

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 22 2010

Notice of Change in Water Right Ownership

DEPARTMENT OF
WATER RESOURCES

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
63-273	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Kenneth McNall

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Dale W. Piercy

Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

Mailing address

31367 Hwy 95 , Parma

Idaho

83660

City

State

ZIP

208-412-6462

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: ~~1995~~ 1995

6. 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):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature: Dale W Piercy Title, if applicable: _____ Date: 10-19-2010

Signature of new owner/claimant

Title, if applicable

Date

Signature: _____ Title, if applicable: _____ Date: _____

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by SR7 Date 10/22/2010 Receipt No. CG92004 Receipt Amt. \$25-

Approved by _____ Processed by _____ Date _____

GIFT DEED

The Grantor specifically provides, declares and directs that the interest in the Property transferred and conveyed hereby, and also all subsequent income, rents, issues, profits, gains and appreciation of, from and on the Property, shall be the sole and separate property of the Grantee.

DATED this 30th day of December, 1996.

MARY L. PIERCY

On this, the 30th day of December, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared **MARY L. PIERCY**, a widow, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.



John M. Lee
Notary Public for said State
Residing at: Fruitland
Commission expires: 12-12-99

After recording, return to:
Glenn M. Lee
Attorney at Law
PO Box 489
Fruitland, ID 83619

EXHIBIT "A"

An undivided one-half (½) interest in and to the following described Property, located in Canyon County, State of Idaho, to-wit:

PARCEL I:

Beginning at a point 80 rods South of the Northwest corner of Section 16;
running thence South 118 rods;
thence running diagonally Southeast to the Northeast corner of the SW¼ of the SW¼ Section 16, to a point intersecting the Boise River;
thence running 160 rods North;
thence 80 rods West to the point and place of beginning, in Township 5 North, Range 5 West of the Boise Meridian, in the County of Canyon, State of Idaho, EXCEPTING THEREFROM THE FOLLOWING:

A parcel of land being on the Easterly side of the centerline of State Highway No. 18, Project No. BR-S-3720(2) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the NW¼SW¼ and the SW¼NW¼ of Section 16, Township 5 North, Range 5 West, Boise Meridian, described as follows, to-wit:

Beginning at the West quarter corner of Section 16, Township 5 North, Range 5 West, Boise Meridian;
thence Northerly along the West line of said Section 16, a distance of 885.0 feet, more or less, to a point coincident with Station 112+70 of said State Highway No. 18, Project No. BR-S-3720(2) Highway Survey;
thence North 89°28'36" East 35.0 feet to a point in a line parallel with and 35.0 feet Easterly from the centerline of said Highway Survey;
thence South 0°31'24" East along said parallel line 370.0 feet to a point opposite Station 109+00 of said Highway Survey;
thence South 3°23'09" East, 300.38 feet to a point that bears South 89°49'39" East, 50.0 feet from Station 106+00 of said Highway Survey;
thence South 89°49'39" East, 10.0 feet to a point in a line parallel with and 60.0 feet Easterly from the centerline of said Highway Survey;
thence South 0°10'21" West along said last parallel line 870.0 feet, more or less, to a point in the Southwesterly line of the tract of land as described in that certain Warranty Deed, dated November 20, 1961, recorded November 22, 1961, in Book of Deeds as Instrument No. 509262 in the records of Canyon County, Idaho;

thence Northwesterly along said Southwesterly line 70.0 feet, more or less, to a point in the West line of said Section 16;
thence North 0°10'21" East along said West line 625.0 feet, more or less, to the PLACE OF BEGINNING. Highway Station Reference: 97+60 to 112+70. Contains approximately 1.77 acres, 0.87 acres of which, is acknowledged to be a portion of a public road.

AND

The Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of Section 16, in Township 5 North, Range 5 West of the Boise Meridian, in the County of Canyon, State of Idaho, and containing 110 acres, more or less.

Together with all water and water rights, ditches and ditch rights (including 65 shares of water stock in Parma Ditch Company), minerals and mineral leases, tenements and hereditaments, appurtenances and fixtures, easements, rights, privileges, permits and licenses thereunto belonging, in anywise appertaining or used in connection therewith, and the reversions, remainders, rents, issues and profits thereof.

PARCEL II:

All of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 30, Township 6 North, Range 5 West of the Boise Meridian, EXCEPTING THEREFROM THE FOLLOWING PORTION THEREOF:

Commencing at a point 318 feet South of the Northeast corner of the said SW¼ of the NE¼, said Section, Township and Range

thence on a straight line in a Northwesterly direction to a point on the North line of the said SW¼ of the NE¼, aforesaid, 571 feet East of the Northwest corner of the said SW¼ of the NE¼, aforesaid;

thence due East to the Northeast corner of the said SW¼ of the NE¼, aforesaid;

thence due South 318 feet to the point and place of beginning.

Together with all water and water rights, ditches and ditch rights (including 20 shares of stock in Farmers' Co-operative Ditch Company), minerals and mineral leases, tenements and hereditaments, appurtenances and fixtures, easements, rights, privileges, permits and licenses thereunto belonging, in anywise appertaining or used in connection therewith, and the reversions, remainders, rents, issues and profits thereof.

9642430

RECORDED

'96 DEC 31 PM 4 03

NEL L. KERR
CANYON CNTY RECORDER
U. Chang.

REQUEST Ken Lee
TYPE Deed FEE 12.00

EXHIBIT A

Parcel 1

BEGINNING at a point 80 rods(1320 feet) South of the Northwest corner of Section 16, running thence South 118 rods(1947 feet), thence running diagonally Southeast to the Northeast corner of the Southwest Quarter of the Southwest Quarter of Section 16, to a point intersecting the Boise River; thence running 160 rods(2640 feet) North, thence 80 rods(1320 feet) West to the point and place of beginning. In Township 5 North, Range 5 West of the Boise Meridian, in the County of Canyon, State of Idaho

EXCEPTING THEREFROM THE FOLLOWING:

A parcel of land being on the Easterly side of the centerline of State Highway No. 18, Project No. BR-S-3720(2) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the Northwest Quarter Southwest Quarter and the Southwest Quarter Northwest Quarter of Section 16, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

Beginning at the West Quarter corner of Section 16, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho; thence Northerly along the West line of said Section 16, a distance of 885.0 feet, more or less, to a point coincident with Station 112+70 of said State Highway No. 18, Project No. BR-S-3720(2) Highway Survey; thence

North 89° 28' 36" East 35.0 feet to a point in a line parallel with and 35.0 feet Easterly from the centerline of said Highway Survey; thence

South 0° 31' 24" East along said parallel line 370.0 feet to a point opposite Station 109+00 of said Highway Survey; thence

South 3° 23' 09" East, 300.38 feet to a point that bears South 89° 49' 39" East, 50.0 feet from Station 106 of said Highway Survey; thence

South 89° 49' 39" East, 10.0 feet to a point in a line parallel with and 60.0 feet Easterly from the centerline of said Highway Survey; thence

South 0° 10' 21" West along said last parallel line 870.0 feet, more or less, to a point in the Southwesterly line of the tract of land as described in that certain Warranty Deed, dated November 20, 1961, recorded November 22, 1961, in Book of Deeds as Instrument No. 509262 in the records of Canyon County, Idaho; thence Northwesterly along said Southwesterly line 70.0 feet, more or less, to a point in the West line of said Section 16; thence

North 0° 10' 21" East along said West line 625.0 feet, more or less, to the PLACE OF BEGINNING. Highway Station Reference: 97+60 to 112+70.

AND

File No. 201005081

The Northeast Quarter of the Southwest Quarter of Section 16, Township 5 North, Range 5 West of the Boise Meridian, in the County of Canyon, State of Idaho

Parcel 2

The East Half of the Northeast Quarter in Section 29, Township 6 North, Range 5 West, Boise Meridian, Canyon County, Idaho

EXCEPTING THEREFROM that portion lying South and West of Lateral B-280-05.

ALSO EXCEPTING THEREFROM

A parcel of land being on both sides of the centerline of U.S. Highway No. 95, Project No. IR-F-3111(38) Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department and being a portion of the East Half of the Northeast Quarter of Section 29, Township 6 North, Range 5 West, Boise Meridian, Canyon County, Idaho, described as follows, to-wit:

BEGINNING at the Northeast corner of the Northeast Quarter of Section 29, Township 6 North, Range 5 West, Boise Meridian, Canyon County, Idaho; thence

South 0° 49' 52" East along the East line of said Northeast Quarter a distance of 2,667 feet, more or less, to the Southeast corner of said Northeast Quarter that bears

South 89° 10' 38" East 60.30 feet from Station 250+66.18 of said U.S. Highway No. 95, Project No. IR-F-3111(38) Highway Survey; thence

North 88° 57' 56" West along the South line of said Northeast Quarter a distance of 160.30 feet to a point in a line parallel with and 100 feet Westerly from the centerline and opposite Station 250+66.77 of said Highway Survey; thence

North 0° 49' 22" East along said parallel line 1,333.23 feet to a point in the South line of the Northeast Quarter of the Northeast Quarter of said Section 29 opposite Station 264+00.00 of said Highway Survey; thence

North 89° 10' 38" West along said last South line 10 feet to a point in a line parallel with and 110 feet Westerly from the centerline and opposite Station 264+00.00 of said Highway Survey; thence

North 0° 49' 27" East along said last parallel line 1,333.78 feet to a point in the North line of said Northeast Quarter; thence

South 89° 15' 01" East along said North line 170 feet, more or less, to the PLACE OF BEGINNING.

Highway Station Reference: 250+66.77 to 277+33.83

The bearings as shown in the above land description, unless otherwise noted, are from the Idaho Plane Coordinate System, based on the transverse mercator projector for the West Zone of Idaho.



This Map and data displayed is a graphic representation derived from the Canyon County Geographic Information System (GIS) data. It was designed and intended for staff use only. It is not guaranteed survey accuracy. This map is based on information available and was compiled from numerous sources which may not be accurate. Users are to field verify this information. Canyon County and Single Point Solutions, Inc. are not liable for errors or omissions resulting from the use of this product for any purpose.



Pioneer Title Co.

GOING BEYOND

First American Title Insurance Company

SECOND COMMITMENT

SCHEDULE B - Section II

Exceptions

File No. PC 201005081

47. A Leasehold Mortgage and Security Agreement as shown below, and any other obligation secured thereby.

Dated: June 30, 2010
Mortgagor: Trident USA Corp.
Mortgagee: Credit Suisse, AG
Recorded: July 2, 2010 as Instrument No. 2010030973, records of Canyon County, Idaho.

NOTE: As an accommodation and not part of this commitment, no liability is assumed by noting the following conveyances describing all or a part of the subject property, which have been recorded within the 24 months:

NONE

NOTE: We have searched for tax liens and judgments against Dale W. Piercy and Ramona Plaza and find the following in the public records:

NONE

NOTE: The County Records and/or the City Engineer's Office show the address to be:

0 Wamstad Rd., Parma, Idaho 83660 (Parcel 1)
31845 Hwy 95, Parma, Idaho 83660 (Parcel 2)
0 Hurtz Rd., Parma, Idaho 83660 (Parcel 3)
0 Hwy 95, Parma, Idaho 83660 (Parcel 4)

NOTE: PURSUANT TO THE STATE OF IDAHO INSURANCE REGULATIONS, A CANCELLATION FEE IS TO BE CHARGED ON ALL CANCELLED ORDERS. * UNLESS OTHERWISE ADVISED, ORDERS WILL BE CONSIDERED CANCELLED SIX MONTHS AFTER THE EFFECTIVE DATE ON THE COMMITMENT. * THE AMOUNT OF THE FEE ASSESSED SHALL BE IN ACCORDANCE WITH OUR RATE FILING WITH THE IDAHO DEPARTMENT OF INSURANCE.

The following page is a copy of the Canyon County Treasurer's records and is for your information only and not within the insuring provision of the Commitment or Policy.

This commitment is invalid unless the Insuring Provisions and Schedules A and B are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Dale W. Piercy Phone 208-412-6462

Mailing address 31367 Hwy 95, Parma Idaho 83660 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 Representative

Name of Representative _____ Phone _____

Mailing address _____ 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.

+ Dale W. Piercy
Signature of Applicant or Authorized Representative

Dale W. Piercy
Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Name Change

2. 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. Kenneth McFall willed land to Mr. Dale Piercy in 1997. Mr. Piercy shows as the legal owner of property.

Inst. 9423342

DEED OF DISTRIBUTION

FOR VALUE RECEIVED, And in accordance with the Decree of Distribution entered in the estate of Kenneth H. McNall, deceased, on July 29, 1994, and recorded in the office of the County Recorder of Canyon County, Idaho, on July 29, 1994, as Instrument No. 9422976, CAROL A. MCINTYRE, Personal Representative of the estate of Kenneth H. McNall, deceased, whose Letters Testamentary were issued on November 26, 1993, as grantor, does hereby grant and convey unto WAYNE S. PIERCY, a married man, the grantee, as and for his sole and separate property, without any covenant or warranty, express or implied, AN UNDIVIDED ONE-HALF (½) INTEREST in and to that certain real property, situated in the County of Canyon, State of Idaho, and described as follows, to-wit:

PARCEL I:

Beginning at a point 80 rods South of the Northwest corner of Section 16, running thence South 118 rods, thence running diagonally Southeast to the Northeast corner of the SW¼ of the SW¼ of Section 16, to a point intersecting the Boise River; thence running 160 rods North, thence 80 rods West to the point and place of beginning, in Township 5 North, Range 5 West of the Boise Meridian, in the County of Canyon, State of Idaho, EXCEPTING THEREFROM THE FOLLOWING:

A parcel of land being on the Easterly side of the centerline of State Highway No. 18, Project No. BR-S-3720(2) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the NW¼SW¼ and the SW¼NW¼ of Section 16, Township 5 North, Range 5 West, Boise Meridian, described as follows, to-wit:

Beginning at the West quarter corner of Section 16, Township 5 North, Range 5 West, Boise Meridian; thence Northerly along the West line of said Section 16, a distance of 885.0 feet, more or less, to a point coincident with Station 112+70 of said State Highway No. 18, Project No. BR-S-3720(2) Highway Survey; thence North 89°28'36" East 35.0 feet to a point in a line parallel with and 35.0 feet Easterly from the centerline of said Highway Survey; thence South 0°31'24" East along said parallel line 370.0 feet to a point opposite Station 109+00 of said Highway Survey; thence South 3°23'09" East, 300.38 feet to a point that bears South 89°49'39" East, 50.0 feet from Station 106+00 of said Highway Survey; thence South 89°49'39" East, 10.0 feet to a point in a line parallel with and 60.0 feet Easterly from the centerline of said Highway Survey; thence South 0°10'21" West along said last parallel line 870.0 feet, more or less, to a point in the Southwesterly line of the tract of land as described in that certain Warranty Deed, dated

of said Highway Survey;
 thence South 0°31'24" East along said parallel line 370.0 feet to a point opposite Station 109+00 of said Highway Survey;
 thence South 3°23'09" East, 300.38 feet to a point that bears South 89°49'39" East, 50.0 feet from Station 106+00 of said Highway Survey;
 thence South 89°49'39" East, 10.0 feet to a point in a line parallel with and 60.0 feet Easterly from the centerline of said Highway Survey;
 thence South 0°10'21" West along said last parallel line 870.0 feet, more or less, to a point in the Southwesterly line of the tract of land as described in that certain Warranty Deed, dated November 20, 1961, recorded November 22, 1961, in Book of Deeds as Instrument No. 509262 in the records of Canyon County, Idaho;
 thence Northwesterly along said Southwesterly line 70.0 feet, more or less, to a point in the West line of said Section 16;
 thence North 0°10'21" East along said West line 625.0 feet, more or less, to the PLACE OF BEGINNING. Highway Station Reference: 97+60 to 112+70. Contains approximately 1.77 acres, 0.87 acres of which, is acknowledged to be a portion of a public road.

AND

The Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of Section 16, in Township 5 North, Range 5 West of the Boise Meridian, in the County of Canyon, State of Idaho, and containing 110 acres, more or less.

Together with all water and water rights, ditches and ditch rights (including 65 shares of water stock in Parma Ditch Company), minerals and mineral leases, tenements and hereditaments, appurtenances and fixtures, easements, rights, privileges, permits and licenses thereunto belonging, in anywise appertaining or used in connection therewith, and the reversions, remainders, rents, issues and profits thereof.

PARCEL II:

All of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 30, Township 6 North, Range 5 West of the Boise Meridian, EXCEPTING THEREFROM THE FOLLOWING PORTION THEREOF:

Commencing at a point 318 feet South of the Northeast corner of the said SW¼ of the NE¼, said Section, Township and Range;
 thence on a straight line in a Northwesterly direction to a point on the North line of the said SW¼ of the NE¼, aforesaid, 571 feet East of the Northwest corner of the said SW¼ of the NE¼, aforesaid;
 thence due East to the Northeast corner of the said SW¼ of

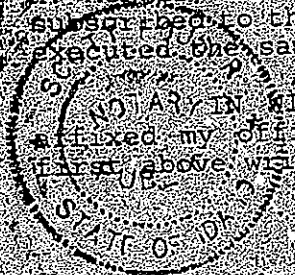
IN WITNESS WHEREOF, The Personal Representative has hereunto
set her hand this 29th day of July, 1994.


CAROL A. MCINTYRE
Personal Representative of the
Estate of Kenneth H. McNall

STATE OF IDAHO)
) ss.
County of Canyon)

On this 29th day of July, 1994, before me, the under-
signed, a Notary Public in and for said State, personally appeared
CAROL A. MCINTYRE, Personal Representative of the estate of Kenneth
H. McNall, deceased, known to me to be the person whose name is
subscribed to the within instrument and acknowledged to me that she
executed the same.

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




Notary Public for Idaho
Residing at Nampa
My Commission Expires March 8, 2000

REQUESTED
TYPE Deed FEE 2.00

BY 
NEU J. KERR
CANYON COUNTY RECORDER

94 AUG 1 PM 4 47

RECORDED

9420342

Inad 9423341

DEED OF DISTRIBUTION

FOR VALUE RECEIVED, And in accordance with the Decree of Distribution entered in the estate of Kenneth H. McNall, deceased, on July 29, 1994, and recorded in the office of the County Recorder of Canyon County, Idaho, on July 29, 1994, as Instrument No. 9422976, CAROL A. MCINTYRE, Personal Representative of the estate of Kenneth H. McNall, deceased, whose Letters Testamentary were issued on November 26, 1993, as grantor, does hereby grant and convey unto DALE W. PIERCY, a married man, the grantee, as and for his sole and separate property, without any covenant or warranty, express or implied, AN UNDIVIDED ONE-HALF (1/2) INTEREST in and to that certain real property, situated in the County of Canyon, State of Idaho, and described as follows, to-wit:

PARCEL

Beginning at a point 80 rods South of the Northwest corner of Section 16, running thence South 118 rods, thence running diagonally Southeast to the Northeast corner of the SW1/4 of the SW1/4 of Section 16, to a point intersecting the Boise River, thence running 160 rods North, thence 80 rods West to the point and place of beginning, in Township 5 North, Range 5 West of the Boise Meridian, in the County of Canyon, State of Idaho, EXCEPTING THEREFROM THE FOLLOWING:

A parcel of land being on the Easterly side of the centerline of State Highway No. 18, Project No. BR-S-3720(2) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the NW1/4SW1/4 and the SW1/4NW1/4 of Section 16, Township 5 North, Range 5 West, Boise Meridian, described as follows, to-wit:

Beginning at the West quarter corner of Section 16, Township 5 North, Range 5 West, Boise Meridian, thence Northerly along the West line of said Section 16, a distance of 885.0 feet, more or less, to a point coincident with Station 112+70 of said State Highway No. 18, Project No. BR-S-3720(2) Highway Survey, thence North 89°28'36" East 35.0 feet to a point on a line parallel with and 35.0 feet Easterly from the centerline of said Highway Survey; thence South 0°31'24" East along said parallel line 370.0 feet to a point opposite Station 109+00 of said Highway Survey, thence South 3°23'09" East, 300.38 feet to a point that bears South 89°49'39" East, 50.0 feet from Station 106+00 of said Highway Survey, thence South 89°49'39" East, 10.0 feet to a point in a line parallel with and 60.0 feet Easterly from the centerline of said Highway Survey; thence South 0°10'21" West along said last parallel line 870.0 feet, more or less, to a point in the Southwesterly line of the tract of land as described in that certain Warranty Deed, dated

November 20, 1961, recorded November 22, 1961, in Book of Deeds as Instrument No. 509262 in the records of Canyon County, Idaho; thence Northwesterly along said Southwesterly line 70.0 feet, more or less, to a point in the West line of said Section 16; thence North 0°10'21" East along said West line 625.0 feet, more or less, to the PLACE OF BEGINNING. Highway Station Reference: 97+60 to 112+70. Contains approximately 1.77 acres, 0.87 acres of which, is acknowledged to be a portion of a public road.

AND

The Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of Section 16, in Township 5 North, Range 5 West of the Boise Meridian, in the County of Canyon, State of Idaho, and containing 110 acres, more or less.

Together with 65 shares of water stock in Parma Ditch Company.

PARCEL 11

All of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 30, Township 6 North, Range 5 West of the Boise Meridian, EXCEPTING THEREFROM THE FOLLOWING PORTION THEREOF:

Commencing at a point 318 feet South of the Northeast corner of the said SW¼ of the NE¼, said Section, Township and Range, thence on a straight line in a Northwesterly direction to a point on the North line of the said SW¼ of the NE¼, aforesaid, 571 feet East of the Northwest corner of the said SW¼ of the NE¼, aforesaid; thence due East to the Northeast corner of the said SW¼ of the NE¼, aforesaid, thence due South 318 feet to the point and place of beginning.

Together with 20 shares of stock in Farmers' Co-operative Ditch Company, a corporation.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion or reversions, remainder and remainders, rents, issues and profits thereof. To have and to hold all and singular the premises, together with the appurtenances, unto DALE W. PIERCY, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The Personal Representative has hereunto
set her hand this 29th day of July, 1994.


CAROL A. MCINTYRE
Personal Representative of the
Estate of Kenneth H. McNall

STATE OF IDAHO)
) ss.
County of Canyon)

On this 29th day of July, 1994, before me, the under-
signed, a Notary Public in and for said State, personally appeared
CAROL A. MCINTYRE, Personal Representative of the estate of Kenneth
H. McNall, deceased, known to me to be the person whose name is
subscribed to the within instrument and acknowledged to me that she
executed the same.

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




Notary Public for Idaho
Residing at: Nampa
My Commission Expires: March 8, 2000

RECEIVED
TYPE  JER
JUL 29 1994

RECORDED
JUL 29 1994
CANYON COUNTY RECORDER


94 AUG 1 PM 4 47

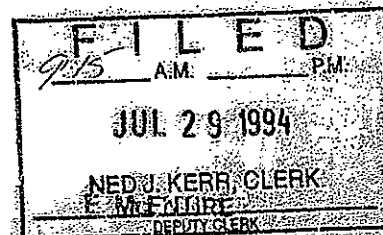
RECORDED

9428341

COPY

SCOTT E. FOUSER
Wiebe & Fouser, P.A.
Attorneys at Law
703 Second Street South
Nampa, Idaho 83651
Telephone (208) 465-4677

Attorney for Personal Representative



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
MAGISTRATE DIVISION

In the Matter of the Estate of:	)	CASE NO. SP93-01966
KENNETH H. McNALL,	)	ORDER APPROVAL FINAL ACCOUNT,
Deceased.	)	PETITION FOR SETTLEMENT AND
	)	DISTRIBUTION OF TESTATE
	)	ESTATE

The Petition of CAROL A. McINTYRE, the personal representative of the above entitled estate, for settlement and distribution of the above estate, having come before the Court for hearing, and it appearing to the Court that the heirs, legatees and devisees of said estate have not protested the final account and the proposed distribution of the estate, the Court makes the following findings:

1. That CAROL A. McINTYRE is the duly appointed, qualified and acting personal representative of the above entitled estate.

2. That the personal representative has filed an inventory and appraisement of all property of the estate known to said personal representative.

3. That notice to creditors has been published and the time for presenting claims that arose prior to the death of the decedent has expired.

4. That all debts of the decedent and of the estate and all expenses of administration and all taxes that have attached to or accrued against the estate have been paid.

5. That the personal representative has filed a final account and the estate is in a condition to be closed.

6. That by the terms of the Will of said decedent, which was duly admitted to probate herein on November 26, 1993, said decedent devised and bequeathed his estate to the following persons, to-wit:

TO THE CHILDREN'S ORTHOPEDIC HOSPITAL FOUNDATION, two-thirds (2/3) of all H and HH Series U.S. Savings Bonds owned at the time of my death

TO FATHER FLANAGAN'S BOYS HOME one-third of all H and HH Series U.S. Savings Bonds owned at the time of my death

TO WAYNE S. PIERCY AND DALE W. PIERCY the following described real property, share and share alike:

PARCEL I:

Beginning at a point 80 rods South of the Northwest corner of Section 16, running thence South 118 rods, thence running diagonally Southeast to the Northeast corner of the SW¹/₄ of the SW¹/₄ of Section 16, to a point intersecting the Boise River, thence running 160 rods North, thence 80 rods West to the point and place of beginning, in Township 5 North, Range 5 West of the Boise Meridian, in the

County of Canyon, State of Idaho, EXCEPTING
THEREFROM THE FOLLOWING:

A parcel of land being on the Easterly side of the centerline of State Highway No. 18, Project No. BR-S-3720(2) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the NW¼SW¼ and the SW¼NW¼ of Section 16, Township 5 North, Range 5 West, Boise Meridian, described as follows, to-wit:

Beginning at the West quarter corner of Section 16, Township 5 North, Range 5 West, Boise Meridian; thence Northerly along the West line of said Section 16, a distance of 885.0 feet, more or less, to a point coincident with Station 112+70 of said State Highway No. 18, Project No. BR-S-3720(2) Highway Survey; thence North 89°28'36" East 35.0 feet to a point in a line parallel with and 35.0 feet Easterly from the centerline of said Highway Survey; thence South 0°31'24" East along said parallel line 370.0 feet to a point opposite Station 109+00 of said Highway Survey; thence South 3°23'09" East, 300.38 feet to a point that bears South 89°49'39" East, 50.0 feet from Station 106+00 of said Highway Survey; thence South 89°49'39" East, 10.0 feet to a point in a line parallel with and 60.0 feet Easterly from the centerline of said Highway Survey; thence South 0°10'21" West along said last parallel line 870.0 feet, more or less, to a point in the Southwesterly line of the tract of land as described in that certain Warranty Deed, dated November 20, 1961, recorded November 22, 1961, in Book of Deeds as Instrument No. 509262 in the records of Canyon County, Idaho; thence Northwesterly along said Southwesterly line 70.0 feet, more or less, to a point in the West line of said Section 16; thence North 0°10'21" East along said West line 625.0 feet, more or less, to the PLACE OF BEGINNING. Highway Station Reference: 97+60 to 112+70. Contains approximately 1.77 acres, 0.87 acres of which, is acknowledged to be a portion of a public road.

AND

The Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of Section 16, in Township 5 North, Range 5 West of the Boise Meridian, in

the County of Canyon, State of Idaho, and containing 110 acres, more or less.

Together with 65 shares of water stock in Parma Ditch Company.

PARCEL II:

All of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 30, Township 6 North, Range 5 West of the Boise Meridian, EXCEPTING THEREFROM THE FOLLOWING PORTION THEREOF:

Commencing at a point 318 feet South of the Northeast corner of the said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, said Section, Township and Range, thence on a straight line in a Northwesterly direction to a point on the North line of the said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, aforesaid, 571 feet East of the Northwest corner of the said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, aforesaid, thence due East to the Northeast corner of the said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, aforesaid, thence due South 318 feet to the point and place of beginning.

Together with 20 shares of stock in Farmers' Co-operative Ditch Company, a corporation.

TO CHARLES A. WOOD AND HELEN AGNES WOOD, decedent's residence located at 509 W. Hazel Street, Caldwell, Idaho, situate on the following described real property, share and share alike, to-wit:

Lot 8, Block 1, Eddins Addition, Caldwell, Canyon County, Idaho, according to the Plat thereof filed January 7, 1981, in Book 18 of Plats at page 6, in the office of the County Recorder, Canyon County, Idaho, being a part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

TO HELEN AGNES WOOD, one-half of any monies in a Macro-Checking Account at Idaho First National Bank (now West One Bank of Idaho, N.A.), Parma Branch, after payment of expenses

TO ROSA LAM, one-half of any monies left in a Macro-Checking Account at Idaho First National Bank (now West One Bank of Idaho, N.A.), Parma Branch, after payment of expenses.

All of the rest, residue and remainder of property of every kind and nature, real, personal and mixed, wheresoever the same may be situated owned by decedent at the time of his death to CHARLES A. WOOD and HELEN AGNES WOOD, share and share alike.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That the final account of said personal representative is allowed and settled.
2. That the personal representative is directed to make distribution of the estate property, and any other property of the decedent or the estate not now known or discovered to the persons as follows:

TO THE CHILDREN'S ORTHOPEDIC HOSPITAL FOUNDATION, two-thirds (2/3) of all H and HH Series U.S. Savings Bonds owned at the time of my death in the amount of \$60,000.00.

TO FATHER FLANAGAN'S BOYS HOME, one-third of all H and HH Series U.S. Savings Bonds owned at the time of my death in the amount of \$30,000.00.

TO WAYNE S. PIERCY AND DALE W. PIERCY the following described real property, share and share alike:

PARCEL I:

Beginning at a point 80 rods South of the Northwest corner of Section 16, running thence South 118 rods, thence running diagonally Southeast to the Northeast corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, to a point intersecting the Boise River; thence running 160 rods North, thence 80 rods West to the point and place of beginning, in Township 5 North, Range 5 West of the Boise Meridian, in the County of Canyon, State of Idaho, EXCEPTING THEREFROM THE FOLLOWING:

A parcel of land being on the Easterly side of the centerline of State Highway No. 18, Project No. BR-S-3720(2) Highway Survey as shown

on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the NW¼SW¼ and the SW¼NW¼ of Section 16, Township 5 North, Range 5 West, Boise Meridian, described as follows, to-wit:

Beginning at the West quarter corner of Section 16, Township 5 North, Range 5 West, Boise Meridian; thence Northerly along the West line of said Section 16, a distance of 865.0 feet, more or less, to a point coincident with Station 112+70 of said State Highway No. 18, Project No. BR-S-3720(2) Highway Survey; thence North 89°28'36" East 35.0 feet to a point in a line parallel with and 35.0 feet Easterly from the centerline of said Highway Survey; thence South 0°31'24" East along said parallel line 370.0 feet to a point opposite Station 109+00 of said Highway Survey; thence South 3°23'09" East, 300.38 feet to a point that bears South 89°49'39" East, 50.0 feet from Station 106+00 of said Highway Survey; thence South 89°49'39" East, 10.0 feet to a point in a line parallel with and 60.0 feet Easterly from the centerline of said Highway Survey; thence South 0°10'21" West along said last parallel line 870.0 feet, more or less, to a point in the Southwesterly line of the tract of land as described in that certain Warranty Deed, dated November 20, 1961, recorded November 22, 1961, in Book of Deeds as Instrument No. 509262 in the records of Canyon County, Idaho; thence Northwesterly along said Southwesterly line 70.0 feet, more or less, to a point in the West line of said Section 16; thence North 0°10'21" East along said West line 625.0 feet, more or less, to the PLACE OF BEGINNING. Highway Station Reference: 97+60 to 112+70. Contains approximately 1.77 acres, 0.87 acres of which, is acknowledged to be a portion of a public road.

AND

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Together with 65 shares of water stock in Parma Ditch Company.

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Commencing at a point 318 feet South of the Northeast corner of the said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, said Section, Township and Range, thence on a straight line in a Northwesterly direction to a point on the North line of the said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, aforesaid, 571 feet East of the Northwest corner of the said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, aforesaid; thence due East to the Northeast corner of the said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, aforesaid, thence due South 318 feet to the point and place of beginning.

Together with 20 shares of stock in Farmers' Co-operative Ditch Company, a corporation.

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TO HELEN AGNES WOOD, one-half of any monies in a Macro-Checking Account at Idaho First National Bank (now West One Bank of Idaho, N.A.), Parma Branch, after payment of expenses, in the approximate amount of \$30,000.00.

TO ROSA LAM, one-half of any monies left in a Macro-Checking Account at Idaho First National Bank (now West One Bank of Idaho, N.A.), Parma Branch, after payment of expenses, in the approximate amount of \$30,000.00.

TO CHARLES A. WOOD and HELEN AGNES WOOD, all of the rest, residue and remainder of property of every kind and nature, real, personal and

mixed, wheresoever the same may be situated
owned by decedent at the time of his death,
share and share alike, which consists of the
following described property, to-wit:

1993 Jeep Cherokee, bearing Identification
No. 1J4FJ28S1PL577258

Household goods and furnishings

Dated this 24th day of July, 1994.

James C. Morfitt

James C. Morfitt, Magistrate

9422976

RECORDED

'94 JUL 29 AM 9 15

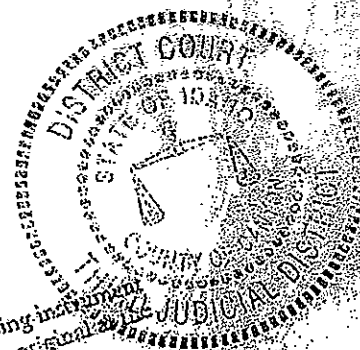
NED J. KERR
CANYON COUNTY RECORDER
BY C. Kerr

REQUEST Scott C. Ferrin
TYPE Bill FEE 24.00

State of Idaho } ss.
County of Canyon
I hereby certify that the foregoing instrument
is a true and correct copy of the original and
same appears in this office.
DATED 7-29-94

NED J. KERR, Clerk of the District Court
and Canyon Recorder
BY [Signature] Deputy

ORDER APPROVING FINAL ACCOUNT - 8



INSTRUMENT NO.

WARRANTY DEED

BR-S-3720(2)

733283

Parcel No.

5

Access Rights

Negative Easements

THIS INDENTURE, Made this 29th day of May, 1974, between

ANN McNALL also known as ANN DAVIDSON and KENNETH H. McNALL, her husband

Grantor S, and the State of Idaho, by and through the Idaho Board of Highway Directors, Grantee. 3311 West State Street, Boise, Idaho 83703.

WITNESSETH: That the Grantor S, for and in consideration of One and No/100ths (\$1.00) Dollars, paid to them, receipt whereof is acknowledged, have granted, bargained, sold, and conveyed and by these presents do grant, bargain, sell and convey unto the Grantee, its successors and assigns forever, in fee simple, the land described in Schedule A attached hereto and made a part hereof and situated in the County of Canyon, State of Idaho.

TOGETHER with all rights of access between the right of way of the said project and the remaining contiguous real property belonging to the Grantor, except for:

Grantor S agree that no building or structures, except irrigation or drainage structures, will be permitted to be constructed within 20 feet of the right of way of the said project.

Grantor S convey unto the Grantee the right to prohibit junkyards on any of their remaining land within 1000 feet of the right of way of the said project, and the right to prohibit advertising signs, displays and devices within 660 feet thereof; provided that advertising relating to business conducted on any of the Grantor S' remaining land be permitted not closer than 20 feet therefrom, but only on land utilized exclusively for said business.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee and its successors and assigns forever. And the Grantor S do hereby covenant to and with the said Grantee, that the y are the owner S in fee simple of said premises; that they are free from all encumbrances and that the y will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, Grantor S have hereunto set their hand S and seal S the day and year first above written.

Ann McNall
AKA Ann Davidson
Kenneth H. McNall

STATE OF IDAHO)
County of Canyon) ss.

On this 29th day of May 1974, before me, the undersigned a Notary Public in and for said State, personally appeared Ann McNall, AKA Ann Davidson and Kenneth McNall

known to me to be the persons whose name S are subscribed to the foregoing instrument, and acknowledged to me that they 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 for Idaho
Residing at Boise

SCHEDULE A

Sheet 1 of 1

Project No. BR-S-3720(2)

Parcel No. 5

Land situated in Canyon County

A parcel of land being on the Easterly side of the centerline of State Highway No. 18, Project No. BR-S-3720(2) Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 5 North, Range 5 West, Boise Meridian, described as follows, to-wit:

Beginning at the West quarter corner of Section 16, Township 5 North, Range 5 West, Boise Meridian; thence Northerly along the West line of said Section 16, a distance of 885.0 feet, more or less, to a point coincident with Station 112+70 of said State Highway No. 18, Project No. BR-S-3720(2) Highway Survey; thence North 89°28'36" East - 35.0 feet to a point in a line parallel with and 35.0 feet Easterly from the centerline of said Highway Survey; thence South 0°31'24" East along said parallel line 370.0 feet to a point opposite Station 109+00 of said Highway Survey; thence South 3°23'09" East - 300.38 feet to a point that bears South 89°49'39" East - 50.0 feet from Station 106+00 of said Highway Survey; thence South 89°49'39" East - 10.0 feet to a point in a line parallel with and 60.0 feet Easterly from the centerline of said Highway Survey; thence South 0°10'21" West along said last parallel line 870.0 feet, more or less, to a point in the Southwesterly line of the tract of land as described in that certain Warranty Deed dated November 20, 1961, recorded November 22, 1961 in Book of Deeds as Instrument No. 509262 in the records of Canyon County, Idaho; thence Northwesterly along said Southwesterly line 70.0 feet, more or less, to a point in the West line of said Section 16; thence North 0°10'21" East along said West line 625.0 feet, more or less, to the PLACE OF BEGINNING.

~~EXCEPTING THEREFROM all that portion lying between the Northerly and Southerly high water lines of the Boise River.~~ F-13

Together with any water or water rights appurtenant to the hereinabove described land.

Highway Station Reference: 97+60 to 112+70

The area conveyed by this instrument contains approximately 1.77 ^{km²} acres, 0.72 ^{km²} of which is acknowledged to be a portion of a public road. 0.87 ^{km²}

State of Idaho
Don't make a
to
can
W.D.

OF
Dated
FEE 2.00

IDAHO ASSISTANT ATTORNEY GENERAL

RECORDED
AT THE REQUEST OF
WALTER FRY
CANYON COUNTY RECORDER
by M. Williams

JUL 18 11 29 AM '74

FILED

133283