

MEMORANDUM

To: Water Right File No(s). 63-2539 and 63-32572

From: Monica Van Bussum

Date: February 16, 2011

Re: Review of Application to Lease a Water Right to the State Water Supply Bank

PURPOSE/NARRATIVE: On December 2, 2010, the Department received an application to extend the lease on 63-2539 through 2011 and a new lease application for 63-32572.

63-2539 has been leased to the Bank since 2007. However, it wholly overlaps 63-32572 and both rights have limiting conditions. It appears this overlap was missed in the previous review, so I am issuing a new lease acceptance that allows for the overlap.

There has been some issue over the ownership of the property under these rights. The taxlots show three owners, Sawtooth National Forest (western portion), Atlanta Properties LLC (central portion) and Greene Tree (eastern portion) and I've attached a screenshot of a map showing this. The right ownership is listed as Greene Tree and I contacted their attorney, Dylan Lawrence, regarding this issue. He has since determined that Atlanta Properties LLC and Greene Tree are the same entity. I recently received a Bargain and Sale Deed from Dylan that conveyed the property in question from Atlanta Properties LLC to Greene Tree, making the ownership all in the name of Greene Tree, the right holder and applicant..

That leaves the issue with federal ownership. Mr. Lawrence, Danielle Favreau and I met on January 20, 2011, and discussed the taxlots. We looked at the BLM GLO (Government Land Office) surveys for the area, most particularly Mineral Survey #38 and Homestead Entry Survey #37. I am unable to print those surveys directly but have attached the details for each of them for future reference. The surveys themselves show the properties (MS #38 and HES #37) line up with the GCDB boundaries in our database, not the taxlot lines. When we zoomed out and looked at general patterns in the area, we noticed there appears to be a rectification issue in this township. I have included a printout of a screenshot of the area to show where the rectification is off. In short, based on the survey boundaries matching with the GCDB and not the taxlots, it appears the taxlot layer is off and needs to be fixed. Danielle will take steps to fix the taxlot layer but that should not stop the Bank from processing the application. The taxlots will line up with the GCDB once they are fixed and will not show federal ownership.

AUTHORITY TO FILE: Mary Alice Moss signed for Greene Tree and is listed on the Idaho Secretary of State's website as a representative.

WATER RIGHT VALIDITY: 63-32572 was decreed by the SRBA in 2009. 63-2539 was partially decreed in 2003 and previously accepted into the Bank in 2007.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: There should not be any enlargement, as we are now accounting for the overlap.

LOCAL PUBLIC INTEREST:

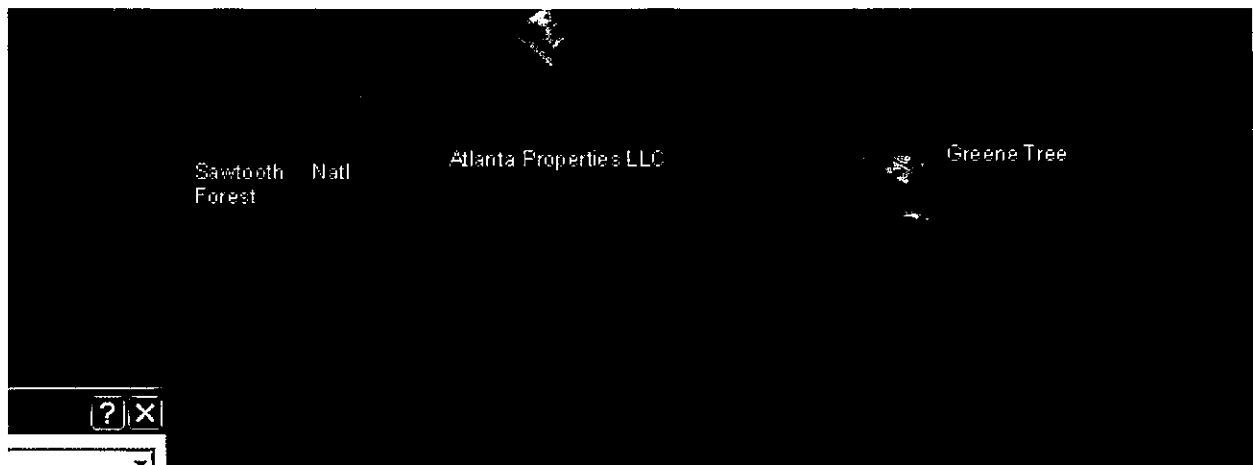
Review staff has no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The leases appear to be consistent with conservation of water resources in Idaho. The applicant/owner has been operating under an approved permit and a right licensed with the State of Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS:

None.



Water Right Place of Use (POU) outlined in pink. Taxlots are shown in green.

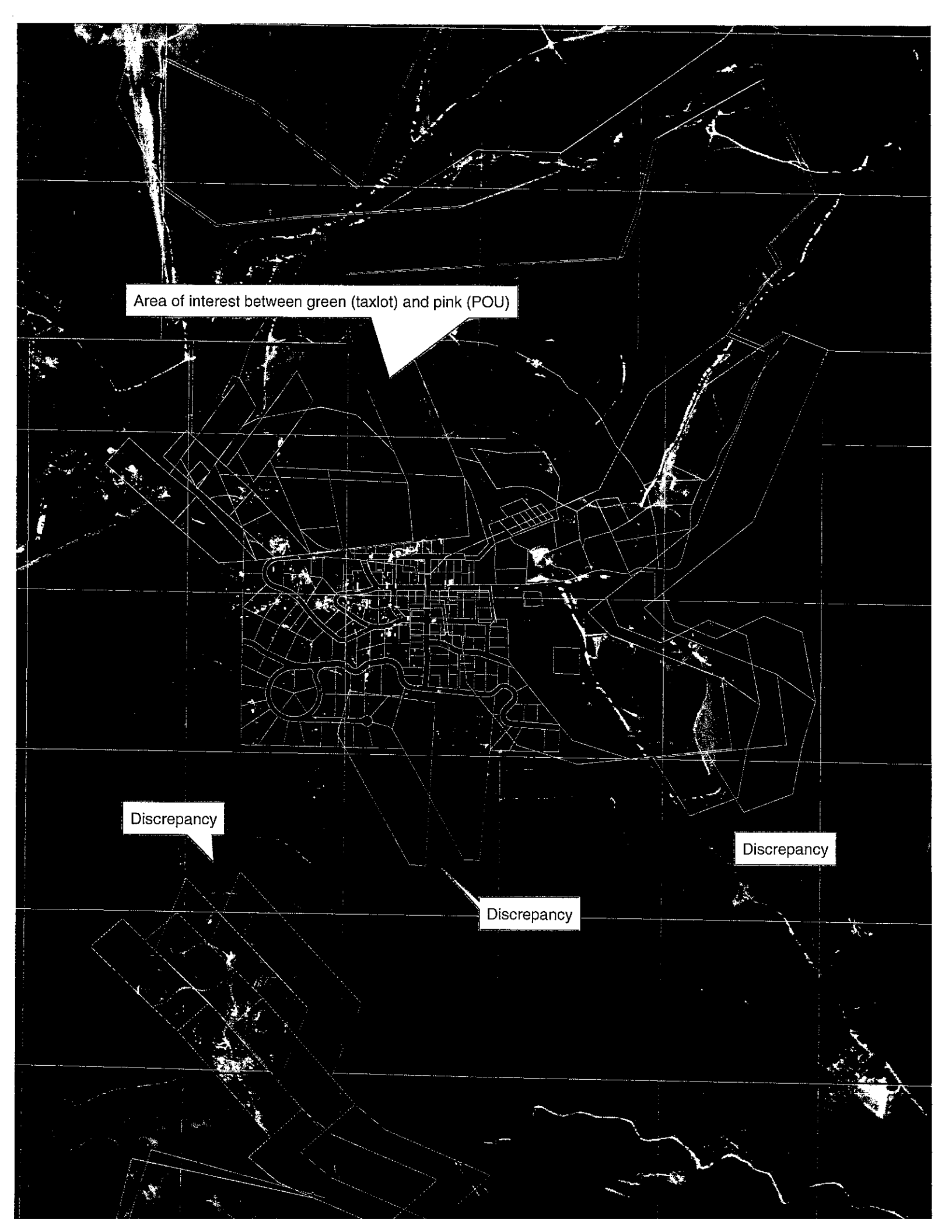
Western taxlot is shown in ownership of Sawtooth National Forest.

Central taxlot is shown as Atlanta Properties LLC.

Eastern taxlot is shown as Greene Tree.

U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT				General Land Office Records										
	Search Documents	Reference Center	Support	Shopping Cart										
Search Documents > Results List > Survey Details														
DM ID: 49519 Survey Type: Mineral Survey Survey Title: Mason Chapman Placer Mining Claim State: Idaho														
Survey Plat Details		Plat Image		Related Documents										
Survey Office: Boise City, Idaho Surv. Type Other: ... Fractional: No Acreage: 19.86 Mining District: Middle Boise Group Nr: ... Min. Surv. Index: 10 Survey Nr: 38 Counties: Elmore Field Notes: ID Volume M0001				Land Descriptions <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Map</th> <th style="width: 30%;">State-Meridian</th> <th style="width: 30%;">Twp - Rng</th> <th style="width: 30%;">Boundaries</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">☐</td> <td>ID - Boise</td> <td>005.0N - 011.0E</td> <td>...</td> </tr> </tbody> </table> Coming Soon		Map	State-Meridian	Twp - Rng	Boundaries	☐	ID - Boise	005.0N - 011.0E	...	
Map	State-Meridian	Twp - Rng	Boundaries											
☐	ID - Boise	005.0N - 011.0E	...											
Survey Activities <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Activity Type</th> <th style="width: 20%;">Date</th> <th style="width: 80%;">Description</th> </tr> </thead> <tbody> <tr> <td>Survey Commenced</td> <td>8/20/1877</td> <td>James Baxter (US Deputy Mineral Surveyor)</td> </tr> <tr> <td>Contracts Instr. (ID)</td> <td>4/13/1875</td> <td>Group # 4</td> </tr> </tbody> </table>						Activity Type	Date	Description	Survey Commenced	8/20/1877	James Baxter (US Deputy Mineral Surveyor)	Contracts Instr. (ID)	4/13/1875	Group # 4
Activity Type	Date	Description												
Survey Commenced	8/20/1877	James Baxter (US Deputy Mineral Surveyor)												
Contracts Instr. (ID)	4/13/1875	Group # 4												
Plat Information: <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 30%;">DM ID:</td> <td>49516</td> </tr> <tr> <td>Duplicate Status:</td> <td>Original</td> </tr> <tr> <td>Supplemental:</td> <td>No</td> </tr> <tr> <td>Survey Based Supplemental:</td> <td>No</td> </tr> </tbody> </table>						DM ID:	49516	Duplicate Status:	Original	Supplemental:	No	Survey Based Supplemental:	No	
DM ID:	49516													
Duplicate Status:	Original													
Supplemental:	No													
Survey Based Supplemental:	No													
Plat Activities <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Activity Type</th> <th style="width: 20%;">Date</th> <th style="width: 80%;">Description</th> </tr> </thead> <tbody> <tr> <td>Survey Approved</td> <td>12/15/1877</td> <td>Lafayette Cartee (Surveyor General)</td> </tr> </tbody> </table>						Activity Type	Date	Description	Survey Approved	12/15/1877	Lafayette Cartee (Surveyor General)			
Activity Type	Date	Description												
Survey Approved	12/15/1877	Lafayette Cartee (Surveyor General)												
Land description mapping powered by GeoCommunicator. Please see the data disclaimer.														
USA.GOV No Fear Act DOI Disclaimer About BLM Notices Get Adobe Reader Privacy Policy FOIA Kids Policy Contact Us Accessibility Site Map Home														

U.S. DEPARTMENT OF THE INTERIOR		BUREAU OF LAND MANAGEMENT		General Land Office Records													
	Search Documents	Reference Center	Support	Shopping Cart													
Search Documents ▶ Results List ▶ Survey Details																	
DM ID: 36573 Survey Type: Homestead Entry Survey State: Idaho																	
Survey Plat Details		Plat Image	Related Documents														
Survey Office:		Boise City, Idaho															
Surv. Type Other:		---															
Fractional:		No															
Acreage:		107.47															
Mining District:		---															
Group Nr:		---															
Min. Surv. Index:		---															
Survey Nr:		37															
Counties:		Elmore															
Field Notes:		ID Volume H0002															
Survey Activities <table border="1"> <thead> <tr> <th>Activity Type</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>Survey Commenced</td> <td>10/1/1908</td> <td>Vernon V. Sparks (Deputy Surveyor)</td> </tr> <tr> <td>Survey Completed</td> <td>10/5/1908</td> <td>Vernon V. Sparks (Deputy Surveyor)</td> </tr> <tr> <td>Contracts Instr. (ID)</td> <td>9/19/1908</td> <td>Group # 37</td> </tr> </tbody> </table>						Activity Type	Date	Description	Survey Commenced	10/1/1908	Vernon V. Sparks (Deputy Surveyor)	Survey Completed	10/5/1908	Vernon V. Sparks (Deputy Surveyor)	Contracts Instr. (ID)	9/19/1908	Group # 37
Activity Type	Date	Description															
Survey Commenced	10/1/1908	Vernon V. Sparks (Deputy Surveyor)															
Survey Completed	10/5/1908	Vernon V. Sparks (Deputy Surveyor)															
Contracts Instr. (ID)	9/19/1908	Group # 37															
Plat Information: <table border="1"> <tbody> <tr> <td>DM ID:</td> <td>36572</td> </tr> <tr> <td>Duplicate Status:</td> <td>Original</td> </tr> <tr> <td>Supplemental:</td> <td>No</td> </tr> <tr> <td>Survey Based Supplemental:</td> <td>No</td> </tr> </tbody> </table>						DM ID:	36572	Duplicate Status:	Original	Supplemental:	No	Survey Based Supplemental:	No				
DM ID:	36572																
Duplicate Status:	Original																
Supplemental:	No																
Survey Based Supplemental:	No																
Plat Activities <table border="1"> <thead> <tr> <th>Activity Type</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>Survey Approved</td> <td>2/23/1909</td> <td>Darwin A Utter (Surveyor General)</td> </tr> </tbody> </table>						Activity Type	Date	Description	Survey Approved	2/23/1909	Darwin A Utter (Surveyor General)						
Activity Type	Date	Description															
Survey Approved	2/23/1909	Darwin A Utter (Surveyor General)															
Land Descriptions <table border="1"> <thead> <tr> <th>Map</th> <th>State-Meridian</th> <th>Twp - Rng</th> <th>Boundaries</th> </tr> </thead> <tbody> <tr> <td>☐</td> <td>ID - Boise</td> <td>005.0N - 011.0E</td> <td>---</td> </tr> </tbody> </table> Coming Soon						Map	State-Meridian	Twp - Rng	Boundaries	☐	ID - Boise	005.0N - 011.0E	---				
Map	State-Meridian	Twp - Rng	Boundaries														
☐	ID - Boise	005.0N - 011.0E	---														
Land description mapping powered by GeoCommunicator. Please see the data disclaimer.																	
USA GOV No Fear Act DOI Disclaimer About BLM Notices Get Adobe Reader Privacy Policy FOIA Kids Policy Contact Us Accessibility Site Map Home																	



This is a high-contrast, black and white aerial photograph of a rural or semi-rural area. The image is overlaid with a network of thin white lines representing property boundaries, roads, and possibly utility lines. A central cluster of these lines forms a dense, irregular shape, likely a town or village. Several rectangular areas are outlined, possibly representing fields or specific land parcels. A prominent road or path runs diagonally from the top left towards the center. Another road or path runs horizontally across the middle. A small, irregularly shaped area is highlighted in the bottom left corner. Three labels with leader lines point to specific areas: 'Area of interest between green (taxlot) and pink (POU)' points to a small area near the top center; 'Discrepancy' points to a small area near the bottom left; and another 'Discrepancy' points to a small area near the bottom center. A third 'Discrepancy' label is located on the right side, pointing to a small area near the middle right.

Area of interest between green (taxlot) and pink (POU)

Discrepancy

Discrepancy

Discrepancy

Van Bussum, Monica

From: Dylan Lawrence [DBL@moffatt.com]
Sent: Thursday, February 10, 2011 9:07 AM
To: Van Bussum, Monica
Subject: Deed Affecting Water Rights 63-2539 and 63-32572
Attachments: 1932435_1_Bargain and Sale Deed - Greene Tree South Ranch Parcel 7 - Recreational - from Atlanta Properties to Greene Tree.PDF

Hi Monica.

Thanks again for meeting with me a few weeks ago regarding the Greene Tree, Inc. Water Supply Bank applications. As we discussed, I have attached a deed conveying the property in question from Atlanta Properties, LLC to Greene Tree, Inc. The deed is for "Parcel 7 - Recreational," which I believe is identified as Parcel RP05N11E020195 in the Elmore County tax records. I believe this unifies the entire place of use for these water rights back in the ownership of Greene Tree, Inc. If you're seeing something different, then please let me know. Otherwise, I'll assume this is sufficient for you to proceed on the Water Supply Bank applications.

Also, FYI, we are in the process of having the deed recorded. If you'd like a copy of the recorded deed, just let me know, and I'll provide that too when we receive it back.

Thanks, and don't hesitate to call or e-mail if you have any questions or we need to discuss anything further.

Dylan

Dylan Lawrence
Moffatt Thomas Barrett Rock & Fields, Chtd.
P.O. Box 829
Boise, Idaho 83701-0829
Phone & fax: (208) 385-5417

NOTICE: This e-mail, including attachments, constitutes a confidential attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail or by calling (208) 345-2000, so that our address record can be corrected. Thank you.

NOTICE: To comply with certain U.S. Treasury regulations, we inform you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including attachments, is not intended or written to be used, and cannot be used, by any person for the purpose of avoiding any penalties that may be imposed by the Internal Revenue Service.

BARGAIN AND SALE DEED

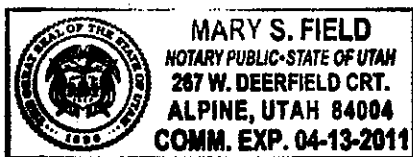
**Greene Tree South Ranch
Parcel 7 - Recreational**

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, **ATLANTA PROPERTIES, LLC**, a Utah limited liability company whose address is 3631 Brighton Point Drive, Salt Lake City, Utah 84121 ("Grantor") does hereby BARGAIN, SELL AND CONVEY unto **GREENE TREE, INCORPORATED**, a Nevada corporation whose mailing address is 909 Parkhurst Lane, Sandy, Utah 84094, ("Grantee"), the real property located in the City of Atlanta, County of Elmore, State of Idaho, more particularly described in **Exhibit A**, attached hereto and incorporated by reference herein (the "Property");

SUBJECT TO all easements and restrictions and matters of record or apparent on the premises and current real estate taxes and all taxes accruing thereafter, and all future assessments;

TOGETHER with any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights of way appertaining to the Property.

IN WITNESS WHEREOF, Grantor has caused these present to be executed as of this 1 day of FEBRUARY, 2011.



Mary S. Field
Exp. 4/13/11

(acknowledgment on following page)

GRANTOR:

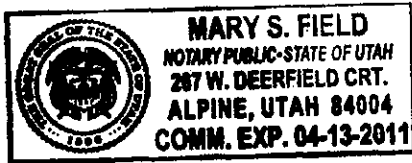
ATLANTA PROPERTIES, LLC, a Utah
limited liability company

By 
Its Manager

STATE OF UTAH)
) ss.
County of SALT LAKE

On this 1 day of FEBRUARY, 2011, before me MARY FIELD,
personally appeared CLARK B. OBORN known or identified to me (or proved to me on the oath of
Clark B. Oborn) to be the MANAGER of ATLANTA PROPERTIES, LLC, the
company that executed the instrument or the person who executed the instrument on behalf of
said company, and acknowledged to me that such company 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.



Mary S. Field
NOTARY PUBLIC FOR ACCESS MORTGAGE
Residing at 267 W. DEERFIELD CRT.
My Commission Expires 4/13/11



IDAHO
SURVEY
GROUP

EXHIBIT A

1450 East Watertower St.
Suite 150
Meridian, Idaho 83642

Phone (208) 846-8570
Fax (208) 884-5399

Project No. 06-166

April 17, 2007

**Greene Tree South Ranch
Parcel 7 - Recreational**

A parcel of land located in Homestead Entry Survey (H.E.S.) No's 37 and 38 in Sections 2 and 3 of T.5N., R.11E., and Section 35 of T.6N., R.11E., B.M., Atlanta, Elmore County, Idaho, more particularly described as follows: Commencing at Corner No. 18 of said H.E.S. No. 38; Thence along line 18-17 of said survey North 67°03'47" East, 520.59 feet; Thence North 8°36'57" East, 159.04 feet to the **REAL POINT OF BEGINNING.**

Thence North 5°46'09" East, 194.95 feet;

Thence North 30°45'45" West, 254.21 feet;

Thence South 86°18'29" West, 327.50 feet;

Thence North 83°06'26" West, 290.55 feet;

Thence South 34°11'56" East, 143.88 feet;

Thence North 77°50'03" West, 211.19 feet to a point on line 4-5 of said H.E.S. No. 38;

Thence along said line North 24°16'45" West, 1020.96 feet to a point which bears South 24°16'45" East, 72.61 feet from Corner No. 5 of said H.E.S. No. 38;

Thence North 87°48'30" East, 166.09 feet;

Thence North 79°18'14" East, 101.24 feet;

Thence North 84°29'10" East, 106.99 feet;

Thence South 86°29'26" East, 287.69 feet;

Thence South 75°51'00" East, 228.67 feet;

Thence South 63°51'48" East, 221.24 feet;

Thence South 60°57'15" East, 225.02 feet;

Thence South 35°30'10" East, 116.61 feet;

Thence South 61°31'25" East, 171.10 feet;

Thence South 38°50'03" East, 193.89 feet;

Thence South 29°27'31" East, 258.95 feet;

Thence South 41°07'54" East, 189.71 feet;

Thence South 33°09'51" East, 119.04 feet;

Thence South 31°31'20" East, 101.53 feet to a point on line 17-18 of said
H.E.S. No. 38;

Thence South 24°36'42" East, 74.30 feet;

Thence South 14°57'29" East, 107.80 feet;

Thence South 52°27'31" West, 218.08 feet;

Thence North 26°34'19" West, 219.08 feet;

Thence South 83°05'14" West, 182.48 feet;

Thence South 56°37'59" West, 182.28 feet;

Thence North 66°01'32" West, 185.58 feet to the Point of Beginning.
Containing 32.31 acres, more or less.

Prepared By:
Idaho Survey Group, P.C.



D. Terry Peugh, PLS