

RECEIVED

NOV 05 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SUPPORT DATA

IN FILE # 63-19155

Notice of Change in Water Right Ownership

WATER RESOURCES
WESTERN REGION

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
<u>D</u> 63-32788	Yes ☐	Yes ☐		Yes ☐	Yes ☐
<u>D</u> 63-32789	Yes ☐	Yes ☐		Yes ☐	Yes ☐
<u>PD</u> 63-19155	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: 63-32788 & 63-32789: The Orchards at Eagle, LLC; 63-19155: Girdner & Jones Partners
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): OC Holdings, Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 2425 E. Camelback Road, Ste 600 Phoenix AZ 85016
Mailing address City State ZIP
- 403-270-5900 ryan@atlaseduco.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: September 14, 2010
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
o \$25 per *undivided* water right.
o \$100 per *split* water right.
o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: OC HOLDINGS INC VP Development Oct 24/14
Signature of new owner/claimant Title, if applicable Date

Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by: J. Strange Date: 11-5-2014 Receipt No. W042634 Receipt Amt. 275.00
Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9: X Approved by: RSEFW Processed by: CS Date: 01/08/15

ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT 16.00 3
 BOISE IDAHO 10/06/10 12:05PM
 DEPUTY Vicki A Allen
 RECORDED REQUEST OF
 TITLEONE BOISE
 110083744

TitleOne Corporation
 1101 W. River Street, Ste 201
 Boise, Idaho 83702
 (208) 424-8511
 Order No.: TS1001628
 ORCHARDS/A1091521

CORRECTION TRUSTEE'S DEED

THIS CORRECTION TRUSTEE'S DEED is given to correct, replace, and supersede, in its entirety that certain Trustee's Deed made by the Trustee herein to Grantee herein, dated September 14, 2010 and recorded September 15, 2010 as Instrument No. 110085734 records of Ada County, Idaho. The effective date of this Correction Trustee's Deed is as of the date of delivery of the deed it replaces which is September 14, 2010.

TitleOne Corporation, an Idaho corporation (herein called Trustee) as trustee under the Deed of Trust hereinafter particularly described, does hereby Bargain, Sell and Convey, without warranty, to OC Holdings, Inc, an Arizona Corporation whose address is 2425 E. Camelback Road Ste 600, Phoenix, AZ 85016, (herein called Grantee), all of the real property situated in the County of Ada County, State of Idaho, described as follows:

See attached exhibit A

This conveyance is made pursuant to the powers conferred upon Trustee by the Deed of Trust between Orchards at Eagle, LLC, as original grantor(s) for the benefit and security of Michael Todd Keller Family Trust under instrument dated May 16, 1990, as amended, as beneficiary, recorded October 22, 2008, as Instrument No. 108116978, and assigned to OC Holdings, Inc. an Arizona corporation by assignment recorded August 20, 2010, as Instrument No. 110077440, Mortgage Records of Ada County, Idaho and after the fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance as follows:

1. Default occurred in the obligations for which said Deed of Trust was given as security and the beneficiary made demand upon the said trustee to sell said property pursuant to the terms of said Deed of Trust. Notice of Default was recorded as Instrument No. 110042368, Mortgage Records of Ada County, Idaho and in the office of the Recorder of each county in which the property described in said deed of trust or any part thereof, is situated, the nature of such default being as set forth in said Notice of Default. Such default still existed at the time of sale.
2. After recordation of said Notice of Default, trustee gave notice of the time and place of the sale of said property by registered/certified mail, return receipt requested, by personal service upon the occupants of said real property and/or by posting in a conspicuous place on said premises and by publishing in a newspaper of general circulation in each of the counties in which the property is situated as more fully appears in affidavits recorded as least 20 days prior to date of sale as Instrument No(s) 110065990, 110065991 & 110065992, Mortgage Records of Ada County, Idaho.
3. The provisions, recitals and contents of the Notice of Default referred to in paragraph (1) supra and of the Affidavits referred to in paragraph (2) supra shall be and they are hereby incorporated herein and made an integral part hereof for all purposes as though set forth therein at length.
4. All requirements of law regarding the mailing, personal service, posting, publication and recording of Notice of Default, and Notice of Sale and all other notices have been complied with.
5. Not less than 120 days elapsed between the giving of Notice of Sale by registered or certified mail and the sale of said property.
6. Trustee, at the time and place of sale fixed by said notice, at public auction, in one parcel, struck off to Grantee, being the highest bidder therefore, the property herein described, for the sum of \$1,200,000.00, subject however to all prior liens and encumbrances. No person or corporation offered to take any part of said property less than the whole thereof for the amount of principal, interest, advances and costs.

IN WITNESS WHEREOF, The Trustee, pursuant to a resolution of its Board of Directors has caused its Corporation name to be hereunto subscribed effective as of the 14th day of September, 2010 .

TITLEONE CORPORATION, Trustee

By: Scott Thiel
 Its Assistant Vice-President

State of Idaho
 County of Ada

On this 6th day of October in the year 2010, before me, the undersigned, a notary public in and for said state personally appeared, Scott Thiel known to me to be the assistant vice-president of the corporation that executed this instrument and the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

Notary Public
 Residing at: Boise
 My commission expires on: 1/4/2012



Exhibit A

Parcel A:

Parcel A of Record of Survey No. 8181 recorded January 8, 2008 as Instrument No. 108001927, Amended by Affidavit of Correction recorded February 14, 2008 as Instrument No. 108016569, records of Ada County, Idaho, being a tract of land situated in a portion of Lots 13 and 14 of The Compton Andrew Tract (a recorded subdivision on file in Book 5 of Plats at page 223, records of Ada County, Idaho) located in the Southeast One Quarter of the Southeast One Quarter of Section 11, and U.S. Government Lot 1 of Section 14, and situated in a portion of U.S. Government 12 of Section 14, all in Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, described as follows:

Commencing at a found aluminum cap monumenting the East One Quarter of said Section 11 on the centerline of North Linder Road; thence following the Easterly line of said Section 11 and the centerline of said North Linder Road, South 00°49'22" West a distance of 2,645.46 feet to a found brass cap monumenting the Southeast Corner of said Section 11; thence leaving said Easterly line and said centerline, North 89°19'08" West a distance of 25.00 feet to a found ½-inch steel pin on the Westerly right-of-way line of said North Linder Road being the POINT OF BEGINNING; thence following the Westerly right-of-way line of said Linder Road the following three courses:

South 00°40'52" West a distance of 386.41 feet to a set 5/8-inch steel pin;

South 88°15'48" West a distance of 5.00 feet to a set 5/8-inch steel pin;

South 00°40'52" West a distance of 787.74 feet to a found ½-inch steel pin on the mean high water line of the right bank of the North Channel of the Boise River as determined by the Idaho State Department of Lands; thence leaving said Westerly right-of-way line and following said high water line of the right bank of the North Channel of the Boise River the following five courses:

North 82°19'05" West a distance of 156.74 feet to a found ½-inch steel pin;

North 35°37'12" West a distance of 63.97 feet to a found ½-inch steel pin;

North 70°06'52" West a distance of 229.91 feet to a set 5/8-inch steel pin;

North 63°08'31" West a distance of 122.49 feet to a set 5/8-inch steel pin;

North 38°24'12" West a distance of 168.74 feet to a found ½-inch steel pin on the Westerly line of Lot 14 of said The Compton Andrews Tract; thence leaving said high water line and following the Westerly line of the Westerly line of Lot 14 of said The Compton Andrews Tract,

North 00°40'52" East a distance of 1,298.40 feet to a set 5/8-inch-steel pin; thence leaving said Westerly line, North 89°35'03" East a distance of 170.00 feet to a set 5/8-inch steel pin; thence

South 00°40'52" West a distance of 10.00 feet to a set 5/8-inch steel pin; thence

North 89°35'03" East a distance of 105.00 feet to a set 5/8-inch steel pin; thence

North 00°40'52" East a distance of 110.00 feet to a set 5/8-inch steel pin on the Northerly line of said Lot 14 and the

Southerly right-of-way line of Old Valley Road; thence following said Northerly line and said Southerly right-of-way line,

North 89°35'03" East a distance of 358.39 feet to a found ½-inch steel pin on the Westerly right-of-way line of said North

Linder Road; thence leaving said Northerly line and said Southerly right-of-way line and following the Westerly right-of-

way line of said North Linder Road,

South 00°49'22" West a distance of 567.47 feet to the POINT OF BEGINNING.

Excepting therefrom a portion of land conveyed to Ada County Highway District by Warranty Deed recorded September 3, 1998 as Instrument No. 98085046, records of Ada County, Idaho.

Parcel B:

Parcel B of Record of Survey No. 8181 recorded January 8, 2008 as Instrument No. 108001927, Amended by Affidavit of Correction recorded February 14, 2008 as Instrument No. 108016569, records of Ada County, Idaho, being a tract of land situated in a portion of Lot 14 of The Compton Andrew Tract (a recorded subdivision on file in Book 5 of Plats at page 223, records of Ada County, Idaho) located in the Southeast One Quarter of the Southeast One Quarter of Section 11, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, described as follows:

Commencing at a found aluminum cap monumenting the East One Quarter Corner of said Section 11 on the centerline of North Linder Road, from which a found brass cap monumenting the Southeast Corner of said Section 11 bears 00°49'22" West a distance of 2,645.46 feet; thence following the Easterly line of said Section 11 and the centerline of said North Linder Road,

South 00°49'22" West a distance of 2,052.50 feet to the centerline of West Old Valley Road; thence leaving said Easterly line and said centerline, and following the centerline of said West Old Valley Road,

South 89°35'03" West a distance of 658.46 feet to a point; thence leaving said centerline,

South 00°40'52" West a distance of 25.00 feet to a set 5/8-inch steel pin monumenting the Northwest Corner of Lot 14 of said The Compton Andrew Tract on the southerly right-of-way line of said West Old Valley Road; thence following the Northerly line of said Lot 14 and the Southerly right-of-way line of said West Old Valley Road,
North 89°35'03" East a distance of 170.00 feet to a set 5/8 inch steel pin being the POINT OF BEGINNING; thence following said Northerly line and said Southerly right-of-way line,
North 89°35'03" East a distance of 105.00 feet to a set 5/8-inch steel pin; thence leaving said Northerly line and said Southerly right-of-way line,
South 00°40'52" West a distance of 110.00 feet to a set 5/8-inch steel pin; thence
South 89°35'03" West a distance of 105.00 feet to a set 5/8-inch steel pin; thence
North 00°40'52" East a distance of 110.00 feet to the POINT OF BEGINNING.

