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DEC 30 2009

DEPARTMENT OF
WATER RESOURCES

Water Supply Bank No. _____

Water Right No. 63-9423

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

Name of Seller/Lessor Independent School District of Boise City Phone (208)854-4040

Post office address 8169 W Victory Rd, Boise ID 83709

1. DESCRIPTION OF WATER RIGHT: **West Jr. High**

Right evidenced by: **See Attached Copy of SRBA Recommendation**

- a. Decree No. 63-9423 Decreed to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water
Resources.
- c. Permit No. _____ issued by the Idaho Department of Water
Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease,
show "all" on line a. below and skip the remainder of part 2.)

- a. Amount of water under right: ____ cubic feet per second &/or ____ acre-feet per annum. **All**
- b. Point of diversion: NE 1/4 of SE 1/4 of Section 7 Township 3N Range 2E, B.M. in Ada
County.

Additional points _____

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2E	7													18				18

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 18

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

The applicant developed the right and is owner of record. Applicant has recently sold the West Jr. High School property and retained water right 63-9423 for irrigation use. See attached copy of property deed with specific language.

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

N/A-water right recommended as licensed for partial decree.

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

N/A

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

The right was developed and has been used as the primary source for irrigation at the school site. Surface water is available, but not used.

- e. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

_____ X For lease for a period from date of submittal to indefinite
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

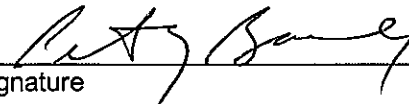
Current rental rate _____

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

12-22-09
Date


Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial _____ by _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

2009 MAY 29 AM 8 51

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-09423

NAME AND ADDRESS: INDEPENDENT SCHOOL DISTRICT
OF BOISE CITY
8169 W VICTORY RD
BOISE, ID 83709

SOURCE: GROUND WATER

QUANTITY: 0.32 CFS
72.00 APY

PRIORITY DATE: 07/18/1980

POINT OF DIVERSION: T03N R02E S07 NENESE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.32 CFS 72.00 APY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT
EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR
LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

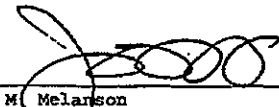
PLACE OF USE: Irrigation Within Ada County
T03N R02E S07 NESE 18.0
18.0 Acres Total

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

Place of use is also known as West Junior High School
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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

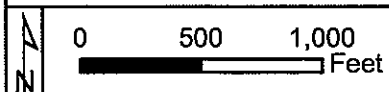
2006 Photo

T3N R2E

Legend

-  West jr. High Irrigation - 18 acres
-  Sections

West Jr. High



Recording Requested by and
After Recording, Return to:

HAWKINS COMPANIES LLC
Attn: Nancy Patrick
855 W Broad Street #300
Boise, ID 83702-7153

WARRANTY DEED

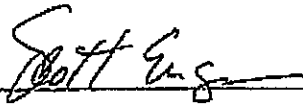
INDEPENDENT SCHOOL DISTRICT OF BOISE CITY, a body corporate existing under the laws of the State of Idaho ("Grantor"), whose mailing address is District Service Center, 8169 W. Victory Road, Boise, Idaho 83709, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) paid to Grantor, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, by these presents does hereby grant, bargain, sell and convey unto **BOISE SURPLUS 2002 LLC**, an Idaho limited liability company, as to an undivided eighty-five percent (85%) interest, and **HALKER PROPERTIES LLC**, an Idaho limited liability company, as to an undivided fifteen percent (15%) interest, as tenants-in-common (collectively, "Grantee"), whose collective address is c/o Hawkins Companies LLC, 855 Broad Street, Suite 300, Boise, Idaho 83702, all that certain real property described on Exhibit A attached hereto and incorporated herein by reference, together with all improvements located on such land and all appurtenances belonging thereto (such land and improvements being collectively referred to as the "Property"), except Water Right No. 63-9423 specifically described on Exhibit A attached hereto and incorporated herein by reference currently in the name of Grantor, which shall remain in the name of Grantor.

This conveyance is made and accepted subject only to all matters set forth in Exhibit B, attached hereto and incorporated herein by reference, the water rights heretofore mentioned, and easements and restrictions of record (the "Permitted Exceptions") but reference to same shall not operate to re-impose same.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances pertaining thereto, including all of Grantor's right, title and interest in and to adjacent streets, alleys and rights-of-way, subject to the Permitted Exceptions, unto Grantee and Grantee's successors and assigns in fee simple forever.

Grantor hereby covenants with said Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and that Grantor hereby warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever.

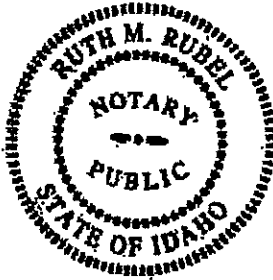
INDEPENDENT SCHOOL DISTRICT OF BOISE CITY,
a body corporate existing under the laws of the State of Idaho

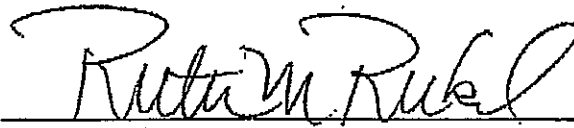
By: 
Name: SCOTT ENGUM
Title: PURCHASING AGENT

STATE OF IDAHO)
 : ss.
County of Ada)

On this 20th day of February, 2008, before me, a Notary Public in and for the State of Idaho, personally appeared Scott Engum, known or identified to me to be Purchasing Agent of INDEPENDENT SCHOOL DISTRICT OF BOISE CITY, a body corporate existing under the laws of the State of Idaho, and who subscribed said name to the foregoing instrument, and acknowledged to me that he executed the same in said corporate body name.

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





Notary Public for Idaho
Residing at: Boise
My commission expires: 3-17-2012

EXHIBIT A**Legal Description of Property**

The North Half of the Northeast Quarter of the Southeast Quarter of Section 7, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho.

LESS AND EXCEPTING that portion of said property conveyed to Ada County Highway District by Deed recorded September 1, 1983, as Instrument No. 8345588 and re-recorded October 4, 1983, as Instrument No. 8352725, records of Ada County, Idaho.

ALSO LESS AND EXCEPTING that portion of said property conveyed to Ada County Highway District by Deed recorded December 9, 1988, as Instrument No. 8860611, records of Ada County, Idaho.

ALSO LESS AND EXCEPTING that portion of said property conveyed to Ada County Highway District by Grant Deed recorded September 12, 2002, as Instrument No. 102104060, records of Ada County, Idaho.

APN: S-1007-41-7340

Except that Grantor retains all right and title to Water Right No. 63-9423 for 0.32 cubic feet per second and 72.0 acre-feet per year diverted from a well and used for irrigation of 18.0 acres in the NESE, Section 7, Township 3N, Range 2E.

EXHIBIT B**Permitted Exceptions**

1. Easements, liens, claims, interests, taxes and/or assessments not yet due and payable and which are not shown on the public record.
2. General and Special Taxes for the year 2007, an accruing lien not due or payable until the fourth Monday in November 2007 when the bills are issued, the first half of which is not delinquent until after December 20, 2007.
3. General taxes which may be assessed and extended on any "subsequent" or "occupancy" tax roll, which may escape assessment of the regular tax roll; which are a lien not yet due or payable.
4. Liens, levies and assessments by City of Boise.
5. Liens, levies and assessments by Bench Sewer District.
6. Liens, levies and assessments by Nampa Meridian Irrigation District.
7. Right-of-way for Snyder Drain.
8. Right-of-way for Emerald Street, Denton Street and Hartman Street.
9. Except mineral or water rights, claims or title to mineral or water.
10. Miscellaneous Record No. 12, Power Line Easement dated August 11, 1930, recorded as Instrument No. 141638, at Page 440.
11. Miscellaneous Record No. 20, Dedication of Easement dated March 8, 1948, recorded as Instrument No. 273077, at Page 480.
12. Dedication of Right-of-Way dated September 11, 1961, recorded as Instrument No. 511653 on September 21, 1961.
13. Agreement dated September 11, 1961, recorded as Instrument No. 511673 on September 21, 1961.
14. Right-of-Way Easement dated April 30, 1987, recorded as Instrument No. 8735321, at Page 9720001254, on June 16, 1987.
15. Right-of-Way Easement dated May 10, 1988, recorded as Instrument No. 8831661, at Pages 0105600174-175, on June 29, 1988.
16. Power Line Easement dated April 20, 1999, recorded as Instrument No. 99094411 on September 23, 1999.
17. Easement (Underground) dated December 12, 2005, recorded as Instrument No. 106002545 on January 6, 2006.