

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34497

Priority: January 11, 2018

Maximum Diversion Volume: 2,060.0 AF

This is to certify that

HARRY L BETTIS PO BOX 7 EMMETT ID 83617

has applied for a permit to appropriate water from:

Source : SOUTH FORK WILLOW CREEK

Tributary: WILLOW CREEK

and a permit is APPROVED for development of water as follows:

Beneficial Use

RECREATION STORAGE

AESTHETIC STORAGE

Period of Use

01/01 to 12/31

01/01 to 12/31

Annual Volume

2,060.0 AF

2,060.0 AF

Location of Point(s) of Diversion

SOUTH FORK WILLOW CREEK SW¼ NE¼, Sec. 31, Twp 06N, Rge 01E, B.M. GEM County

Place of Use: RECREATION STORAGE and AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	01E	31			X	X									X	X		X	
06N	01E	32									X	X	X	X					

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2024**.
2. Subject to all prior water rights.
3. Rights 63-12361, 63-34497 and 63-34498 when combined shall not exceed a total annual maximum diversion volume of 2,060 af.
4. This right authorizes a total annual storage volume of 2,060 acre-feet, 2,010 acre-feet to be used for the initial filling or carryover storage of the reservoir and 50 acre-feet for the replacement of losses caused by evaporation.
5. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
6. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to diversion of water under this right, the right holder shall permanently install and maintain a staff gage acceptable to the Department to provide a means to measure the reservoir level on a constant basis.
8. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34497

9. This right is subordinate to the capture and retention of water in existing on-stream storage reservoirs operated for storage and flood control purposes during and following flood control operations until the date of allocation.
10. The impoundment of water under this right is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department.
11. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
12. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 20th day of June, 2019.



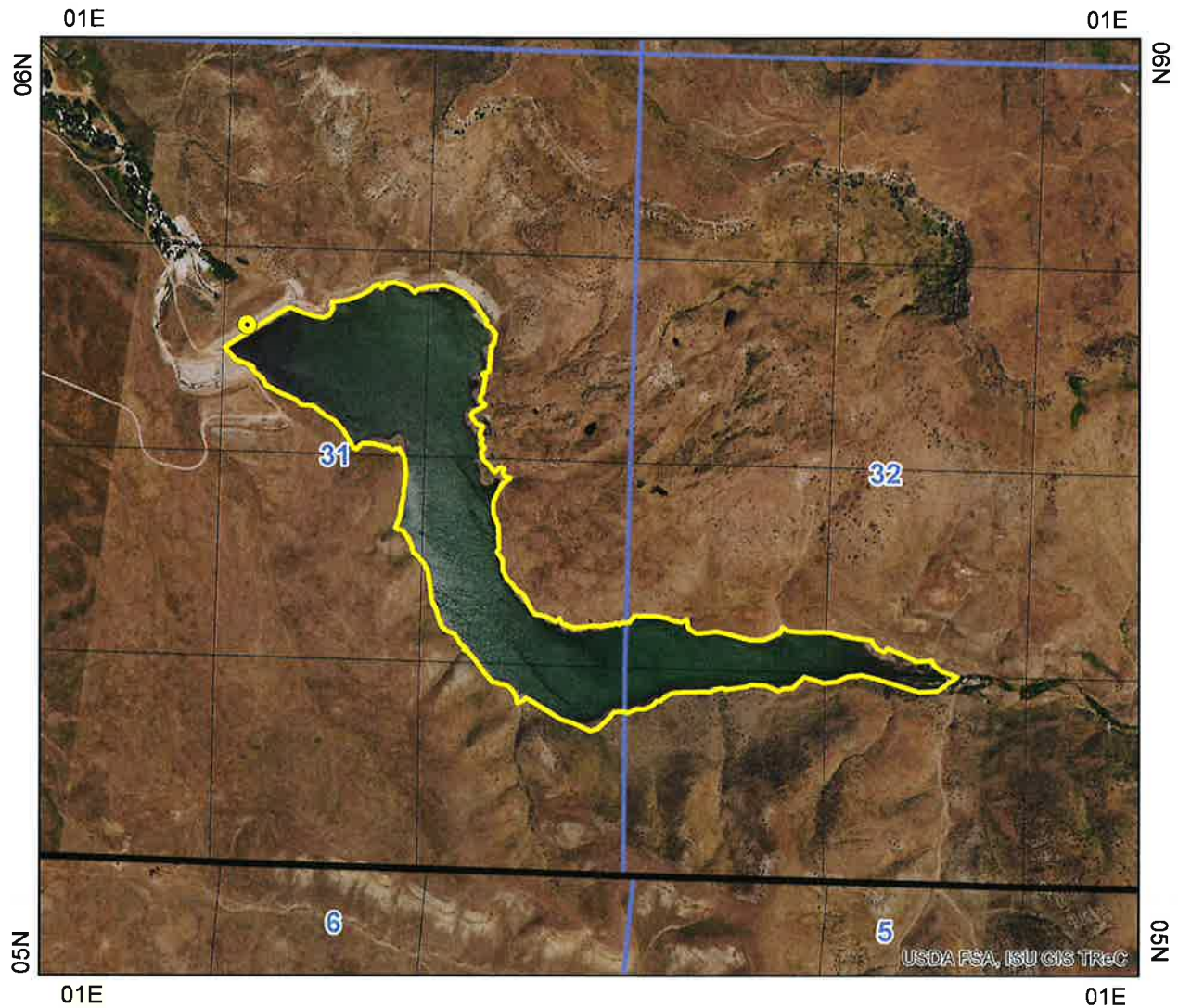
NICK MILLER
Engineer, Manager 2

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34497

This map depicts the STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

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

Brad Little
Governor

Gary Spackman
Director

June 20, 2019

HARRY L BETTIS
PO BOX 7
EMMETT ID 83617

RE: Permit No. 63-34497

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,


Anna Kaiser

Nick Miller
Engineer, Manager 2

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on June ²⁰19, 2019, I served a true and correct copy of Permit to Appropriate Water No. 63-34497 by U.S. Mail, postage prepaid, to the following:

HARRY L BETTIS (Current Owner)
PO BOX 7
EMMETT ID 83617

ERO RESOURCES CORP (Representative)
C/O DAVID SHAW
4001 E MAIN ST
EMMETT ID 83617

BILL BOSWORTH (Protestant)
ENVIRONMENTAL STAFF BIOLOGIST
SOUTHWEST REGION
IDAHO DEPARTMENT OF FISH AND GAME
3101 S POWERLINE DR
NAMPA ID 83686

WATER DISTRICT #63
REX BARRIE (Watermaster)
PO BOX 767
STAR ID 83669-0767



Anna Kaiser
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Water right file 63-34497
FROM: Patrick Kelly
DATE: May 31, 2019
SUBJECT: Maximum Diversion Volume

IDWR received permit application 63-34497 for 2,158 af of aesthetic and recreation storage at Aikman Dam. The dam safety file for Aikman Dam notes a normal storage of 2,000 af. A letter dated October 31, 2017 by Jeff Peppersack cites a capacity of 2,010 af at elevation 3,216 feet MSL from approved dam design reports.

Consumptive losses for storage uses consider evaporation and seepage. An analysis of the evaporation loss associated with the 72 ac surface area using local evaporation data totals 45.1 af. Seepage losses for on-stream storage are not considered. Without further information or approval from dam safety to increase storage use, I recommend a total maximum diversion volume of 2,060 af to cover capacity and evaporation losses.



MAR 25 2019

WATER RESOURCES
WESTERN REGION

March 25, 2019

Phill Hummer
Senior Water Resource Agent
Idaho Department of Water Resources, Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Applications for Permit Nos. 63-34497 and 63-34498

Dear Mr. Hummer:

This letter is in response to your letter of January 25, 2019 requesting additional information regarding the above numbered applications as a large diversion. The dam and reservoir described in these applications for permit were completed in 1998. The spillway was modified in 2006. The reservoir is currently storing water under a temporary permit while plans for rehabilitation of the spillway are prepared and reviewed by IDWR. The contractor is ready to start work on the spillway as soon as approval is received. Materials have already been stockpiled at the site and construction should proceed quickly. Once the repair is complete and accepted by IDWR a new storage certificate is expected to be issued. The storage certificate and the 2 water right applications are the only known outstanding approvals at this time.

The property is owned by Norwood Aikman, LLC as evidenced by the attached documents. Mr. Bettis, the applicant, is the manager and only member of the LLC. The LLC had been administratively dissolved due to a missing report but has now been reinstated and is in good standing as shown in the attached documents. Mr. Bettis currently holds water right nos 63-20949 and 63-12361 appurtenant to this property in his name as an individual instead of the name of the LLC.

There are 3 water rights on Willow Creek downstream of the confluence with the South Fork of Willow Creek and upstream of the point where Willow Creek receives water from the Black Canyon Canal. Those rights are 63-2931, 63-18560 and 63-28379. This reach of Willow Creek is also intermittent and since the South Fork of Willow Creek was dry historically before the dam was constructed and the dam has been in place for nearly 20 years, no adverse effect is expected for downstream water rights.

The estimated water supply at the location of the dam is about 2,000 acre-feet per year based on the current version of StreamStats. As expected for this area, most of the runoff occurs during the non-irrigation season making water storage for irrigation

Denver
1842 Clarkson St.
Denver, CO 80218
303.830.1188

Durango
1015 ½ Main Avenue
Durango, CO 81301
970.422.2136

Hotchkiss
P.O. Box 932
161 South 2nd St.
Hotchkiss, CO 81419
970.872.3020

Idaho
4001 East Main Street
Emmett, ID 83617
208.365.7684

www.eroresources.com

Consultants in
Natural Resources
and the Environment

essential for a more reliable water supply. Placing additional acreage under irrigation will involve some land leveling and ditch construction but no construction likely to need plans or any additional approvals. No structural changes to the dam or reservoir are planned to put the additional water to use but if they become necessary appropriate approval will be secured from IDWR's Safety of Dams program.

This application for irrigation storage plus irrigation storage licensed under water right no 63-12361 would permit storage of 1,350.5 acre-feet per year, less than the projected 2,000 acre-feet of anticipated supply based on StreamStats. Even with the projected water supply, the applicant will plant crops such as pasture that can be sustained without a full irrigation supply and can benefit with additional production from irrigation water that is available. Some water is always retained in the reservoir at the end of the irrigation season to provide stock water during the winter months.

Sportsmen are allowed access to the property when permission is requested and granted. The reservoir provides the only flat water in the immediate area and often the only source of water during the summer and early fall months. As a result, the reservoir draws a variety of wildlife that attract sportsmen for observation and photographing as well as for hunting. Carryover storage in the fall adds to the recreational use of the reservoir in addition to retaining water for stock watering purposes. When freeze-up occurs, the water being released from the reservoir for stock water is often the only open water available for wildlife.

The major portion of the needed investment is already in place in the form of the dam and reservoir. The applicant has the financial resources to construct a delivery ditch and plant a crop as soon as the irrigation permit is approved.

The project is in the local public interest to make use of the available water resource and keep the South Fork of Willow Creek downstream of the dam wetted for longer periods of the year. The attached letters requesting comments were sent to the Gem County Commissioners, IDFG and DEQ.

Yours truly,



David Shaw

Enc.

cc: Harry Bettis

State of Idaho

Office of the Secretary of State

CERTIFICATE OF REINSTATEMENT

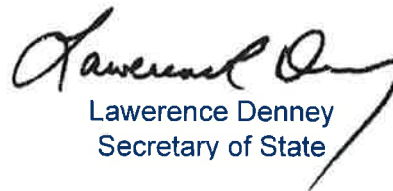
Limited Liability Company (D)

I, LAWRENCE DENNEY, Secretary of State of the State of Idaho, hereby certify that the certificate of organization of NORWOOD AIKMAN, LLC, file number 303787, a Limited Liability Company (D) organized under the laws of the State of Idaho, was administratively dissolved on February 27, 2018.

I FURTHER CERTIFY that the entity has on March 14, 2019 been reinstated on the records of this office, and that its Certificate of Organization of Limited Liability Company in the State of Idaho are hereby restored.

Dated: March 14, 2019




Lawrence Denney
Secretary of State

Processed by: Business Division

254



AMENDMENT TO CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

Title 30, Chapters 21 and 25, Idaho Code

Base Filing fee: \$30.00.

Complete and submit the application in duplicate.

FILED EFFECTIVE

2016 FEB 29 AM 9:25

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:
Norwood Aikman, LLC
2. The date the certificate of organization was originally filed : November 22, 2010
3. The name of the limited liability company is amended to:
4. The complete street and mailing addresses of the principal office is amended to:
(Street Address)
(Mailing Address, if different)
5. The mailing address for future correspondence (annual reports) is amended to:
(Address)
6. The name and address of the managers/members shall be amended as follows:
Add: ☐ Delete: ☒ Laura Bettis 13681 Norwood Road, McCall, Idaho 83638
(Name) (Address)
Add: ☐ Delete: ☐
(Name) (Address)
Add: ☐ Delete: ☐
(Name) (Address)

7. Signature of a manager, member, or authorized person.

Printed Name: Harry L. Bettis, Member

Signature: *Harry L. Bettis*

Printed Name: Laura M. Bettis, Member

Signature: *Laura M Bettis*

Secretary of State use only

IDAHO SECRETARY OF STATE
02/29/2016 05:00

CK:PREPAID CT:2105 BH:1515728
10 30.00 = 30.00 ORGAN AMEN #2
10 20.00 = 20.00 EXPEDITE C #3

W98136



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

FILED EFFECTIVE

(Instructions on back of application)

2010 NOV 22 PM 4: 26

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Norwood Aikman, LLC

2. The complete street and mailing addresses of the initial designated/principal office:

453 W. Quarter Drive, Eagle, Idaho 83616

(Street Address)

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

Laura Bettis

(Name)

453 W. Quarter Drive, Eagle, ID 83616

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

Laura Bettis

453 W. Quarter Drive, Eagle, ID 83616

5. Mailing address for future correspondence (annual report notices):

453 W. Quarter Drive, Eagle, Idaho 83616

6. Future effective date of filing (optional):

Signature of a manager, member or authorized person.

Signature

Typed Name: Attorney

Signature

Typed Name:

Secretary of State use only

 IDAHO SECRETARY OF STATE
 11/22/2010 05:00
 CK: NONE CT: 2105 BH: 1248233
 1 @ 100.00 = 100.00 ORGAN LLC # 4
 1 @ 20.00 = 20.00 EXPEDITE C # 5

W98136

November 22, 2016

NORWOOD AIKMAN, LLC

Box 7

Emmett, ID 83617

Date of Organization: November 22, 2010

State: Idaho

Foreign Qualifications: None

Type: Manager-managed

Members:

Harry L. Bettis.. 100% Interest

Box 7

Emmett, ID 83617

Manager:

Harry L. Bettis

Box 7

Emmett, ID 83617

INSTRU. NO. 280266
PAGES 1 OF 3

1 - Pearl Land - Gem County

RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

J. Frederick Mack, Esq.
Holland & Hart LLP
P.O. Box 2527
Boise, ID 83701-2527

Instrument # 280266

EMMETT, GEM, IDAHO

12-10-2010 11:21:14 No. of Pages: 3

Recorded for : HOLLAND & HART LLP

SHELLY GANNON

Fee: 16.00

Ex-Officio Recorder Deputy

Index to DEED

Giddy Evans

Above Space Reserved For Recorder's Use Only

BARGAIN AND SALE DEED

For value received, LAURA MACGREGOR BETTIS, a married woman ("Grantor"), as owner of an undivided fifty percent (50%) interest, does hereby grant, bargain, sell, and convey unto NORWOOD AIKMAN, LLC, an Idaho limited liability company ("Grantee"), whose address is 453 W. Quarter Drive, Eagle, Idaho 83616, all of her right, title and interest in and to the real property situated in Gem County, Idaho, and more particularly described on **Exhibit A** attached hereto.

Together with all of Grantor's right, title, and interest in and to all improvements thereon and all rights, privileges, hereditaments, and appurtenances related or pertaining thereto, and all other fixtures attached thereto (collectively, the "Property").

TO HAVE AND TO HOLD the Property unto the Grantee, its heirs and assigns forever.

Dated as of this 9th day of December, 2010.

GRANTOR:

Laura MacGregor Bettis

Laura MacGregor Bettis

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

Notary Public for Idaho
Residing at Bonne, ID
My Commission Expires 2/6/15

LEGAL DESCRIPTION

EXHIBIT A

(Pearl Land – Gem County)

TOWNSHIP 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.

Section 20: The South half of the Northeast quarter; the Southwest quarter; the North half of the Southeast quarter; the Southwest quarter of the Southeast quarter; the Southeast quarter of the Southeast quarter.

Section 21: The East half of the Northwest quarter, EXCEPT any portion lying within Alice Patented Mining Claim #1765; the Southwest quarter of the Northwest quarter; the Northwest quarter of the Southwest quarter; the Northeast quarter of the Southwest quarter; and the Southwest quarter of the Southwest quarter.

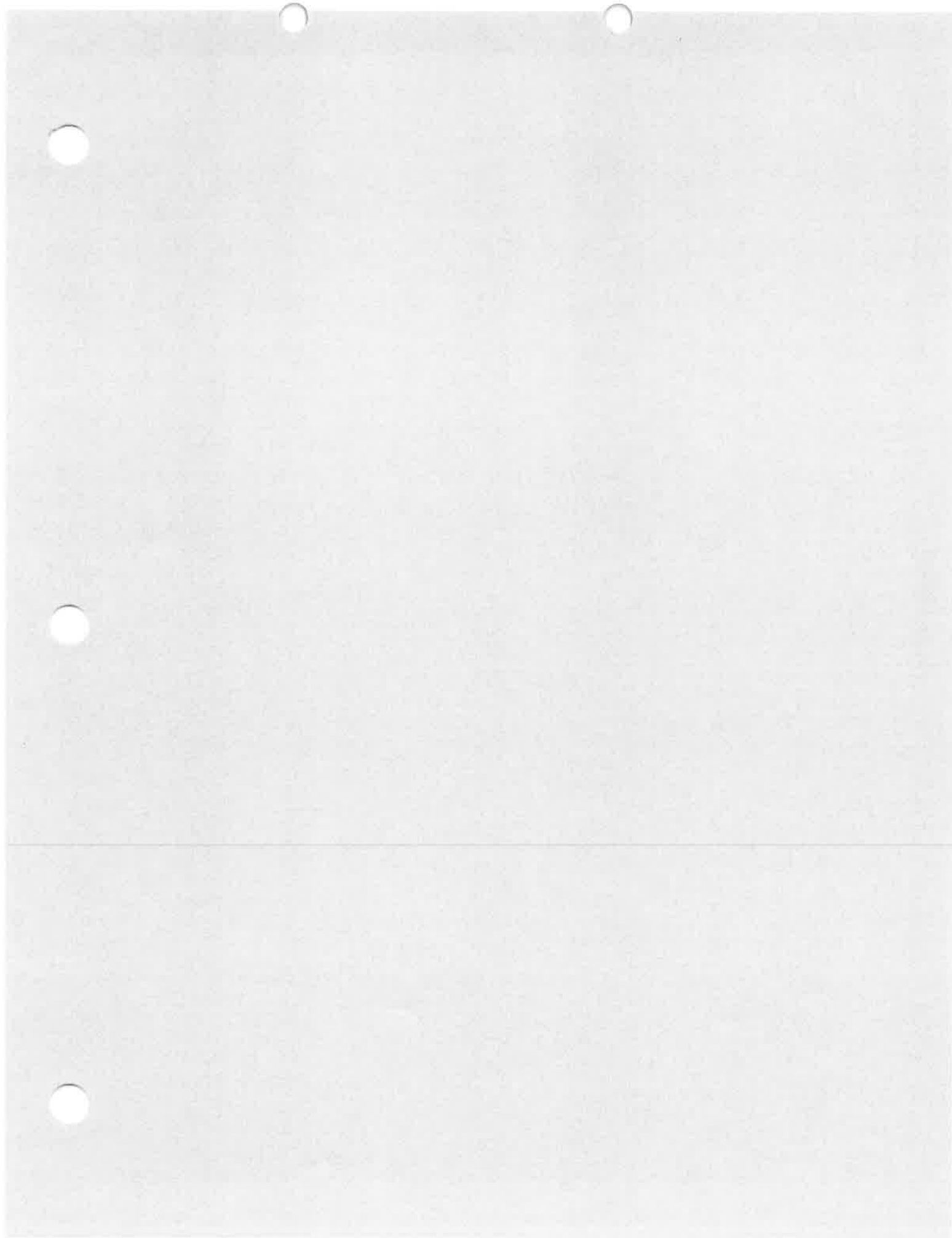
Section 28: The Southwest quarter of the Northeast quarter; the East half of the Southwest quarter; the Northwest quarter; and the West half of the Southwest quarter.

Section 29: ALL

Section 31: The East half of the Northeast quarter

Section 32: The South half of the Northeast quarter; the South half of the Northwest quarter; the Northeast quarter of the Southeast quarter; the Southwest quarter of the Southeast quarter; the Northeast quarter of the Northeast quarter.

Section 33: The Northwest quarter; the Northeast quarter of the Southwest quarter.



RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

J. Frederick Mack, Esq.
Holland & Hart LLP
P.O. Box 2527
Boise, ID 83701-2527

Instrument # 280248

EMMETT, GEM, IDAHO
12-9-2010 02:18:15 No. of Pages: 3
Recorded for : HOLLAND & HART LLP
SHELLY GANNON Fee: 16.00
Ex-Officio Recorder Deputy *Judy Evans*
Index to DEED

Above Space Reserved For Recorder's Use Only

BARGAIN AND SALE DEED

For value received, HARRY L. BETTIS, a single man ("Grantor"), as owner of an undivided fifty percent (50%) interest, does hereby grant, bargain, sell, and convey unto NORWOOD AIKMAN, LLC, an Idaho limited liability company ("Grantee"), whose address is 453 W. Quarter Drive, Eagle, Idaho 83616, all of his right, title and interest in and to the real property situated in Gem County, Idaho, and more particularly described on **Exhibit A** attached hereto.

Together with all of Grantor's right, title, and interest in and to all improvements thereon and all rights, privileges, hereditaments, and appurtenances related or pertaining thereto, and all other fixtures attached thereto (collectively, the "Property").

TO HAVE AND TO HOLD the Property unto the Grantee, its heirs and assigns forever.

Dated as of this 9 day of December, 2010.

GRANTOR:

Harry L. Bettis

Harry L. Bettis

LEGAL DESCRIPTION

EXHIBIT A

(Pearl Land - Gem County)

TOWNSHIP 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.

Section 20: The South half of the Northeast quarter; the Southwest quarter; the North half of the Southeast quarter; the Southwest quarter of the Southeast quarter; the Southeast quarter of the Southeast quarter.

Section 21: The East half of the Northwest quarter, EXCEPT any portion lying within Alien Patented Mining Claim #1765; the Southwest quarter of the Northwest quarter; the Northwest quarter of the Southwest quarter; the Northeast quarter of the Southwest quarter; and the Southwest quarter of the Southwest quarter.

Section 28: The Southwest quarter of the Northeast quarter; the East half of the Southwest quarter; the Northwest quarter; and the West half of the Southwest quarter.

Section 29: ALL

Section 31: The East half of the Northeast quarter

Section 32: The South half of the Northeast quarter; the South half of the Northwest quarter the Northeast quarter of the Southeast quarter; the Southwest quarter of the Southeast quarter the Northeast quarter of the Northeast quarter.

Section 33: The Northwest quarter; the Northeast quarter of the Southwest quarter.

RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

J. Frederick Mack, Esq.
Holland & Hart LLP
P.O. Box 2527
Boise, ID 83701-2527

Instrument # 280265

EMMETT, GEM, IDAHO

12-10-2010 11:20:30 No. of Pages: 5

Recorded for : HOLLAND & HART LLP

SHELLY GANNON

Fee: 22.00

Ex-Officio Recorder Deputy

Index to: DEED

Above Space Reserved For Recorder's Use Only

BARGAIN AND SALE DEED

For value received, LAURA MACGREGOR BETTIS, a married woman ("Grantor"), as owner of an undivided 100 percent (100%) interest, does hereby grant, bargain, sell, and convey unto NORWOOD AIKMAN, LLC, an Idaho limited liability company ("Grantee"), whose address is 453 W. Quarter Drive, Eagle, Idaho 83616, all of her right, title and interest in and to the real property situated in Gem County, Idaho, and more particularly described on **Exhibit A** attached hereto.

Together with all of Grantor's right, title, and interest in and to all improvements thereon and all rights, privileges, hereditaments, and appurtenances related or pertaining thereto, and all other fixtures attached thereto (collectively, the "Property").

TO HAVE AND TO HOLD the Property unto the Grantee, its heirs and assigns forever.

Dated as of this 9th day of December, 2010.

GRANTOR:



Laura MacGregor Bettis

INSTRU. NO. <u>280265</u>
PAGES <u>2</u> OF <u>5</u>

STATE OF IDAHO)
) ss:
County of Ada)

On this 9th day of December, 2010, before me, the undersigned notary public for said state, personally appeared LAURA MACGREGOR BETTIS, known or identified to me (or proven to me on the basis of satisfactory evidence to be) the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Lisa K. Hensley
Notary Public for Idaho
Residing at Boise, ID
My Commission Expires 2/16/15

4971627_1.DOC

LEGAL DESCRIPTION

EXHIBIT A

(Naylor Aikman Land – Gem County)

PARCEL 1:

The East half of the Northwest quarter and the East half of the Southwest quarter and the East half all lying in Section 35, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho.

EXCEPT the following described tract of land

A portion of land lying in the Southeast quarter of the Southwest quarter, Section 35, Township 6 North, Range 1 West, Boise Meridian, Gem County, State of Idaho, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast quarter of the Southwest quarter Section 35, Township 6 North, Range 1 West, Boise Meridian, Gem County, State of Idaho said point being the Real Point of Beginning; thence

North 89°48'15" East, 657.12 feet more or less along the South boundary of said Southeast quarter of the Southwest quarter to the intersection of an old fence line which bears North 5°48'12" West; thence

North 5°48'12" West, 1326.34 feet more or less along said fence line to a point on the North boundary of said Southeast quarter of the Southwest quarter; thence

South 89°48'15" West, 522.05 feet more or less along the North boundary of said Southeast quarter of the Southwest quarter to the Northwest corner of said Southeast quarter of the Southwest quarter; thence

South 0°02'30" West, 1320.00 feet more or less along the West boundary of said Southeast quarter of the Southwest quarter to the Southwest corner of said Southeast quarter of the Southwest quarter and the Real Point of Beginning.

ALSO EXCEPT the following described tract of land

A portion of land lying in the Northeast quarter of the Southwest quarter, Section 35, Township 6 North, Range 1 West, Boise Meridian, Gem County, State of Idaho, being more particularly described as follows:

Beginning at the Southwest corner of the Northeast quarter of the Southwest quarter, Section 35, Township 6 North, Range 1 West, Boise Meridian, Gem County, State of Idaho, said point being the Real Point of Beginning; thence

North 0°02'30" East, 1320.0 feet more or less along the West boundary of said Northeast quarter of the Southwest quarter to the Northwest corner of said Northeast quarter of the Southwest quarter; thence

North 89°48'15" East, 1072.86 feet more or less along the North boundary of said Northeast quarter of the Southwest quarter to the intersection with the centerline of Pearl Road; thence along the centerline of Pearl Road the following courses:

South 46°52' West, 179.36 feet;

South 41°52' West, 300.0 feet;

South 44°52' West, 150.0 feet;

South 48°48' West, 125.0 feet;

South 52°08' West, 110.0 feet;

South 54°05' West, 135.0 feet;

South 42°57' West, 200.0 feet;

South 22°15' West, 253.0 feet;

South 20°44' West, 147.0 feet;

South 17°00' West, 110.0 feet;

South 13°00' West, 19.45 feet more or less to a point on the South boundary of said Northeast quarter of the Southwest quarter; thence

South 13°00' West, 26.02 feet more or less along the South boundary of said Northeast quarter of the Southwest quarter to the Southwest corner of said Northeast quarter of the Southwest quarter and the Real Point of Beginning.

Parcel 2:

The South half of the Southwest quarter all lying in Section 36, Township 6 North, Range 1 West, Boise meridian, Gem County, Idaho.

PARCEL 3:

The North half of the Northwest quarter and the Southwest quarter of the Northwest quarter all lying in Section 36, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho.

PARCEL 4:

The Southeast quarter and the Southeast quarter of the Northeast quarter, all lying in Section 36, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho.

PARCEL 5:

Lot 2 of Section 30, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.

PARCEL 6

The Southeast quarter, and the South half of the Northeast quarter, and the Southeast quarter of the Northwest quarter, all lying in Section 30, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.

PARCEL 7:

Lots 1, 2, 3 and 4 and the East half of the Northwest quarter, and the West half of the Northeast quarter and the Southeast quarter, and the East half of the Southwest quarter all lying in Section 31, Township 6 North, Range 1 East Boise Meridian, Gem County, Idaho.

PARCEL 8:

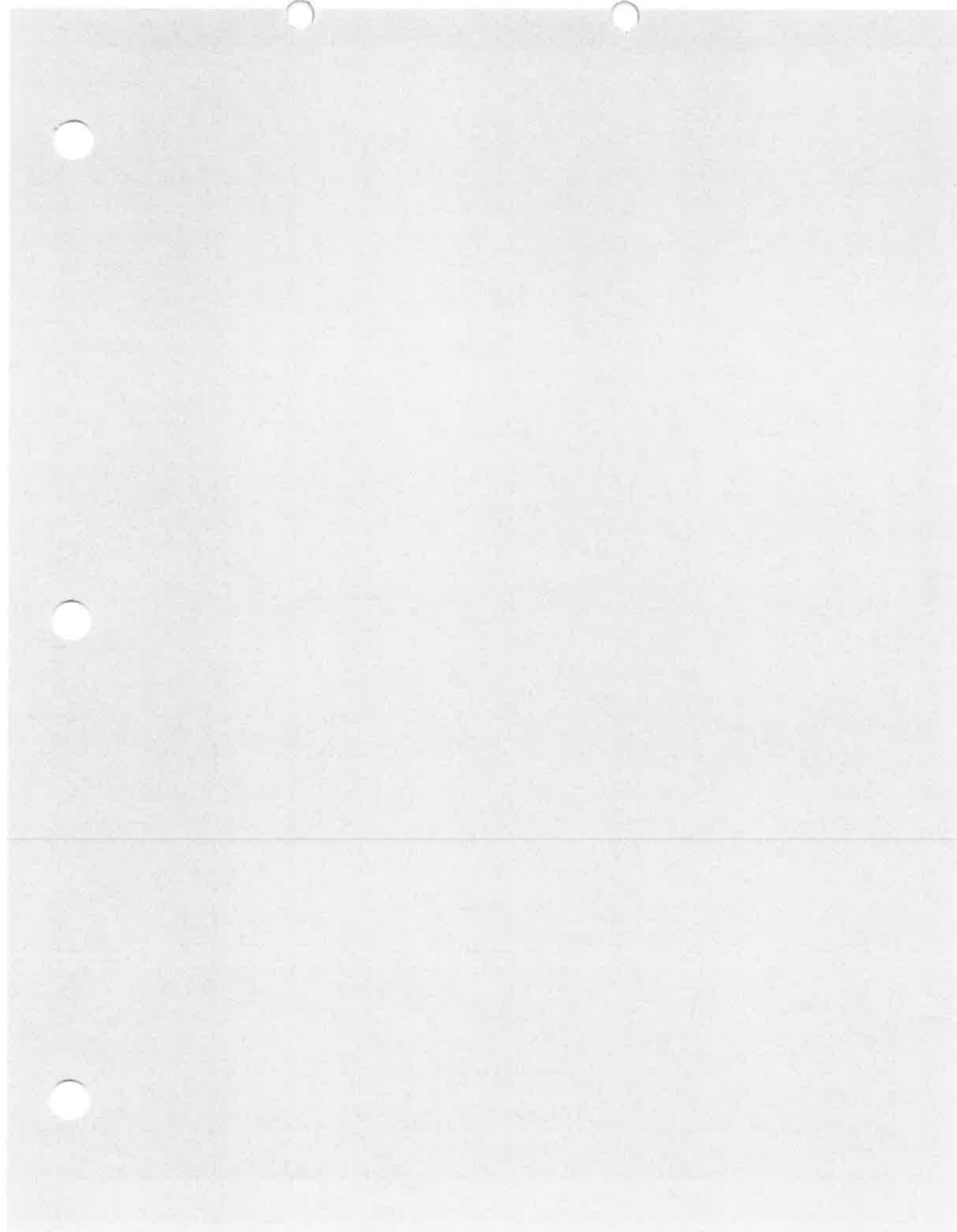
The South half of the Southwest quarter all lying in Section 32, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.

PARCEL 9:

The North half of the Southwest quarter and the Northwest quarter of the Southeast quarter and the Southeast quarter of the Southeast quarter all lying in Section 32, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.

PARCEL 10:

The West half of the Southwest quarter all lying in Section 33, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.



102693

INSTRU. NO. 280549
PAGES 1 OF 5

2 - Naylor Aikman Land - Gem County

RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

J. Frederick Mack, Esq.
Holland & Hart LLP
P.O. Box 2527
Boise, ID 83701-2527

Instrument # 280549

EMMETT, GEM, IDAHO

12-30-2010 03:21:27 No. of Pages: 5

Recorded for : PIONEER TITLE OF GEM COUNTY

SHELLY GANNON

Fee: 22.00

Ex-Officio Recorder Deputy

Index to DEED

Shelly Gannon

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CORRECTION DEED

This instrument is filed to correct the legal description attached to that certain Bargain and Sale Deed recorded December 10, 2010, as Instrument No. 280265, records of Gem County, Idaho.

For value received, LAURA MACGREGOR BETTIS, a married woman ("Grantor"), as owner of an undivided 100 percent (100%) interest, does hereby grant, bargain, sell, and convey unto NORWOOD AIKMAN, LLC, an Idaho limited liability company ("Grantee"), whose address is 453 W. Quarter Drive, Eagle, Idaho 83616, all of her right, title and interest in and to the real property situated in Gem County, Idaho, and more particularly described on **Exhibit A** attached hereto.

Together with all of Grantor's right, title, and interest in and to all improvements thereon and all rights, privileges, hereditaments, and appurtenances related or pertaining thereto, and all other fixtures attached thereto (collectively, the "Property").

TO HAVE AND TO HOLD the Property unto the Grantee, its heirs and assigns forever.

Dated as of this 30th day of December, 2010.

GRANTOR:

Laura MacGregor Bettis

Laura MacGregor Bettis



Joyce L Lambeth
Notary Public for Idaho
Residing at Boise IDAHO
My Commission Expires 11-10-2012

File No.: 102693

EXHIBIT A

PARCEL 1:

The East half of the Northwest quarter and the East half of the Southwest quarter and the East half all lying in Section 35, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho.

EXCEPT the following described tract of land

A portion of land lying in the Southeast quarter of the Southwest quarter, Section 35, Township 6 North, Range 1 West, Boise Meridian, Gem County, State of Idaho, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast quarter of the Southwest quarter Section 35, Township 6 North, Range 1 West, Boise Meridian, Gem County, State of Idaho said point being the Real Point of Beginning; thence North 89°48'15" East, 657.12 feet more or less along the South boundary of said Southeast quarter of the Southwest quarter to the intersection of an old fence line which bears North 5°48'12" West; thence North 5°48'12" West, 1326.34 feet more or less along said fence line to a point on the North boundary of said Southeast quarter of the Southwest quarter; thence South 89°48'15" West, 522.05 feet more or less along the North boundary of said Southeast quarter of the Southwest quarter to the Northwest corner of said Southeast quarter of the Southwest quarter; thence South 0°02'30" West, 1320.00 feet more or less along the West boundary of said Southeast quarter of the Southwest quarter to the Southwest corner of said Southeast quarter of the Southwest quarter and the Real Point of Beginning.

ALSO EXCEPT the following described tract of land

A portion of land lying in the Northeast quarter of the Southwest quarter, Section 35, Township 6 North, Range 1 West, Boise Meridian, Gem County, State of Idaho, being more particularly described as follows:

Beginning at the Southwest corner of the Northeast quarter of the Southwest quarter, Section 35, Township 6 North, Range 1 West, Boise Meridian, Gem County, State of Idaho, said point being the Real Point of Beginning; thence North 0°02'30" East, 1320.0 feet more or less along the West boundary of said Northeast quarter of the Southwest quarter to the Northwest corner of said Northeast quarter of the Southwest quarter; thence North 89°48'15" East, 1072.86 feet more or less along the North boundary of said Northeast quarter of the Southwest quarter to the intersection with the centerline of Pearl Road; thence along the centerline of Pearl Road the following courses:

South 46°52' West, 179.36 feet;
 South 41°52' West, 300.0 feet;
 South 44°52' West, 150.0 feet;
 South 48°48' West, 125.0 feet;
 South 52°08' West, 110.0 feet;
 South 54°05' West, 135.0 feet;
 South 42°57' West, 200.0 feet;
 South 22°15' West, 253.0 feet;
 South 20°44' West, 147.0 feet;
 South 17°00' West, 110.0 feet;

File No.: 102693

South 13°00' West, 19.45 feet more or less to a point on the South boundary of said Northeast quarter of the Southwest quarter; thence
South 89°48'16" West, 26.02 feet more or less along the South boundary of said Northeast quarter of the Southwest quarter to the Southwest corner of said Northeast quarter of the Southwest quarter and the Real Point of Beginning.

Parcel 2:

The South half of the Southwest quarter all lying in Section 36, Township 6 North, Range 1 West, Boise meridian, Gem County, Idaho.

PARCEL 3:

The North half of the Northwest quarter and the Southwest quarter of the Northwest quarter all lying in Section 36, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho.

PARCEL 4:

The Southeast quarter and the Southeast quarter of the Northeast quarter, all lying in Section 36, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho.

PARCEL 5:

Lot 2 of Section 30, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.

PARCEL 6

The Southeast quarter, and the South half of the Northeast quarter, and the Southeast quarter of the Northwest quarter, all lying in Section 30, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.

PARCEL 7:

Lots 1, 2, 3 and 4 and the East half of the Northwest quarter, and the West half of the Northeast quarter and the Southeast quarter, and the East half of the Southwest quarter all lying in Section 31, Township 6 North, Range 1 East Boise Meridian, Gem County, Idaho.

PARCEL 8:

The South half of the Southwest quarter all lying in Section 32, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.

PARCEL 9:

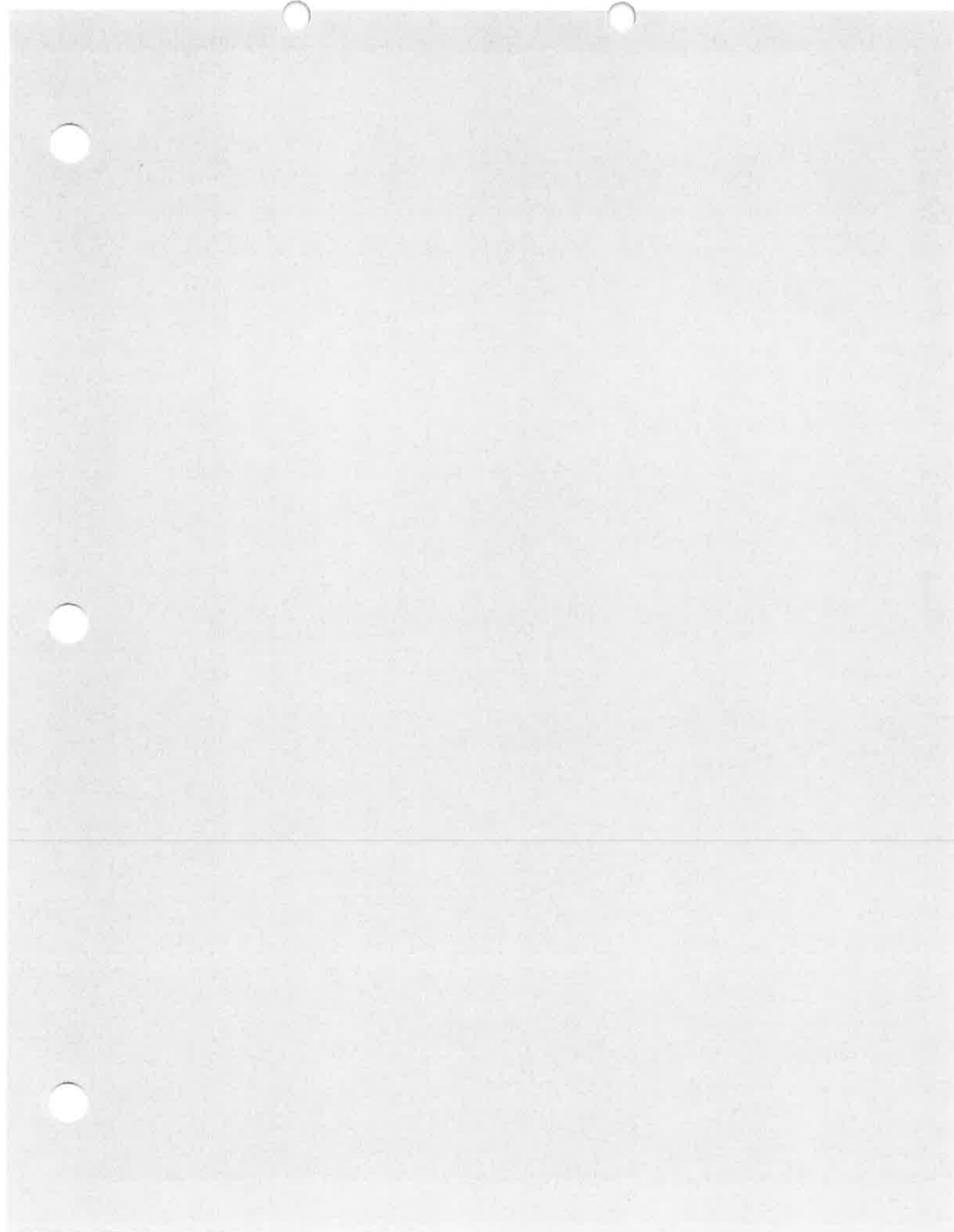
The North half of the Southwest quarter and the Northwest quarter of the Southeast quarter and the Southeast quarter of the Southeast quarter all lying in Section 32, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.

INSTRU. NO. 280549
PAGES 5 OF 5

File No.: 102693

PARCEL 10:

The West half of the Southwest quarter all lying in Section 33, Township 6 North, Range 1 East, Boise Meridian,
Gem County, Idaho.



INSTRU. NO. 280250
PAGES 1 OF 3

3 Pearl Land - Naylor Aikman Land - Gem County

RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

J. Frederick Mack, Esq.
Holland & Hart LLP
P.O. Box 2527
Boise, ID 83701-2527

Instrument # 280250

EMMETT, GEM, IDAHO

12-9-2010 02:20:30 No. of Pages: 3

Recorded for : HOLLAND & HART LLP

SHELLY GANNON

Ex-Officio Recorder Deputy

Index to DEED

Fee: 16.00

Judy Evans

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BARGAIN AND SALE DEED

For value received, HARRY L. BETTIS, a single man ("Grantor"), as owner of an undivided 100 percent (100%) interest, does hereby grant, bargain, sell, and convey unto NORWOOD AIKMAN, LLC, an Idaho limited liability company ("Grantee"), whose address is 453 W. Quarter Drive, Eagle, Idaho 83616, all of his right, title and interest in and to the real property situated in Gem County, Idaho, and more particularly described on **Exhibit A** attached hereto.

Together with all of Grantor's right, title, and interest in and to all improvements thereon and all rights, privileges, hereditaments, and appurtenances related or pertaining thereto, and all other fixtures attached thereto (collectively, the "Property").

TO HAVE AND TO HOLD the Property unto the Grantee, its heirs and assigns forever.

Dated as of this 9 day of December, 2010.

GRANTOR:

Harry L. Bettis

Harry L. Bettis

LEGAL DESCRIPTION

EXHIBIT A

(Pearl Land – Naylor Aikman Land – Gem County)

PARCEL 1:

The Southeast quarter, and the East half of the Southwest quarter, and the Southwest quarter of the Southwest quarter, and the Southeast quarter of the Northeast quarter and 8.64 acres in the Southwest quarter of the Northeast quarter all lying in Section 25 Township 6 North, Range 1 West, Boise Meridian, Gem County Idaho.

PARCEL 2:

The South half of the Southeast quarter of the Northwest quarter and the South half of the Southwest quarter of the Northeast quarter of Section 36, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho.

PARCEL 3:

The North half of the Southeast quarter of the Northwest quarter and the North half of the Southwest quarter of the Northeast quarter, Section 36, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho.

PARCEL 4:

The North half of the Northeast quarter of Section 36, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho.

PARCEL 5:

The North half of the Southwest quarter of Section 36, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho.

PARCEL 6:

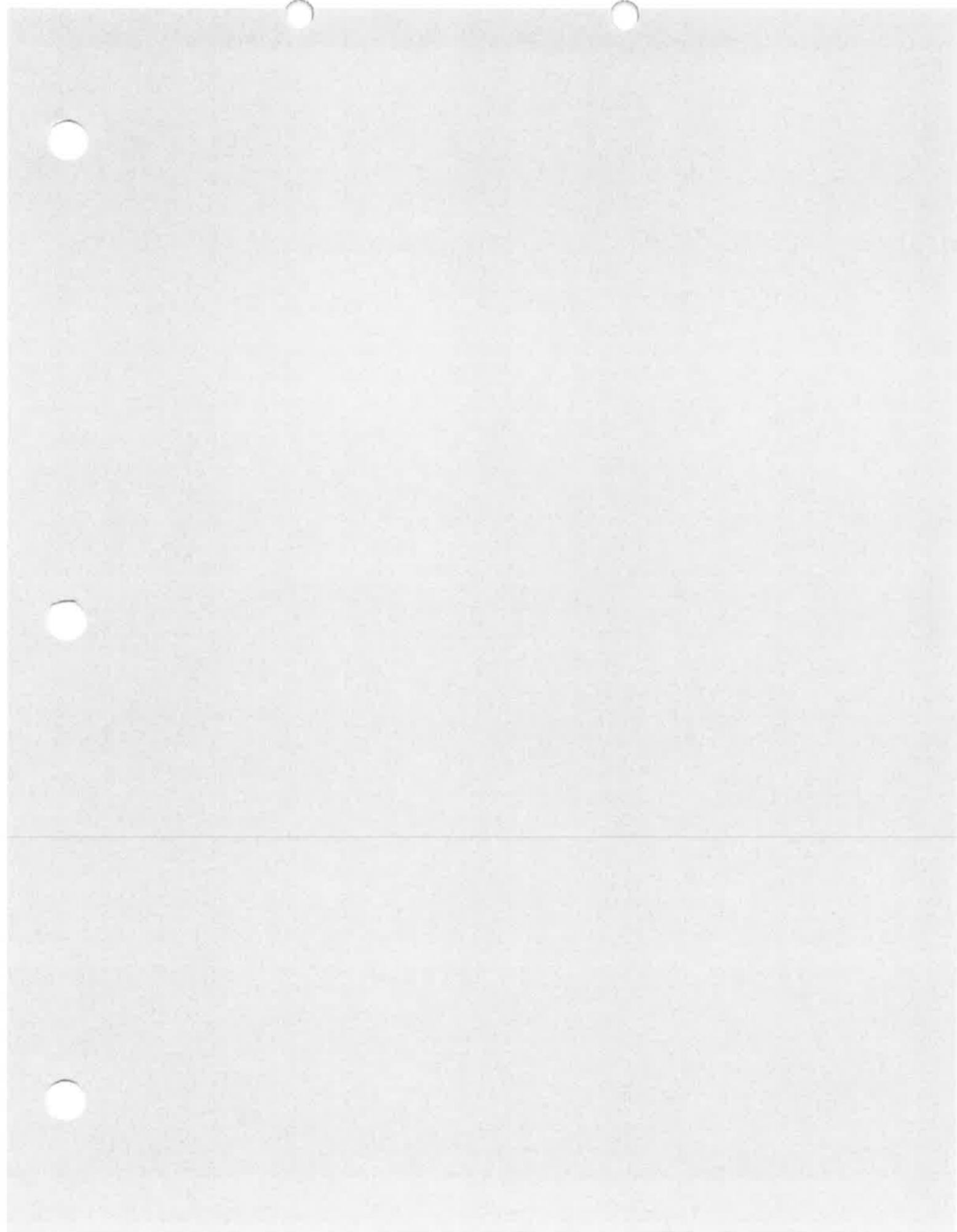
The Southeast quarter of the Southwest quarter of Section 21, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.

PARCEL 7:

The East half of the Southwest quarter and Lots 3 and 4 all lying in Section 30 Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.

PARCEL 8:

The Northwest quarter of the Northeast quarter and the North half of the Northwest quarter all in Section 32, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho.



RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

J. Frederick Mack, Esq.
Holland & Hart LLP
P.O. Box 2527
Boise, ID 83701-2527

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 12/09/10 12:51 PM
DEPUTY Lisa Galt
RECORDED – REQUEST OF
Holland & Hart

AMOUNT 19.00

4



110115832

Above Space Reserved For Recorder's Use Only

BARGAIN AND SALE DEED

For value received, HARRY L. BETTIS, a single man ("Grantor"), as owner of an undivided 100 percent (100%) interest, does hereby grant, bargain, sell, and convey unto NORWOOD AIKMAN, LLC, an Idaho limited liability company ("Grantee"), whose address is 453 W. Quarter Drive, Eagle, Idaho 83616, all of his right, title and interest in and to the real property situated in Ada County, Idaho, and more particularly described on **Exhibit A** attached hereto.

Together with all of Grantor's right, title, and interest in and to all improvements thereon and all rights, privileges, hereditaments, and appurtenances related or pertaining thereto, and all other fixtures attached thereto (collectively, the "Property").

TO HAVE AND TO HOLD the Property unto the Grantee, its heirs and assigns forever.

Dated as of this 9 day of December, 2010.

GRANTOR:

Harry L. Bettis

STATE OF IDAHO)
) ss:
County of Ada)

On this 9th day of December, 2010, before me, the undersigned notary public for said state, personally appeared HARRY L. BETTIS, known or identified to me (or proven to me on the basis of satisfactory evidence to be) the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Rita K. Henning
Notary Public for Idaho
Residing at *Boise, ID*
My Commission Expires *2/6/15*

4971673_I.DOC

LEGAL DESCRIPTION

EXHIBIT A

(HLB Properties – Ada County)

Real property in the City of Eagle, County of Ada, State of Idaho, described as follows:

PARCEL 1:

THE EAST HALF OF THE WEST HALF, ALL LYING IN SECTION 1, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 2:

LOT 1, ALL LYING IN SECTION 1, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 3:

LOT 2, AND THE SOUTH HALF OF THE NORTHEAST QUARTER, AND THE SOUTHEAST QUARTER, ALL LYING IN SECTION 1, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 4:

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, ALL LYING IN SECTION 12, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 5:

A PARCEL OF LAND LYING IN GOVERNMENT LOT 2 AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, STATE OF IDAHO, AMENDING THAT LEGAL DESCRIPTION FILED AS INSTRUMENT NUMBER 99061758, AND AS SHOWN ON RECORD OF SURVEY NO. 5708, RECORDS OF ADA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE GOVERNMENT LOT 2 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, STATE OF IDAHO, SAID POINT BEING THE REAL POINT OF BEGINNING; THENCE

SOUTH 0°42'21". WEST, 2515.54 FEET ALONG THE EAST BOUNDARY OF GOVT. LOT 2 AND SOUTHWEST

QUARTER OF THE NORTHEAST QUARTER AND FENCE LINE TO A POINT LYING NORTH 0°42'19. EAST, 45.10 FEET, FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2; THENCE

NORTH 20°46'23. WEST, 2695.46 FEET ALONG A FENCE LINE TO A POINT ON THE NORTH BOUNDARY OF SAID GOVERNMENT LOT 2; THENCE SOUTH 89°42'59. EAST, 986.99 FEET ALONG THE NORTH BOUNDARY OF SAID GOVT. LOT 2 TO THE REAL POINT OF BEGINNING.

PARCEL 6:

NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2,
TOWNSHIP 5 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY,
IDAHO.

Tax Parcel Numbers: S0301200000 (PARCEL 1), S0301110000 (PARCEL 2),
S0301120000 (PARCEL 3), S0312110000 (PARCEL 4), S0302120600 (PARCEL 5),
AND S0302417200 (PARCEL 6)

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 12/10/10 11:01 AM
DEPUTY Vicki Allen
RECORDED - REQUEST OF
Holland & Hart

AMOUNT 19.00 4



RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

J. Frederick Mack, Esq.
Holland & Hart LLP
P.O. Box 2527
Boise, ID 83701-2527

Above Space Reserved For Recorder's Use Only

BARGAIN AND SALE DEED

For value received, LAURA MACGREGOR BETTIS, a married woman ("Grantor"), as owner of an undivided 100 percent (100%) interest, does hereby grant, bargain, sell, and convey unto NORWOOD AIKMAN, LLC, an Idaho limited liability company ("Grantee), whose address is 453 W. Quarter Drive, Eagle, Idaho 83616, all of her right, title and interest in and to the real property situated in Ada County, Idaho, and more particularly described on **Exhibit A** attached hereto.

Together with all of Grantor's right, title, and interest in and to all improvements thereon and all rights, privileges, hereditaments, and appurtenances related or pertaining thereto, and all other fixtures attached thereto (collectively, the "Property").

TO HAVE AND TO HOLD the Property unto the Grantee, its heirs and assigns forever.

Dated as of this 9th day of December, 2010.

GRANTOR:



Laura MacGregor Bettis

STATE OF IDAHO)
) ss:
County of Ada)

On this 9th day of December, 2010, before me, the undersigned notary public for said state, personally appeared LAURA MACGREGOR BETTIS, known or identified to me (or proven to me on the basis of satisfactory evidence to be) the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Lisa K. Hensley
Notary Public for Idaho
Residing at Bow, ID
My Commission Expires 2/6/15

4971754_1.DOC

LEGAL DESCRIPTION

EXHIBIT A

(FLP Properties – Ada County)

Real property in the City of Eagle, County of Ada, State of Idaho, described as follows:

PARCEL 1:

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND THE SOUTH HALF OF THE SOUTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, ALL LYING IN SECTION 5, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 2:

LOTS 4 AND 7, AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL LYING IN SECTION 6, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 3:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER ALL LYING IN SECTION 6, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER ALL LYING IN SECTION 7, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 4:

LOTS 1, 2, AND 3, AND THE EAST HALF OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL LYING IN SECTION 7, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 5:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL LYING IN SECTION 8, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 6:

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL LYING IN SECTION 5, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 7:

LOTS 5 AND 6, AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER ALL LYING IN SECTION 6, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 8:

LOTS 1, 2, AND 3, AND THE SOUTH HALF OF THE NORTHEAST QUARTER, AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, ALL LYING IN SECTION 6, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 9:

THE WEST HALF OF THE SOUTHEAST QUARTER, ALL LYING IN SECTION 6, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 10:

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER ALL LYING IN SECTION 7, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

PARCEL 11:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, AND THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, ALL LYING IN SECTION 7, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO.

Tax Parcel Numbers: S0205240000 (PARCEL 1), S0206220000 (PARCEL 2), S0206440000 (PARCEL 3), S0207210000 (PARCEL 4), S0208220000 (PARCEL 5), S0205233610 (PARCEL 6), S0206230000 (PARCEL 7), S0206110010 (PARCEL 8), S0206420000 (PARCEL 9), S0207131000 (PARCEL 10) AND S0207120000 (PARCEL 11)



March 4, 2019

Gem County Commissioners
415 E Main St
Emmett, ID 83617

RE: Applications for Water Right Permit Nos. 63-34497 and 63-34498

Dear Commissioners:

The Idaho Department of Water Resources has requested that you receive copies of the above referenced Applications for Water Right Permit pursuant to § 42-203A(5)(e), Idaho Code, to ensure the applications, if approved, do not conflict with the local public interest.

If you have questions or concerns about the applications, please feel free to contact me at the address or number below or the Idaho Department of Water Resources office in Boise at 208-334-2190 or 2735 W Airport Way, Boise, Idaho 83705-5082.

Thank you for your consideration.

Yours truly,

A handwritten signature in blue ink, appearing to read "D. Shaw".

David Shaw

Enc.

cc: IDWR Boise
Harry Bettis

Denver
1842 Clarkson St.
Denver, CO 80218
303.830.1188

Durango
1015 1/2 Main Avenue
Durango, CO 81301
970.422.2136

Hotchkiss
P.O. Box 932
161 South 2nd St.
Hotchkiss, CO 81419
970.872.3020

Idaho
4001 East Main Street
Emmett, ID 83617
208.365.7684

www.eroresources.com

Consultants in
Natural Resources
and the Environment



March 4, 2019

Department of Environmental Quality
1445 N Orchard Street
Boise, ID 83706

RE: Applications for Water Right Permit Nos. 63-34497 and 63-34498

Dear Commissioners:

The Idaho Department of Water Resources has requested that you receive copies of the above referenced Applications for Water Right Permit pursuant to § 42-203A(5)(e), Idaho Code, to ensure the applications, if approved, do not conflict with the local public interest.

If you have questions or concerns about the applications, please feel free to contact me at the address or number below or the Idaho Department of Water Resources office in Boise at 208-334-2190 or 2735 W Airport Way, Boise, Idaho 83705-5082.

Thank you for your consideration.

Yours truly,

A handwritten signature in blue ink, appearing to read "D. Shaw", is written over a light blue rectangular background.

David Shaw

Denver
1842 Clarkson St.
Denver, CO 80218
303.830.1188

Durango
1015 ½ Main Avenue
Durango, CO 81301
970.422.2136

Hotchkiss
P.O. Box 932
161 South 2nd St.
Hotchkiss, CO 81419
970.872.3020

Idaho
4001 East Main Street
Emmett, ID 83617
208.365.7684

www.eroresources.com

Enc.

cc: IDWR Boise
Harry Bettis

Consultants in
Natural Resources
and the Environment



March 4, 2019

Idaho Department of Fish and Game
3101 S Powerline Road
Nampa, ID 83686

RE: Applications for Water Right Permit Nos. 63-34497 and 63-34498

Dear Commissioners:

The Idaho Department of Water Resources has requested that you receive copies of the above referenced Applications for Water Right Permit pursuant to § 42-203A(5)(e), Idaho Code, to ensure the applications, if approved, do not conflict with the local public interest.

If you have questions or concerns about the applications, please feel free to contact me at the address or number below or the Idaho Department of Water Resources office in Boise at 208-334-2190 or 2735 W Airport Way, Boise, Idaho 83705-5082.

Thank you for your consideration.

Yours truly,

A handwritten signature in blue ink, appearing to read "David Shaw".

David Shaw

Denver
1842 Clarkson St.
Denver, CO 80218
303.830.1188

Durango
1015 ½ Main Avenue
Durango, CO 81301
970.422.2136

Hotchkiss
P.O. Box 932
161 South 2nd St.
Hotchkiss, CO 81419
970.872.3020

Idaho
4001 East Main Street
Emmett, ID 83617
208.365.7684

www.eroresources.com

Enc.

cc: IDWR Boise
Harry Bettis

Consultants in
Natural Resources
and the Environment

Hummer, Phill

From: Hummer, Phill
Sent: Friday, March 01, 2019 11:18 AM
To: 'Dave Shaw'
Subject: RE: Applications for Permit 63-34497 and 63-34498
Attachments: Additional Information Request.docx

Dave,

The letter I sent you and the applicant on January 25, 2019 (attached) specifically states the information you submitted in your August 2019 letter is inadequate. In addition the second paragraph of that letter lists the information that the applicant still needs to provide. I apologize for not responding sooner but I thought my letter was clear. The deadline to submit the requested information has passed but because I didn't respond to your email timely I will extend the deadline another thirty (30) days, please submit the information required by March 25, 2019. If you need more time you can request an extension of up to 6 months.

Phill Hummer

*Senior Water Resource Agent
IDWR Western Region
Email: phill.hummer@idwr.idaho.gov*

From: Dave Shaw [<mailto:dshaw@erresources.com>]
Sent: Friday, February 01, 2019 2:42 PM
To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Subject: Applications for Permit 63-34497 and 63-34498

Phil,

Attached is our letter from last August addressing the additional information requirement for application for permit 63-34498. Applications 63-34497 and 63-34498 are for the same water, the first application is for in reservoir uses and the second is for irrigation but neither seeks multiple fills of the reservoir. Please let me know if the August 2018 letter is not sufficient and what needs to be augmented to meet the needs of Rule 40.05.

Thank you for your consideration,
Dave

David Shaw

ERO Resources Corporation

Consultants in Natural Resources and the Environment
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State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

01/25/2019

HARRY BETTIS
PO BOX 7
EMMETT ID 83617

Re: Additional Information Required - Application for Permit No. 63-34497 and 63-34498

Dear Applicant:

Your applications for permit proposing the use of South Fork Willow Creek water for storage are being processed. To complete processing these applications additional information is required as described by IDAPA 37.03.08.040.05 (enclosed) for "large diversion projects."

This information was requested in support of application no. 63-34498 via letter on August 02, 2018. IDWR received a response on August 27, 2018. However, the information submitted is inadequate. You did not provide specific enough information related to the water requirements of the proposed project or the quantity of water availability. Additionally, you did not provide any documentation showing a possessory interest in the lands necessary for the project, you did not submit copies or discuss in any way any additional permits or approvals required for the project, you did not submit any construction plans, and you did not provide any evidence that you have pursued comments regarding the project from any additional governing bodies.

Please submit the required information as it relates to both applications within thirty (30) days. The information submitted will be used to make an evaluation whether the application should be approved, denied, or approved for lesser amount using the criteria described by IDAPA 37.03.08.045.01. If the information submitted is incomplete or inadequate these applications may not be approved. If the information is not received within thirty (30) days the Department may take steps necessary to void the applications. You may seek additional time to provide the information by making a written request as described in Water Appropriation Rule 40.01.d. Refunds are not issued for voided applications. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to these matters.

Sincerely,

Phill Hummer
Senior Water Resource Agent
Idaho Department of Water Resources
Email: phill.hummer@idwr.idaho.gov

Enclosure: Water Appropriation Rules 40.05.c through 40.05.g
Cc: David Shaw, ERO Resource Corp