

Transfer No. 74309

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 12 2007

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Reed Ditch Company Phone 208-365-0602

Post Office address 3740 County Line Road, Emmett ID 83617

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 _____

2. Describe the reason for the proposed changes Retire 2.0 acres from irrigation on right 65-53X and change the nature of use of the associated water to aesthetic storage to mitigate the evaporative consumptive use resulting from the construction of three ponds proposed on an application for permit in the name of J & G Development, Inc. Total pond surface area is estimated at 25.0 acres. Twenty-three of the 25.0 acres are located within Letha Irrigation and Water Company's (LIWC) service area and are included on a separate transfer application in the name of LIWC. The place of use of the ponds is also known as Woods Ranch Subdivision.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>65-53X</u>	<u>10/26/1882</u>	<u>9.96 cfs</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
		<u>5.5 af</u>	<u>Aesthetic Storage</u>	<u>1/1</u> to <u>12/31</u>
		<u>.05 cfs</u>	<u>Diversion to Storage</u>	<u>3/15</u> to <u>11/15</u>
				to _____

2. Total amount of water being transferred 10.01 cubic feet per second and/or 5.5 acre-feet per annum.

3. Source of water Payette River tributary to Snake River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NE	SE	SW	9	6N	2W	Gem	Existing Diversion on Seven-Mile Slough

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	3W	1																J	
			See attached service area boundary map for irrigation POU																

Total Acres 1922.0 remaining acres
irrigation within applicant's service area

PART 1**6. General Information:**

- a. Description of diversion system Headgate in Seven-Mile Slough, ditch to ponds, pumping station at ponds to pressurized irrigation system.
-

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Two acres will be removed from irrigation and converted to pond area.

- d. Remarks:

RDC has two decreed rights in the SRBA; 65-53A and 65-53X. Right 65-53X was chosed to be affected by the transfer application, which serves as mitigation for construction of approximately 2.0 acres of aesthetic pond area proposed for development within Woods Ranch Subdivision. An application for permit has been submitted by J & G Development, Inc. (shareholder) for construction of the ponds. The ponds will intercept and fill with shallow ground water that is tributary to the Payette River system. The intent of this transfer proposal is to provide mitigation for potential effects to existing water rights due to evaporative losses resulting from the ponds. Current company records indicate J & G Development, Inc. own 4.0 shares of company water delivered through Reed ditch. Each share represents 20.0 inches of water. A crop of alfalfa has been grown on the property in the past according to the previous property owner and farmer, Will Maki. Based on Emmett ET data from the Kimberly U of I Research Center web site <http://www.kimberly.uidaho.edu/ETIdaho>, alfalfa has an annual consumptive use of 2.726 af/acre. Therefore, historic annual consumptive use for 2.0 acres of alfalfa is 5.5 af. Based on the 1:1 ratio, the consumptive volume associated with 2.0 acres of alfalfa is equivalent to the consumptive volume (evaporative losses) associated with 2.0 acres of ponds. As decreed in the SRBA, right 65-53X has an irrigation diversion rate of 10.01 cfs, limited to 1924.0 acres and 46.13 cfs when combined with associated right 65-53A. This transfer application proposes that the total diversion rate remains 10.01 cfs for right 65-53X, with .9.96 cfs for irrigation and .05 cfs for diversion to storage for aesthetic use. The 5.5 af consumptive volume associated with the previously irrigated pond area will be converted to aesthetic storage use. Irrigation will be reduced and limited to 1922.0 acres when combined with right 65-53A.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED (See Attached SRBA Decree)

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☒ Other Notarized statement from landowner

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above Application for permit filed by J & G Development, Inc.
for aesthetic storage, decree 65-53A. for irrigation

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .05 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	3W	1																2.0	2.0

Total Acres 2.0**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount Remaining Right for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

(See Attached Maps)

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

The grid is composed of solid lines forming a 10x10 grid of sections. Dashed lines are drawn at the 2, 4, 6, and 8 section marks on both the horizontal and vertical axes, dividing the grid into four 5x5 blocks, which represent townships and ranges respectively.

Scale: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Aesthetic Storage</u>	<u>5.5 af</u>	<u>24/7</u>	<u>1/1</u> to <u>12/31</u>
			<u>Existing Delivery</u>	
	<u>Diversion to Storage</u>	<u>.05 cfs</u>	<u>Schedule</u>	<u>3/15</u> to <u>11/15</u>

Quantity and quality of return flows and location of discharge: No change in quantity. Transferred portion will discharge into ponds located within the company service area to provide mitigation for consumptive use of shallow ground water in ponds. Quality of return flow may improve due to reduced overland flow to drains and reduced sediment load.

2. Describe effects on other water uses resulting from the proposed change:

Transferred water will be utilized as mitigation to offset evaporative losses from ground water fed ponds. As historic irrigation consumption of the pond foot-print area is similar in magnitude to the anticipated consumption of the proposed use, the effects on other water users should be negligible.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



Reed Ditch Company by Maynard L. Potter - President
(Signature of Applicant)

Subscribed and sworn to before me this

9th

day of

October

, 20 07

Lori Graves

(Notary Public)

My commission expires

6/18/2010

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 4 attachments

Received by DB Date 10-12-07

Protest filed by _____

Prelim. Check by KW Fee \$100-

Receipted by DB / W035899 Date 10-12-07

Published in MESSENGER INDEX DB

Copies of protest forwarded by _____

Pub. Dates OCTOBER 6 & 13, 2010

Hearing held by _____ Date _____

Watermaster recommendations requested on _____

Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-00053X

NAME AND ADDRESS: REED DITCH CO
C/O LINDA CRAWFORD
6077 W HWY 52
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 10.01 CFS

USE OF THIS RIGHT WITH RIGHT NO. 65-00053A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 46.13 CFS.*** THIS RIGHT WHEN
COMBINED WITH RIGHT 65-00053A SHALL PROVIDE NO MORE THAN .02 CFS
PER ACRE FOR IRRIGATION. THE DIVERSION RATE IN EXCESS OF .02 CFS
PER ACRE IS FOR DELIVERY LOSS AS PROVIDED IN THE PAYETTE RIVER
BASIN ADJUDICATION.***

PRIORITY DATE: 10/26/1882

POINT OF DIVERSION: T06N R02W S09 NESESW Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	10.01 CFS

STOCKWATER IS INCIDENTAL TO IRRIGATION.***

PLACE OF USE:
USE OF THIS RIGHT WITH RIGHT 65-00053A IS LIMITED TO THE
IRRIGAION OF A COMBINED TOTAL OF 1924 ACRES WITHIN THE
BOUNDARIES OF THE REED DITCH COMPANY IN A SINGLE IRRIGATION
SEASON.***

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

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.



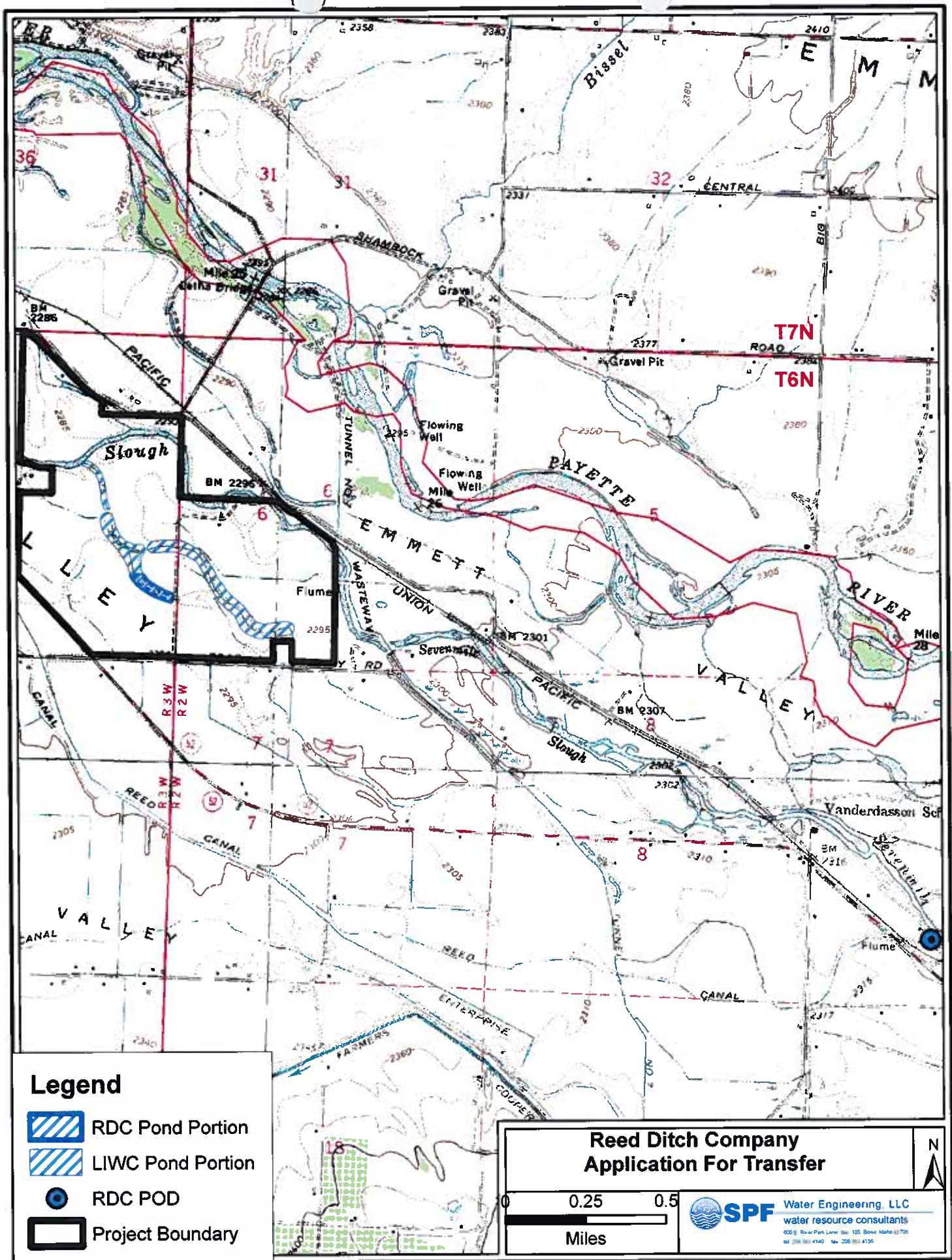
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RightID#425068

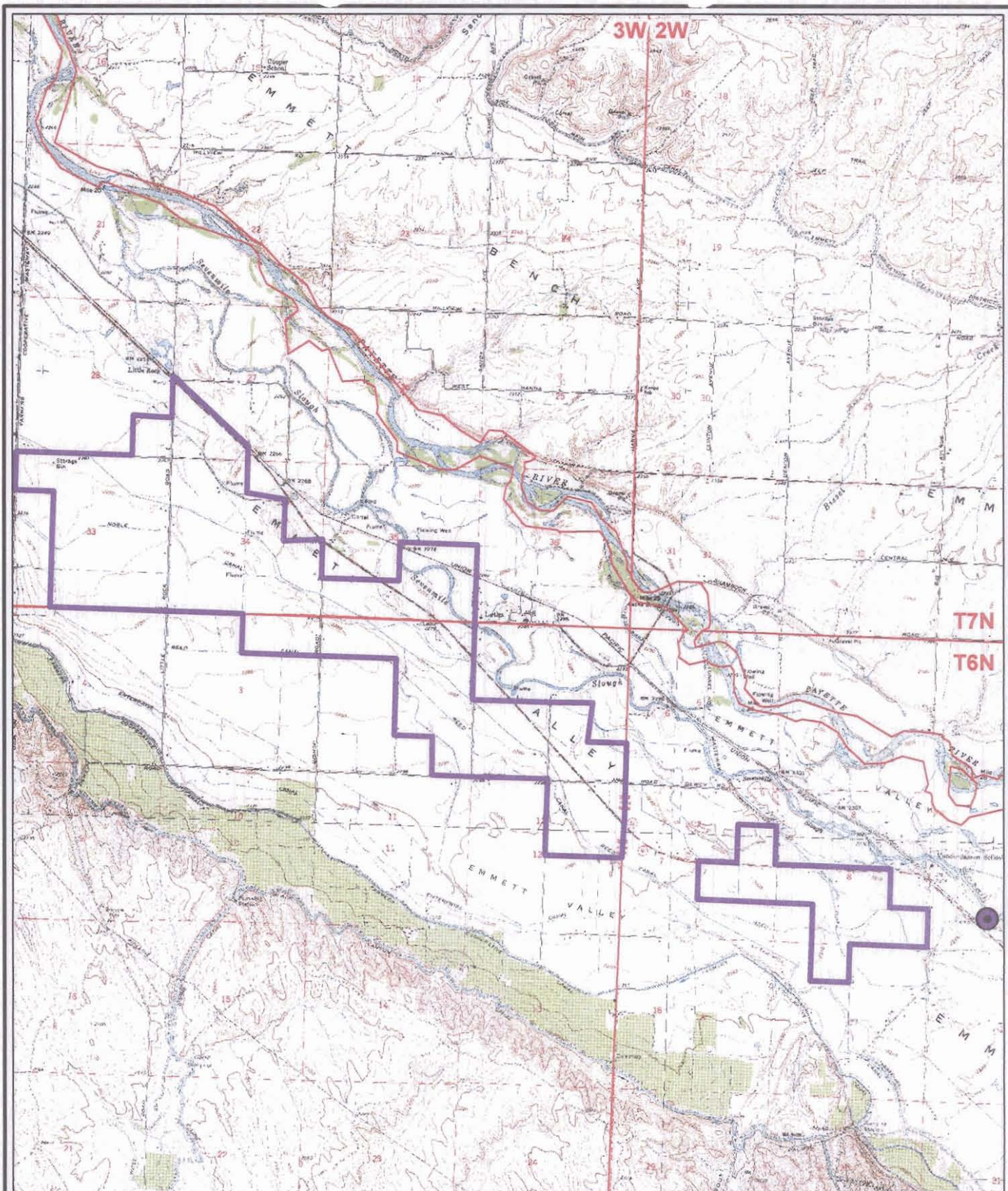
Place(s) of use:

Place of Use Legal Description: IRRIGATION GEM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	02W	7		NESE			NWSE							
				NESW			NWSW			SESW				
		8		NWSE			SWSE			SESE				
				NENW										
	03W	17		NENW										
				NESW			NWSW			SWSW			SESW	
		1		NWSE			SWSE			SESE				
				NENE		2	NWNE			SWNE			SENE	
		3		NENW		4	NWNW							
				NESE			NWSE			SESE				
		12		NENE		2	NWNE							
				NENE			NWNE			SWNE			SENE	
		27		NESW			NWSW			SWSW			SESW	
				SESE										
07N		28		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SENE				
		33		NESW			SESW							
				NESE			NWSE			SWSE			SESE	
		34		NWNE			SWNE							
				NENW			NWNW			SWNW			SENE	
				NESW			NWSW			SWSW			SESW	
				NWSE			SWSE			SESE				
		35		SWSW			SESW							
				NESE			NWSE			SWSE			SESE	



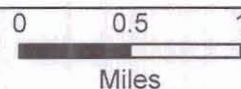
Attachment 2



Legend

-  RDC POD
-  RDC Service Area

Reed Ditch Company Service Area Boundary



Water Engineering, LLC
water resource consultants
400 E. River Park Lane Ste. 100, Suite 1000 83708
Tel: 208.363.4140 Fax: 208.363.8100



Attachment 2a

ET Idaho -- Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to kimberly.dot.wilcoxon@idaho.edu Copyright 2007, University of Idaho

Emmett 2 E (NWS NOAA--102942)

Statistics based on 30 years between 1974 to 2004

For a different land cover or crop click on the above link.

You can highlight this table and copy it to the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Alfalfa - frequent cuttings													
Precipitation Deficit (Click here for a graph)													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a
Mean	mm/day												mm
Monthly ^b	-0.45	0.12	0.88	3.06	4.34	5.34	5.76	4.64	3.14	1.55	-0.35	-0.61	856
15-Day Moving Average ^c	-0.47	0.01	0.56	3.13	4.41	5.67	6.09	4.79	3.14	1.53	-0.40	-0.58	
7-Day Moving Average ^d	-0.46	0.05	0.63	3.07	4.39	5.53	5.93	4.74	3.13	1.51	-0.43	-0.57	
3-Day Moving Average ^e	-0.45	0.12	0.66	3.08	4.34	5.42	5.80	4.67	3.13	1.53	-0.38	-0.59	
Standard Deviation	mm/day												mm
Monthly	0.93	0.35	0.90	0.92	1.78	0.74	0.62	0.82	0.96	0.94	0.79	0.83	70
15-Day Moving Average	0.93	0.46	0.91	1.17	1.54	1.33	1.04	1.07	1.43	0.97	1.07	0.53	
7-Day Moving Average	1.24	0.78	1.23	1.63	2.40	1.67	1.17	1.49	1.82	1.42	1.42	1.18	
3-Day Moving Average	1.58	1.19	1.85	2.27	3.04	2.43	1.92	1.86	2.20	1.90	1.92	1.69	
10% Exceedance	mm/day												mm
Monthly	0.08	0.38	1.07	3.36	5.30	6.04	5.97	5.03	3.85	1.86	0.30	0.05	915
15-Day Moving Average	0.36	0.80	1.58	4.76	6.94	7.54	7.59	6.26	4.74	2.82	1.05	0.39	
7-Day Moving Average	0.62	1.39	3.58	6.04	7.76	8.17	7.86	6.79	5.37	3.69	1.50	0.63	
3-Day Moving Average	0.85	1.86	3.37	7.23	8.55	8.85	8.47	7.14	5.98	4.24	1.85	0.62	
80% Exceedance	mm/day												mm
Monthly	-1.50	-0.29	0.28	3.31	3.43	4.00	3.18	4.24	2.55	1.15	-0.92	-1.30	730
15-Day Moving Average	-2.41	-0.76	-0.88	1.17	1.80	3.58	4.53	5.03	1.06	-0.14	-2.40	-3.34	
7-Day Moving Average	-2.40	-1.41	-2.18	-0.32	-0.51	1.49	2.64	1.80	-0.63	-2.01	-3.49	-3.84	
3-Day Moving Average	-3.63	-3.40	-4.97	-3.48	-3.41	-1.82	0.86	0.38	-2.53	-5.03	-6.31	-6.39	
Ave Highest ET	mm/day												
15-Day Moving Average ^f	0.23	0.51	1.38	4.16	6.77	6.77	7.06	5.79	4.18	2.39	0.64	0.30	
7-Day Moving Average ^g	0.46	1.13	3.23	5.22	7.00	7.64	7.32	6.43	4.84	3.19	1.02	0.46	
3-Day Moving Average ^h	0.72	1.60	3.08	6.21	7.94	8.13	8.03	6.95	5.26	3.69	1.51	0.67	
Ave Lowest ET	mm/day												
15-Day Moving Average ⁱ	-1.07	-0.22	-0.07	3.05	2.13	4.24	4.90	2.63	2.13	0.63	-1.17	-1.31	
7-Day Moving Average ^j	-1.97	-1.06	-1.09	0.75	0.84	2.36	2.18	2.37	0.94	-0.53	-2.36	-2.74	
3-Day Moving Average ^k	-3.83	-1.23	-2.82	-1.18	-1.82	0.79	1.76	1.17	-0.76	-2.18	-4.38	-4.36	
Special normal distribution parameters for monthly, seasonal, and annual intervals													
Slope	-0.74	-0.75	0.00	0.27	0.20	0.20	-0.27	-0.25	-1.03	-0.06	-0.78	-0.18	9.67
Kurtosis	0.70	2.79	0.94	2.69	0.92	2.70	1.43	0.99	3.61	0.72	3.24	0.91	5.69

^a Growing Season: This is usually the time from green up or planting in the spring to a killing frost or harvest in the fall. It is not applicable for entries without a growing season and will be blank.

^b Mean of the average daily value for month

^c Mean of the fourteen 15-day period averages contained in the month

^d Mean of the twenty three 7-day period averages contained in the month

^e Mean of the twenty seven 3-day period averages contained in the month

^f Mean of the highest/lowest 15-day period average in month

^g Mean of the highest/lowest 7-day period average in month

^h Mean of the highest/lowest 3-day period average in month

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This work and report were prepared by the University of Idaho Research and Extension Center at Kimberly, Idaho under contract with the Idaho Department of Water Resources. Work was supported by funding from IDWR and the Idaho Agricultural Experiment Station and Idaho Engineering Experiment Station. The authors gratefully acknowledge the long-term evapotranspiration data collection and long-standing advice provided by Dr. James L. Wright, USDA-ARS Kimberly (ret.), the more than two decades of high quality agricultural weather data collection by the U.S. Bureau of Reclamation Agricultural Station, and the very long-standing, reliable data collection by the hundreds of cooperative weather station volunteers across the state who, for more than one-hundred years, have faithfully observed daily air temperature and precipitation.

The citation for the evapotranspiration data used from this site should be: Allen, Richard G. and Clarence W. Robison, 2006 (Revised 2007). *Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho*. Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.

Questions regarding the data should be addressed to Clarence W. Robison or Richard G. Allen, University of Idaho, Kimberly Research and Extension Center, 3795 North 1600 East, Kimberly, ID 83341. Telephone (208) 423-6611.

To Whom It May Concern:

J & G Development, Inc. either owns or has the option to own the pond property that the Letha Irrigation & Water Company, Inc. and Reed Ditch Company transfers seek to mitigate. We have requested transfer applications be submitted on our behalf to mitigate an application for permit we filed with Idaho Department of Water Resources August 20, 2007 for ground water storage in three proposed ponds.

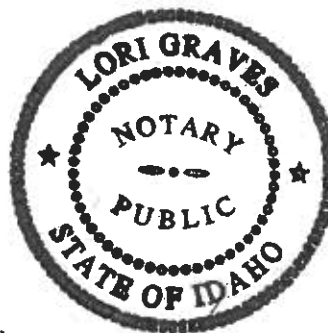
Larry A. Mendenhall, Vice Pres.
Signature

Sept. 19, 2007
Date

Subscribed and sworn to before me this 19th day of Sept, 2007.

Lori Graves
(Notary Public)

My commission expires 6/18/2010



Attachment 4

After Recording
Return to:

Alliance Title & Escrow Corp.
Attn: Marilyn Knighton
1022 S. Washington Avenue
Emmett, ID 83617-3533

Instrument # 252862

EMMETT, GEM, IDAHO

2006-06-30

04:05:00 No. of Pages: 5

Recorded for: ALLIANCE TITLE & ESCROW

SUSAN K. HOWARD

Fee: 15.00

Ex-Officio Recorder Deputy *Judy Evans*

Index to: WARRANTY DEED

FOR RECORDING INFORMATION**WARRANTY DEED**

FOR VALUE RECEIVED, William August Maki, a married person who acquired title as an unmarried person in and to a portion; and William A. Maki and Shanan L. Maki, husband and wife, as to an undivided one-half (1/2) interest, and Shawn M. Bean, an unmarried person, as to an undivided one-quarter (1/4) interest, and Jackie A. Maki, an unmarried person, as to an undivided one-quarter (1/4) interest, in and to a portion, collectively, as "**Grantor**," does hereby grant, bargain, sell and convey unto J & G Development, Inc., an Idaho corporation, as "**Grantee**," whose current address is 9175 W. State Street, Boise, Idaho 83714, the premises located in Gem County, Idaho, more specifically described on **Exhibit A** attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and Grantee's heirs and assigns forever. Said Grantor does hereby covenant to and with said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject as more particularly set forth on **Exhibit B** attached hereto and incorporated herein by reference, and those made, suffered or done by the Grantee; and subject to reservations, restrictions, dedications, easements, rights of way and agreements (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor shall warrant and defend the same from all lawful claims whatsoever.

Dated: June 30, 2006.

William August Maki
William August Maki

William A. Maki
William A. Maki

Shanan L. Maki
Shanan L. Maki

Jackie A. Maki
Jackie A. Maki

Shawn M. Bean
Shawn M. Bean

Jackie A. Maki
Jackie A. Maki

STATE OF IDAHO)
County of Yem) ss.

On this 30 day of June, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared William August Maki, known or identified to me to be the person who signed the within and foregoing document, 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 first above written.



Marilyn Knighton
Notary Public for Idaho
Residing at Emmett
My commission expires: 4-4-2011

STATE OF IDAHO)
County of Yem) ss.

On this 30 day of June, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared William A. Maki, known or identified to me to be the person who signed the within and foregoing document, 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 first above written.

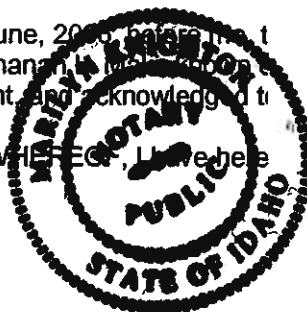


Marilyn Knighton
Notary Public for Idaho
Residing at Emmett
My commission expires: 4-4-2011

STATE OF IDAHO)
County of Yem) ss.

On this 30 day of June, 2006, before me, I personally appeared Shanan L. Maki, known or identified to me to be the person who signed the within and foregoing document, 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 first above written.



STATE OF IDAHO }
COUNTY OF Yem } ss.

On this 30 day of June in the year 2006, before me, a Notary Public, personally appeared Jackie A. Maki, L

known to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Shanan L. Maki and acknowledged to me that She subscribed the name of Shanan L. Maki thereto as principal, and (her) (his) own name attorney in fact.

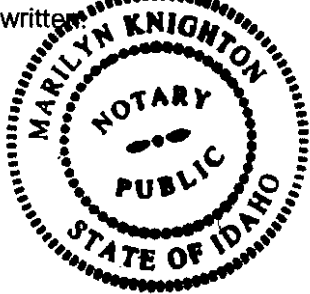
Residing at Emmett
Comm. Expires 4-4-2011

Marilyn Knighton
Notary Public

STATE OF IDAHO)
County of Blaine) ss.

On this 30 day of June, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Shawn M. Bean, known or identified to me to be the person who signed the within and foregoing document, 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 first above written.

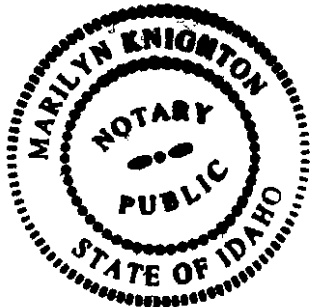


Marilyn Knighton
Notary Public for Idaho
Residing at Blaine
My commission expires: 4-4-2011

STATE OF IDAHO)
County of Blaine) ss.

On this 30 day of June, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Jackie A. Maki, known or identified to me to be the person who signed the within and foregoing document, 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 first above written.



Marilyn Knighton
Notary Public for Idaho
Residing at Blaine
My commission expires: 4-4-2011

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

PHASE 1 LEGAL DESCRIPTION

A parcel of land located in a portion of Section 1, Township 6 North, Range 3 West and a portion of Sections 6 and 7, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho and more particularly described as follows:

BEGINNING at a point at the intersection of the northerly right-of-way line of State Highway 52 and the West line of the SW 1/4 of the SE 1/4 of said Section 1 from which a 5/8 inch iron rod marking the South 1/4 corner of said Section 1 bears S00°07'21"W 1350.64 feet;
 Thence along said West line N00°07'21"E a distance of 1305.05 feet;
 Thence leaving said West line N89°59'38"E a distance of 530.00 feet;
 Thence N00°07'21"E a distance of 410.00 feet;
 Thence N89°27'27"E a distance of 756.19 feet;
 Thence S13°16'48"E a distance of 1112.15 feet;
 Thence S53°27'03"E a distance of 572.91 feet;
 Thence S06°32'17"E a distance of 403.92 feet;
 Thence S48°57'12"E a distance of 196.35 feet;
 Thence S59°21'26"E a distance of 50.93 feet;
 Thence along a curve to the right, having a radius of 780.86 feet, a delta angle of 46°11'13", a length of 629.46 feet, and whose long chord bears S43°56'03"E a distance of 612.56 feet;
 Thence N72°49'14"E a distance of 98.84 feet;
 Thence along a curve to the right, having a radius of 630.00 feet, a delta angle of 51°05'17", a length of 561.74 feet, and whose long chord bears S81°23'33"E a distance of 543.32 feet;
 Thence bearing S55°50'54"E a distance of 226.75 feet;
 Thence along a curve to the right, having a radius of 55.00 feet, a delta angle of 124°54'43", a length of 119.91 feet, and whose long chord bears S50°20'12"E a distance of 97.53 feet;
 Thence S62°36'54"E a distance of 316.16 feet;
 Thence S07°48'03"E a distance of 173.15 feet;
 Thence N88°21'20"W a distance of 258.81 feet;
 Thence S01°39'01"W a distance of 219.10 feet;
 Thence N88°20'59"W a distance of 978.29 feet;
 Thence N00°24'15"E a distance of 99.02 feet to a 5/8 inch iron rod marking the southeast corner of aforementioned Section 1;
 Thence along the South line of said Section 1 S89°48'16"W a distance of 1343.80 feet to a point on the intersection of the northerly right-of-way line of State Highway 52 and the South line of the SW 1/4 of the SE 1/4 of said Section 1 from which aforementioned 5/8 inch iron rod marking the South 1/4 corner bears S89°48'16"W a distance of 1283.93 feet;
 Thence along said northerly right-of-way line N43°34'41"W a distance of 1858.34 feet to the POINT OF BEGINNING.

Said parcel contains 5,772,067 sq. ft. or 132.50 acres more or less and is subject to any and all rights-of-ways and/or easements of record or implied.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes, including any assessments collected therewith, for the year 2006 which are a lien not yet payable.
2. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
Recorded: December 29, 1916.
Official Records: Book 1 of Patents at Page 415.
3. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
Recorded: May 9, 1902.
Official Records: Book 1 of Patents at Page 154.
4. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted to: State of Idaho.
Purpose: Public Highway.
Recorded: October 20, 1931.
Book 21 of Deeds. Purpose: Public Highway.
Page 81, of Official Records.
5. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted to: Tract to the northwest owned by Clines.
Purpose: ingress/egress.
Recorded: March 27, 1997.
Instrument No.: 194144, of Official Records.
6. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted to: United States of America.
Purpose: Public Utilities.
Recorded: October 22, 1947.
Book 31 of Deeds.
Instrument No.: 57908, of Official Records.
7. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted to: Charles Stevens and Pauline Stevens, husband and wife.
Purpose: ingress/egress and utility easement.
Recorded: June 15, 2004.
Instrument No.: 237195, of Official Records.
8. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted to: Shane VonWald and Julie VonWald, husband and wife.
Purpose: 18 foot wide ingress and egress easement.
Recorded: June 19, 2006.
Instrument No.: 252484, of Official Records.