

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76280

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

RECEIVED

JUN 14 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☒ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

JUN 14 2010

Name of Applicant(s) Cottonwood Creek Homeowners Association c/o: Robin Taylor, Sec. Phone _____DEPT. OF WATER RESOURCES
SOUTHERN REGIONMailing address P.O. Box 2840 Ketchum, ID 83340 Email _____

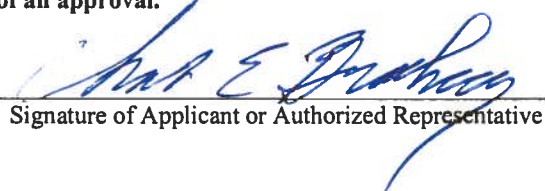
- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Charles E. Brockway Phone 208-736-8543Mailing address 2016 Washington St. N, Suite #4 Twin Falls, ID 83301 Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative

Charles E. Brockway
Print Name and Title if applicable

6/13/10
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
 ☐ Add diversion point(s)
 ☒ Change place of use
 ☐ Change nature of use
 ☐ Change period of use
 ☒ Other Create PPU
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Applicant seeks to create a permissible place of use within the Cottonwood Creek Subdivision.**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	37-577CG	0.69/	Irrigation	4/15 to 10/31	Big Wood River/Malad River
☒ ☐	37-657E	0.76/	Irrigation	4/15 to 10/31	Big Wood River/Malad River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.45 cfs and/or 1.45 ac-ft

2. Total amount of water proposed to be transferred or changed 1.45 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	NW	20	3N	18E	BLAINE	BIG WOOD RIVER	
			SE	SW	20	3N	18E	BLAINE	BIG WOOD RIVER	
			NW	SE	29	3N	18E	BLAINE	REDIVERSION	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	29		0.4	33					19	23					32	0.1		107.5

Total Acres (for irrigation use) 107.5*

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Distribution of irrigation water will be through connected buried mainlines.
Applicant requests 5 years development time to install necessary piping appurtenances.

- b. Who owns the property at the point(s) of diversion? See below:

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

Diversions listed under both water rights (37-577CG, 37-657E) are: Purdum Slough, Hiawatha Canal

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: None.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: *Irrigation will be limited to 38.0 acres within 107.5 acre place of use under water right 37-577CG and 37-657E.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-577CG

Current Owner: COTTONWOOD CREEK INVESTMENTS INC
Priority Date: 3/24/1883
Origin: Adjudication Recommendation
Status: Active
Basis: Decreed

Source		Tributary	
BIG WOOD RIVER		MALAD RIVER	
Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	0.69 CFS	
	Total Diversion	0.69 CFS	
Location of Point(s) of Diversion			
BIG WOOD RIVER		SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E B.M.
BLAINE County			
BIG WOOD RIVER		SE1/4SW1/4	Sec. 20, Twp 03N, Rge 18E B.M.
BLAINE County			
BIG WOOD RIVER		NW1/4SE1/4	Sec. 29, Twp 03N, Rge 18E B.M.
BLAINE County		(Rediversion)	
Place of Use			
<u>IRRIGATION Within BLAINE County</u>			
T03N R18E S29	SWNE	19.00	T03N R18E S29 NWSE 19.00
Total Acres: 38			

Superseceded

Page _____ of _____

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. Point of redirection is from Purdum Slough.
3. The combined annual volume of water under water rights No. 37-00577CG and 37-657E shall not exceed 133.0 acre feet.
4. T08 Failure of the right holder to comply with the conditions of transfer 4171 is cause for the Director to rescind approval of the transfer.
5. E55 Right Nos. 37-577CG and 37-657E are limited to the irrigation of a combined total of 38 acres in a single irrigation season.
6. C18 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.
7. Water is delivered through the Hiawatha canal and the Purdum Slough.
8. Measuring devices of a type approved by this Department shall be installed and maintained on all points of diversion and point of redirection.
9. T07 The right holder shall accomplish the change authorized by transfer 4171 within one (1) year of the date of the transfer approval.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-657E

Current Owner: COTTONWOOD CREEK INVESTMENTS INC
Priority Date: 5/1/1881
Origin: Adjudication Recommendation
Status: Active
Basis: Decreed

Source
BIG WOOD RIVER

Tributary
MALAD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	0.76 CFS	
	Total Diversion	0.76 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4SE1/4	Sec. 29,	Twp 03N,	Rge 18E B.M.
BLAINE County		(Rediversion)		
BIG WOOD RIVER	SE1/4SW1/4	Sec. 20,	Twp 03N,	Rge 18E B.M.
BLAINE County				
BIG WOOD RIVER	SW1/4NW1/4	Sec. 20,	Twp 03N,	Rge 18E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S29	SWNE	19.00	T03N R18E S29	NWSE	19.00
Total Acres: 38					

Suspended

Page _____ of _____

Conditions of Approval:

1. Measuring devices of a type approved by this Department shall be installed and maintained on all points of diversion and point of rediversion.
2. T08 Failure of the right holder to comply with the conditions of transfer 4171 is cause for the Director to rescind approval of the transfer.
3. The combined annual volume of water under water rights No. 37-00577CG and 37-657E shall not exceed 133.0 acre feet.
4. C18 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.
5. Water is delivered through the Hiawatha canal and the Purdum Slough.
6. T07 The right holder shall accomplish the change authorized by transfer 4171 within one (1) year of the date of the transfer approval.
7. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
8. Point of rediversion is from Purdum Slough.
9. E55 Right Nos. 37-577CG and 37-657E are limited to the irrigation of a combined total of 38 acres in a single irrigation season.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.: _____

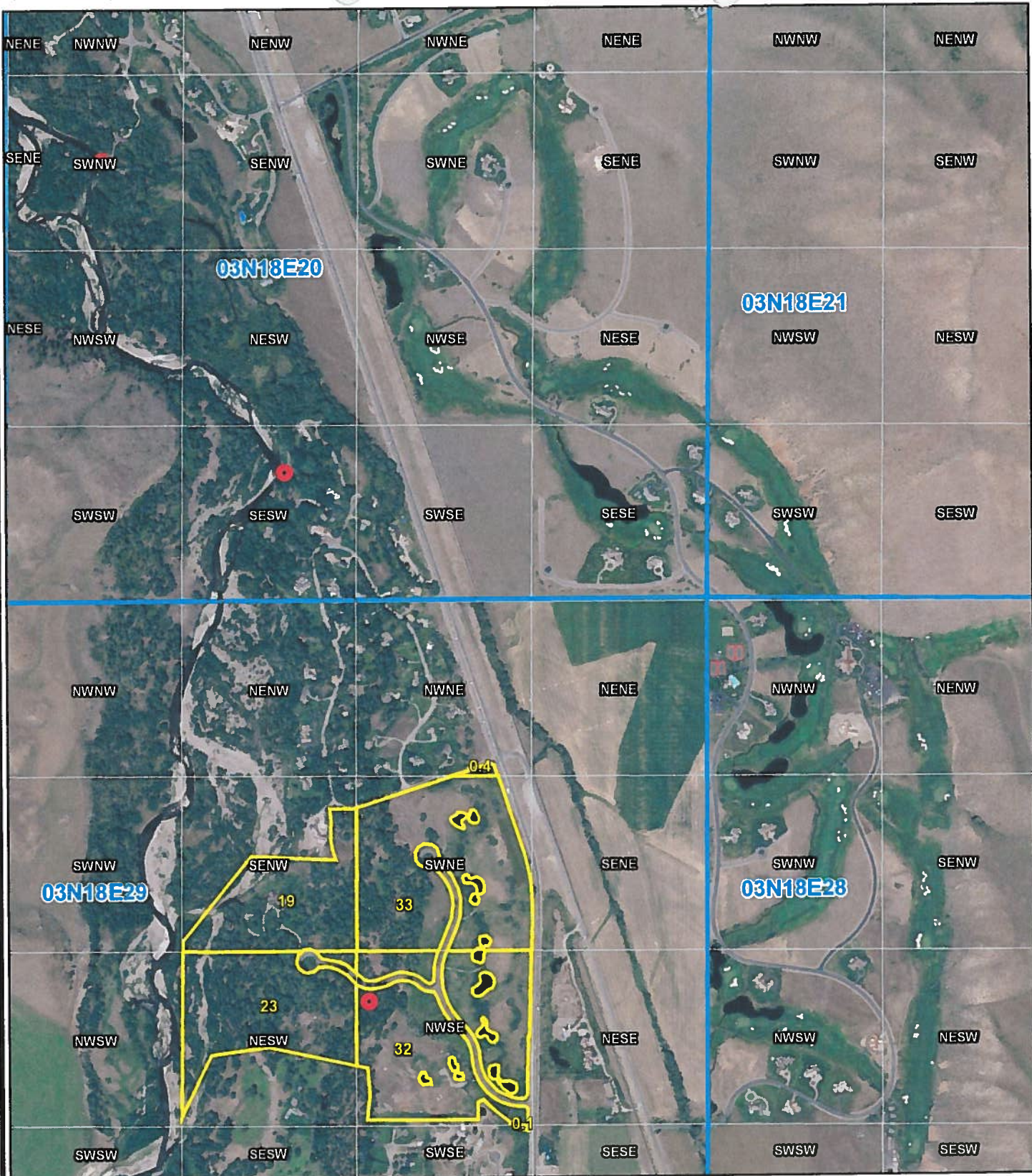
FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date 6/16/10 Prelim. Check by _____ Date _____

Fee Paid 290.00 Date 6/16/10 Received by 5031493 Receipt # _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



1 inch equals 1,000 feet

**COTTONWOOD CREEK
SUBDIVISION HOA
PROPOSED PPU LOCATION
2004 NAIP AERIAL PHOTOGRAPH**

Legend

- Existing Points of Diversion
- Proposed Cottonwood Creek Sub. PPU = 107.5 ac.
- sections
- t03n18e

BROCKWAY ENGINEERING, PLLC.
ALR - JUNE 2, 2009
(ZL- 6/3/10)



No. C 107873

Due no later than October 31, 2008

Annual Report Form

Return to:

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

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

COTTONWOOD CREEK HOMEOWNERS ASSOCIA
ROBIN TAYLOR
PO BOX 2840
KETCHUM, ID 83340

2. Registered Agent and Office NO PO BOX

ROBIN TAYLOR
~~640 2ND AVE~~ 3940 LUBBOCK
~~KETCHUM, ID 83340~~
MAINEY, ID 83333

3. New Registered Agent Signature

NO FILING FEE IF
RECEIVED BY DUE DATE

4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.

Office held	Name	Street or P.O. Address	City	State	Zip
PRESIDENT	ANDREW BEARD	291 BEDFORD	KETCHUM	CT	06831
SECRETARY	ROBIN TAYLOR	P.O. 2840	KETCHUM	ID	83340

5. Organized Under the Laws of:

IDAHO
C 107873

6.

Signature	Date	Title
	10/1/08	SECRETARY

Name (Typed or Printed)

ROBIN TAYLOR

Title

SECRETARY

Issued 08/06/2008

Do Not Tape or Staple

200810001203

No. C 103854

Due no later than October 31, 2008

Annual Report Form

Return to:

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

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

COTTONWOOD CREEK INVESTMENTS, INC.
EVERETT DAVIS
PO BOX 1965
SUN VALLEY, ID 83353

2. Registered Agent and Office NO PO BOX

EVERETT DAVIS
#30 EAGLE CREEK
KETCHUM, ID 83340

3. New Registered Agent Signature

NO FILING FEE IF
RECEIVED BY DUE DATE

4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.

Office held Name

Street or P.O. Address

City

State

Zip

President. Everett Davis

Box 1965

Sun Valley

ID.

83353

5. Organized Under the Laws of:

IDAHO
C 103854

6.

Signature

Everett Davis

Date 8-14-08

Name (Typed or Printed)

Everett Davis

Title

President

Issued 08/06/2008

Do Not Tape or Staple

200810001188

Grant Deed

When Recorded Return To:

Cottonwood Creek Homeowner's Association
Post Office Box 2840
Ketchum, Idaho 83340

Instrument # 571670

HAILEY, BLAINE, IDAHO

10-7-2009 12:09:28 No. of Pages: 2

Recorded for : LAWSON LASKI CLARK & POGUE PLLC

JOLYNN DRAGE

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: GRANT DEED

(Space above line for recorder's use)

WATER RIGHTS GRANT DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Cottonwood Creek Investments, Inc., an Idaho corporation ("Grantor") whose address is Post Office Box 2840, Ketchum, Idaho 83340, does hereby grant, bargain, sell, assign and convey unto the Cottonwood Creek Homeowner's Association, Inc., an Idaho non-profit corporation ("Grantee"), whose address is Post Office Box 2840, Ketchum, Idaho 83340, and to Grantee's heirs, successors and assigns forever, all of Grantor's right, title and interest in and to the following water rights, to wit:

Right No. 37-577CG and Right No. 37-657E.

IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto subscribed this 5 day of October, 2008.

Cottonwood Creek Investments, Inc., an Idaho corporation

By: Connet Davis

Name:

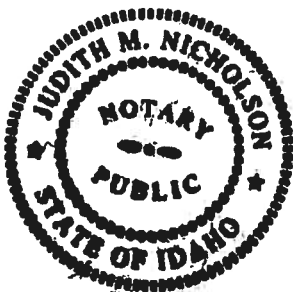
Title: President

State of Idaho)

) ss.

County of Blaine

On this 5th day of October, in the year of 2009, before me, a Notary Public in and for said State, personally appeared Wesley Davis, known or identified to me to be the President of Cottonwood Creek Investments, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Judith M. Nicholson
Notary Public for IdahoResiding at 421 W. 1stMy Commission expires 8/11/2011

WHEN RECORDED RETURN TO:

Cottonwood Creek Homeowner's Association
Post Office Box 2840
Ketchum, Idaho 83340

Instrument # 576475

HAILEY, BLAINE, IDAHO

4-6-2010

01:56:03 No. of Pages: 1

Recorded for : LAWSON LASKI CLARK POGUE PLLC

JOLYNN DRAGE

Fee: 3.00

Ex-Officio Recorder Deputy

index to: MISC DEEDS

(Space above line for recorder's use)

WATER RIGHTS GRANT DEED AND ASSIGNMENT

FOR VALUE RECEIVED, JOHN H. WHITTIER ("Grantor") whose address is Post Office Box 6516, Ketchum, Idaho 83340, does hereby grant, bargain, sell, assign and convey unto the COTTONWOOD CREEK HOMEOWNER'S ASSOCIATION, INC., an Idaho non-profit corporation ("Grantee"), whose address is Post Office Box 2840, Ketchum, Idaho 83340, and to Grantee's heirs, successors and assigns forever, all of Grantor's right, title and interest in and to the following water rights, to wit:

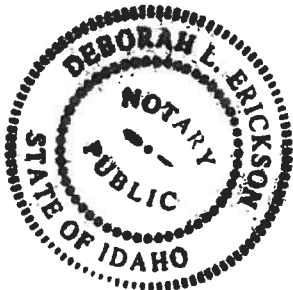
Right No. 37-577CG and Right No. 37-657E.

IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto subscribed this 2nd day of April, 2010.

John H. Whittier
John H. Whittier

State of)
County of) ss.
County of)

On this 2nd day of April, 2010, before me, a Notary Public in and for said State, personally appeared JOHN H. WHITTIER, 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.



Deborah Erickson
Notary Public for
Residing at Hailey ID
My Commission expires 10-09-10

WHEN RECORDED RETURN TO:

Cottonwood Creek Homeowner's Association
Post Office Box 2840
Ketchum, Idaho 83340

Instrument # 576476

HAILEY, BLAINE, IDAHO

4-6-2010 01:57:08 No. of Pages: 1

Recorded for : LAWSON LASKI CLARK POGUE PLLC

JOLYNN DRAGE

Fee: 3.00

Ex-Officio Recorder Deputy

Index to MISC DEEDS

(Space above line for recorder's use)

WATER RIGHTS QUITCLAIM DEED AND ASSIGNMENT

FOR VALUE RECEIVED, LYNN HILLYARD CAMPION, as trustee of the Lynn Hillyard Campion Trust, u/a/d November 6, 2009 ("Grantor") whose address is Post Office Box 3710, Hailey, Idaho 83333, does hereby grant, quitclaim, bargain, sell, assign and convey unto the COTTONWOOD CREEK HOMEOWNER'S ASSOCIATION, INC., an Idaho non-profit corporation ("Grantee"), whose address is Post Office Box 2840, Ketchum, Idaho 83340, and to Grantee's heirs, successors and assigns forever, all of Grantor's right, title and interest, if any, in and to the following water rights, to wit:

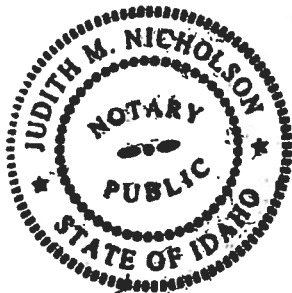
Right No. 37-577CG and Right No. 37-657E.

IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto subscribed this 24 day of February, 2010.

Lynn Hillyard Campion
Lynn Hillyard Campion, as trustee of the
Lynn Hillyard Campion Trust, u/a/d/
November 6, 2009

State of Idaho) ss.
County of Blaine)

Subscribed before me this 29th day of
March 2010.



Judith M. Nicholson
Commission expires 8/1/2011
Residing in Hailey

WHEN RECORDED RETURN TO:

Cottonwood Creek Homeowner's Association
Post Office Box 2840
Ketchum, Idaho 83340

Instrument # 576478

HAILEY, BLAINE, IDAHO

4-6-2010 02:03:14 No. of Pages: 2

Recorded for : LAWSON LASKI CLARK POGUE PLLC
JOLYNN DRAGE Fee: 6.00

Ex-Officio Recorder Deputy

index to: MISC DEEDS

(Space above line for recorder's use)

WATER RIGHTS QUITCLAIM DEED AND ASSIGNMENT

FOR VALUE RECEIVED, JEAN JONES BEARD, as trustee of the *Jean Jones Beard Cottonwood Creek* trust ("Grantor") whose address is 1515 Sherry Circle, Amherst, MA 01002, does hereby grant, quitclaim, bargain, sell, assign and convey unto the COTTONWOOD CREEK HOMEOWNER'S ASSOCIATION, INC., an Idaho non-profit corporation ("Grantee"), whose address is Post Office Box 2840, Ketchum, Idaho 83340, and to Grantee's heirs, successors and assigns forever, all of Grantor's right, title and interest, if any, in and to the following water rights, to wit:

Right No. 37-577CG and Right No. 37-657E.

IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto subscribed this 9 day of March, 2010.

Jean Jones Beard, Trustee
Jean Jones Beard, as trustee of the

Jean Jones Beard Cottonwood Creek Trust

STATE OF Massachusetts
County of Hampden) ss.
)

On this 9th day of March, 2010, before me, a Notary Public in and for said State, personally appeared JEAN JONES BEARD, known to me to be the Trustee of the Jean Jones Beard Ottonwood Creek Trust, whose name is subscribed to the within instrument and acknowledged to me that she subscribed to the within instrument as the said Trustee of the said trust.

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



Patricia J. Olanyk
Notary Public for MA
Residing at 267 Hillside Ave Holyoke MA 01040
Commission expires Sept. 10, 2015

Cottonwood Creek Homeowner's Association
Post Office Box 2840
Ketchum, Idaho 83340

Instrument # 576477

HAILEY, BLAINE, IDAHO

4-6-2010 02:00:03 No. of Pages: 1

Recorded for : LAWSON LASKI CLARK POGUE PLLC

JOLYNN DRAGE

Fee: 3.00

Ex-Officio Recorder Deputy

Index to MISC DEEDS

(Space above line for recorder's use)

WATER RIGHTS GRANT DEED AND ASSIGNMENT

FOR VALUE RECEIVED, JAMES M. AND ALISON R. LUCKMAN, AS TRUSTEES OF THE JAMES AND ALISON LUCKMAN TRUST ("**Grantor**") whose address is Post Office Box 4068, Hailey, Idaho 83333, does hereby grant, bargain, sell, assign and convey unto the COTTONWOOD CREEK HOMEOWNER'S ASSOCIATION, INC., an Idaho non-profit corporation ("**Grantee**"), whose address is Post Office Box 2840, Ketchum, Idaho 83340, and to Grantee's heirs, successors and assigns forever, all of Grantor's right, title and interest in and to the following water rights, to wit:

Right No. 37-577CG and Right No. 37-657E.

IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto subscribed this 24 day of February, 2010.

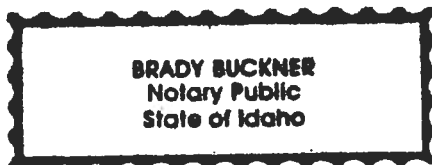
James M. Luckman, trustee

Alison R. Luckman, Trustee

STATE OF IDAHO,)
) ss.
County of BLAINE .)

On this 24TH day of FEBRUARY, ²⁰¹⁰~~200~~, before me, a Notary Public in and for said State, personally appeared JAMES M. AND ALISON R. LUCKMAN, known to me to be the Trustees of the James and Alison Luckman Trust, whose name is subscribed to the within instrument and acknowledged to me that they subscribed to the within instrument as the said Trustees of the James and Alison Luckman Trust.

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 KEITH HORN

Commission expires NOV 11, 2014

WHEN RECORDED RETURN TO:

Cottonwood Creek Homeowner's Association
Post Office Box 2840
Ketchum, Idaho 83340

Instrument # 576474

HAILEY, BLAINE, IDAHO

4-6-2010 01:55:01 No. of Pages: 1

Recorded for : LAWSON LASKI CLARK POGUE PLLC

JOLYNN DRAGE

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: MISC DEEDS

(Space above line for recorder's use)

WATER RIGHTS GRANT DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Anson Beard, Jr. ("Grantor") whose address is Post Office Box 3416, Hailey, Idaho 83333, does hereby grant, bargain, sell, assign and convey unto the Cottonwood Creek Homeowner's Association, Inc., an Idaho non-profit corporation ("Grantee"), whose address is Post Office Box 2840, Ketchum, Idaho 83340, and to Grantee's heirs, successors and assigns forever, all of Grantor's right, title and interest in and to the following water rights, to wit:

Right No. 37-577CG and Right No. 37-657E.

IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto subscribed this 24 day of February, 2010.

State of New York)
County of New York) ss.

On this 24 day of February, 2010, before me, a Notary Public in and for said State, personally appeared ANSON BEARD, JR., known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Lisa Scigliano
Notary Public for

Residing at _____

My Commission expires _____



LISA SCIGLIANO
NOTARY PUBLIC, State of New York
No. 41-01800000000000000000
Qualified in Queens County
Certificate Filed in New York County
Commission Expires Oct. 31, 2010

WHEN RECORDED RETURN TO:

Cottonwood Creek Homeowner's Association
Post Office Box 2840
Ketchum, Idaho 83340

Instrument # 576473
HAILEY, BLAINE, IDAHO
4-6-2010 01:53:54 No. of Pages: 1
Recorded for : LAWSON LASKI CLARK POGUE PLLC
JOLYNN DRAGE Fee: 3.00
Ex-Officio Recorder Deputy
Index to: MISC DEEDS

(Space above line for recorder's use)

WATER RIGHTS GRANT DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Anson Beard, Jr., Trustee, of the Anson McCook Beard, Jr. Cottonwood Creek Trust ("Grantor") whose address is Post Office Box 3416, Hailey, Idaho 83333, does hereby grant, bargain, sell, assign and convey unto the Cottonwood Creek Homeowner's Association, Inc., an Idaho non-profit corporation ("Grantee"), whose address is Post Office Box 2840, Ketchum, Idaho 83340, and to Grantee's heirs, successors and assigns forever, all of Grantor's right, title and interest in and to the following water rights, to wit:

Right No. 37-577CG and Right No. 37-657E.

IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto subscribed this 24th day of February, 2010.

Anson Beard Jr.
Anson Beard Jr., Trustee

STATE OF New York)
) ss.
County of New York)

On this 24 day of February, 2010, before me, a Notary Public in and for said State, personally appeared ANSON BEARD, JR., known to me to be the Trustee of Anson McCook Beard, Jr. Cottonwood Creek Trust, whose name is subscribed to the within instrument and acknowledged to me that he subscribed to the within instrument as the said Trustee of Anson McCook Beard, Jr. Cottonwood Creek Trust

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 Scigliano
Notary Public for
Residing at

LISA SCIGLIANO
NOTARY PUBLIC, State of New York
No. 41-018C6036432
Qualified in Queens County
Certificate Filed in New York County
Commission Expires Oct. 31, 2010

K23527

CORPORATION
WARRANTY DEED

Instrument # 441660

HAILEY BLAINE, IDAHO
2000-07-31 04:02:00 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to WYVOCORP DEED

For Value Received Cottonwood Creek Investments, Inc., an Idaho corporation

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Anson Beard, JR. & Jean J. Beard, Tenants in Common

whose address is: 38 Aiken Road Greenwich, CT 06831

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 1 of Cottonwood Creek Subdivision, according to the official plat thereof, recorded as Instrument No. 337073, records of Blaine County, Idaho

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers.

Dated: July 19, 2000

Cottonwood Creek Investments

BY: Everett Davis
Everett Davis, President

ATTEST:

Mary Kay Davis
Mary Kay Davis, Secretary/Treasurer

STATE OF IDAHO)

COUNTY OF BLAINE)

ss.

On this 20th day of July, in the year of 2000, before me the undersigned, personally appeared Everett Davis and Mary Kay Davis, known or identified to me (or proved to me on the oath of), to be the president, and secretary of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

John J. Towner
Notary Public of Idaho
Residing at: Blaine County, Idaho
Commission Expires: August 17, 2000





Order No. 96007589
This form furnished by
Blaine County Title Associates

CORPORATION
WARRANTY DEED

COTTONWOOD CREEK INVESTMENTS, INC., AN IDAHO CORPORATION
organized and existing under the laws of the State of
1965, SUN VALLEY, IDAHO 83353

with its principal office at P.O. BOX 100

grantor, hereby CONVEYS or GRANTS and WARRANTS TO ANSON BEARD, JR. AND JEAN J.
BEARD, HUSBAND AND WIFE

grantee

whose current address is: 38 AIKEN ROAD, GREENWICH, CT 06831

the following described premises, to-wit:

Lots 2, 3, 4, and 6 of COTTONWOOD CREEK SUBDIVISION, according to the
official plat thereof, recorded as Instrument No. 337073, records of Blaine
County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns
forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said
premises; that said premises are free from all incumbrances
and that it will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized
under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a
quorum.

In witness whereof, the Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized
officers this 21st day of May, 1996, A.D.

COTTONWOOD CREEK INVESTMENTS,
INC., AN IDAHO CORPORATION

(Corporate Name)

(Corporate Seal)

By Ernest Daves
President

Attest: Mary Kay Davis
Secretary

State of IDAHO

SS.

County of BLAINE

On this 23rd day of May, 1996, before me, the
undersigned, a Notary Public, in and for said State, personally appeared Ernest Daves
& Mary Kay Davis, known to me, or identified to me on the basis of satisfactory
evidence, to be the PRESIDENT & Secretary
of the corporation that executed the instrument and that the foregoing instrument was signed on behalf of said corporation
by authority of a resolution of its board of directors and acknowledged to me that such corporation executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Marla G. Mink

Notary Public
Residing at: BELLEVUE
Commission Expires: December 01, 2000



1K23449

CORPORATION
WARRANTY DEED

For Value Received Cottonwood Creek Investments, Inc. an Idaho Corporation

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Leslie S. Benz 1979 Revocable Trust

whose address is: P.O. Box 2373, Ketchum, ID 83340

Instrument # 440228

HAILEY BLAINE, IDAHO

2000-06-15

03:46:00 No. of Pages: 1

Recorded for: FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTYOCCORP DEED

Hereinafter called the Grantee, the following described premises situated in Blaine County, ID, to-wit:

Lot 5 of Cottonwood Creek Subdivision, according to the official plat thereof, recorded as Instrument No. 337073, records of Blaine County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: June 12, 2000

Cottonwood Creek Investments, Inc., an Idaho Corporation

BY: Everett Davis
President

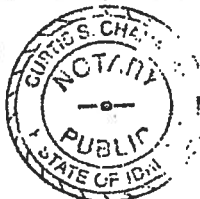
ATTEST: ~~Secretary/Treasurer~~

STATE OF Idaho

COUNTY OF Blaine

On this 13 day of June, 2000, before me, a Notary Public in and for said State, personally appeared Everett Davis and Mary Kay Davis, known or identified to me to be the President and Secretary of the Corporation that executed the Instrument or the person who executed the Instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.

Justin R. Chambers
Notary Public of Idaho
Residing at: Hailey, ID
Commission Expires: 05/15/04





Instrument # 574593
HAILEY, BLAINE, IDAHO
01-26-2010 14:50:17 No. of Pages: 1
Recorded for: BLAINE COUNTY TITLE
JOLYNN DRAGE Fee: \$3.00
Ex-Officio Recorder Deputy: mpp
Electronically Recorded by Simplifile

WARRANTY DEED

FOR VALUE RECEIVED

Leslie S. Benz, Trustee of the Leslie S. Benz 1979 Revocable Trust

the Grantor, hereby grants, bargains, sells, conveys and warrants unto

Lynn Hillyard Campion, and her successors, as Trustee of the Lynn Hillyard Campion Trust, u/a/d November 6, 2009

the grantee, whose current address is: PO Box 3710, Hailey, ID 83333

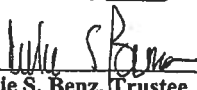
the following described premises, to wit:

Lot 5 of COTTONWOOD CREEK SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 337073, Records of Blaine County, Idaho.

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

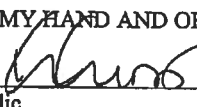
Dated: January 26th, 2010

 TRUSTEE
Leslie S. Benz, Trustee

STATE OF Idaho)
) ss.
COUNTY OF Blaine)

On this 26th day of January, 2010, before me, the undersigned, a Notary Public, in and for said State, personally appeared Leslie S. Benz known to me, and/or identified to me on the basis of satisfactory evidence, to be the Trustee of the Leslie S. Benz 1979 Revocable Trust the Trust that executed the within instrument and acknowledged to me that he/she/they executed the same on behalf of said Trust.

WITNESS MY HAND AND OFFICIAL SEAL.


Notary Public
Resides at: Ketchum
My commission expires: April 11, 2014



Order No. 53328

QUITCLAIM DEED

Instrument # 497286

HAILEY, BLAINE, IDAHO

2003-12-30

03:13:00 No. of Pages: 1

Recorded for : AMERITITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Office Recorder Deputy

Index to: WTT/QC/CONF DEED

MPP

FOR VALUE RECEIVED

Collette Whittier, wife of Grantee

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

JOHN H. WHITTIER, a married man, as his sole and separate property

whose address is: P.O. Box 8516, Ketchum, ID 83340

the following described premises situated in County, Idaho, to wit:

Lot 7A and 8A of A REPLAT OF COTTONWOOD CREEK SUBDIVISION, LOTS 7A, 8A AND 9A, according to the official plat thereof, recorded as Instrument No. 371929, records of Blaine County, Idaho.

This Quitclaim Deed is being executed by the undersigned freely in order that the Grantee may hold the within described property as his/her sole and separate property.

together with their appurtenances.

Dated: December 10, 2003

X Collette Whittier

State of IDAHO

County of Blaine

} ss.

On this 23rd day of December, in the year 2003, before me, the undersigned, personally appeared Collette Whittier known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Notary Public

Commission Expires: 1-18-06

RICHARD J. COLEMAN
NOTARY PUBLIC
STATE OF IDAHO

BCT
BLAINE COUNTY TITLE

Instrument # 668145
HAILEY, BLAINE, IDAHO
6-9-2009 01:45:43 No. of Pages: 1
Recorded for : BLAINE COUNTY TITLE
JOLYNN DRAGE Fee: 3.00
Ex-Officio Recorder Deputy
Index to GRANT DEED

46

When recorded, return to:

GRANT DEED

GRANTOR, James Luckman and Alison R. Luckman, husband and wife

whose current address is: PO Box 4068, Hailey, ID 83333,

for a good and valuable consideration does hereby GRANT, SELL AND CONVEY unto

James M. Luckman and Alison R. Luckman, Trustees of the James and Alison Luckman Trust
dated March 17, 1993

GRANTEE, whose address is PO Box 4068 Hailey, ID 83333.

the following described real property to wit:

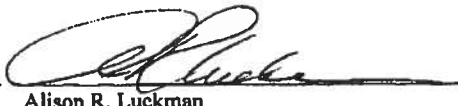
Lot 8A of COTTONWOOD CREEK SUBDIVISION, LOTS 7A, 8A AND 9A, according to the
official plat thereof, recorded as Instrument No. 371929, records of Blaine County, Idaho.

TOGETHER with all tenements, hereditaments and appurtenances thereunto appertaining.

TO HAVE AND TO HOLD, the property granted by this deed to grantee, and grantee's heirs and
assigns forever. And Grantor covenants that grantor has not done or suffered anything whereby
the described property has been encumbered in any way whatever.

Dated: June 9, 2009


James Luckman


Alison R. Luckman

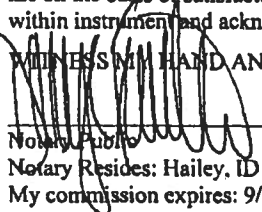
STATE OF Idaho

)
) ss.
)

COUNTY OF Blaine

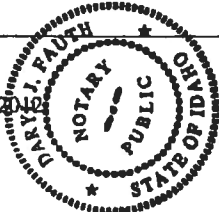
On this 9th day of June, 2009, before me, the undersigned, a Notary Public, in and for said State,
personally appeared James Luckman and Alison R. Luckman known to me, and or identified to
me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.


Notary Public

Notary Resides: Hailey, ID

My commission expires: 9/18/2010



Order No. 17780

WARRANTY DEED

For Value Received Cottonwood Creek Investments Inc., an Idaho corporation

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
Anson MCC. Beard, Jr. and Jean J. Beard, husband and wife
whose address is: 38 Aiken Road, Greenwich, CT 06831

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 9A of Replat of Cottonwood Creek Subdivision, Lots 7A, 8A and 9A,
according to the official plat thereof, recorded as Instrument No. 371929,
records of Blaine County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: October 19, 1994

Cottonwood Creek Investments

Grant Davis
Mary Kay Davis

State of *Idaho*
County of *Blaine*

REQUEST
FIRST AMERICAN TITLE CO.

1994 OCT 27 P 2:50 372307

MARY GREEN, CLERK

FEES *3.00*

4MP

Deed

10-27-94

On this 27 day of October, 1994, before me, a Notary public in and for said State, personally appeared Everett Davis and Mary Kay Davis, known to me to be the President and Secretary of the corporation that executed this instrument or the persons 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.

Susan K Ruel
Notary Public

Residing at *Idaho*
Commission Expires *4-1-95*



Order No. 15413

WARRANTY DEED

For Value Received Robert M. Brennan, a married man dealing with his sole and separate property

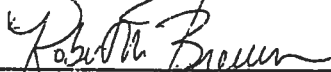
Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
Anson McC. Beard, Jr. and Jean J. Beard, husband and wife
whose address is: [illegible]

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lots 10 and 11 of Cottonwood Creek Subdivision, according to the official plat thereof, recorded as Instrument No. 337073, records of Blaine County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: January 6, 1992


Robert M. Brennan

State of Idaho

County of Blaine

On January 6, 1992 before me, the undersigned, a Notary Public in and for said State, personally appeared Robert M. Brennan, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Signature [illegible]

Commission Expires: 11/1/93



NOTARY REQUEST

FIRST AMERICAN TITLE CO.

1992 JAN 10 AM 10:20

337076

300 ymP

Deed

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

OK.
I, ANSON M. BEARD, JR., President
~~Robin Taylor, Secretary, Cottonwood Creek Homeowners Association~~,
hereby nominate and appoint Brockway Engineering PLLC (Charles E. Brockway) as my
attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or
matters pertaining to water right transfers before the Idaho Department of Water Resources for
the following water right transactions:

All water right transactions involving all water rights owned by the Cottonwood Creek
Homeowners Association, and to all portions of water rights 37-577CG and 37-657E.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by myself in my own proper person; and I hereby undertake
at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 4 day of January, 2010.

Anson M. Beard Jr.
ANSON M. BEARD, JR., Signature *President*
Robin Taylor, Secretary, Cottonwood Creek
Homeowners Association

State of Florida)
County of Palm Beach) ss.

On this 4TH Day of January, 2010, before me, a Notary Public
in and for said County and State, personally appeared Anson M. Beard Jr.,
known or identified to me to be the individual whose name and subscription 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.

S
E
A
L



John L. Morrison
Notary Public
In and for said State and County

June 7, 2013
My Commission Expires

LAWSON LASKI CLARK & POGUE, PLLC
ATTORNEYS AT LAW

Edward A. Lawson
eal@lawsonlaski.com

675 SUN VALLEY ROAD, SUITE A
POST OFFICE BOX 3310
KETCHUM, IDAHO 83340
TELEPHONE: 208-725-0055
FACSIMILE: 208-725-0076
WWW.LAWSONLASKI.COM

RECEIVED

May 30, 2010

JUN 02 2010

Charles E. Brockway, P.E.
Brockway Engineering
2016 N. Washington Street, Suite 4
Twin Falls, Idaho 83301

Re: Cottonwood Creek HOA water rights
Our File No.: 10886-001

Dear Chuck:

In connection with your work on behalf of the the Cottonwood Creek Homeowners Association relative to its water rights be advised that the Association members amended and restated the Declaration of Covenants, Conditions and Restrictions for Cottonwood Creek at a meeting held on Friday. The amendments contain language evidencing the lot owners consent to the Association's use of the water which I understand was an issue raised by the IDWR.

Specifically in section 6.05 B(2) of the Amended and Restated Declaration it provides as follows:

"(2) Water and Other Utilities. The Association is the owner of Water Right Numbers 37-577CG and 37-657E ("**Water Rights**") which were acquired from the Declarant together with all rights to pumps, main lines and other equipment used or associated with the delivery of irrigation water. The Association has allocated the quantity of water represented by its Water Rights among the Lots and Common Area as set forth in Exhibit A attached hereto and as depicted on the map attached hereto as Exhibit B. *Each Owner agrees to the application of the water as provided herein.*" (emphasis added)

In addition, at Section 11.07 of the Amended and Restated Declaration the following easement was reserved for the Association's benefit:

"11.07 Waterway Easement. Declarant hereby reserves for the benefit of the Association an easement for all waterways and ponds (or other bodies of water) and related pipes, pumps and other related equipment over, across and under all Lots and Association Easements owned by the Association to the extent reasonably required to maintain, dredge, and service the waterway system as installed by Declarant on the

Mr. Charles E. Brockway
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Property or pursuant to plans and specifications approved by the Design Review Committee. Any relocation of the water lines installed as part of such system shall not be undertaken in any way which interrupts the flow of water through the system.

A 20' canal maintenance easement exists centered over Hiawatha and Osborne canals. A 50' canal maintenance easement exists center over Purdum Slough."

Once we have recorded the Declaration we can provide you and the IDWR with a copy if necessary. In the meantime hopefully the foregoing will enable you to progress with the pending application.

Sincerely,

LAWSON LASKI CLARK & POGUE, PLLC

A handwritten signature in black ink, appearing to read 'E. Lawson', written in a cursive style.

Edward A. Lawson

cc: J. Luckman
J. Beard
L. Champion