume of 2214 AF.

PRIORITY DATE: 08/17/1961

POINT OF  
DIVERSION:

T01N R02W S5 SWSENE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>              | <u>PERIOD OF USE</u> | <u>QUANTITY</u>          |
|---------------|------------------------------------|----------------------|--------------------------|
|               | IRRIGATION                         | 03/01 11/15          | 1.900 CFS<br>459.00 AFY  |
| PLACE OF USE: | <u>IRRIGATION in CANYON County</u> |                      |                          |
|               | T01N R02W S05 SWNE                 | 14.00                | T01N R02W S05 SENE 8.00  |
|               | T01N R02W S05 NWSE                 | 40.00                | T01N R02W S05 SWSE 40.00 |

102 ACRES TOTAL

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to the irrigation of a combined total of 492 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

10/07/2008

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

RIGHT NUMBER: 63-7876

NAME AND ADDRESS: DBSI TIEGS 979 LLC  
1550 S TECH LN  
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.700 CFS  
830.00 AFY

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to a total combined annual diversion volume of 2214 AF.

PRIORITY DATE: 10/01/1973

POINT OF  
DIVERSION:

T01N R02W S5 NESENW Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/01 10/31          | 1.700 CFS<br>830.00 AFY |

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in CANYON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T01N R02W S05 | SWNE | 12.00 | T01N R02W S05 | NENW | 33.00 |
| T01N R02W S05 | NWNW | 38.00 | T01N R02W S05 | SWNW | 26.00 |
| T01N R02W S05 | SENW | 33.00 | T01N R02W S05 | NESW | 36.00 |
| T01N R02W S05 | NWSW | 33.00 | T01N R02W S05 | NESE | 34.00 |
| T01N R02W S05 | NWSE | 37.00 | T01N R02W S05 | SWSE | 37.00 |
| T01N R02W S05 | SESE | 37.00 | T01N R02W S06 | NENE | 2.00  |
| T01N R02W S06 | NWNE | 31.00 | T01N R02W S06 | SWNE | 40.00 |
| T01N R02W S06 | SENE | 30.00 |               |      |       |

459 ACRES TOTAL

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to the irrigation of a combined total of 492 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

10/07/2008

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

RIGHT NUMBER: 63-31476

NAME AND ADDRESS: DBSI TIEGS 979 LLC  
1550 S TECH LN  
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.170 CFS  
63.00 AFY

PRIORITY DATE: 07/09/1958

POINT OF  
DIVERSION:

T01N R02W S6 NWNW Within CANYON County  
T01N R02W S6 NESW Within CANYON County  
T01N R02W S7 SENE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.170 CFS  
63.00 AFY

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

the

date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in CANYON County

T01N R02W S06 NESE 9.00 T01N R02W S06 NWSE 5.00

14 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 - License

RECEIVED

AUG 19 2008

Form 42-248/42-1409(6) 12/ 2006

WATER RESOURCES  
WESTERN REGION

## STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

## NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please send all correspondence to:  
 Scott L. Campbell  
 Moffatt Thomas Barrett Rock & Fields, Chtd.  
 P.O. Box 829  
 Boise, ID 83701-0829

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<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) |
|----------------------|-----------------------------|----------|----------------------|-----------------------------|----------|
| 63-2896              |                             |          |                      |                             |          |
| 63-3043              |                             |          |                      |                             |          |
| 63-3255              |                             |          |                      |                             |          |
| 63-7876              |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |

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) | Kastera Development, LLC<br>372 S. Eagle Rd., Ste. 375, Eagle, ID 83616                                                                       |
| 4. New Owner/Claimant(s)                        | DBSI Tiegs 979, LLC<br>Name Connector (Check one): <input type="checkbox"/> and, <input type="checkbox"/> or, <input type="checkbox"/> and/or |
| New Mailing Address                             | 1550 South Tech Lane                                                                                                                          |
| City, State and ZIP Code                        | Meridian, ID 83642                                                                                                                            |
| New Telephone Number                            | ( 208 ) 955-9800                                                                                                                              |

SCANNED

AUG 25 2008

5. Date you acquired the property

July 7, 2006

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<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| <b>Water Right and/or Adjudication Claim Number</b> _____                                                            |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b> _____                                                            |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b> _____                                                            |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |

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)

  
Douglas L. Swenson, President, DBSI Housing, Inc.,  
Member of DBSI Tiegs 979, LLC

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 

Received by \_\_\_\_\_

Processed by \_\_\_\_\_ AJ

Date 

Date \_\_\_\_\_

Date \_\_\_\_\_

Receipt Amt. \_\_\_\_\_

Receipt No. \_\_\_\_\_

WR \_\_\_\_\_ Date \_\_\_\_\_

SCANNED

AUG 7 5 2008



RECEIVED  
AUG 19 2008  
WATER RESOURCES  
WESTERN REGION

REQUEST  
TYPE  
FEE  
45.00

TRANSACTION TITLE

CANYON ONLY RECORDER  
BY *[Signature]*

2006 JUL 10 PM 4 10

RECORDED

200654810

15

22577  
7/10

## QUITCLAIM DEED

### FOR VALUE RECEIVED

DBSI Tiger 979 LLC, an Idaho limited liability company  
do(es) hereby convey, release and forever quitclaim unto:

DBSI Tiegs 979 LLC, an Idaho limited liability company

whose current address is: 1550 South Tech Lane, Meridian, Idaho 83642

the following described property, to-wit:

See Attached Exhibit "A"

Date: July 7, 2006

DBSI Tiger 979 LLC

By: DBSI Housing Inc.  
Its: Member

*[Signature]*  
\_\_\_\_\_  
Douglas L. Swenson, President

Notary Acknowledgment – see page 2

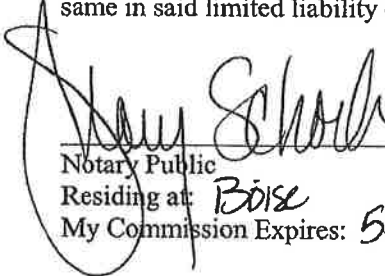
SCANNED

AUG 25 2008



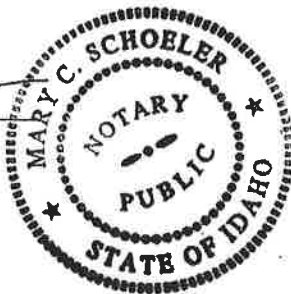
State of Idaho, County of Ada , ss.

On this 7th day of July in the year of 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Douglas L. Swenson known or identified to me to be the person(s) to be the President of DBSI Housing Inc. an Idaho corporation, one of the members in the limited liability company of DBSI Tiger 979 LLC, and the member who subscribed said corporations name to the foregoing instrument and acknowledged to me that he executed the within instrument on behalf of said corporation and that such corporation executed the same in said limited liability company's name.

  
Notary Public

Residing at: Boise

My Commission Expires: 5-9-2012



SCANNED

AUG 25 2008

Exhibit A (continued)

LEGAL DESCRIPTION

PARCEL I

That portion of the Southeast quarter of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho. More particularly described as follows:

Commencing at the Southeast corner of the Southeast quarter of the Northwest quarter of Section 5, Township 1 North, Range 2 West; thence North along the East boundary line of said real property, a distance of 770 feet to the REAL POINT OF BEGINNING; thence West and parallel to the South boundary line of the above described real property, a distance of 70 feet; thence North and parallel to the East boundary line of the above described real property, a distance of 80 feet; thence East and parallel to the South boundary line of the above described real property, a distance of 70 feet; thence South along the East boundary line of said real property, a distance of 80 feet to the REAL POINT OF BEGINNING.

PARCEL II

Commencing at the Southwest corner of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho; and running thence North along the West line of said Section 5, a distance of 265 feet to the REAL POINT OF BEGINNING; thence East and at right angles, a distance of 435 feet; thence North and at right angles and parallel to the Westerly boundary line of said Section 5, a distance of 240 feet; thence West and at right angles, a distance of 435 feet to a point on the West line of said Section 5; thence South along the West boundary line of said Section 5, a distance of 240 feet to the REAL POINT OF BEGINNING.

(continued)

SCANNED

AUG 25 2008

Exhibit A (continued)

LEGAL DESCRIPTION (continued)

PARCEL III

That portion of the West half of the Southwest quarter of the Northwest quarter lying Southwesterly of the road described in instrument recorded August 5, 1998 as Instrument No. 9829133, of Official Records, in Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho

EXCEPTING THEREFROM

Commencing at the Southwest corner of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho; and running thence North along the West line of said Section 5, a distance of 265 feet to the REAL POINT OF BEGINNING; thence East and at right angles, a distance of 435 feet; thence North and at right angles and parallel to the Westerly boundary line of said Section 5, a distance of 240 feet; thence West and at right angles, a distance of 435 feet to a point on the West line of said Section 5; thence South along the West boundary line of said Section 5, a distance of 240 feet to the REAL POINT OF BEGINNING.

(continued)

SCANNED

AUG 7 5 2008

Exhibit A (continued)

LEGAL DESCRIPTION (continued)

ALSO A PART OF PARCEL III

Lots 3 and 4 and the South half of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

SAVE AND EXCEPT the following described real property:

Commencing at the Southeast corner of the above described real property; thence North along the East boundary line of said real property, a distance of 770 feet to the REAL POINT OF BEGINNING; thence West and parallel to the South boundary line of the above described real property, a distance of 70 feet; thence North and parallel to the East boundary line of the above described real property, a distance of 80 feet; thence East and parallel to the South boundary line of the above described real property, a distance of 70 feet; thence South along the East boundary line of said real property, a distance of 80 feet to the REAL POINT OF BEGINNING.

SAVE AND EXCEPT in Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Commencing at the Northeast corner of the Northwest quarter (which is also the Northeast corner of Government Lot 3) and running South along the East boundary line of the Northwest quarter, a distance of 345 feet to the REAL POINT OF BEGINNING; thence continuing South along said East boundary line, a distance of 230 feet; thence West and parallel to the North boundary line of said Section 5, a distance of 190 feet; thence North and parallel with said East boundary line, a distance of 230 feet; thence East and parallel to the North boundary line of said section 5, a distance of 190 feet to the REAL POINT OF BEGINNING.

SAVE AND EXCEPT in Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Commencing at the Northeast corner of the Northwest quarter (which is also the Northeast corner of Government Lot 3) and running South along the East boundary line of the Northwest quarter, a distance of 115 feet to the REAL POINT OF BEGINNING; thence continuing South along said East boundary line, a distance of 230 feet; thence West and parallel to the North boundary line of said Section 5, a distance of 190 feet; thence North and parallel with said East boundary line, a distance of 230 feet; thence East and parallel to the North boundary line of said Section 5, a distance of 190 feet to the REAL POINT OF BEGINNING.

(continued)

SCANNED

AUG 25 2008

Exhibit A (continued)

LEGAL DESCRIPTION (continued)

SAVE AND EXCEPT

Commencing at the Southwest corner of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho; and running thence North along the West line of said Section 5, a distance of 265 feet to the REAL POINT OF BEGINNING; thence East and at right angles, a distance of 435 feet; thence North and at right angles and parallel to the Westerly boundary line of said Section 5, a distance of 240 feet; thence West at right angles, a distance of 435 feet to a point on the West line of said Section 5; thence South along the West boundary line of said Section 5, a distance of 240 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTION THEREFROM

This right-of-way is 50 feet in width and lies in portions of the Southwest quarter of the Northwest quarter of Section 5 and of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and lies in a portion of Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, being 25 feet on each side of a centerline which centerline is more particularly described as follows:

Commencing at the center quarter corner of said Section 5; thence South  $1^{\circ}02'37''$  West along the North-South midsection line of said Section 5, a distance of 24.77 feet to the TRUE POINT OF BEGINNING for said centerline; thence North  $89^{\circ}03'52''$  West, a distance of 1,322.53 feet; thence North  $88^{\circ}50'36''$  West, a distance of 417.28 feet; thence Northwest  $180.22$  feet along the arc of a curve to the right having a central angle of  $72^{\circ}21'21''$ , a radius of 142.71 feet, and a long chord which bears North  $52^{\circ}39'55''$  West, a distance of 168.48 feet; thence North  $16^{\circ}29'15''$  West, a distance of 178.68 feet; thence Northwest  $326.19$  feet along the arc of a curve to the left having a central angle of  $33^{\circ}14'55''$ , a radius of 562.10 feet, and a long chord which bears North  $33^{\circ}06'42''$  West, a distance of 321.63 feet; thence North  $49^{\circ}44'10''$  West, a distance of 313.08 feet; thence North  $47^{\circ}59'00''$  West, a distance of 195.12 feet; thence Northwest  $393.93$  feet along the arc of a curve to the right having a central angle of  $48^{\circ}46'24''$ , a radius of 462.77 feet, and a long chord which bears North  $23^{\circ}35'48''$  West, a distance of 382.15 feet; thence North  $0^{\circ}47'24''$  East, a distance of 343.54 feet; thence North  $0^{\circ}57'53''$  East, a distance of 747.16 feet; thence North  $1^{\circ}07'00''$  East, a distance of 466.63 feet; thence North  $1^{\circ}24'21''$  East, a distance of 773.87 feet; thence North  $1^{\circ}18'51''$  East, a distance of 462.01 feet; thence North  $1^{\circ}33'42''$  East, a distance of 571.05 feet to the termination point for said centerline, which point bears South  $0^{\circ}59'42''$  West, a distance of 731.46 feet from the quarter corner common to Sections 31 and 32 of Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

(continued)

SCANNED

AUG 7 5 2008

Exhibit A (continued)

LEGAL DESCRIPTION (continued)

SAVE AND EXCEPT:

A parcel of land located in Government Lot 3 of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, described as follows:

Commencing at the Northwest corner of said Lot 3 (North quarter corner of Section 5), marked by a 5/8 inch rebar in the intersection of Dry Lake Road and Bowmont Road; thence South 00°13'46" West, 345.00 feet along the East line of said Government Lot 3 (in Dry Lake Road) to a PK nail; thence North 89°35'02" West, 190.00 feet to the Northwest corner of that certain parcel of land described in a Warranty Deed, Instrument No. 200375709, of Official Records, between Leonard A. and Fern Hazel Tiegs and Reyes and Esperanza P. Tovar dated February 24, 1992, and being the POINT OF BEGINNING; thence South 00°13'46" West, 230.00 feet along the West line of said deed to the Southwest corner of same; thence North 89°35'02" West, 15.00 feet along the Westerly extension of the South line of said deed to a 5/8 inch rebar; thence North 00°13'46" East, 230.00 feet along a line parallel with the Westerly line of said deed to a 5/8 inch rebar set in the Westerly extension of the Northerly line of said deed; thence South 89°35'02" East, 15.00 feet along said Westerly extension of said Northerly deed line to the POINT OF BEGINNING.

SAVE AND EXCEPT:

A parcel of land located in Government Lot 3 of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, described as follows:

Beginning at the Northwest corner of said Lot 3 (North quarter corner of Section 5), marked by a 5/8 inch rebar in the intersection of Dry Lake Road and Bowmont Road; thence South 00°13'46" West, 115.00 feet along the East line of said Government Lot 3 (in Dry Lake Road) to a PK nail at the Northeast corner of that certain parcel of land described in a Quit Claim Deed, Instrument No. 9921164, of Official Records, dated May 26, 1996; thence North 89°35'02" West, 190.00 feet along the Northerly line of said deed to the Northwest corner of said deed; thence South 00°13'46" West, 230.00 feet along the Westerly line of said deed to the Southwesterly corner of same; thence North 89°35'02" West, 15.00 feet along the Westerly extension of the Southerly line of said deed to a 5/8 inch rebar; thence North 00°13'46" East, 345.00 feet along a line parallel with the Westerly line of said deed to a 5/8 inch rebar set in the Northerly line of said Section 5; thence South 89°35'02" East, 205.00 feet along said Northerly section line to the POINT OF BEGINNING.

(continued)

Exhibit A (continued)

LEGAL DESCRIPTION (continued)

PARCEL IV

North half of the Southwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

This right-of-way is 50 feet in width and lies in portions of the Southwest quarter and the Northwest quarter of Section 5 and of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and lies in a portion of Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian being 25 feet on each side of a centerline which centerline is more particularly described as follows:

Commencing at the center quarter corner of said Section 5; thence South  $1^{\circ}02'37''$  West along the North-South midsection line of said Section 5, a distance of 24.77 feet to the TRUE POINT OF BEGINNING for said centerline; thence North  $89^{\circ}03'52''$  West, a distance of 1,322.53 feet; thence North  $88^{\circ}50'36''$  West, a distance of 417.28 feet; thence Northwest  $180.22$  feet along the arc of a curve to the right having a central angle of  $72^{\circ}21'21''$ , a radius of 142.71 feet, and a long chord which bears North  $52^{\circ}39'55''$  West, a distance of 168.48 feet; thence North  $16^{\circ}29'15''$  West, a distance of 178.68 feet; thence Northwest  $326.19$  feet along the arc of a curve to the left having a central angle of  $33^{\circ}14'55''$ , a radius of 562.10 feet, and a long chord which bears North  $33^{\circ}06'42''$  West, a distance of 321.63 feet; thence North  $49^{\circ}44'10''$  West, a distance of 313.08 feet; thence North  $47^{\circ}59'00''$  West, a distance of 195.12 feet; thence Northwest  $393.93$  feet along the arc of a curve to the right having a central angle of  $48^{\circ}46'24''$ , a radius of 462.77 feet, and a long chord which bears North  $23^{\circ}35'48''$  West, a distance of 382.15 feet; thence North  $0^{\circ}47'24''$  East, a distance of 343.54 feet; thence North  $0^{\circ}57'53''$  East, a distance of 747.16 feet; thence North  $1^{\circ}07'00''$  East, a distance of 466.63 feet; thence North  $1^{\circ}24'21''$  East, a distance of 773.87 feet; thence North  $1^{\circ}18'51''$  East, a distance of 462.01 feet; thence North  $1^{\circ}33'42''$  East, a distance of 571.05 feet to the termination point for said centerline which point bears South  $0^{\circ}59'42''$  West, a distance of 731.46 feet from the quarter corner common to Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

PARCEL V

All that portion of the Northeast quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, that lies South and West, of the Mora Canal right-of-way.

PARCEL VI

The West half of the Southeast quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

(continued)

SCANNED

AUG 25 2008

Exhibit A (continued)

LEGAL DESCRIPTION (continued)

PARCEL VII

The East half of the Southeast quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

PARCEL VIII

The South half of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 6, Township 1 North, Range 2 West.

AND EXCEPTING THEREFROM the East half of Northwest quarter of the Southeast quarter of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

PARCEL IX

Commencing at the North quarter corner of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho; and running South  $0^{\circ}01'$  East, 223.8 feet along the West line of Lot 2 of Section 6, Township 1 North, Range 2 West, Boise Meridian, the REAL POINT OF BEGINNING; thence continuing South along the West line of the aforementioned Lot 2 of Section 6, 1,102.0 feet; thence North  $89^{\circ}58'$  East along the South line of Lots 1 and 2, of Section 6, Township 1 North, Range 2 West, Boise Meridian, 1,825.0 feet; thence North  $58^{\circ}54'$  West, 2,132.0 feet to the POINT OF BEGINNING; all of the above described property lying in Lots 1 and 2 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

PARCEL X

The Northeast quarter of the Southeast quarter of the Northeast quarter and the East half of the Northwest quarter of the Southeast quarter of the Northeast quarter, all in Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

This right-of-way is 50 feet in width and lies in portions of the Southwest quarter and the Northwest quarter of Section 5 and of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and lies in a portion of Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, being 25 feet on each side of a centerline which centerline is more particularly described as follows:

Commencing at the center quarter corner of said Section 5; thence South  $1^{\circ}02'37''$  West along the North-South midsection line of said Section 5, a distance of 24.77 feet to the TRUE POINT OF BEGINNING for said centerline; thence

(continued)

Exhibit A (continued)

LEGAL DESCRIPTION (continued)

North 89°03'52" West, a distance of 1,322.53 feet; thence  
North 88°50'36" West, a distance of 417.28 feet; thence  
Northwesterly 180.22 feet along the arc of a curve to the right having a central angle of  
72°21'21", a radius of 142.71 feet, and a long chord which bears North 52°39'55" West, a  
distance of 168.48 feet; thence  
North 16°29'15" West, a distance of 178.68 feet; thence  
Northwesterly 326.19 feet along the arc of a curve to the left having a central angle of  
33°14'55", a radius of 562.10 feet, and a long chord which bears North 33°06'42" West, a  
distance of 321.63 feet; thence  
North 49°44'10" West, a distance of 313.08 feet; thence  
North 47°59'00" West, a distance of 195.12 feet; thence  
Northwesterly 393.93 feet along the arc of a curve to the right having a central angle of  
48°46'24", a radius of 462.77 feet, and a long chord which bears North 23°35'48" West, a  
distance of 382.15 feet; thence  
North 0°47'24" East, a distance of 343.54 feet; thence  
North 0°57'53" East, a distance of 747.16 feet; thence  
North 1°07'00" East, a distance of 466.63 feet; thence  
North 1°24'21" East, a distance of 773.87 feet; thence  
North 1°18'51" East, a distance of 462.01 feet; thence  
North 1°33'42" East, a distance of 571.05 feet to the termination point for said  
centerline, which point bears South 0°59'42" West, a distance of 731.46 feet from the  
quarter corner common to Sections 31 and 32, Township 2 North, Range 2 West, Boise  
Meridian, Canyon County, Idaho.

PARCEL XI

This parcel is a portion of the Southeast quarter of section 6, Township 1 North, Range 2  
West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Beginning at the Northeast corner of the said Southeast quarter; thence  
South 0°58'46" West along the East boundary of the said Southeast quarter, a distance of  
254.31 feet; thence  
South 75°29'17" West, a distance of 174.22 feet; thence  
South 79°55'27" West, a distance of 241.97 feet; thence  
South 88°28'35" West, a distance of 280.23 feet; thence  
North 84°07'17" West, a distance of 111.48 feet; thence  
North 78°38'13" West, a distance of 358.97 feet; thence  
North 79°59'05" West, a distance of 185.05 feet; thence  
North 82°45'12" West, a distance of 472.38 feet; thence  
North 75°36'00" West, a distance of 86.72 feet; thence  
North 71°12'20" West, a distance of 331.18 feet; thence  
North 74°16'13" West, a distance of 279.95 feet to a point on the North boundary of the  
said Southeast quarter; thence  
South 89°17'47" East along the said North boundary, a distance of 2,472.21 feet to the  
POINT OF BEGINNING.

(continued)

SCANNED

AUG 7 5 2008

Exhibit A (continued)

LEGAL DESCRIPTION (continued)

PARCEL XII

This parcel is a portion of the Southeast quarter of the Northwest quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Beginning at the Northeast corner of the said Southeast quarter of the Northwest quarter; thence  
South 0°52'27" West along the East boundary of the said Southeast quarter of the Northwest quarter, a distance of 300.88 feet; thence  
North 67°31'05" West, a distance of 211.05 feet; thence  
North 65°30'58" West, a distance of 78.97 feet; thence  
North 57°38'37" West, a distance of 115.36 feet; thence  
North 55°25'07" West, a distance of 234.79 feet to a point on the North boundary of the said Southeast quarter of the Northwest quarter; thence  
South 89°13'36" East along the said North boundary, a distance of 562.28 feet to the POINT OF BEGINNING.

PARCEL XIII

This parcel is a portion of Government Lot 4 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Commencing at the Northwest corner of said Government Lot 4; thence  
South 0°51'57" West along the West boundary of said Government Lot 4, a distance of 333.12 feet (formerly South, a distance of 330 feet); thence  
South 89°13'36" East (formerly East) along a line parallel with the South boundary of said Government Lot 4, a distance of 840.10 feet to the TRUE POINT OF BEGINNING; thence  
continuing  
South 89°13'36" East, a distance of 479.90 feet to a point on a line that is parallel with and 1,320.00 feet Easterly of the said East boundary of Government Lot 4; thence  
South 0°51'57" West along the said parallel line, a distance of 419.14 feet to a point 580.23 feet Northerly of the said South boundary of Government Lot 4; thence  
North 52°55'28" West, a distance of 55.73 feet; thence  
North 40°40'58" West, a distance of 108.42 feet; thence  
North 28°52'43" West, a distance of 193.15 feet; thence  
North 33°26'57" West, a distance of 60.62 feet; thence  
North 73°45'07" West, a distance of 191.69 feet; thence  
North 52°37'10" West, a distance of 59.97 feet to the TRUE POINT OF BEGINNING.

(continued)

SCANNED

AUG 25 2008

Exhibit A (continued)

LEGAL DESCRIPTION (continued)

PARCEL XIV

Lots 3 and 4 of Section 6, Township 1 North, and Lot 4 and the Southeast quarter of the Southwest quarter of Section 31, Township 2 North, all in Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM the following

Commencing at the Northwest corner of Lot 4 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and running South along the West line of Lot 4, a distance of 330 feet to the REAL POINT OF BEGINNING; thence continuing South along said West line 990 feet to the Southwest corner of Lot 4; thence East along the South line of Lot 4, a distance of 1,320 feet; thence North and parallel to the West line of Lot 4, 990 feet; thence Westerly parallel to the South line of Lot 4, 1,320 feet to the REAL POINT OF BEGINNING.

All contained in Government Lot 4 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

AND EXCEPTING THEREFROM that portion of Lot 3, Lot 4 and the Southeast quarter of the Northwest quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho and Lot 4 of Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, lying South and West of the following described line:

Beginning at a point that is  
South 0°52'27" West along the East boundary from the Northeast corner of the said Southeast quarter of the Northwest quarter, a distance of 300.88 feet to the REAL POINT OF BEGINNING of said line; thence  
North 67°31'05" West, a distance of 211.05 feet; thence  
North 65°30'58" West, a distance of 78.37 feet; thence  
North 57°38'37" West, a distance of 115.36 feet; thence  
North 55°25'07" West, a distance of 234.79 feet to a point on the North boundary of said Southeast quarter of the Northwest quarter; thence continuing  
North 55°25'07" West, a distance of 23.96 feet; thence  
North 54°54'28" West, a distance of 112.11 feet; thence  
North 51°45'14" West, a distance of 119.19 feet; thence  
North 49°17'31" West, a distance of 197.98 feet; thence  
North 52°55'29" West, a distance of 513.63 feet; thence  
North 52°55'28" West, a distance of 55.73 feet; thence  
North 40°40'58" West, a distance of 108.42 feet; thence  
North 28°52'43" West, a distance of 193.15 feet; thence  
North 33°26'57" West, a distance of 60.62 feet; thence  
North 73°45'07" West, a distance of 191.69 feet; thence  
North 52°37'10" West, a distance of 59.97 feet; thence continuing

(continued)

SCANNED

AUG 25 2008

Exhibit A (continued)

LEGAL DESCRIPTION (continued)

North 52°37'10" West, a distance of 157.29 feet; thence  
North 53°23'06" West, a distance of 236.11 feet; thence  
North 55°11'55" West, a distance of 273.91 feet; thence  
North 60°11'41" West, a distance of 162.99 feet; thence  
North 60°58'30" West, a distance of 172.60 feet to the West boundary of Government Lot 4  
of Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, the  
POINT OF TERMINATION of said line.

ALSO EXCEPTING THEREFROM a right-of-way disclosed by instrument recorded August 16, 1966  
as Instrument No. 585024, of Official Records.

PARCEL XV

The Southeast quarter and the Northeast quarter of the Southwest quarter of Section 31,  
Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM a portion of the Northeast quarter of the Southeast quarter of Section  
31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more  
particularly described by metes and bounds as follows:

Commencing at the Southeast corner of Section 31, Township 2 North, Range 2 West, Boise  
Meridian, Canyon County, Idaho, and running  
North 0°13'00" East, 1,322.91 feet along the Easterly boundary of said Section 31 to the  
Southeast corner of the Northeast quarter of the Southeast quarter, said Section 31;  
thence continuing  
North 0°13'00" East, 652.43 feet (formerly described as North 0°13' East, 652.2 feet)  
along said Easterly boundary of Section 31 to the TRUE POINT OF BEGINNING; thence  
continuing  
North 0°13'00" East, 387.10 feet (formerly described as North 0°13' East, 387.04 feet)  
along said Easterly boundary of Section 31 to a point which bears  
South 0°13'00" West, 283.38 feet from the Northeast corner of the Southeast quarter of  
said Section 31; thence  
North 51°02'40" West, 452.17 feet (formerly described as North 50°57' West, 452.24 feet)  
to a point on the Northerly boundary of the said Southeast quarter of Section 31, said  
point being  
North 89°51'07" West, 352.70 feet from the said Northeast corner of the Southeast quarter  
of Section 31; thence  
North 89°51'07" West, 634.99 feet (formerly described as North 89°45' West, 638.29 feet)  
along said Northerly boundary of the Southeast quarter of Section 31 to a point; thence  
South 18°30'45" West, 174.88 feet (formerly described as South 18°09' West, 170.8 feet) to  
a point; thence  
South 63°07'30" East, 590.42 feet (formerly described as South 63°33' East, 596.49 feet)  
to a point; thence  
South 64°56'40" East, 567.42 feet (formerly described as South 65°25' East, 573.19 feet)  
to the POINT OF BEGINNING.

PARCEL XVI

The Southwest quarter of the Southwest quarter of Section 32, Township 2 North, Range 2  
West, Boise Meridian, Canyon County, Idaho.

(continued)

SCANNED

AUG 25 2008

Exhibit A (continued)

LEGAL DESCRIPTION (continued)

PARCEL XVII

Lots 1 and 2 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

Commencing at the North quarter corner of Section 6, and running South 0°01' East, 223.8 feet along the West line of Lot 2 of Section 6, the REAL POINT OF BEGINNING; thence continuing South along the West line of Lot 2, a distance of 1,102.0 feet; thence North 89°58' East along the South line of Lots 1 and 2, a distance of 1,825 feet; thence North 58°54' West, 2,132.0 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM out of Parcels XV, XVI AND XVII:

This right-of-way is 50 feet in width and lies in portions of the Southwest quarter and the Northwest quarter of Section 5 and of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and lies in a portion of Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, being 25 feet on each side of a centerline which centerline is more particularly described as follows:

Commencing at the center quarter corner of said Section 5; thence South 1°02'37" West along the North-South midsection line of said Section 5, a distance of 24.77 feet to the TRUE POINT OF BEGINNING for said centerline; thence North 89°03'52" West, a distance of 1,322.53 feet; thence North 88°50'36" West, a distance of 417.28 feet; thence Northwesterly 180.22 feet, along the arc of a curve to the right having a central angle of 72°21'21", a radius of 142.71 feet, and a long chord which bears North 52°39'55" West, a distance of 168.48 feet; thence North 16°29'15" West, a distance of 178.68 feet; thence Northwesterly 326.19 feet along the arc of a curve to the left having a central angle of 33°14'55", a radius of 562.10 feet, and a long chord which bears North 33°06'42" West, a distance of 321.63 feet; thence North 49°44'10" West, a distance of 313.08 feet; thence North 47°59'00" West, a distance of 195.12 feet; thence Northwesterly 393.93 feet along the arc of a curve to the right having a central angle of 48°46'24", a radius of 462.77 feet, and a long chord which bears North 23°35'48" West, a distance of 382.15 feet; thence North 0°47'24" East, a distance of 343.54 feet; thence North 0°57'53" East, a distance of 747.16 feet; thence North 1°07'00" East, a distance of 466.63 feet; thence North 1°24'21" East, a distance of 773.87 feet; thence North 1°18'51" East, a distance of 462.01 feet; thence North 1°33'42" East, a distance of 571.05 feet to the termination point for said centerline, which point bears South 0°59'42" West, a distance of 731.46 feet from the quarter corner common to Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

(continued)

SCANNED

AUG 25 2008

Exhibit A (continued)

LEGAL DESCRIPTION (continued)

PARCEL XVIII

Lot 3 in Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM in Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Beginning at the Northwest corner of Government Lot 3, the REAL POINT OF BEGINNING; thence South 89°06'27" East along the North boundary of said Government Lot 3, a distance of 854.95 feet; thence South 5°00'00" West, a distance of 374.96 feet; thence South 12°55'25" West, a distance of 149.02 feet; thence North 82°33'12" West, a distance of 252.41 feet; thence North 77°29'53" West, a distance of 202.42 feet; thence North 73°09'27" West, a distance of 361.75 feet to a point on the West boundary of said Government Lot 3; thence North 0°51'53" East along the said West boundary, a distance of 350.79 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM a right-of-way as disclosed by instrument recorded August 16, 1966 as Instrument No. 585024, of Official Records.

SCANNED

AUG 25 2008

RECEIVED

AUG 19 2008

WATER RESOURCES  
WESTERN REGION

REQUEST  
TYPE Good FEE 11-

TRANSACTION TITLE

BY [Signature]  
CANYON COUNTY RECORDER

2006 JUN 2 PM 4 55

RECORDED

37

200643041

0500038560 / NBI

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED, made effective as of the 1st day of June, 2006, between the Harold Tiegs Testamentary Trust, Leland S. Tiegs and Michael D. Tiegs, Co-Trustees; the Janet Tiegs Scott Living Trust, Leland S. Tiegs, Trustee; Linda Tiegs Smith, as personal representative for the Estate of Fern H. Tiegs and the Estate of Leonard Tiegs; Dry Lake, LLC, an Idaho limited liability company; Hopkins Farms, LLC, an Idaho limited liability company; Linda F. Smith, a married individual dealing in her sole and separate property; Bradley W. Watson, a married individual dealing in his sole and separate property; Jeffrey J. Watson, a married individual dealing in his sole and separate property; Leland S. Tiegs, a married individual dealing in his sole and separate property; Michael D. Tiegs, a married individual dealing in his sole and separate property (individually, "GRANTORS" and collectively, "GRANTOR"), and DBSI Tiger 979 LLC, an Idaho limited liability company ("GRANTEE"), whose address is 1550 S. Tech Lane, Meridian, Idaho 83642;

**WITNESSETH:**

The GRANTOR, for good and valuable consideration, to it in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the GRANTEE, and to its successors and assigns forever, all of the following described real property (collectively "Property") situate in the County of Canyon, State of Idaho, to-wit:

1. Hopkins Farms, LLC, an Idaho limited liability company, as to a 25.9803% interest; Linda F. Smith, as to an undivided 22.0593% interest; Bradley W. Watson, as to an undivided 12.9901% interest; Jeffrey J. Watson, as to an undivided 12.9901% interest; Leland S. Tiegs, as to an undivided 12.9901% interest; Michael D. Tiegs, as to an undivided 12.9901% interest; the heirs and devisees of Leonard A. Tiegs, deceased, and Fern H. Tiegs, deceased, as their interest may appear; with respect to:

THAT CERTAIN REAL PROPERTY DESCRIBED AS **PARCEL I** ON "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF.

2. Hopkins Farms, LLC, an Idaho limited liability company; the Harold Tiegs Testamentary Trust; and the Janet Tiegs Scott Living Trust; with respect to:

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THAT CERTAIN REAL PROPERTY DESCRIBED AS **PARCEL II** ON "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF.

3. Hopkins Farms, LLC, an Idaho limited liability company, as to a 25.9803% interest; Linda F. Smith, as to an undivided 22.0593% interest; Bradley W. Watson, as to an undivided 12.9901% interest; Jeffrey J. Watson, as to an undivided 12.9901% interest; Leland S. Tiegs, as to an undivided 12.9901% interest; and Michael D. Tiegs, as to an undivided 12.9901% interest; with respect to:

THAT CERTAIN REAL PROPERTY DESCRIBED AS **PARCEL III** ON "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF.

4. Dry Lake, LLC, an Idaho limited liability company, with respect to:

THAT CERTAIN REAL PROPERTY DESCRIBED AS **PARCELS IV, V, VI, VII, VIII and IX** ON "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF.

5. The Harold Tiegs Testamentary Trust, as to an undivided one-half interest; and the Janet Tiegs Scott Living Trust, as to an undivided one-half interest; with respect to:

THAT CERTAIN REAL PROPERTY DESCRIBED AS **PARCELS X, XI, XII, XIII, XIV and XVIII** ON "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF.

6. Dry Lake, LLC, an Idaho limited liability company; the Harold Tiegs Testamentary Trust; and the Janet Tiegs Scott Living Trust; with respect to:

THAT CERTAIN REAL PROPERTY DESCRIBED AS **PARCELS XV, XVI, and XVII** ON "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF.

**SUBJECT TO:**

ALL MATTERS OF PUBLIC RECORD INCLUDING, WITHOUT LIMITATION, THOSE ITEMS SET FORTH ON "EXHIBIT B" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including any buildings, fixtures and other improvements located thereon; all water rights, water systems, wells, springs, water, ditches, ditch rights, etc., if any, that are appurtenant thereto and that are now on or used in connection with the Property; and all estate, right, title and interest in and to the Property, as well in law as in equity, of the said GRANTOR.

TO HAVE AND TO HOLD all and singular the above-described Property, together with the appurtenances unto the GRANTEE, and to its successors and assigns forever, and the

GRANTOR does hereby covenant to and with the said GRANTEE and its successors and assigns, that the GRANTORS are the owner in fee simple of their respective portions of the Property as described above; that the Property is free from all encumbrances made by the GRANTOR except as may be otherwise expressly specified herein; and that the GRANTORS will warrant and defend their respective portions of the Property as described above from all lawful claims of all persons claiming by, through or under the respective GRANTORS.

IN WITNESS WHEREOF, each of the GRANTORS has caused its name to be hereunto subscribed this 1<sup>st</sup> day of June, 2006.

(End of text. Signature pages to follow.)

**GRANTOR:**

## The Janet Tiegs Scott Living Trust

Leland S. Ticgs, Trustee

State of Idaho )  
County of Ada ) SS.

On this 1 day of June, 2006, before me Laura Page, a notary public, personally appeared Leland S. Tiegs, known or identified to me to be the Trustee, or one of the Trustees of The Janet Tiegs Scott Living Trust under trust agreement dated December 29, 1989 and acknowledged to me that by attaching said Trustee's signature on the foregoing instrument, the foregoing named Trust executed the same.



Notary Public for the State of Idaho  
Residing at \_\_\_\_\_

My Commission expires: ~~Residing in Boise, Idaho~~  
Commission expires 07-30-09

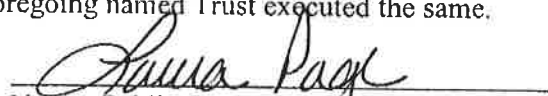
The Harold Tiegs Testamentary Trust

  
Leland S. Tiegs, Co-Trustee

State of Idaho                    )  
County of Ada                    ) ss.

On this 1 day of June, 2006, before me Laura Page, a notary public, personally appeared Leland S. Tiegs, known or identified to me to be the Trustee, or one of the Trustees of The Harold Tiegs Testamentary Trust under trust agreement dated October 9, 1979, and acknowledged to me that by attaching said Trustee's signature on the foregoing instrument, the foregoing named Trust executed the same.



  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

Residing in Boise, Idaho  
Commission expires 07-30-09

The Harold Tiegs Testamentary Trust

Michael D. Tiegs  
Michael D. Tiegs, Co-Trustee

State of Idaho )  
County of Ada ) ss.

On this 1 day of June, 2006, before me Laura Page, a notary public, personally appeared Michael D. Tiegs, known or identified to me to be the Trustee, or one of the Trustees of The Harold Tiegs Testamentary Trust under trust agreement dated October 9, 1979, and acknowledged to me that by attaching said Trustee's signature on the foregoing instrument, the foregoing named Trust executed the same.



Laura Page  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

Residing in Boise, Idaho  
Commission expires 07-30-09

ESTATE OF FERN H. TIEGS

By: Linda Tiegs Smith  
Linda Tiegs Smith, Personal Representative

State of Idaho )  
County of Ada ) ss.

On this 1 day of June, 2006, before me Laura Page, a notary public, personally appeared Linda Tiegs Smith, Personal Representative of the Estate of Fern H. Tiegs, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Laura Page  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_  
My Commission expires: Residing in Boise, Idaho  
Commission expires 07-30-09

ESTATE OF LEONARD A. TIEGS

By Linda Tiegs Smith  
Linda Tiegs Smith, Personal Representative

State of Idaho )  
County of Ada ) ss.

On this 1 day of June, 2006, before me Laura Page, a notary public, personally appeared Linda Tiegs Smith, Personal Representative of the Estate of Leonard A. Tiegs, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Laura Page  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

Residing in Boise, Idaho  
Commission expires 07-30-09

DRY LAKE, LLC, an Idaho limited liability company

By: Linda F. Smith  
Linda F. Smith, Manager

State of Idaho )  
County of Ada ) SS.

On this 1 day of June, 2006, before me Laura Page, a notary public, personally appeared Linda F. Smith, known or identified to me to be a Manager of Dry Lake, 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 limited liability company executed the same.



Laura Page  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_  
My Commission expires: Residing in Boise, Idaho  
Commission expires 07-30-08

HOPKINS FARMS, LLC, an Idaho limited liability company

By: Linda F. Smith  
Linda F. Smith, Manager

State of Idaho )  
County of Ada ) ss.

On this 1 day of June, 2006, before me Laura Page, a notary public, personally appeared Linda F. Smith, known or identified to me to be a Manager Member of Hopkins Farms, 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 limited liability company executed the same.



Laura Page  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_  
My Commission expires: Residing in Boise, Idaho  
Commission expires 07-30-09

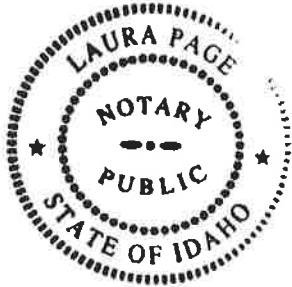
Linda F. Smith

Linda F. Smith

State of Idaho )

County of Ada ) ss.

On this 1 day of June, 2006, before me Laura Page a notary public, personally appeared Linda F. Smith, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Laura Page  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_

My Commission expires: \_\_\_\_\_

Residing in Boise, Idaho  
Commission expires 07-30-09

Bradley W. Watson  
Bradley W. Watson

State of Idaho )  
County of Ada ) ss.

On this 1 day of June, 2006, before me Laura Page, a notary public, personally appeared Bradley W. Watson, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Laura Page  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_  
My Commission expires: Residing in Boise, Idaho  
Commission expires 07-30-09

Jeffrey J. Watson  
Jeffrey J. Watson

State of Idaho )  
County of Ada ) ss.

On this 1 day of June, 2006, before me Laura Page, a notary public, personally appeared Jeffrey J. Watson, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Laura Page  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_  
Residing in Boise, Idaho  
Commission expires 07-30-09

  
Leland S. Tiegs

State of Idaho )  
County of Ada ) ss.

On this 1 day of June, 2006, before me Laura Page, a notary public, personally appeared Leland S. Tiegs, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

Residing in Boise, Idaho  
Commission expires 07-30-09

Michael D. Tiegs  
Michael D. Tiegs

State of Idaho )  
County of Ada ) ss.

On this 1 day of June, 2006, before me Laura Page a notary public, personally appeared Michael D. Tiegs, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Laura Page  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

Residing in Boise, Idaho  
Commission expires 07-30-09

**EXHIBIT A**

Property

*[See attached.]*

**PARCEL I**

That portion of the Southeast quarter of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho. More particularly described as follows:

Commencing at the Southeast corner of the Southeast quarter of the Northwest quarter of Section 5, Township 1 North, Range 2 West; thence North along the East boundary line of said real property, a distance of 770 feet to the REAL POINT OF BEGINNING; thence West and parallel to the South boundary line of the above described real property, a distance of 70 feet; thence North and parallel to the East boundary line of the above described real property, a distance of 80 feet; thence East and parallel to the South boundary line of the above described real property, a distance of 70 feet; thence South along the East boundary line of said real property, a distance of 80 feet to the REAL POINT OF BEGINNING.

**PARCEL II**

Commencing at the Southwest corner of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho; and running thence North along the West line of said Section 5, a distance of 265 feet to the REAL POINT OF BEGINNING; thence East and at right angles, a distance of 435 feet; thence North and at right angles and parallel to the Westerly boundary line of said Section 5, a distance of 240 feet; thence West and at right angles, a distance of 435 feet to a point on the West line of said Section 5; thence South along the West boundary line of said Section 5, a distance of 240 feet to the REAL POINT OF BEGINNING.

(continued)

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PARCEL III

That portion of the West half of the Southwest quarter of the Northwest quarter lying Southwesterly of the road described in instrument recorded August 5, 1998 as Instrument No. 9829133, of Official Records, in Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho

EXCEPTING THEREFROM

Commencing at the Southwest corner of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho; and running thence North along the West line of said Section 5, a distance of 265 feet to the REAL POINT OF BEGINNING; thence East and at right angles, a distance of 435 feet; thence North and at right angles and parallel to the Westerly boundary line of said Section 5, a distance of 240 feet; thence West and at right angles, a distance of 435 feet to a point on the West line of said Section 5; thence South along the West boundary line of said Section 5, a distance of 240 feet to the REAL POINT OF BEGINNING.

(continued)

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ALSO A PART OF PARCEL III

Lots 3 and 4 and the South half of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho

SAVE AND EXCEPT the following described real property:

Commencing at the Southeast corner of the above described real property; thence North along the East boundary line of said real property, a distance of 770 feet to the REAL POINT OF BEGINNING; thence West and parallel to the South boundary line of the above described real property, a distance of 70 feet; thence North and parallel to the East boundary line of the above described real property, a distance of 80 feet; thence East and parallel to the South boundary line of the above described real property, a distance of 70 feet; thence South along the East boundary line of said real property, a distance of 80 feet to the REAL POINT OF BEGINNING.

SAVE AND EXCEPT in Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Commencing at the Northeast corner of the Northwest quarter (which is also the Northeast corner of Government Lot 3) and running South along the East boundary line of the Northwest quarter, a distance of 345 feet to the REAL POINT OF BEGINNING; thence continuing South along said East boundary line, a distance of 230 feet; thence West and parallel to the North boundary line of said Section 5, a distance of 190 feet; thence North and parallel with said East boundary line, a distance of 230 feet; thence East and parallel to the North boundary line of said section 5, a distance of 190 feet to the REAL POINT OF BEGINNING.

SAVE AND EXCEPT in Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Commencing at the Northeast corner of the Northwest quarter (which is also the Northeast corner of Government Lot 3) and running South along the East boundary line of the Northwest quarter, a distance of 115 feet to the REAL POINT OF BEGINNING; thence continuing South along said East boundary line, a distance of 230 feet; thence West and parallel to the North boundary line of said Section 5, a distance of 190 feet; thence North and parallel with said East boundary line, a distance of 230 feet; thence East and parallel to the North boundary line of said Section 5, a distance of 190 feet to the REAL POINT OF BEGINNING.

(continued)

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SAVE AND EXCEPT

Commencing at the Southwest corner of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho; and running thence North along the West line of said Section 5, a distance of 265 feet to the REAL POINT OF BEGINNING; thence East and at right angles, a distance of 435 feet; thence North and at right angles and parallel to the Westerly boundary line of said Section 5, a distance of 240 feet; thence West at right angles, a distance of 435 feet to a point on the West line of said Section 5; thence South along the West boundary line of said Section 5, a distance of 240 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTION THEREFROM

This right-of-way is 50 feet in width and lies in portions of the Southwest quarter of the Northwest quarter of Section 5 and of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and lies in a portion of Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, being 25 feet on each side of a centerline which centerline is more particularly described as follows:

Commencing at the center quarter corner of said Section 5; thence South  $1^{\circ}02'37''$  West along the North-South midsection line of said Section 5, a distance of 24.77 feet to the TRUE POINT OF BEGINNING for said centerline; thence North  $89^{\circ}03'52''$  West, a distance of 1,322.53 feet; thence North  $88^{\circ}50'36''$  West, a distance of 417.28 feet; thence Northwesterly 180.22 feet along the arc of a curve to the right having a central angle of  $72^{\circ}21'21''$ , a radius of 142.71 feet, and a long chord which bears North  $52^{\circ}39'55''$  West, a distance of 168.48 feet; thence North  $16^{\circ}29'15''$  West, a distance of 178.68 feet; thence Northwesterly 326.19 feet along the arc of a curve to the left having a central angle of  $33^{\circ}14'55''$ , a radius of 562.10 feet, and a long chord which bears North  $33^{\circ}06'42''$  West, a distance of 321.63 feet; thence North  $49^{\circ}44'10''$  West, a distance of 313.08 feet; thence North  $47^{\circ}59'00''$  West, a distance of 195.12 feet; thence Northwesterly 393.93 feet along the arc of a curve to the right having a central angle of  $48^{\circ}46'24''$ , a radius of 462.77 feet, and a long chord which bears North  $23^{\circ}35'48''$  West, a distance of 382.15 feet; thence North  $0^{\circ}47'24''$  East, a distance of 343.54 feet; thence North  $0^{\circ}57'53''$  East, a distance of 747.16 feet; thence North  $1^{\circ}07'00''$  East, a distance of 466.63 feet; thence North  $1^{\circ}24'21''$  East, a distance of 773.87 feet; thence North  $1^{\circ}18'51''$  East, a distance of 462.01 feet; thence North  $1^{\circ}33'42''$  East, a distance of 571.05 feet to the termination point for said centerline, which point bears South  $0^{\circ}59'42''$  West, a distance of 731.46 feet from the quarter corner common to Sections 31 and 32 of Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

(continued)

SAVE AND EXCEPT:

A parcel of land located in Government Lot 3 of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, described as follows:

Commencing at the Northwest corner of said Lot 3 (North quarter corner of Section 5), marked by a 5/8 inch rebar in the intersection of Dry Lake Road and Bowmont Road; thence South 00°13'46" West, 345.00 feet along the East line of said Government Lot 3 (in Dry Lake Road) to a PK nail; thence North 89°35'02" West, 190.00 feet to the Northwest corner of that certain parcel of land described in a Warranty Deed, Instrument No. 200375709, of Official Records, between Leonard A. and Fern Hazel Tiegs and Reyes and Esperanza P. Tovar dated February 24, 1992, and being the POINT OF BEGINNING; thence South 00°13'46" West, 230.00 feet along the West line of said deed to the Southwest corner of same; thence North 89°35'02" West, 15.00 feet along the Westerly extension of the South line of said deed to a 5/8 inch rebar; thence North 00°13'46" East, 230.00 feet along a line parallel with the Westerly line of said deed to a 5/8 inch rebar set in the Westerly extension of the Northerly line of said deed; thence South 89°35'02" East, 15.00 feet along said Westerly extension of said Northerly deed line to the POINT OF BEGINNING.

SAVE AND EXCEPT:

A parcel of land located in Government Lot 3 of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, described as follows:

Beginning at the Northwest corner of said Lot 3 (North quarter corner of Section 5), marked by a 5/8 inch rebar in the intersection of Dry Lake Road and Bowmont Road; thence South 00°13'46" West, 115.00 feet along the East line of said Government Lot 3 (in Dry Lake Road) to a PK nail at the Northeast corner of that certain parcel of land described in a Quit Claim Deed, Instrument No. 9921164, of Official Records, dated May 26, 1996; thence North 89°35'02" West, 190.00 feet along the Northerly line of said deed to the Northwest corner of said deed; thence South 00°13'46" West, 230.00 feet along the Westerly line of said deed to the Southwesterly corner of same; thence North 89°35'02" West, 15.00 feet along the Westerly extension of the Southerly line of said deed to a 5/8 inch rebar; thence North 00°13'46" East, 345.00 feet along a line parallel with the Westerly line of said deed to a 5/8 inch rebar set in the Northerly line of said Section 5; thence South 89°35'02" East, 205.00 feet along said Northerly section line to the POINT OF BEGINNING.

(continued)

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**PARCEL IV**

North half of the Southwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

**EXCEPTING THEREFROM**

This right-of-way is 50 feet in width and lies in portions of the Southwest quarter and the Northwest quarter of Section 5 and of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and lies in a portion of Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian being 25 feet on each side of a centerline which centerline is more particularly described as follows:

Commencing at the center quarter corner of said Section 5; thence South  $1^{\circ}02'37''$  West along the North-South midsection line of said Section 5, a distance of 24.77 feet to the TRUE POINT OF BEGINNING for said centerline; thence North  $89^{\circ}03'52''$  West, a distance of 1,322.53 feet; thence North  $88^{\circ}50'36''$  West, a distance of 417.28 feet; thence Northwesterly 180.22 feet along the arc of a curve to the right having a central angle of  $72^{\circ}21'21''$ , a radius of 142.71 feet, and a long chord which bears North  $52^{\circ}39'55''$  West, a distance of 168.48 feet; thence North  $16^{\circ}29'15''$  West, a distance of 178.68 feet; thence Northwesterly 326.19 feet along the arc of a curve to the left having a central angle of  $33^{\circ}14'55''$ , a radius of 562.10 feet, and a long chord which bears North  $33^{\circ}06'42''$  West, a distance of 321.63 feet; thence North  $49^{\circ}44'10''$  West, a distance of 313.08 feet; thence North  $47^{\circ}59'00''$  West, a distance of 195.12 feet; thence Northwesterly 393.93 feet along the arc of a curve to the right having a central angle of  $48^{\circ}46'24''$  a radius of 462.77 feet, and a long chord which bears North  $23^{\circ}35'48''$  West, a distance of 382.15 feet; thence North  $0^{\circ}47'24''$  East, a distance of 343.54 feet; thence North  $0^{\circ}57'53''$  East, a distance of 747.16 feet; thence North  $1^{\circ}07'00''$  East, a distance of 466.63 feet; thence North  $1^{\circ}24'21''$  East, a distance of 773.87 feet; thence North  $1^{\circ}18'51''$  East, a distance of 462.01 feet; thence North  $1^{\circ}33'42''$  East, a distance of 571.05 feet to the termination point for said centerline which point bears South  $0^{\circ}59'42''$  West, a distance of 731.46 feet from the quarter corner common to Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho

**PARCEL V**

All that portion of the Northeast quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, that lies South and West, of the Mora Canal right-of-way.

**PARCEL VI**

The West half of the Southeast quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

(continued)

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**PARCEL VII**

The East half of the Southeast quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

**PARCEL VIII**

The South half of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 6, Township 1 North, Range 2 West.

AND EXCEPTING THEREFROM the East half of Northwest quarter of the Southeast quarter of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

**PARCEL IX**

Commencing at the North quarter corner of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho; and running South 0°01' East, 223.8 feet along the West line of Lot 2 of Section 6, Township 1 North, Range 2 West, Boise Meridian, the REAL POINT OF BEGINNING; thence continuing South along the West line of the aforementioned Lot 2 of Section 6, 1,102.0 feet; thence North 89°58' East along the South line of Lots 1 and 2, of Section 6, Township 1 North, Range 2 West, Boise Meridian, 1,825.0 feet; thence North 58°54' West, 2,132.0 feet to the POINT OF BEGINNING; all of the above described property lying in Lots 1 and 2 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

**PARCEL X**

The Northeast quarter of the Southeast quarter of the Northeast quarter and the East half of the Northwest quarter of the Southeast quarter of the Northeast quarter, all in Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

**EXCEPTING THEREFROM**

This right-of-way is 50 feet in width and lies in portions of the Southwest quarter and the Northwest quarter of Section 5 and of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and lies in a portion of Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, being 25 feet on each side of a centerline which centerline is more particularly described as follows:

Commencing at the center quarter corner of said Section 5; thence South 1°02'37" West along the North-South midsection line of said Section 5, a distance of 24.77 feet to the TRUE POINT OF BEGINNING for said centerline; thence

(continued)

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North 89°03'52" West, a distance of 1,322.53 feet; thence  
North 88°50'36" West, a distance of 417.28 feet; thence  
Northwesterly 180.22 feet along the arc of a curve to the right having a central angle of 72°21'21", a radius of 142.71 feet, and a long chord which bears North 52°39'55" West, a distance of 168.48 feet; thence  
North 16°29'15" West, a distance of 178.68 feet; thence  
Northwesterly 326.19 feet along the arc of a curve to the left having a central angle of 33°14'55", a radius of 562.10 feet, and a long chord which bears North 33°06'42" West, a distance of 321.63 feet; thence  
North 49°44'10" West, a distance of 313.08 feet; thence  
North 47°59'00" West, a distance of 195.12 feet; thence  
Northwesterly 393.93 feet along the arc of a curve to the right having a central angle of 48°46'24", a radius of 462.77 feet, and a long chord which bears North 23°35'48" West, a distance of 382.15 feet; thence  
North 0°47'24" East, a distance of 343.54 feet; thence  
North 0°57'53" East, a distance of 747.16 feet; thence  
North 1°07'00" East, a distance of 466.63 feet; thence  
North 1°24'21" East, a distance of 773.87 feet; thence  
North 1°18'51" East, a distance of 462.01 feet; thence  
North 1°33'42" East, a distance of 571.05 feet to the termination point for said centerline, which point bears South 0°59'42" West, a distance of 731.46 feet from the quarter corner common to Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

#### PARCEL XI

This parcel is a portion of the Southeast quarter of section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Beginning at the Northeast corner of the said Southeast quarter; thence  
South 0°58'46" West along the East boundary of the said Southeast quarter, a distance of 254.31 feet; thence  
South 75°29'17" West, a distance of 174.22 feet; thence  
South 79°55'27" West, a distance of 241.97 feet; thence  
South 88°28'35" West, a distance of 280.23 feet; thence  
North 84°07'17" West, a distance of 111.48 feet; thence  
North 78°38'13" West, a distance of 358.97 feet; thence  
North 79°59'05" West, a distance of 185.05 feet; thence  
North 82°45'12" West, a distance of 472.38 feet; thence  
North 75°36'00" West, a distance of 86.72 feet; thence  
North 71°12'20" West, a distance of 331.18 feet; thence  
North 74°16'13" West, a distance of 279.95 feet to a point on the North boundary of the said Southeast quarter; thence  
South 89°17'47" East along the said North boundary, a distance of 2,472.21 feet to the POINT OF BEGINNING.

(continued)

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**PARCEL XII**

This parcel is a portion of the Southeast quarter of the Northwest quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Beginning at the Northeast corner of the said Southeast quarter of the Northwest quarter; thence

South 0°52'27" West along the East boundary of the said Southeast quarter of the Northwest quarter, a distance of 300.88 feet; thence

North 67°31'05" West, a distance of 211.05 feet; thence

North 65°30'58" West, a distance of 78.97 feet; thence

North 57°38'37" West, a distance of 115.36 feet; thence

North 55°25'07" West, a distance of 234.79 feet to a point on the North boundary of the said Southeast quarter of the Northwest quarter; thence

South 89°13'36" East along the said North boundary, a distance of 562.28 feet to the POINT OF BEGINNING.

**PARCEL XIII**

This parcel is a portion of Government Lot 4 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Commencing at the Northwest corner of said Government Lot 4; thence

South 0°51'57" West along the West boundary of said Government Lot 4, a distance of 333.12 feet (formerly South, a distance of 330 feet); thence

South 89°13'36" East (formerly East) along a line parallel with the South boundary of said Government Lot 4, a distance of 840.10 feet to the TRUE POINT OF BEGINNING; thence continuing

South 89°13'36" East, a distance of 479.90 feet to a point on a line that is parallel with and 1,320.00 feet Easterly of the said West boundary of Government Lot 4; thence

South 0°51'57" West along the said parallel line, a distance of 419.14 feet to a point 580.23 feet Northerly of the said South boundary of Government Lot 4; thence

North 52°55'28" West, a distance of 55.73 feet; thence

North 40°40'58" West, a distance of 108.42 feet; thence

North 28°52'43" West, a distance of 193.15 feet; thence

North 33°26'57" West, a distance of 60.62 feet; thence

North 73°45'07" West, a distance of 191.69 feet; thence

North 52°37'10" West, a distance of 59.97 feet to the TRUE POINT OF BEGINNING.

(continued)

PARCEL XIV

Lots 3 and 4 of Section 6, Township 1 North, and Lot 4 and the Southeast quarter of the Southwest quarter of Section 31, Township 2 North, all in Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM the following

Commencing at the Northwest corner of Lot 4 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and running South along the West line of Lot 4, a distance of 330 feet to the REAL POINT OF BEGINNING; thence continuing South along said West line 990 feet to the Southwest corner of Lot 4; thence East along the South line of Lot 4, a distance of 1,320 feet; thence North and parallel to the West line of Lot 4, 990 feet; thence Westerly parallel to the South line of Lot 4, 1,320 feet to the REAL POINT OF BEGINNING

All contained in Government Lot 4 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

AND EXCEPTING THEREFROM that portion of Lot 3, Lot 4 and the Southeast quarter of the Northwest quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho and Lot 4 of Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, lying South and West of the following described line:

Beginning at a point that is  
South 0°52'27" West along the East boundary from the Northeast corner of the said Southeast quarter of the Northwest quarter, a distance of 300.88 feet to the REAL POINT OF BEGINNING of said line; thence  
North 67°31'05" West, a distance of 211.05 feet; thence  
North 65°30'58" West, a distance of 78.97 feet; thence  
North 57°38'37" West, a distance of 115.36 feet; thence  
North 55°25'07" West, a distance of 234.79 feet to a point on the North boundary of said Southeast quarter of the Northwest quarter; thence continuing  
North 55°25'07" West, a distance of 23.96 feet; thence  
North 54°54'28" West, a distance of 112.11 feet; thence  
North 51°45'14" West, a distance of 119.19 feet; thence  
North 49°17'31" West, a distance of 197.98 feet; thence  
North 52°55'29" West, a distance of 513.63 feet; thence  
North 52°55'28" West, a distance of 55.73 feet; thence  
North 40°40'58" West, a distance of 108.42 feet; thence  
North 28°52'43" West, a distance of 193.15 feet; thence  
North 33°26'57" West, a distance of 60.62 feet; thence  
North 73°45'07" West, a distance of 191.69 feet; thence  
North 52°37'10" West, a distance of 59.97 feet; thence continuing

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North 52°37'10" West, a distance of 157.29 feet; thence  
North 53°23'06" West, a distance of 236.11 feet; thence  
North 55°11'55" West, a distance of 273.91 feet; thence  
North 60°11'41" West, a distance of 162.99 feet; thence  
North 60°58'30" West, a distance of 172.60 feet to the West boundary of Government Lot 4  
of Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, the  
POINT OF TERMINATION of said line.

ALSO EXCEPTING THEREFROM a right-of-way disclosed by instrument recorded August 16, 1966  
as Instrument No. 585024, of Official Records.

**PARCEL XV**

The Southeast quarter and the Northeast quarter of the Southwest quarter of Section 31,  
Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM a portion of the Northeast quarter of the Southeast quarter of Section  
31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more  
particularly described by metes and bounds as follows:

Commencing at the Southeast corner of Section 31, Township 2 North, Range 2 West, Boise  
Meridian, Canyon County, Idaho, and running  
North 0°13'00" East, 1,322.91 feet along the Easterly boundary of said Section 31 to the  
Southeast corner of the Northeast quarter of the Southeast quarter, said Section 31;  
thence continuing  
North 0°13'00" East, 652.43 feet (formerly described as North 0°13' East, 652.2 feet)  
along said Easterly boundary of Section 31 to the TRUE POINT OF BEGINNING; thence  
continuing  
North 0°13'00" East, 387.10 feet (formerly described as North 0°13' East, 387.04 feet)  
along said Easterly boundary of Section 31 to a point which bears  
South 0°13'00" West, 283.38 feet from the Northeast corner of the Southeast quarter of  
said Section 31; thence  
North 51°02'40" West, 452.17 feet (formerly described as North 50°57' West, 452.24 feet)  
to a point on the Northerly boundary of the said Southeast quarter of Section 31, said  
point being  
North 89°51'07" West, 352.70 feet from the said Northeast corner of the Southeast quarter  
of Section 31; thence  
North 89°51'07" West, 634.99 feet (formerly described as North 89°45' West, 638.29 feet)  
along said Northerly boundary of the Southeast quarter of Section 31 to a point; thence  
South 18°30'45" West, 174.88 feet (formerly described as South 18°09' West, 170.8 feet) to  
a point; thence  
South 63°07'30" East, 590.42 feet (formerly described as South 63°33' East, 596.49 feet)  
to a point; thence  
South 64°56'40" East, 567.42 feet (formerly described as South 65°25' East, 573.19 feet)  
to the POINT OF BEGINNING.

**PARCEL XVI**

The Southwest quarter of the Southwest quarter of Section 32, Township 2 North, Range 2  
West, Boise Meridian, Canyon County, Idaho.

(continued)

PARCEL XVII

Lots 1 and 2 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

Commencing at the North quarter corner of Section 6, and running South 0°01' East, 223.8 feet along the West line of Lot 2 of Section 6, the REAL POINT OF BEGINNING; thence continuing South along the West line of Lot 2, a distance of 1,102.0 feet; thence North 89°58' East along the South line of Lots 1 and 2, a distance of 1,825 feet; thence North 58°54' West, 2,132.0 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM out of Parcels XV, XVI AND XVII:

This right-of-way is 50 feet in width and lies in portions of the Southwest quarter and the Northwest quarter of Section 5 and of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and lies in a portion of Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, being 25 feet on each side of a centerline which centerline is more particularly described as follows:

Commencing at the center quarter corner of said Section 5; thence South 1°02'37" West along the North-South midsection line of said Section 5, a distance of 24.77 feet to the TRUE POINT OF BEGINNING for said centerline; thence North 89°03'52" West, a distance of 1,322.53 feet; thence North 88°50'36" West, a distance of 417.28 feet; thence Northwesterly 180.22 feet, along the arc of a curve to the right having a central angle of 72°21'21", a radius of 142.71 feet, and a long chord which bears North 52°39'55" West, a distance of 168.48 feet; thence North 16°29'15" West, a distance of 178.68 feet; thence Northwesterly 326.19 feet along the arc of a curve to the left having a central angle of 33°14'55", a radius of 562.10 feet, and a long chord which bears North 33°06'42" West, a distance of 321.63 feet; thence North 49°44'10" West, a distance of 313.08 feet; thence North 47°59'00" West, a distance of 195.12 feet; thence Northwesterly 393.93 feet along the arc of a curve to the right having a central angle of 48°46'24", a radius of 462.77 feet, and a long chord which bears North 23°35'48" West, a distance of 382.15 feet; thence North 0°47'24" East, a distance of 343.54 feet; thence North 0°57'53" East, a distance of 747.16 feet; thence North 1°07'00" East, a distance of 466.63 feet; thence North 1°24'21" East, a distance of 773.87 feet; thence North 1°18'51" East, a distance of 462.01 feet; thence North 1°33'42" East, a distance of 571.05 feet to the termination point for said centerline, which point bears South 0°59'42" West, a distance of 731.46 feet from the quarter corner common to Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

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PARCEL XVIII

Lot 3 in Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM in Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Beginning at the Northwest corner of Government Lot 3, the REAL POINT OF BEGINNING; thence South 89°06'27" East along the North boundary of said Government Lot 3, a distance of 854.95 feet; thence South 5°00'00" West, a distance of 374.96 feet; thence South 12°55'25" West, a distance of 149.02 feet; thence North 82°33'12" West, a distance of 252.41 feet; thence North 77°29'53" West, a distance of 202.42 feet; thence North 73°09'27" West, a distance of 361.75 feet to a point on the West boundary of said Government Lot 3; thence North 0°51'53" East along the said West boundary, a distance of 350.79 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM a right-of-way as disclosed by instrument recorded August 16, 1966 as Instrument No. 585024, of Official Records.

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AUG 25 2000

**EXHIBIT B**

Permitted Exceptions

*[See attached.]*

General taxes for the year 2006, which are a lien, payable on or before December 20 of said year and not delinquent until after said date.

Liens and assessments of the BOISE KUNA IRRIGATION DISTRICT, and the rights, powers, and easements of said district as by law provided. No search has been made Telephone No (208)922-5608 for more specific information.

Rights of way for ditches, tunnels, telephone and transmission lines constructed by authority of the United States, as granted to the United States under the provisions of Section 58-604 Idaho Code 1947.

Ditch, road and public utility easements as same may exist over said premises.

Rights and claims in and to that portion of said premises lying within the Mora Canal right of way.

Rights and claims in and to that portion of said premises lying within the Lynnwood Road right of way.

Rights and claims in and to that portion of said premises lying within the Rim Road right of way

Rights and claims in and to that portion of said premises lying within the Dearborne Road right of way.

Rights and claims in and to that portion of said premises lying within the Bowmont Road right of way.

Rights and claims in and to that portion of said premises lying within the Richardson Lane right of way

Rights and claims in and to that portion of said premises lying within the Dry Lake Road right of way

Rights and claims in and to that portion of said premises lying within the Farm Road right of way

Rights and claims in and to that portion of said premises lying within the Morrow Canal right of way.

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- .. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded May 24, 1941, as Instrument No. 261666, of Official Records.  
(AFFECTS SOUTHEAST OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- .. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 5, 1957, as Instrument No. 445788, of Official Records.  
(AFFECTS SOUTH HALF OF THE SOUTHEAST OF THE NORTHEAST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- .. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 5, 1957, as Instrument No. 445792, of Official Records.  
(AFFECTS SOUTHEAST OF THE SOUTHWEST OF THE SOUTHEAST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- .. Mineral Deed recorded March 31, 1952 as Instrument No. 387230, by and between EDWIN P. TIEGS AND ELIZABETH TIEGS, husband and wife and WARREN SHEAR, as to an undivided 1/2 interest.  
(AFFECTS LOTS 1 AND 2 AND SOUTH HALF OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- .. Mineral Deed recorded May 13, 1952 as Instrument No. 389040, by and between WARREN SHEAR AND C R. BENNETT, as to an undivided 3/8 interest.  
  
Statement of Claim and Notice of Intent to Preserve recorded October 4, 1984, as Instrument No. 8423883, of Official Records  
(AFFECTS LOTS 1 AND 2 AND THE SOUTH HALF OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- .. Mineral Deed recorded April 9, 1955 as Instrument No. 420949, by and between WARREN SHEAR AND MILES JACKSON, as to an undivided 1/8 interest.  
(AFFECTS LOTS 1 AND 2 AND THE SOUTH HALF OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- .. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 5, 1957, as Instrument No. 445781, of Official Records.  
(AFFECTS SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- .. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 5, 1957, as Instrument No. 445785, of Official Records.  
(AFFECTS NORTH HALF OF THE SOUTHWEST OF THE NORTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

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An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 5, 1957, as Instrument No. 445786, of Official Records.  
(AFFECTS NORTH HALF OF THE NORTHWEST OF THE SOUTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 5, 1957, as Instrument No. 445787, of Official Records.  
(AFFECTS SOUTH HALF OF THE SOUTHWEST OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 21, 1958, as Instrument No. 459257, of Official Records  
(AFFECTS SOUTHEAST OF THE NORTHWEST AND SOUTH 30 ACRES OF NORTHWEST OF THE NORTHWEST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 21, 1958, as Instrument No. 459258, of Official Records.  
(AFFECTS NORTHWEST OF THE SOUTHWEST OF THE NORTHEAST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 21, 1958, as Instrument No. 459260, of Official Records.  
(AFFECTS SOUTH HALF OF THE NORTHEAST OF THE NORTHWEST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

Reserving unto the Grantor HELEN RODRIGUEZ, a widow one-half of all minerals of any nature as disclosed by Warranty Deed recorded May 26, 1959, as Instrument No. 472821, of Official Records  
(AFFECTS SOUTHEAST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

Right of way by and between LEONARD A. TIEGS AND FERN HAZEL TIEGS, husband and wife and LOUIS M. HOPKINS, a widower in favor of CLARE R. DAVENPORT AND ELAINE DAVENPORT, husband and wife, as disclosed by instrument recorded November 24, 1959 as Instrument No. 479620, of Official Records.  
(AFFECTS SOUTH 10 FEET OF NORTHWEST AND NORTH 10 FEET OF NORTH HALF OF SOUTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

Right of Way by and between LOUIS M. HOPKINS and LUCILLE A. HOPKINS, husband and wife, in favor of CLARE R. DAVENPORT and ELAINE DAVENPORT, husband and wife, as disclosed by instrument recorded December 18, 1959, as Instrument No. 480785, of Official Records.  
(AFFECTS WEST 20 FEET OF THE NORTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

SCANNED

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- Right of Way by and between LOUIS M. HOPKINS and LUCILLE A. HOPKINS, husband and wife, in favor of CLARE R. DAVENPORT and ELAYNE E. DAVENPORT, husband and wife, as disclosed by instrument recorded March 18, 1960, as Instrument No. 484904, of Official Records.  
(AFFECTS 20 FOOT SQUARE AREA LYING IN THE SOUTHWEST CORNER OF NORTHWEST, NORTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded May 5, 1960, as Instrument No. 487190, of Official Records.  
(AFFECTS NORTH HALF OF THE SOUTHEAST OF THE SOUTHEAST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded September 29, 1961, as Instrument No. 507254, of Official Records.  
(AFFECTS SOUTH HALF OF THE SOUTHEAST OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded March 27, 1962, as Instrument No. 515051, of Official Records  
(AFFECTS NORTH HALF OF THE SOUTHEAST OF THE NORTHEAST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded March 21, 1963, as Instrument No. 530617, of Official Records.  
(AFFECTS SOUTHEAST OF THE SOUTHWEST AND NORTH HALF OF THE SOUTHWEST OF THE SOUTHWEST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded March 21, 1963, as Instrument No. 530618, of Official Records  
(AFFECTS NORTHWEST OF THE SOUTHWEST OF THE SOUTHEAST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- Right-of-way granted to ELMER H. TIEGS permitted use by UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT for irrigation ditch and well as disclosed by document recorded April 19, 1963, as Instrument No. 532102, of Official Records  
(AFFECTS NORTHWEST OF THE SOUTHWEST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
- An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded August 8, 1963, as Instrument No. 537412, of Official Records.  
(AFFECTS NORTH 330 FEET OF LOT 4, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

Right, Title and Interest of LIVINGSTON OIL COMPANY, a corporation, as to minerals as disclosed by Conveyance of Oil, Gas and Other Interests recorded January 14, 1964 as Instrument No. 550084, of Official Records.

Rental Division Order by and between TIEGS FARMS, INC and CHAMPLIN PETROLEUM COMPANY recorded October 25, 1979, as Instrument No. 876831, of Official Records.  
(AFFECTS SOUTHEAST, PORTION OF LOT 4 AND SOUTHEAST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

Rental Division Order by and between LEONARD A AND FERN H TIEGS, husband and wife and CHAMPLIN PETROLEUM COMPANY recorded November 26, 1979, as Instrument No. 879333, of Official Records.  
(AFFECTS SOUTH HALF OF THE NORTHEAST, PORTION OF LOTS 1 AND 2 IN SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN AND NORTHEAST LYING SOUTH AND WEST OF MORA CANAL, WEST HALF OF THE SOUTHEAST, PORTION OF SOUTH HALF OF THE NORTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

Terms, conditions, provisions and obligations set forth in that certain Easement Agreement for road purposes between CLARE R. DAVENPORT AND ELAYNE E. DAVENPORT, husband and wife and RICHARD KILZER AND JEAN NEHRING KILZER, husband and wife, recorded June 17, 1966, as Instrument No. 583096, of Official Records.  
(AFFECTS 12 FEET IN WIDTH ALONG THE ENTIRE NORTH LINE OF THE SOUTHWEST OF THE SOUTHWEST, SECTION 32, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded October 27, 1966, as Instrument No. 587290, of Official Records.  
(AFFECTS WEST HALF OF THE NORTHEAST OF THE SOUTHWEST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded October 27, 1966, as Instrument No. 587292, of Official Records.  
(AFFECTS WEST HALF OF THE SOUTHWEST OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded January 12, 1970, as Instrument No. 637545, of Official Records.  
(AFFECTS SOUTHWEST, NORTHEAST, SOUTHWEST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded January 12, 1970, as Instrument No. 637546, of Official Records.  
(AFFECTS NORTHWEST, SOUTHWEST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

SCANNED

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Easement as granted to THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, by instrument recorded January 21, 1982, as Instrument No. 938294, of Official Records; for operation, maintenance and repair of its lines.  
(AFFECTS NORTH 10 FEET OF SOUTHWEST OF THE SOUTHWEST, SECTION 32, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

A public right-of-way easement for the construction and maintenance of a public road and incidental purposes in favor of NAMPA HIGHWAY DISTRICT NO. 1, recorded December 3, 1985, as Instrument No. 8528506, of Official Records.

Acceptance of Public Right-of-Way Easement recorded December 3, 1985, as Instrument No. 8528507, of Official Records.  
(AFFECTS SOUTHEAST OF THE SOUTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

An easement for irrigation pipeline and incidental purposes in favor of TIEGS FARMS, INC., recorded March 21, 1989, as Instrument No. 8904940, of Official Records.  
(AFFECTS GOVERNMENT LOTS 3 AND 4 OF TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN AND GOVERNMENT LOT 4 OF TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded February 21, 1991, as Instrument No. 9103288, of Official Records  
(AFFECTS NORTHWEST OF THE NORTHWEST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

Terms, conditions, provisions and obligations set forth in that certain Easement Agreement between DRY LAKE L.L.C. and TIEGS FARMS, INC., an Idaho corporation, recorded February 19, 1999, as Instrument No. 9906327, of Official Records  
(AFFECTS NORTH HALF OF THE SOUTHWEST AND SOUTH HALF OF THE SOUTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

General Conveyance executed by AMAX OIL & GAS INC., a Delaware corporation to UNIVERSAL RESOURCES CORPORATION, a Texas corporation, recorded April 26, 1994, as Instrument No. 9412255, of Official Records.  
(AFFECTS LOTS 1, 2, SOUTH HALF OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

Matters as disclosed by Record of Survey, recorded February 21, 2006 as Instrument No. 200611930, of Official Records.

Matters as disclosed by Record of Survey, recorded November 16, 2005 as Instrument No. 200576308, of Official Records.

SCANNED

AUG 25 2008

: Any off record facts, encumbrances, easements or possessory claims, a survey or inspection would disclose.

SCANNED

AUG 25 2009

09/29/2006

**NOTICE OF ERROR  
REPLY**

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

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

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006**

Water right number: 63-2896

KASTERA DEVELOPMENT LLC  
372 S EAGLE RD, STE 375  
EAGLE ID 83616  
Telephone Number: (208) 472-0300

**RECEIVED**

**OCT 19 2006**

**WATER RESOURCES  
WESTERN REGION**

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

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

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

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

DATE: 13 Oct. 2006 SIGNATURE: Wayne S. Forrey

Please print your name: Wayne S. Forrey

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

**SCANNED  
OCT 23 2006**

10/17/2006

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

RIGHT NUMBER: 63-2896

NAME AND ADDRESS: KASTERA DEVELOPMENT LLC  
372 S EAGLE RD, STE 375  
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.040 CFS  
675.00 AFY

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to a total combined annual diversion volume of 2214 AF.

PRIORITY DATE: 03/24/1952

POINT OF DIVERSION:  
T01N R02W S5 NWNE Within CANYON County  
T01N R02W S6 SESENE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>                  | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|---------------|----------------------------------------|----------------------|-------------------------|
|               | IRRIGATION                             | 03/01 11/15          | 3.040 CFS<br>675.00 AFY |
| PLACE OF USE: | <u>IRRIGATION Within CANYON County</u> |                      |                         |
|               | T01N R02W S05 NESW 40.00               | T01N R02W S05 NWSW   | 40.00                   |
|               | T01N R02W S06 SWNE 32.00               | T01N R02W S06 SENE   | 38.00                   |
|               | 150 ACRES TOTAL                        |                      |                         |

Right Nos. 63-2896, 63-3043, 63-3255 and 63-7876 are limited to the irrigation of a combined total of 492 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



# Idaho Department of Water Resources

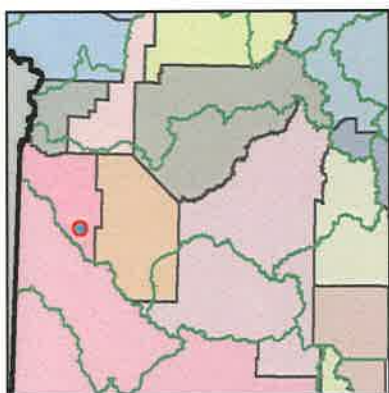
SRBA Recommendation:

**63-2896**

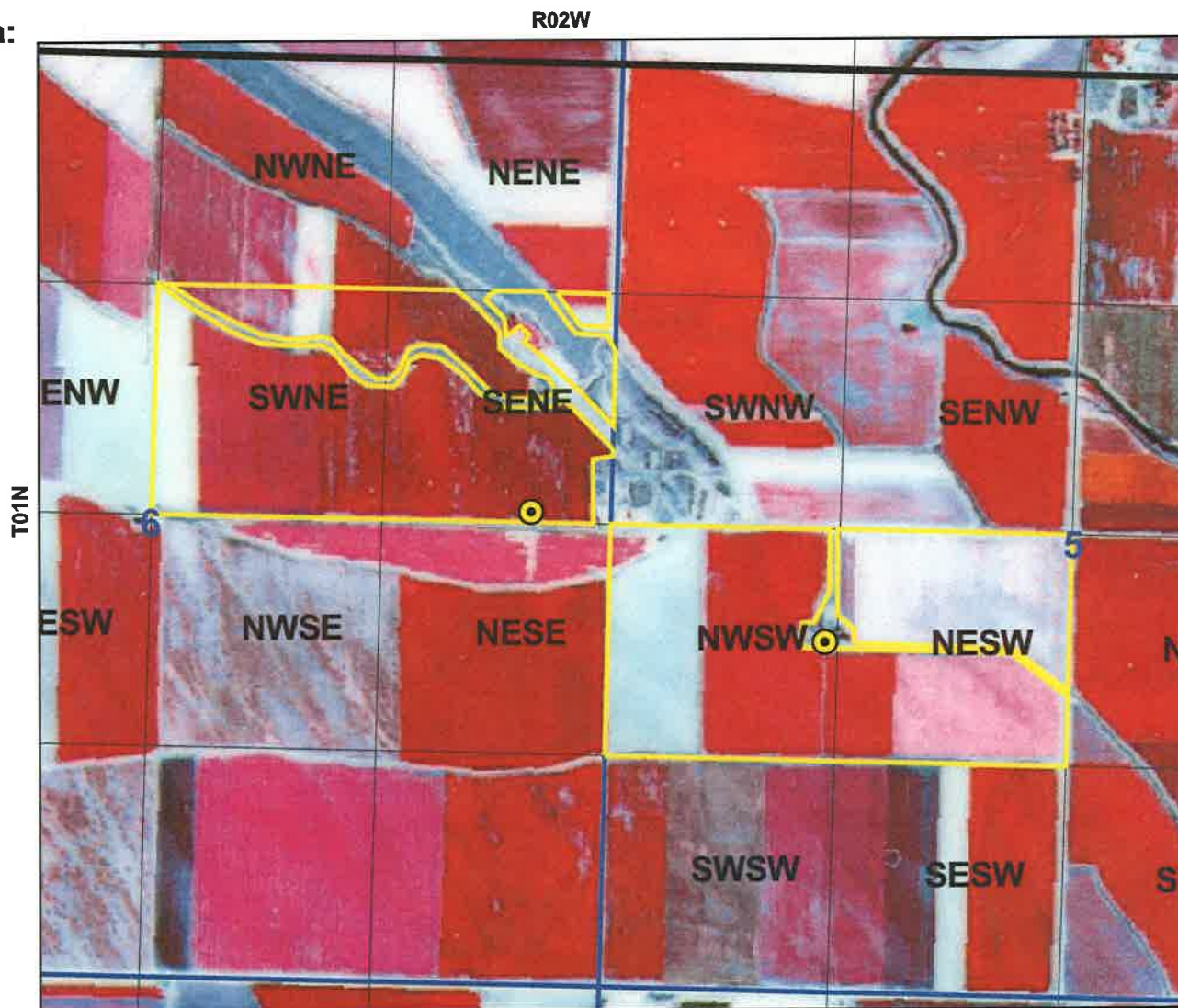
(Irrigation)

## Legend

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



Canyon County  
IDWR Basin 63



0 0.4 0.8 Miles

Prepared by M. Ciscell  
On Tuesday, October 17, 2006  
1987/88 Aerial Photography

**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.

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 DEPARTMENT OF  
 WATER RESOURCES

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

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
|                       | 63-2896                      |       |                       |                              |       |
|                       | 63-3043                      |       |                       |                              |       |
|                       | 63-3255                      |       |                       |                              |       |
|                       | 63-7876                      |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

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

LEONARD A. TIEGS  
 15951 GARRETT BLVD., Nampa, ID 83651

4. New Owner/Claimant(s)

Katera Development LLC

Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address

372 S. Eagle Rd., Suite 375

City, State and ZIP Code

Eagle, ID 83616

New Telephone Number

(208) 472.0300

5. Date you acquired the property

1 June 06

**SCANNED**

SEP 05 2006

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7.

Signature of New Owner(s) or Claimant(s) \_\_\_\_\_  
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**For Office Use Only**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

SCANNED

SEP 05 2006



06/27/06

To: DBSI Tiger 979 LLC

372 S Eagle Road, Ste 375  
Eagle ID 83616

ATTN:

Re:

Our File Number: 0500038560      Ref:

Property Address: 000 Dry Lake Rd.  
Nampa, ID 83686

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DEPARTMENT OF  
WATER RESOURCES

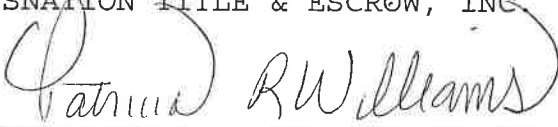
In connection with the above transaction, we have enclosed the following:

- ( ) Date Down Endorsement
- ( ) New Schedule A of your commitment showing lender
- ( ) 104.1 Endorsement
- (XX) Revised Owner's Policy

Thank you for this opportunity to serve you. If we may be of any further assistance, please do not hesitate to contact us.

Cordially,

TRANSNATION TITLE & ESCROW, INC

By   
Patricia R. Williams  
Title Officer

2805 Blaine St, Suite 120  
Caldwell, ID 83605  
(208) 455-0166, Fax (208) 453-8971

8665 W Emerald, Suite 200  
Boise, ID 83704  
(208) 377-3190, Fax (208) 377-0946

485 E Riverside Drive  
Eagle, ID 83616  
(208) 938-2544, Fax (208) 938-2544

950 W Bannock, Suite 250  
Boise, ID 83702

170 2<sup>nd</sup> St South  
Nampa, ID 83651

701 S Allen St  
Meridian, ID 83642

SCANNED  
SEP 05 2006

# LOAN POLICY OF TITLE INSURANCE

*Revised*

Issued by **Transnation Title Insurance Company**



*Transnation Title Insurance Company is a member of the LandAmerica family of title insurance underwriters.*

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, TRANSNATION TITLE INSURANCE COMPANY, an Arizona corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land;
5. The invalidity or unenforceability of the lien of the insured mortgage upon the title;
6. The priority of any lien or encumbrance over the lien of the insured mortgage;
7. Lack of priority of the lien of the insured mortgage over any statutory lien for services, labor or material:
  - (a) arising from an improvement or work related to the land which is contracted for or commenced prior to Date of Policy; or
  - (b) arising from an improvement or work related to the land which is contracted for or commenced subsequent to Date of Policy and which is financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance;
8. The invalidity or unenforceability of any assignment of the insured mortgage, provided the assignment is shown in Schedule A, or the failure of the assignment shown in Schedule A to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title or the lien of the insured mortgage, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF, TRANSNATION TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, the Policy to become valid when countersigned by an authorized officer or agent of the Company.

**TRANSNATION TITLE INSURANCE COMPANY**

Attest:

Secretary



By:

President

## EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material); or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (a) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
  - (b) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
  - (c) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (i) to timely record the instrument of transfer; or
    - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

**SCANNED**

**SEP 05 2008**

Issued with Policy  
No.:

POLICY OF TITLE INSURANCE

SCHEDULE A

Amount of Insurance: \$8,757,000.00

Policy No.: A37-0124820

File No.: 0500038560

Date of Policy: June 22, 2006 at 4:56 p.m.

1. Name of Insured:

DBSI TIGER 979 LLC

2. The estate or interest in the land described herein and which is covered by this policy is  
fee simple and is at date of policy vested in:

DBSI TIGER 979 LLC, an Idaho Limited Liability Company

3. The land referred to in this policy is described in the said instrument, is situated in the  
County of Canyon, State of Idaho, and is identified as follows:

SEE EXHIBIT "A" ATTACHED  
(continued)

Countersigned:



Authorized Officer or Agent  
Patricia R. Williams

This Policy Is Valid Only If Schedule B is Attached

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

EXHIBIT "A"

**PARCEL I**

That portion of the Southeast quarter of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho. More particularly described as follows:

Commencing at the Southeast corner of the Southeast quarter of the Northwest quarter of Section 5, Township 1 North, Range 2 West; thence North along the East boundary line of said real property, a distance of 770 feet to the REAL POINT OF BEGINNING; thence West and parallel to the South boundary line of the above described real property, a distance of 70 feet; thence North and parallel to the East boundary line of the above described real property, a distance of 80 feet; thence East and parallel to the South boundary line of the above described real property, a distance of 70 feet; thence South along the East boundary line of said real property, a distance of 80 feet to the REAL POINT OF BEGINNING.

**PARCEL II**

Commencing at the Southwest corner of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho; and running thence North along the West line of said Section 5, a distance of 265 feet to the REAL POINT OF BEGINNING; thence East and at right angles, a distance of 435 feet; thence North and at right angles and parallel to the Westerly boundary line of said Section 5, a distance of 240 feet; thence West and at right angles, a distance of 435 feet to a point on the West line of said Section 5; thence South along the West boundary line of said Section 5, a distance of 240 feet to the REAL POINT OF BEGINNING.

(continued)

SCANNED

SEP 05 2006

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

PARCEL III

That portion of the West half of the Southwest quarter of the Northwest quarter lying Southwesterly of the road described in instrument recorded August 5, 1998 as Instrument No. 9829133, of Official Records, in Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

Commencing at the Southwest corner of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho; and running thence North along the West line of said Section 5, a distance of 265 feet to the REAL POINT OF BEGINNING; thence East and at right angles, a distance of 435 feet; thence North and at right angles and parallel to the Westerly boundary line of said Section 5, a distance of 240 feet; thence West and at right angles, a distance of 435 feet to a point on the West line of said Section 5; thence South along the West boundary line of said Section 5, a distance of 240 feet to the REAL POINT OF BEGINNING.

(continued)

SCANNED

SEP 05 2006

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

ALSO A PART OF PARCEL III

Lots 3 and 4 and the South half of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

SAVE AND EXCEPT the following described real property:

Commencing at the Southeast corner of the above described real property; thence North along the East boundary line of said real property, a distance of 770 feet to the REAL POINT OF BEGINNING; thence West and parallel to the South boundary line of the above described real property, a distance of 70 feet; thence North and parallel to the East boundary line of the above described real property, a distance of 80 feet; thence East and parallel to the South boundary line of the above described real property, a distance of 70 feet; thence South along the East boundary line of said real property, a distance of 80 feet to the REAL POINT OF BEGINNING.

SAVE AND EXCEPT in Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Commencing at the Northeast corner of the Northwest quarter (which is also the Northeast corner of Government Lot 3) and running South along the East boundary line of the Northwest quarter, a distance of 345 feet to the REAL POINT OF BEGINNING; thence continuing South along said East boundary line, a distance of 230 feet; thence West and parallel to the North boundary line of said Section 5, a distance of 190 feet; thence North and parallel with said East boundary line, a distance of 230 feet; thence East and parallel to the North boundary line of said section 5, a distance of 190 feet to the REAL POINT OF BEGINNING.

SAVE AND EXCEPT in Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Commencing at the Northeast corner of the Northwest quarter (which is also the Northeast corner of Government Lot 3) and running South along the East boundary line of the Northwest quarter, a distance of 115 feet to the REAL POINT OF BEGINNING; thence continuing South along said East boundary line, a distance of 230 feet; thence West and parallel to the North boundary line of said Section 5, a distance of 190 feet; thence North and parallel with said East boundary line, a distance of 230 feet; thence East and parallel to the North boundary line of said Section 5, a distance of 190 feet to the REAL POINT OF BEGINNING.

(continued)

SCANNED

SEP 05 2006

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

SAVE AND EXCEPT

Commencing at the Southwest corner of the Northwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho; and running thence North along the West line of said Section 5, a distance of 265 feet to the REAL POINT OF BEGINNING; thence East and at right angles, a distance of 435 feet; thence North and at right angles and parallel to the Westerly boundary line of said Section 5, a distance of 240 feet; thence West at right angles, a distance of 435 feet to a point on the West line of said Section 5; thence South along the West boundary line of said Section 5, a distance of 240 feet to the REAL POINT OF BEGINNING.

(continued)

SCANNED

SEP 05 2006

## SCHEDULE A (continued)

## LEGAL DESCRIPTION (continued)

## ALSO EXCEPTION THEREFROM

This right-of-way is 50 feet in width and lies in portions of the Southwest quarter of the Northwest quarter of Section 5 and of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and lies in a portion of Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, being 25 feet on each side of a centerline which centerline is more particularly described as follows:

Commencing at the center quarter corner of said Section 5; thence South  $1^{\circ}02'37''$  West along the North-South midsection line of said Section 5, a distance of 24.77 feet to the TRUE POINT OF BEGINNING for said centerline; thence North  $89^{\circ}03'52''$  West, a distance of 1,322.53 feet; thence North  $88^{\circ}50'36''$  West, a distance of 417.28 feet; thence Northwesterly 180.22 feet along the arc of a curve to the right having a central angle of  $72^{\circ}21'21''$ , a radius of 142.71 feet, and a long chord which bears North  $52^{\circ}39'55''$  West, a distance of 168.48 feet; thence North  $16^{\circ}29'15''$  West, a distance of 178.68 feet; thence Northwesterly 326.19 feet along the arc of a curve to the left having a central angle of  $33^{\circ}14'55''$ , a radius of 562.10 feet, and a long chord which bears North  $33^{\circ}06'42''$  West, a distance of 321.63 feet; thence North  $49^{\circ}44'10''$  West, a distance of 313.08 feet; thence North  $47^{\circ}59'00''$  West, a distance of 195.12 feet; thence Northwesterly 393.93 feet along the arc of a curve to the right having a central angle of  $48^{\circ}46'24''$ , a radius of 462.77 feet, and a long chord which bears North  $23^{\circ}35'48''$  West, a distance of 382.15 feet; thence North  $0^{\circ}47'24''$  East, a distance of 343.54 feet; thence North  $0^{\circ}57'53''$  East, a distance of 747.16 feet; thence North  $1^{\circ}07'00''$  East, a distance of 466.63 feet; thence North  $1^{\circ}24'21''$  East, a distance of 773.87 feet; thence North  $1^{\circ}18'51''$  East, a distance of 462.01 feet; thence North  $1^{\circ}33'42''$  East, a distance of 571.05 feet to the termination point for said centerline, which point bears South  $0^{\circ}59'42''$  West, a distance of 731.46 feet from the quarter corner common to Sections 31 and 32 of Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

(continued)

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

SAVE AND EXCEPT:

A parcel of land located in Government Lot 3 of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, described as follows:

Commencing at the Northwest corner of said Lot 3 (North quarter corner of Section 5), marked by a 5/8 inch rebar in the intersection of Dry Lake Road and Bowmont Road; thence South 00°13'46" West, 345.00 feet along the East line of said Government Lot 3 (in Dry Lake Road) to a PK nail; thence North 89°35'02" West, 190.00 feet to the Northwest corner of that certain parcel of land described in a Warranty Deed, Instrument No. 200375709, of Official Records, between Leonard A. and Fern Hazel Tiegs and Reyes and Esperanza P. Tovar dated February 24, 1992, and being the POINT OF BEGINNING; thence South 00°13'46" West, 230.00 feet along the West line of said deed to the Southwest corner of same; thence North 89°35'02" West, 15.00 feet along the Westerly extension of the South line of said deed to a 5/8 inch rebar; thence North 00°13'46" East, 230.00 feet along a line parallel with the Westerly line of said deed to a 5/8 inch rebar set in the Westerly extension of the Northerly line of said deed; thence South 89°35'02" East, 15.00 feet along said Westerly extension of said Northerly deed line to the POINT OF BEGINNING.

SAVE AND EXCEPT:

A parcel of land located in Government Lot 3 of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, described as follows:

Beginning at the Northwest corner of said Lot 3 (North quarter corner of Section 5), marked by a 5/8 inch rebar in the intersection of Dry Lake Road and Bowmont Road; thence South 00°13'46" West, 115.00 feet along the East line of said Government Lot 3 (in Dry Lake Road) to a PK nail at the Northeast corner of that certain parcel of land described in a Quit Claim Deed, Instrument No. 9921164, of Official Records, dated May 26, 1996; thence North 89°35'02" West, 190.00 feet along the Northerly line of said deed to the Northwest corner of said deed; thence South 00°13'46" West, 230.00 feet along the Westerly line of said deed to the Southwesterly corner of same; thence North 89°35'02" West, 15.00 feet along the Westerly extension of the Southerly line of said deed to a 5/8 inch rebar; thence North 00°13'46" East, 345.00 feet along a line parallel with the Westerly line of said deed to a 5/8 inch rebar set in the Northerly line of said Section 5; thence South 89°35'02" East, 205.00 feet along said Northerly section line to the POINT OF BEGINNING.

(continued)

SCANNED

SEP 05 2006

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

PARCEL IV

North half of the Southwest quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

This right-of-way is 50 feet in width and lies in portions of the Southwest quarter and the Northwest quarter of Section 5 and of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and lies in a portion of Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian being 25 feet on each side of a centerline which centerline is more particularly described as follows:

Commencing at the center quarter corner of said Section 5; thence South  $1^{\circ}02'37''$  West along the North-South midsection line of said Section 5, a distance of 24.77 feet to the TRUE POINT OF BEGINNING for said centerline; thence North  $89^{\circ}03'52''$  West, a distance of 1,322.53 feet; thence North  $88^{\circ}50'36''$  West, a distance of 417.28 feet; thence Northwesterly 180.22 feet along the arc of a curve to the right having a central angle of  $72^{\circ}21'21''$ , a radius of 142.71 feet, and a long chord which bears North  $52^{\circ}39'55''$  West, a distance of 168.48 feet; thence North  $16^{\circ}29'15''$  West, a distance of 178.68 feet; thence Northwesterly 326.19 feet along the arc of a curve to the left having a central angle of  $33^{\circ}14'55''$ , a radius of 562.10 feet, and a long chord which bears North  $33^{\circ}06'42''$  West, a distance of 321.63 feet; thence North  $49^{\circ}44'10''$  West, a distance of 313.08 feet; thence North  $47^{\circ}59'00''$  West, a distance of 195.12 feet; thence Northwesterly 393.93 feet along the arc of a curve to the right having a central angle of  $48^{\circ}46'24''$  a radius of 462.77 feet, and a long chord which bears North  $23^{\circ}35'48''$  West, a distance of 382.15 feet; thence North  $0^{\circ}47'24''$  East, a distance of 343.54 feet; thence North  $0^{\circ}57'53''$  East, a distance of 747.16 feet; thence North  $1^{\circ}07'00''$  East, a distance of 466.63 feet; thence North  $1^{\circ}24'21''$  East, a distance of 773.87 feet; thence North  $1^{\circ}18'51''$  East, a distance of 462.01 feet; thence North  $1^{\circ}33'42''$  East, a distance of 571.05 feet to the termination point for said centerline which point bears South  $0^{\circ}59'42''$  West, a distance of 731.46 feet from the quarter corner common to Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

PARCEL V

All that portion of the Northeast quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, that lies South and West, of the Mora Canal right-of-way.

(continued)

SCANNED

SEP 05 2006

**SCHEDULE A (continued)**

**LEGAL DESCRIPTION (continued)**

**PARCEL VI**

The West half of the Southeast quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

**PARCEL VII**

The East half of the Southeast quarter of Section 5, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

**PARCEL VIII**

The South half of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 6, Township 1 North, Range 2 West.

AND EXCEPTING THEREFROM the East half of Northwest quarter of the Southeast quarter of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

**PARCEL IX**

Commencing at the North quarter corner of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho; and running South 0°01' East, 223.8 feet along the West line of Lot 2 of Section 6, Township 1 North, Range 2 West, Boise Meridian, the REAL POINT OF BEGINNING; thence continuing South along the West line of the aforementioned Lot 2 of Section 6, 1,102.0 feet; thence North 89°58' East along the South line of Lots 1 and 2, of Section 6, Township 1 North, Range 2 West, Boise Meridian, 1,825.0 feet; thence North 58°54' West, 2,132.0 feet to the POINT OF BEGINNING; all of the above described property lying in Lots 1 and 2 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

**PARCEL X**

The Northeast quarter of the Southeast quarter of the Northeast quarter and the East half of the Northwest quarter of the Southeast quarter of the Northeast quarter, all in Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

(continued)

SCANNED  
SEP 5 2006

## SCHEDULE A (continued)

## LEGAL DESCRIPTION (continued)

## EXCEPTING THEREFROM

This right-of-way is 50 feet in width and lies in portions of the Southwest quarter and the Northwest quarter of Section 5 and of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and lies in a portion of Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, being 25 feet on each side of a centerline which centerline is more particularly described as follows:

Commencing at the center quarter corner of said Section 5; thence South  $1^{\circ}02'37''$  West along the North-South midsection line of said Section 5, a distance of 24.77 feet to the TRUE POINT OF BEGINNING for said centerline; thence North  $89^{\circ}03'52''$  West, a distance of 1,322.53 feet; thence North  $88^{\circ}50'36''$  West, a distance of 417.28 feet; thence Northwest  $180.22$  feet along the arc of a curve to the right having a central angle of  $72^{\circ}21'21''$ , a radius of 142.71 feet, and a long chord which bears North  $52^{\circ}39'55''$  West, a distance of 168.48 feet; thence North  $16^{\circ}29'15''$  West, a distance of 178.68 feet; thence Northwest  $326.19$  feet along the arc of a curve to the left having a central angle of  $33^{\circ}14'55''$ , a radius of 562.10 feet, and a long chord which bears North  $33^{\circ}06'42''$  West, a distance of 321.63 feet; thence North  $49^{\circ}44'10''$  West, a distance of 313.08 feet; thence North  $47^{\circ}59'00''$  West, a distance of 195.12 feet; thence Northwest  $393.93$  feet along the arc of a curve to the right having a central angle of  $48^{\circ}46'24''$ , a radius of 462.77 feet, and a long chord which bears North  $23^{\circ}35'48''$  West, a distance of 382.15 feet; thence North  $0^{\circ}47'24''$  East, a distance of 343.54 feet; thence North  $0^{\circ}57'53''$  East, a distance of 747.16 feet; thence North  $1^{\circ}07'00''$  East, a distance of 466.63 feet; thence North  $1^{\circ}24'21''$  East, a distance of 773.87 feet; thence North  $1^{\circ}18'51''$  East, a distance of 462.01 feet; thence North  $1^{\circ}33'42''$  East, a distance of 571.05 feet to the termination point for said centerline, which point bears South  $0^{\circ}59'42''$  West, a distance of 731.46 feet from the quarter corner common to Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

(continued)

SCANNED

SEP 05 2006

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

PARCEL XI

This parcel is a portion of the Southeast quarter of section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Beginning at the Northeast corner of the said Southeast quarter; thence South 0°58'46" West along the East boundary of the said Southeast quarter, a distance of 254.31 feet; thence South 75°29'17" West, a distance of 174.22 feet; thence South 79°55'27" West, a distance of 241.97 feet; thence South 88°28'35" West, a distance of 280.23 feet; thence North 84°07'17" West, a distance of 111.48 feet; thence North 78°38'13" West, a distance of 358.97 feet; thence North 79°59'05" West, a distance of 185.05 feet; thence North 82°45'12" West, a distance of 472.38 feet; thence North 75°36'00" West, a distance of 86.72 feet; thence North 71°12'20" West, a distance of 331.18 feet; thence North 74°16'13" West, a distance of 279.95 feet to a point on the North boundary of the said Southeast quarter; thence South 89°17'47" East along the said North boundary, a distance of 2,472.21 feet to the POINT OF BEGINNING.

PARCEL XII

This parcel is a portion of the Southeast quarter of the Northwest quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Beginning at the Northeast corner of the said Southeast quarter of the Northwest quarter; thence South 0°52'27" West along the East boundary of the said Southeast quarter of the Northwest quarter, a distance of 300.88 feet; thence North 67°31'05" West, a distance of 211.05 feet; thence North 65°30'58" West, a distance of 78.97 feet; thence North 57°38'37" West, a distance of 115.36 feet; thence North 55°25'07" West, a distance of 234.79 feet to a point on the North boundary of the said Southeast quarter of the Northwest quarter; thence South 89°13'36" East along the said North boundary, a distance of 562.28 feet to the POINT OF BEGINNING.

(continued)

SCANNED

SEP 05 2006

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

PARCEL XIII

This parcel is a portion of Government Lot 4 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and is more particularly described as follows:

Commencing at the Northwest corner of said Government Lot 4; thence South 0°51'57" West along the West boundary of said Government Lot 4, a distance of 333.12 feet (formerly South, a distance of 330 feet); thence South 89°13'36" East (formerly East) along a line parallel with the South boundary of said Government Lot 4, a distance of 840.10 feet to the TRUE POINT OF BEGINNING; thence continuing South 89°13'36" East, a distance of 479.90 feet to a point on a line that is parallel with and 1,320.00 feet Easterly of the said West boundary of Government Lot 4; thence South 0°51'57" West along the said parallel line, a distance of 419.14 feet to a point 580.23 feet Northerly of the said South boundary of Government Lot 4; thence North 52°55'28" West, a distance of 55.73 feet; thence North 40°40'58" West, a distance of 108.42 feet; thence North 28°52'43" West, a distance of 193.15 feet; thence North 33°26'57" West, a distance of 60.62 feet; thence North 73°45'07" West, a distance of 191.69 feet; thence North 52°37'10" West, a distance of 59.97 feet to the TRUE POINT OF BEGINNING.

PARCEL XIV

Lots 3 and 4 of Section 6, Township 1 North, and Lot 4 and the Southeast quarter of the Southwest quarter of Section 31, Township 2 North, all in Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM the following

Commencing at the Northwest corner of Lot 4 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and running South along the West line of Lot 4, a distance of 330 feet to the REAL POINT OF BEGINNING; thence continuing South along said West line 990 feet to the Southwest corner of Lot 4; thence East along the South line of Lot 4, a distance of 1,320 feet; thence North and parallel to the West line of Lot 4, 990 feet; thence Westerly parallel to the South line of Lot 4, 1,320 feet to the REAL POINT OF BEGINNING.

(continued)

SCANNED

SEP 05 2006

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

All contained in Government Lot 4 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

AND EXCEPTING THEREFROM that portion of Lot 3, Lot 4 and the Southeast quarter of the Northwest quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho and Lot 4 of Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, lying South and West of the following described line:

Beginning at a point that is  
South 0°52'27" West along the East boundary from the Northeast corner of the said  
Southeast quarter of the Northwest quarter, a distance of 300.88 feet to the REAL POINT OF  
BEGINNING of said line; thence  
North 67°31'05" West, a distance of 211.05 feet; thence  
North 65°30'58" West, a distance of 78.97 feet; thence  
North 57°38'37" West, a distance of 115.36 feet; thence  
North 55°25'07" West, a distance of 234.79 feet to a point on the North boundary of said  
Southeast quarter of the Northwest quarter; thence continuing  
North 55°25'07" West, a distance of 23.96 feet; thence  
North 54°54'28" West, a distance of 112.11 feet; thence  
North 51°45'14" West, a distance of 119.19 feet; thence  
North 49°17'31" West, a distance of 197.98 feet; thence  
North 52°55'29" West, a distance of 513.63 feet; thence  
North 52°55'28" West, a distance of 55.73 feet; thence  
North 40°40'58" West, a distance of 108.42 feet; thence  
North 28°52'43" West, a distance of 193.15 feet; thence  
North 33°26'57" West, a distance of 60.62 feet; thence  
North 73°45'07" West, a distance of 191.69 feet; thence  
North 52°37'10" West, a distance of 59.97 feet; thence continuing  
North 52°37'10" West, a distance of 157.29 feet; thence  
North 53°23'06" West, a distance of 236.11 feet; thence  
North 55°11'55" West, a distance of 273.91 feet; thence  
North 60°11'41" West, a distance of 162.99 feet; thence  
North 60°58'30" West, a distance of 172.60 feet to the West boundary of Government Lot 4  
of Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, the  
POINT OF TERMINATION of said line.

ALSO EXCEPTING THEREFROM a right-of-way disclosed by instrument recorded August 16, 1966  
as Instrument No. 585024, of Official Records.

(continued)

SCANNED  
SEP 05 2006

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

PARCEL XV

The Southeast quarter and the Northeast quarter of the Southwest quarter of Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM a portion of the Northeast quarter of the Southeast quarter of Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described by metes and bounds as follows:

Commencing at the Southeast corner of Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and running North 0°13'00" East, 1,322.91 feet along the Easterly boundary of said Section 31 to the Southeast corner of the Northeast quarter of the Southeast quarter, said Section 31; thence continuing North 0°13'00" East, 652.43 feet (formerly described as North 0°13' East, 652.2 feet) along said Easterly boundary of Section 31 to the TRUE POINT OF BEGINNING; thence continuing North 0°13'00" East, 387.10 feet (formerly described as North 0°13' East, 387.04 feet) along said Easterly boundary of Section 31 to a point which bears South 0°13'00" West, 283.38 feet from the Northeast corner of the Southeast quarter of said Section 31; thence North 51°02'40" West, 452.17 feet (formerly described as North 50°57' West, 452.24 feet) to a point on the Northerly boundary of the said Southeast quarter of Section 31, said point being North 89°51'07" West, 352.70 feet from the said Northeast corner of the Southeast quarter of Section 31; thence North 89°51'07" West, 634.99 feet (formerly described as North 89°45' West, 638.29 feet) along said Northerly boundary of the Southeast quarter of Section 31 to a point; thence South 18°30'45" West, 174.88 feet (formerly described as South 18°09' West, 170.8 feet) to a point; thence South 63°07'30" East, 590.42 feet (formerly described as South 63°33' East, 596.49 feet) to a point; thence South 64°56'40" East, 567.42 feet (formerly described as South 65°25' East, 573.19 feet) to the POINT OF BEGINNING.

PARCEL XVI

The Southwest quarter of the Southwest quarter of Section 32, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

(continued)

SCANNED

SEP 05 2006

File No.: 0500038560

Policy No.: A37-0124820

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

PARCEL XVII

Lots 1 and 2 of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM

Commencing at the North quarter corner of Section 6, and running South 0°01' East, 223.8 feet along the West line of Lot 2 of Section 6, the REAL POINT OF BEGINNING; thence continuing South along the West line of Lot 2, a distance of 1,102.0 feet; thence North 89°58' East along the South line of Lots 1 and 2, a distance of 1,825 feet; thence North 58°54' West, 2,132.0 feet to the POINT OF BEGINNING.

(continued)

SCANNED

SEP 05 2006

## SCHEDULE A (continued)

## LEGAL DESCRIPTION (continued)

ALSO EXCEPTING THEREFROM out of Parcels XV, XVI AND XVII:

This right-of-way is 50 feet in width and lies in portions of the Southwest quarter and the Northwest quarter of Section 5 and of the Northeast quarter of Section 6, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and lies in a portion of Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, being 25 feet on each side of a centerline which centerline is more particularly described as follows:

Commencing at the center quarter corner of said Section 5; thence South  $1^{\circ}02'37''$  West along the North-South midsection line of said Section 5, a distance of 24.77 feet to the TRUE POINT OF BEGINNING for said centerline; thence North  $89^{\circ}03'52''$  West, a distance of 1,322.53 feet; thence North  $88^{\circ}50'36''$  West, a distance of 417.28 feet; thence Northwesterly 180.22 feet, along the arc of a curve to the right having a central angle of  $72^{\circ}21'21''$ , a radius of 142.71 feet, and a long chord which bears North  $52^{\circ}39'55''$  West, a distance of 168.48 feet; thence North  $16^{\circ}29'15''$  West, a distance of 178.68 feet; thence Northwesterly 326.19 feet along the arc of a curve to the left having a central angle of  $33^{\circ}14'55''$ , a radius of 562.10 feet, and a long chord which bears North  $33^{\circ}06'42''$  West, a distance of 321.63 feet; thence North  $49^{\circ}44'10''$  West, a distance of 313.08 feet; thence North  $47^{\circ}59'00''$  West, a distance of 195.12 feet; thence Northwesterly 393.93 feet along the arc of a curve to the right having a central angle of  $48^{\circ}46'24''$ , a radius of 462.77 feet, and a long chord which bears North  $23^{\circ}35'48''$  West, a distance of 382.15 feet; thence North  $0^{\circ}47'24''$  East, a distance of 343.54 feet; thence North  $0^{\circ}57'53''$  East, a distance of 747.16 feet; thence North  $1^{\circ}07'00''$  East, a distance of 466.63 feet; thence North  $1^{\circ}24'21''$  East, a distance of 773.87 feet; thence North  $1^{\circ}18'51''$  East, a distance of 462.01 feet; thence North  $1^{\circ}33'42''$  East, a distance of 571.05 feet to the termination point for said centerline, which point bears South  $0^{\circ}59'42''$  West, a distance of 731.46 feet from the quarter corner common to Sections 31 and 32, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

(continued)

SCANNED  
SEP 05 2006

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

PARCEL XVIII

Lot 3 in Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM in Section 31, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Beginning at the Northwest corner of Government Lot 3, the REAL POINT OF BEGINNING; thence South 89°06'27" East along the North boundary of said Government Lot 3, a distance of 854.95 feet; thence South 5°00'00" West, a distance of 374.96 feet; thence South 12°55'25" West, a distance of 149.02 feet; thence North 82°33'12" West, a distance of 252.41 feet; thence North 77°29'53" West, a distance of 202.42 feet; thence North 73°09'27" West, a distance of 361.75 feet to a point on the West boundary of said Government Lot 3; thence North 0°51'53" East along the said West boundary, a distance of 350.79 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM a right-of-way as disclosed by instrument recorded August 16, 1966 as Instrument No. 585024, of Official Records.

SCANNED

SEP 05 2006

File No.: 0500038560

Policy No.: A37-0124820

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

GENERAL (STANDARD) EXCEPTIONS

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession, or claiming to be in possession, thereof.
2. Easements, liens, encumbrances, or claims thereof, which are not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey of the land would disclose, and which are not shown by the public records.
4. Any lien, or right to a lien, imposed by the law for services, labor, or material heretofore or hereafter furnished, which lien, or right to a lien, is 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) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes; or, (d) water rights, claims or title to water, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the public records.
6. Taxes or assessments which are not now payable or which are not shown as existing liens by the 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.
7. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity, or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.

SPECIAL EXCEPTIONS:

8. General taxes for the year 2006, which are a lien, payable on or before December 20 of said year and not delinquent until after said date.
- (continued)

SCHEDULE B (continued)

EXCEPTIONS (continued)

9. Liens and assessments of the BOISE KUNA IRRIGATION DISTRICT, and the rights, powers, and easements of said district as by law provided. All assessments are paid current.
10. Rights of way for ditches, tunnels, telephone and transmission lines constructed by authority of the United States, as granted to the United States under the provisions of Section 58-604 Idaho Code 1947.
11. Ditch, road and public utility easements as same may exist over said premises.
12. Rights and claims in and to that portion of said premises lying within the Mora Canal right of way.
13. Rights and claims in and to that portion of said premises lying within the Lynnwood Road right of way.
14. Rights and claims in and to that portion of said premises lying within the Rim Road right of way.
15. Rights and claims in and to that portion of said premises lying within the Dearborne Road right of way.
16. Rights and claims in and to that portion of said premises lying within the Bowmont Road right of way.
17. Rights and claims in and to that portion of said premises lying within the Richardson Lane right of way.
18. Rights and claims in and to that portion of said premises lying within the Dry Lake Road right of way.
19. Rights and claims in and to that portion of said premises lying within the Farm Road right of way.
20. Rights and claims in and to that portion of said premises lying within the Morrow Canal right of way.
21. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded May 24, 1941, as Instrument No. 261666, of Official Records.  
(AFFECTS SOUTHEAST OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
22. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 5, 1957, as Instrument No. 445788, of Official Records.  
(AFFECTS SOUTH HALF OF THE SOUTHEAST OF THE NORTHEAST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

(continued)

SCANNED

SEP 05 2006

## SCHEDULE B (continued)

## EXCEPTIONS (continued)

23. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 5, 1957, as Instrument No. 445792, of Official Records.  
(AFFECTS SOUTHEAST OF THE SOUTHWEST OF THE SOUTHEAST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

24. Mineral Deed recorded March 31, 1952 as Instrument No. 387230, by and between EDWIN P. TIEGS AND ELIZABETH TIEGS, husband and wife and WARREN SHEAR, as to an undivided 1/2 interest.  
(AFFECTS LOTS 1 AND 2 AND SOUTH HALF OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

25. Mineral Deed recorded May 13, 1952 as Instrument No. 389040, by and between WARREN SHEAR AND C.R. BENNETT, as to an undivided 3/8 interest.

Statement of Claim and Notice of Intent to Preserve recorded October 4, 1984, as Instrument No. 8423883, of Official Records.  
(AFFECTS LOTS 1 AND 2 AND THE SOUTH HALF OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

26. Mineral Deed recorded April 9, 1955 as Instrument No. 420949, by and between WARREN SHEAR AND MILES JACKSON, as to an undivided 1/8 interest.  
(AFFECTS LOTS 1 AND 2 AND THE SOUTH HALF OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

27. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 5, 1957, as Instrument No. 445781, of Official Records.  
(AFFECTS SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

28. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 5, 1957, as Instrument No. 445785, of Official Records.  
(AFFECTS NORTH HALF OF THE SOUTHWEST OF THE NORTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

29. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 5, 1957, as Instrument No. 445786, of Official Records.  
(AFFECTS NORTH HALF OF THE NORTHWEST OF THE SOUTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

30. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 5, 1957, as Instrument No. 445787, of Official Records.  
(AFFECTS SOUTH HALF OF THE SOUTHWEST OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

31. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 21, 1958, as Instrument No. 459257, of Official Records.  
(AFFECTS SOUTHEAST OF THE NORTHWEST AND SOUTH 30 ACRES OF NORTHWEST OF THE NORTHWEST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

SCANNED

SEP 05 2006

(continued)

SCHEDULE B (continued)

EXCEPTIONS (continued)

32. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 21, 1958, as Instrument No. 459258, of Official Records.  
(AFFECTS NORTHWEST OF THE SOUTHWEST OF THE NORTHEAST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
33. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded July 21, 1958, as Instrument No. 459260, of Official Records.  
(AFFECTS SOUTH HALF OF THE NORTHEAST OF THE NORTHWEST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
34. Reserving unto the Grantor HELEN RODRIGUEZ, a widow one-half of all minerals of any nature as disclosed by Warranty Deed recorded May 26, 1959, as Instrument No. 472821, of Official Records.  
(AFFECTS SOUTHEAST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
35. Right of way by and between LEONARD A. TIEGS AND FERN HAZEL TIEGS, husband and wife and LOUIS M. HOPKINS, a widower in favor of CLARE R. DAVENPORT AND ELAINE DAVENPORT, husband and wife, as disclosed by instrument recorded November 24, 1959 as Instrument No. 479620, of Official Records.  
(AFFECTS SOUTH 10 FEET OF NORTHWEST AND NORTH 10 FEET OF NORTH HALF OF SOUTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
36. Right of Way by and between LOUIS M. HOPKINS and LUCILLE A. HOPKINS, husband and wife, in favor of CLARE R. DAVENPORT and ELAINE DAVENPORT, husband and wife, as disclosed by instrument recorded December 18, 1959, as Instrument No. 480785, of Official Records.  
(AFFECTS WEST 20 FEET OF THE NORTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
37. Right of Way by and between LOUIS M. HOPKINS and LUCILLE A. HOPKINS, husband and wife, in favor of CLARE R. DAVENPORT and ELAYNE E. DAVENPORT, husband and wife, as disclosed by instrument recorded March 18, 1960, as Instrument No. 484904, of Official Records.  
(AFFECTS 20 FOOT SQUARE AREA LYING IN THE SOUTHWEST CORNER OF NORTHWEST, NORTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
38. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded May 5, 1960, as Instrument No. 487190, of Official Records.  
(AFFECTS NORTH HALF OF THE SOUTHEAST OF THE SOUTHEAST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
39. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded September 29, 1961, as Instrument No. 507254, of Official Records.  
(AFFECTS SOUTH HALF OF THE SOUTHEAST OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

(continued)

SCANNED

SEP 05 2006

## SCHEDULE B (continued)

## EXCEPTIONS (continued)

40. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded March 27, 1962, as Instrument No. 515051, of Official Records.  
(AFFECTS NORTH HALF OF THE SOUTHEAST OF THE NORTHEAST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
41. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded March 21, 1963, as Instrument No. 530617, of Official Records.  
(AFFECTS SOUTHEAST OF THE SOUTHWEST AND NORTH HALF OF THE SOUTHWEST OF THE SOUTHWEST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
42. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded March 21, 1963, as Instrument No. 530618, of Official Records.  
(AFFECTS NORTHWEST OF THE SOUTHWEST OF THE SOUTHEAST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
43. Right-of-way granted to ELMER H. TIEGS permitted use by UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT for irrigation ditch and well as disclosed by document recorded April 19, 1963, as Instrument No. 532102, of Official Records.  
(AFFECTS NORTHWEST OF THE SOUTHWEST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
44. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded August 8, 1963, as Instrument No. 537412, of Official Records.  
(AFFECTS NORTH 330 FEET OF LOT 4, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
45. Right, Title and Interest of LIVINGSTON OIL COMPANY, a corporation, as to minerals as disclosed by Conveyance of Oil, Gas and Other Interests recorded January 14, 1964 as Instrument No. 550084, of Official Records.
46. Rental Division Order by and between TIEGS FARMS, INC. and CHAMPLIN PETROLEUM COMPANY recorded October 25, 1979, as Instrument No. 876831, of Official Records.  
(AFFECTS SOUTHEAST, PORTION OF LOT 4 AND SOUTHEAST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
47. Rental Division Order by and between LEONARD A. AND FERN H. TIEGS, husband and wife and CHAMPLIN PETROLEUM COMPANY recorded November 26, 1979, as Instrument No. 879333, of Official Records.  
(AFFECTS SOUTH HALF OF THE NORTHEAST, PORTION OF LOTS 1 AND 2 IN SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN AND NORTHEAST LYING SOUTH AND WEST OF MORA CANAL, WEST HALF OF THE SOUTHEAST, PORTION OF SOUTH HALF OF THE NORTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

(continued)

SCANNED

SEP 05 2006

## SCHEDULE B (continued)

## EXCEPTIONS (continued)

48. Terms, conditions, provisions and obligations set forth in that certain Easement Agreement for road purposes between CLARE R. DAVENPORT AND ELAYNE E. DAVENPORT, husband and wife and RICHARD KILZER AND JEAN NEHRING KILZER, husband and wife, recorded June 17, 1966, as Instrument No. 583096, of Official Records.  
(AFFECTS 12 FEET IN WIDTH ALONG THE ENTIRE NORTH LINE OF THE SOUTHWEST OF THE SOUTHWEST, SECTION 32, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
49. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded October 27, 1966, as Instrument No. 587290, of Official Records.  
(AFFECTS WEST HALF OF THE NORTHEAST OF THE SOUTHWEST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
50. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded October 27, 1966, as Instrument No. 587292, of Official Records.  
(AFFECTS WEST HALF OF THE SOUTHWEST OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
51. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded January 12, 1970, as Instrument No. 637545, of Official Records.  
(AFFECTS SOUTHWEST, NORTHEAST, SOUTHWEST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
52. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded January 12, 1970, as Instrument No. 637546, of Official Records.  
(AFFECTS NORTHWEST, SOUTHWEST, SECTION 31, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
53. Easement as granted to THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, by instrument recorded January 21, 1982, as Instrument No. 938294, of Official Records; for operation, maintenance and repair of its lines.  
(AFFECTS NORTH 10 FEET OF SOUTHWEST OF THE SOUTHWEST, SECTION 32, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
54. A public right-of-way easement for the construction and maintenance of a public road and incidental purposes in favor of NAMPAL HIGHWAY DISTRICT NO. 1, recorded December 3, 1985, as Instrument No. 8528506, of Official Records.  
Acceptance of Public Right-of-Way Easement recorded December 3, 1985, as Instrument No. 8528507, of Official Records.  
(AFFECTS SOUTHEAST OF THE SOUTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
55. An easement for irrigation pipeline and incidental purposes in favor of TIEGS FARMS, INC., recorded March 21, 1989, as Instrument No. 8904940, of Official Records.  
(AFFECTS GOVERNMENT LOTS 3 AND 4 OF TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN AND GOVERNMENT LOT 4 OF TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)

(continued)

SCANNED

SEP 05 2006

## SCHEDULE B (continued)

## EXCEPTIONS (continued)

56. An easement for power lines and incidental purposes in favor of IDAHO POWER COMPANY, recorded February 21, 1991, as Instrument No. 9103288, of Official Records.  
(AFFECTS NORTHWEST OF THE NORTHWEST, SECTION 6, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
57. Terms, conditions, provisions and obligations set forth in that certain Easement Agreement between DRY LAKE L.L.C. and TIEGS FARMS, INC., an Idaho corporation, recorded February 19, 1999, as Instrument No. 9906327, of Official Records.  
(AFFECTS NORTH HALF OF THE SOUTHWEST AND SOUTH HALF OF THE SOUTHWEST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
58. General Conveyance executed by AMAX OIL & GAS INC., a Delaware corporation to UNIVERSAL RESOURCES CORPORATION, a Texas corporation, recorded April 26, 1994, as Instrument No. 9412255, of Official Records.  
(AFFECTS LOTS 1, 2, SOUTH HALF OF THE NORTHEAST, SECTION 5, TOWNSHIP 1 NORTH, RANGE 2 WEST, BOISE MERIDIAN)
59. Matters as disclosed by Record of Survey, recorded February 21, 2006 as Instrument No. 200611930, of Official Records.
60. Matters as disclosed by Record of Survey, recorded November 16, 2005 as Instrument No. 200576308, of Official Records.
61. A mortgage to secure payment of a note for \$3,369,793.00, and any other amounts as therein provided,  
Recorded: June 2, 2006 as Instrument No. 200643042, of Official Records  
Dated: June 1, 2006  
Mortgagor: DBSI TIGER 979 LLC, an Idaho Limited Liability Company  
Mortgagee: KASTERA LLC, an Idaho Limited Liability Company
62. A mortgage to secure payment of a note for \$5,400,000.00, and any other amounts as therein provided,  
Recorded: June 2, 2006 as Instrument No. 200643043, of Official Records  
Dated: June 1, 2006  
Mortgagor: DBSI TIGER 979 LLC, an Idaho Limited Liability Company  
Mortgagee: DOUGLAS L. SWENSON
- NOTE: Right of access to and from land, if any, is not established of record and assurance of such right of access is excluded from coverage of this policy.  
(AFFECTS PARCEL NO. R29902-010--0)

SCANNED

SEP 05 2006

Revised

Form B 1191-53B

# LOAN POLICY OF TITLE INSURANCE

American Land Title Association (10/17/92)

Issued by

**Transnation Title  
Insurance Company**

Transnation Title Insurance Company  
is a member of the LandAmerica family of title insurance  
underwriters.



LandAmerica Financial Group, Inc.  
101 Gateway Centre Parkway  
Richmond, Virginia 23235-5153  
[www.landam.com](http://www.landam.com)

**THANK YOU.**

Title insurance provides for the protection of your real estate investment. We suggest you keep this policy in a safe place where it can be readily available for future reference.

If you have questions about title insurance or the coverage provided by this policy, contact the office that issued this policy, or you may call or write:

Transnation Title Insurance Company  
Consumer Affairs  
P.O. Box 27567  
Richmond, Virginia 23261-7567  
telephone, toll free: 800 446-7086  
web: [www.landam.com](http://www.landam.com)

We thank you for choosing to do business with Transnation Title Insurance Company, and look forward to meeting your future title insurance needs.

Transnation Title Insurance Company  
is a member of the LandAmerica family of title insurance  
underwriters.



SCANNED  
SEP 05 2006

# IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM #: 63-02896 Date: 5-23-00

Overlapping POU Claim #'s: 7826

|       | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Sum |
|-------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
|       |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |     |
| Claim | 1N  | 2W  | 5   |    |    |    |    |    |    |    |    | 40 | 40 |    |    |    |    |    |    | 80  |
| GIS   |     |     |     |    |    |    |    |    |    |    |    | 40 | 40 |    |    |    |    |    |    | 80  |
| Claim | 1N  | 2W  | 6   |    |    | 32 | 38 |    |    |    |    |    |    |    |    |    |    |    |    | 70  |
| GIS   |     |     |     |    |    | 40 | 40 |    |    |    |    |    |    |    |    |    |    |    |    | 80  |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |

POU\_ID #(s): 36

POD\_ID #(s): 30, 31

Total Claimed Acres: 150

Total GIS Acres: 160

COMMENTS:

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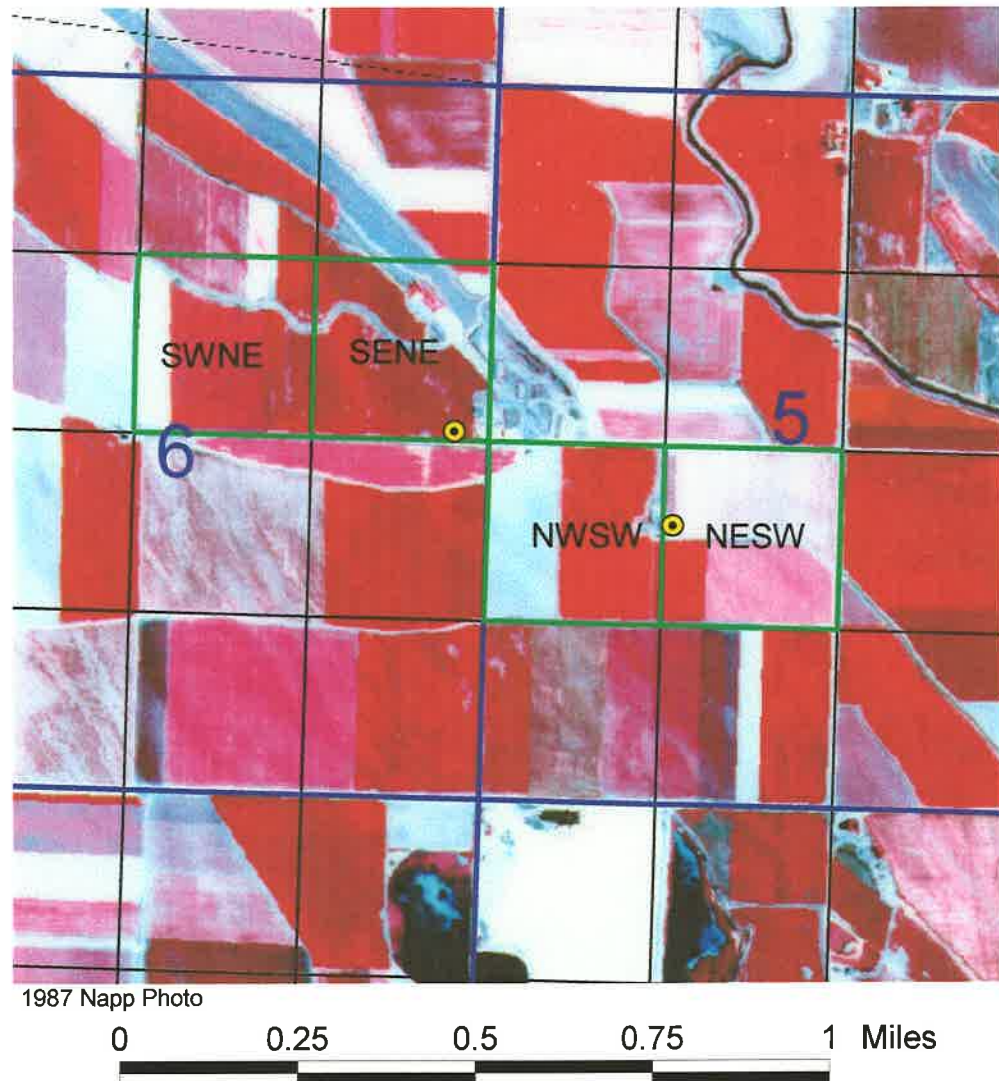
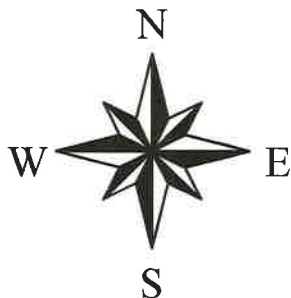
# Idaho Department of Water Resources

Claim Number: 63-02896

Legal: T01N, R02W, S5 & 6

Reviewed By:

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



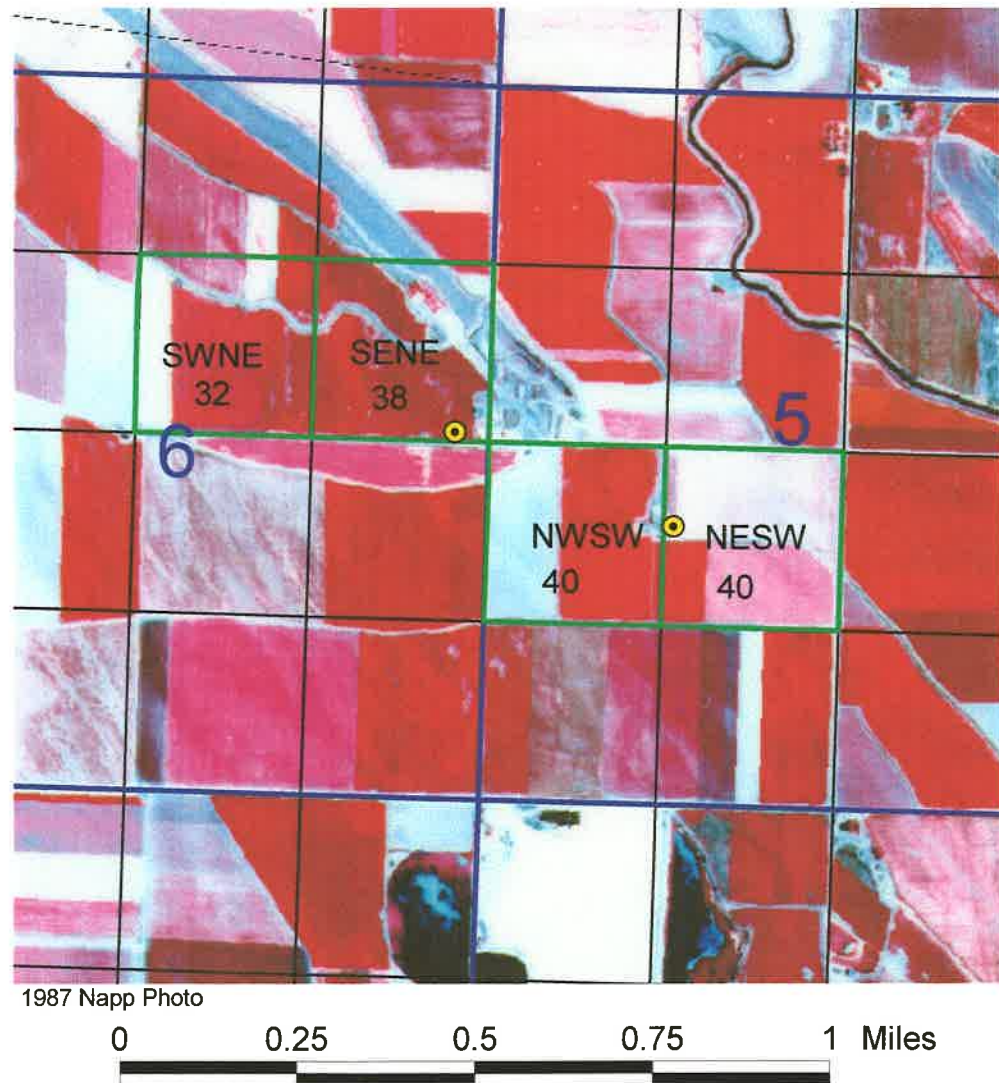
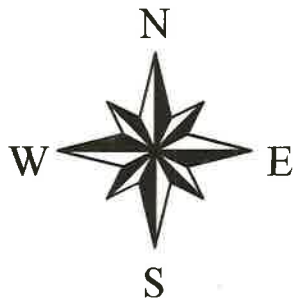
# Idaho Department of Water Resources

Claim Number: 63-02896

Legal: T01N, R02W, S5 & 6

Reviewed By:

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



DATE: 05/09/00  
PAGE: 32

Audit: 02/14/90 CARLSON 03/30/95 POST-STD