

Transfer No. 70024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Initials & Date BVK-12-5-04
Initials & Date JWK-12-5-04

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT

Part 1

Name of applicant Sylvan D. & Barbara A. Williamson &/ or
Howell-Kiser Development Corp.

Phone (208) 376-3100

Post Office address 850 Williamson Lane, Eagle, Idaho 83616 & 619 Queens Guard Way, Boise, ID 83709

A. Purpose of Transfer

- ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☒ Other Split the right
- Describe the reason for the proposed changes See Attachment B. Development portion of split right shown in Part 1.

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
Portion of: <u>63-31496</u>	<u>4-1-1865</u>	<u>1.36 cfs</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
<u>63-31496</u>	<u>4-1-1865</u>	<u>0.22 cfs</u>	<u>Aesthetics</u>	<u>3/15 to 11/15</u>

2. Total amount of water being transferred 1.58 cubic feet per second and/or 355.5 acre-feet per annum.

3. Source of water Boise River tributary to Snake River

Source of water Groundwater tributary to Boise River (See Attachment B.)

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
1		NE	NE	21	4N	1E	Ada	Aesthetic Ponds (3)
2		NW	NE	21	4N	1E	Ada	Aesthetic Ponds (1)
	SW	SW	SE	16	4N	1E	Ada	RiversEnd Subdivision Pump Station (1)
7		SW	SE	16	4N	1E	Ada	Aesthetic Ponds (8)
8		SE	SE	16	4N	1E	Ada	Aesthetic Ponds (2)

See Attachments D1 & D2 for locations of ponds (14) and pump station (1), 15 PDs total.

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1E	16													6.0 J Lt 8	7.0 J Lt 7	30.8 J Lt 7	16.8 J Lt 8	60.6
4N	1E	21	13.1 J Lt 1	10.8 J Lt 2															23.9

RECEIVED

Total acres 68

JAN 05 2004

WATER RESOURCES
WESTERN REGION

Superseded 1/07/10

SCANNED

SEP 29 2009

PART 1

Transfer No. _____

6. General Information:

- a. Description of diversion system See Attachment B
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. See Attachment B.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: See Attachment B.
- d. Remarks: See Attachment B.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

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

**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

1. Right evidenced by: See Attachment C.

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 a 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

3. Source of water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:

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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9. Describe any other water rights used for the same purpose as described above None known.

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SEP 25 2009

PART 2

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

1. Amount
- 1.58 cfs
- for
- Irrigation
- purposes from
- 3/15 to 11/15
-
- (cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
6		SW	NE	22	4N	1E	Ada	Boise River

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1E	16													11	3.6	27.7	14.9	57.2
4N	1E	21	8.4	13.4															21.8

Total acres 79.0**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT**

1. Amount
- 0.33 cfs
- for
- Irrigation
- purposes from
- 3/15 to 11/15
-
- (cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
6		SW	NE	22	4N	1E	Ada	Boise River

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1E	16													1.1	1.4	7.3	3.1	12.9
4N	1E	21	2.0	1.6															3.6

Total acres 16.5**CC. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. Amount
- 4.09 cfs
- for
- Irrigation
- purposes from
- 3/15 to 11/15
-
- (cfs/ac-ft)

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

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
6		SW	NE	22	4N	1E	Ada	Boise River

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1E	15										4	35	10					49.0
4N	1E	16													12.9			17	29.9
4N	1E	21	24.6			5													29.6
4N	1E	22					30	38	5	15									88.0

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Total acres 196.5

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 3

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

SCALE: 2 inches equals 1 mile. Draw plan in ink.

See Attachment D 1 & D2

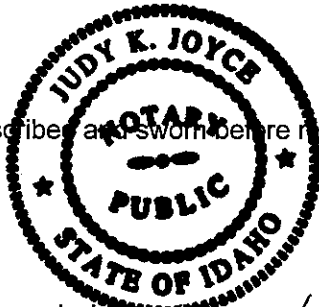
SCANNED

SEP 25 2009

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

1. New Nature of Use Amount (cfs/ac-ft) Hours/days/year Period of Use
Aesthetics 0.22 cfs 24 hr/da, 215 da/yr 3/15 to 11/15
_____ to _____
2. Quantity and quality of return flows and location of discharge: Use is makeup for evaporation from ponds without surface connection to any other water source.
3. Describe effects on other water uses resulting from the proposed change: None, source for aesthetics is shallow ground water tributary to the Boise River. Depletion will be limited to pond surface evaporation, rather than evapotranspiration from irrigated crops, thus river diversion will be reduced and shallow ground water contribution will be reduced by depletion effect of prior irrigation. Peak diversion rate has been maintained to account for peak hour diversion but annual diversion will be limited to evaporation amount.

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.

 X. Sylvan Williamson
(Signature of Applicant)
Subscribed and sworn before me this 29th day of April, 20 02.
Judy K. Joyce
(Notary Public)
My commission expires 12-21-05

 Heard Vineyard, Corp.
by: Jessie D. Vine
(Signature of Applicant)
Subscribed and sworn before me this 29th day of April, 20 02.
Judy K. Joyce
(Notary Public)
My commission expires 12-21-05

FOR DEPARTMENT USE ONLY

Transfer contains 67 pages and 44 attachments
Received by JL Date 4/30/02 Protest filed by _____
Prelim. check by JL Fee \$290
Receipted by JL for JL Date 2/26/02 W028795 per original application
Published in THE IDAHO STATESMAN Copies of protest forwarded by _____
Pub. Dates 7-19 & 25-02 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial
_____ rec'd. _____ by _____
Copy of transfer sent to lien holder _____

Signature continued
NEXT PAGE

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SEP 25 2009

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount (cfs/ac-ft) Hours/days/year Period of Use
Aesthetics 0.22 cfs 24 hr/da, 215 da/yr 3/15 to 11/15
_____ to _____
2. Quantity and quality of return flows and location of discharge: Use is makeup for evaporation from ponds without surface connection to any other water source.
3. Describe effects on other water uses resulting from the proposed change: None, source for aesthetics is shallow ground water tributary to the Boise River. Depletion will be limited to pond surface evaporation, rather than evapotranspiration from irrigated crops, thus river diversion will be reduced and shallow ground water contribution will be reduced by depletion effect of prior irrigation. Peak diversion rate has been maintained to account for peak hour diversion but annual diversion will be limited to evaporation amount. *↑ duplicates pg. 6*

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.

Barbara Williamson

(Signature of Applicant)

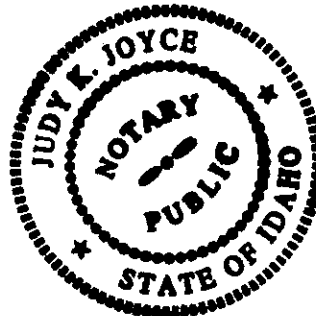
Subscribed and sworn before me this 5th day of JANUARY, 20 04.

Judy K. Joyce

(Notary Public)

My commission expires 12-21-05

Signature continues ↑



SCANNED

SEP 25 2009

8245460

CORPORATION WARRANTY DEED

THIS INDENTURE Made this 31st day of December,
in the year of our Lord one thousand nine hundred and sixty-five
between HAMMOND LIVESTOCK, INC., a California corporation authorized
to do business in the State of Idaho, and having its principal
office in Idaho at Eagle, in the County of Ada, party of the first
part, and SYLVAN D. WILLIAMSON and BARBARA A. WILLIAMSON, husband
and wife, of Vale, County of Malheur, State of Oregon, parties of
the second part,

WITNESSETH, That the said party of the first part, having
been hereunto duly authorized by resolution of its Board of
Directors, for and in consideration of the sum of TEN AND NO/100
DOLLARS (\$10.00), lawful money of the United States of America,
and other good and valuable considerations, to it in hand paid
by the said parties of the second part, the receipt whereof is
hereby acknowledged, has granted, bargained and sold, and by
these presents does grant, bargain, sell, convey and confirm unto
the said parties of the second part, and to their heirs and as-
signs forever, all the following described real estate situated
in the County of Ada, State of Idaho, to wit:

Lots 5 and 6 in Section 15; 4.5 W $\frac{1}{2}$ SW 4.6 SE $\frac{1}{2}$ SW

Lots 7 and 8 in Section 16; 4.7 W $\frac{1}{2}$ SE 4.8 E $\frac{1}{2}$ SE

Lot 1 and an irregular tract contained in Lot 2 in Section
21, described as follows:

4.1 E $\frac{1}{2}$ NE
4.2 NWNE

Beginning at the section corner common to Sections 15,
17, 20 and 21, Township 4 North, Range 1 East of the
Boise Meridian, thence on a bearing of North 88° 18'
East which bears 90° 18' East of the West Quarter corner
of Section 21, according to Idaho State Highway Depart-
ment road survey maps, a distance of 222.90 feet to
the real; int of beginning; thence on a bearing of North
distance of 222.90 feet to the Boise River; thence

P/a in A63-270 Account for in this

deed. -FL 11/26/03

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SEP 25 2009

163.56 feet along the bank of the Boise River to a point; thence South 88° 41' East a distance of 237.60 feet along the bank of the Boise River to a point; thence South 46° 29' East a distance of 331.53 feet along the bank of the Boise River to a point; thence South 61° 16' East a distance of 352.80 feet along the bank of the Boise River to a point; thence North 81° 31' East a distance of 279.22 feet along the bank of an old channel of the Boise River to a point; thence North 25° 38' West a distance of 204.90 feet along the bank of an old channel of the Boise River to a point; thence North 56° 32' East a distance of 165.38 feet along the bank of an old channel of the Boise River to a point; thence North 0° 27' West a distance of 258.00 feet to a point; thence South 89° 46' West a distance of 1268.95 feet to the real point of beginning;

Lots 2, 3, 4 and 9 in Section 22;

L. 3 $\frac{1}{2}$ NW
L. 4 $\frac{1}{2}$ NW

ALSO, a tract of land lying in Sections 15 and 22, described as follows:

Commencing at a point on the section line 18.205 chains South of the corner common to Sections 14, 15, 22 and 23, Township 4 North, Range 1 East of the Boise Meridian, and running thence South 1.85 chains; thence West 19.975 chains; thence North 27.50 chains; thence South 58° 39' East 5.40 chains; thence South 30° 45' East 6.0 chains; thence South 12° 30' East 3.80 chains; thence South 31° East 4.50 chains; thence South 30° 45' East 9.60 chains; thence South 65° 15' East 4.63 chains to the place of beginning;

all being in Township 4 North, Range 1 East of the Boise Meridian, in Ada County, Idaho;

EXCEPT that portion lying within Lot 9, Section 22, Township 4 North, Range 1 East of the Boise Meridian;

ALSO EXCEPTING THEREFROM portions of Lot 1, Section 15; Lot 1, Section 22; and adjacent accretion land; all in Township 4 North, Range 1 East of the Boise Meridian in Ada County, Idaho, more particularly described as follows:

Commencing at the corner common to Sections 14, 15, 22, 23, Township 4 North, Range 1 East of the Boise Meridian; thence North along the Easterly line of said Section 15, 620.40 feet to a point; thence West 1,318.01 feet to a point; thence South 0° 07' East 127.71 feet to the REAL POINT OF BEGINNING; thence South 58° 39' East 356.4 feet to a point; thence South 30° 45' East 396.0 feet to a point; thence South 12° 30' East 250.8 feet to a point; thence South 31° 05' East 246.87 feet to a point on the north bank of the Boise River; thence along the bank of the Boise River South 85° 35' West 221.58 feet to a point; thence along the said north bank North 49° 03' West 610.90 feet to a point; thence North 59.29 feet to the REAL POINT OF BEGINNING;

Together with all water, water rights, minerals and rights of way for districts appurtenant thereto or in anywise appurtenant;

Attachment A.

SCANNED

SEP 25 2009

SUBJECT TO easement to provide a means of ingress and egress to and from the County Road running North and South between the Village of Eagle, Ada County, Idaho and United States Highway No. 20, by instrument recorded November 23, 1965, recorder's instrument No. 403207, records of Ada County, Idaho;

SUBJECT TO right of way granted by Karl Fischer and Bernice Fischer to The Mountain States Telephone and Telegraph Co., by instrument recorded July 1, 1936 in Book 14 of Miscellaneous at page 621, records of Ada County, Idaho, and specifically covers the overhang of 2 cross-arms, a distance of 4 feet from the above property;

SUBJECT TO power line easement as granted by Karl Fischer and Bernice Fischer, his wife, to IDAHO POWER COMPANY, a corporation, by instrument recorded September 18, 1931, recorder's instrument No. *, records of Ada County, Idaho, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system. *Book 13 of Miscellaneous at page 24;

SUBJECT TO power line easement as granted by Dwight Pline and Ardyce Pline, to IDAHO POWER COMPANY, a corporation, by instrument recorded April 4, 1961, recorder's instrument No. 499980, records of Ada County, Idaho, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system;

SUBJECT TO any claim arising from the difference in the mean high water line of the Boise River and the meander line as shown by the Government Survey;

SUBJECT TO easement as granted by George E. Fletcher to Salt Lake Pipe Line Company, by instrument recorded March 1, 1950, recorder's instrument No. 298075, records of Ada County, Idaho;

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the

Attachment A
-3-

SCANNED

SEP 25 2009

parties of the second part, and to their heirs and assigns forever. And the said party of the first part, and its successors, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said party of the first part, and its successors, and against all and every person whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The party of the first part has caused its corporate name to be hereunto subscribed by its _____ President and its corporate seal to be affixed by its _____ Secretary in pursuance to said resolution the day and year first above written.

Ada County, Idaho, ss.

Request of

HAMMOND LIVESTOCK, INC.

TIME 11:25 A.M.

DATE 12-9-80

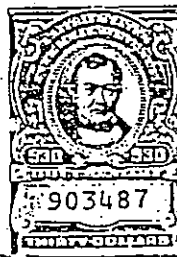
JOHN BASTIDA

RECORDER

By _____ Deputy

By W.E. Hammond
Its President

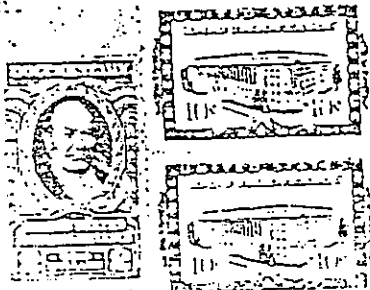
By Robert L. Alexander
Secretary



STATE OF IDAHO)
County of Canyon) ss.

On this 31st day of December, in the year 1965, before me, the undersigned, a notary public in and for said state, personally appeared W.E. Hammond, known to me to be the _____ President of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Robert L. Alexander
Notary Public for Idaho
Residing at Caldwell, Idaho

Attachment A

SCANNED
SEP 25 2009

2134675R

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 HR -6 PM 4:05

RECORDED - REQUEST OF

FEE 21- DEPUTY

102027437

PIONEER TITLE

WARRANTY DEED

GRANTOR: Sylvan D. Williamson and Barbara A. Williamson

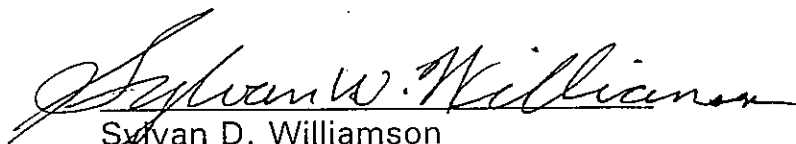
GRANTEE: Howell-Kiser Development Corporation

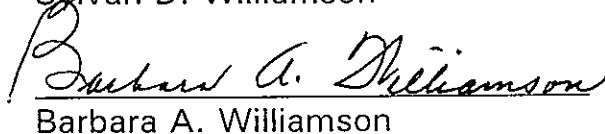
GRANTEE'S ADDRESS: 619 Queens Guard way, Boise, Idaho 83709

For good and valuable consideration the receipt of which is hereby acknowledged Grantor hereby CONVEYS, GRANTS and WARRANTS unto the Grantee that real property located in Ada County, State of Idaho, legally described on Exhibit A attached hereto, and depicted on Exhibit B attached hereto.

To have and to hold the said premises, together with all appurtenances thereto, unto the Grantee, and Grantees heirs and assigns forever. Grantor does hereby warrant to and with said Grantee that Grantor is the owner in fee simple of said premises and that said premises are free from all encumbrances except 2002 real property taxes, and those encumbrances set out in that Pioneer Title Commitment Schedule C attached hereto.

DATED This 5 day of March, 2002.


Sylvan D. Williamson


Barbara A. Williamson

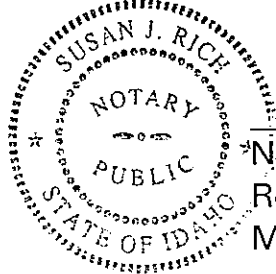
SCANNED

SEP 25 2002

STATE OF IDAHO,)
 (ss.
COUNTY OF ADA,)

On this 5 day of March, 2002, before me, the undersigned a Notary Public in and for said State, personally appeared Sylvan D. Williamson and Barbara A. Williamson, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Susan J. Rich
Notary Public for Idaho
Residing in Boise, Idaho
My Commission Expires: 5-5-2005

SCANNED

070 0 P 2000

EXHIBIT A

A parcel of land being portions of Government Lots 7 and 8 of Section 16, Township 4 North, Range 1 East, Boise Meridian, and portions of Government Lots 1 and 2 of Section 21, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at a 5/8 inch iron pin monument from which an aluminum cap monument marking the South quarter corner of said Section 16 bears South 88 degrees 44'02" West, 83.41 feet and from said South quarter corner a brass cap monument marking the Southeast corner of said Section 16 bears South 89 degrees 43'52" East, 2665.11 feet;
Thence North 00 degrees 10'21" West, 539.93 feet, said point being the real point of beginning;
Thence continuing North 00 degrees 10'21" West, 102.81 feet;
Thence North 01 degree 11'30" West, 10.61 feet;
Thence North 80 degrees 30'48" West, 73.11 feet to a point on the Westerly boundary line of the Southeast quarter of said Section 16, also being the Easterly boundary line of Island Woods Subdivision No. 4, as recorded in Book 76 of Plats at Page 8000, records of Ada County, Idaho;
Thence along said boundary lines also being the Eastern terminus of Island Woods Drive right-of-way North 00 degrees 46'59" East, 60.70 feet;
Thence leaving said boundary lines South 80 degrees 30'48" East, 70.98 feet;
Thence North 01 degree 11'30" West, 25.44 feet;
Thence South 80 degrees 30'48" East, 16.03 feet to the beginning of a tangent curve to the left;
Thence along said curve 210.41 feet, said curve having a radius of 626.43 feet, a central angle of 19 degrees 14'41" and a long chord of 209.42 feet which bears North 89 degrees 51'52" East;
Thence North 80 degrees 14'31" East, 231.68 feet to the beginning of a tangent curve to the right;
Thence along said curve 292.72 feet, said curve having a radius of 755.00 feet, a central angle of 22 degrees 12'51" and a long chord of 290.89 feet which bears South 88 degrees 39'03" East to the beginning of a compound curve to the right;
Thence along said curve 733.39 feet, said curve having a radius of 1675.00 feet, a central angle of 25 degrees 05'11" and a long chord of 727.54 feet which bears South 65 degrees 00'02" East;
Thence South 52 degrees 27'26" East, 450.91 feet;
Thence South 01 degree 35'37" East, 342.55 feet;
Thence South 78 degrees 48'22" East, 35.89 feet;
Thence South 01 degree 35'37" East, 226.71 feet;
Thence South 26 degrees 23'08" East, 404.47 feet;
Thence South 75 degrees 58'21" East, 340.40 feet;
Thence South 00 degrees 00'00" West, 185.42 feet;
Thence North 80 degrees 07'33" West, 552.74 feet;
Thence North 00 degrees 00'00" East, 511.33 feet;
Thence North 65 degrees 30'58" West 165.19 feet;
Thence North 57 degrees 52'05" West, 33.45 feet to the beginning of a non-tangent curve to the right;
Thence along said curve 93.29 feet, said curve having a radius of 345.00 feet, a central angle of 15 degrees 29'36" and a long chord of 93.01 feet which bears South 12 degrees 24'56" West;
Thence North 66 degrees 38'36" West, 154.03 feet;
Thence North 78 degrees 56'34" West 262.83 feet;
Thence North 66 degrees 09'58" West, 25.84 feet;
Thence North 22 degrees 21'09" West, 41.44 feet to the beginning of a non-tangent curve to the right;
Thence along said curve 108.08 feet, said curve having a radius of 50.50 feet, a central angle of 122 degrees 37'19" and a long chord of 88.60 feet which bears North 69 degrees 53'39" West;
Thence South 69 degrees 59'10" West, 48.87 feet;
Thence North 60 degrees 54'59" West, 327.04 feet;
Thence North 25 degrees 52'18" West, 86.06 feet;
Thence North 50 degrees 27'23" West, 400.95 feet;
Thence North 32 degrees 26'42" East, 70.23 feet;
Thence North 57 degrees 33'18" West, 30.00 feet;
Thence South 32 degrees 26'42" West, 71.47 feet to the beginning of a tangent curve to the right;
Thence along said curve 25.13 feet, said curve having a radius of 509.92 feet, a central angle of 2 degrees 49'24" and a long chord of 25.13 feet which bears South 31 degrees 02'00" West;
Thence North 48 degrees 34'58" West, 449.92 feet to the real point of beginning.

SCANNED
* L.7 W 1/2 SE
L.8 E 1/2 SE SEP 25 2009
L.1 NENE
L.2 NWNB NOTES - SB 11/24/13



038=π48.3458w 449.92

SEP 15 2000

Schedule C

COMMITMENT

[illegible]

SPECIAL EXCEPTIONS

Order Number: 213467

1. General taxes for the year, 2001, which are liens, of which first half is due December 20th and second half is due June 20th, shown without penalty and interest. Parcel No. 243-S0516449000

Tax Charge	Total Payments	Amount Due 1 st Half	Amount Due 2 nd Half	Total Due
\$1,686.00	\$865.32	\$0	\$820.68	\$820.68

Said taxes affect said premises and other lands.

2. General taxes for the year 2002, which are liens, are not yet due and payable.

3. Sewerage charges and special assessment powers of the City of Eagle. No special assessments now show of record.

4. Liens and assessments of the following district and the rights and powers thereof as provided by law. No delinquencies appear in the county recorder's office.

District: Old Thurman Mill Ditch Company; Little Union Ditch Company; Boise Valley Ditch Company; New Union Ditch Company; Pioneer Irrigation Ditch Company; Settlers Irrigation District

5. Any question that may arise due to shifting or change in the course of the river or creek herein named, or due to said river or creek having changed its course.

Name of River/Creek: Boise River

6. Right of the State of Idaho in and to the portion of said premises, if any, lying in the bed or the former bed of the Boise River.

7. Any adverse claim based upon the assertion that:

A. Said land or any part thereof is now or at any time has been below the ordinary high water mark of the Boise River.

B. Some portion of said land has been created by artificial means or has accreted to such portion so created

C. Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Boise River, or has been formed by accretion to such portion so created.

8. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein

For: Power line easement

In Favor of: Idaho Power Company, a corporation

Recorded: September 18, 1931

Instrument No.: 146174

Filed in: 13 Misc., Page 24

Schedule C

COMMITMENT

A large grid of 60 small QR codes arranged in 4 rows and 15 columns.

SPECIAL EXCEPTIONS

Order Number: 213467

9. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein
For: Pipe lines and appurtenances thereof
In Favor of: Salt Lake Pipe Line Company
Recorded: March 1, 1950
Instrument No.: 298075
Filed in: 22 Misc., Page 337
NOTE: Clarification Agreement recorded under Instrument No. 331476
10. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein
For: The right to cross the lands of the grantor to reach the diversion works
In Favor of: Pioneer Irrigation District
Recorded: November 23, 1956
Instrument No.: 403207
11. Terms and provisions of agreement for abandonment of easement and/or private roadway
Recorded: December 4, 1992
Instrument No.: 9284462
Supplement to said agreement
Recorded: April 19, 1993
Instrument No.: 9327823
Second supplement to said agreement
Recorded: January 12, 1993
Instrument No.: 9302796
Re-recorded: April 19, 1993
Instrument No.: 9327824
12. Terms and provisions of grant of easement for ingress and egress
Recorded: December 7, 1992
Instrument No.: 9284469
13. Terms and provisions of right-of-way option
To: Idaho Power Company
Recorded: August 8, 1995
Instrument No.: 95055001

Schedule C

[illegible]

SPECIAL EXCEPTIONS

Order Number: 213467

14. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein
For: Roadway easement
In Favor of: Idaho Power Company, a corporation
Recorded: December 29, 1995
Instrument No.: 95095607
15. Matters disclosed by Record of Survey
Recorded: March 22, 2000
Instrument No.: 100021435
Survey No.: 4923
16. Matters disclosed by Record of Survey
Recorded: March 22, 2000
Instrument No.: 100021436
Survey No.: 4924

End Of Exceptions

NOTE: Matters dependent upon inspection of the premises have been cleared for Extended Mortgage's Policy as of date set forth herein. Paragraphs 1 thru 6 of the General Exceptions Schedule B will be eliminated on said policy. ALTA Mortgagee's Policy when issued will contain the ALTA 100 Endorsement.
Dated: February 11, 2002

NOTE: There is no notice of record and therefore no search has been made for any unpaid assessments, charges or fees for sewer, water, garbage, irrigation or other possible utility services.

NOTE: If the proposed insured under the Policy to issue has any questions concerning the coverage or exclusions from coverage, the Company will be pleased to provide an explanation.

NOTE: Pursuant to the State of Idaho Insurance Regulations, a cancellation fee is to be charged on all canceled orders. Unless otherwise advised, orders will be considered canceled 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.

ATTACHMENT B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR TRANSFER OF WATER RIGHT**

Summary

The purpose of this application for transfer of water right is to add diversion points for water right #63-270, to split the water right into three parts, and to change the nature of use from irrigation of 11 acres to make up the evaporation from 11 acres of aesthetic ponds. A new subdivision called RiversEnd Subdivision will be developed on 106.8-acres of existing farmland currently owned by the applicant, Sylvan Williamson. An additional diversion point is needed to supply irrigation water directly to the pressurized irrigation system for RiversEnd Subdivision rather than piping the irrigation water from the existing diversion point. Splitting the water right is needed to specify the amount of irrigation water diverted to each diversion point and to quantify the 0.33 cfs of irrigation water for 16.5 acres that will no longer be needed due to the development of impervious areas. Sylvan Williamson has not yet decided whether to sell, lease, or transfer the non-use portion of the water right, but understands that after 5 consecutive years of non-use, that portion of the water right may be lost.

The subdivision land is under contract with co-applicant Howell-Kiser Development Corporation to be purchased and developed in four phases over a period of a few years. Therefore, after approval of this application, the transfer of water rights to the new diversion points will occur each time a phase of RiversEnd Subdivision is developed and a transfer of ownership is filed. A summary of the phase transfers is shown in Table-1. Howell-Kiser Development Corporation understands and agrees to the proposed changes.

Table-1 Phase Transfer

Phase	Amount for New Diversion Point per Phase	Total Amount for New Diversion Point	Leftover Non-use Portion of Water Right per Phase	Total Leftover Non-use Portion of Water Right	Remaining Amount for Existing Diversion Point
1	0.51-cfs (25.5")	0.51-cfs (25.5")	0.13-cfs (6.5")	0.13-cfs (6.5")	5.36-cfs (268.0")
2	0.42-cfs (20.8")	0.93-cfs (46.3")	0.11-cfs (5.5")	0.24-cfs (12.0")	4.83-cfs (241.7")
3	0.36-cfs (18.2")	1.29-cfs (64.5")	0.02-cfs (1.0")	0.26-cfs (13.0")	4.45-cfs (222.5")
4	0.29-cfs (14.5")	1.58-cfs (79.0")	0.07-cfs (3.5")	0.33-cfs (16.5")	4.09-cfs (204.5")

The quantity of water right for the land is calculated as 1" or 0.02-cfs per irrigated acre. The amount of historically irrigated acres in RiversEnd Subdivision is 95.5-acres. This equates to 1.91-cfs (95.5"). However, since the land is being developed for a 141-lot single-family residential subdivision, there will be 16.5-acres of impervious areas including paved streets and houses that will no longer be irrigated, hence the 0.33-cfs (16.5") of non-use water right. There will also be 15 amenity ponds with a surface area of 11.0-acres that will be constructed in RiversEnd Subdivision. This leaves 68.0-acres that are actually irrigated by the pressurized irrigation system. This equates to 1.36-cfs (68.0") that will supply the pump-station to irrigate all of the lots in the subdivision. Each lot will be provided a service line with an average rate of 4-gpm. The pressurized irrigation system will be supplied by irrigation water rather than the potable water provided by United Water Idaho. This is required by Eagle City when water rights for the property are available.

The 11 acres of ponds will be supplied by water under a combination of water rights. A companion application for permit is intended to provide the storage water in the ponds. The ponds are located on land previously irrigated under this water right and this transfer proposes to change 11 acres of irrigation and 0.22 cfs of diversion rate to aesthetic use for the evaporation that will occur from the ponds. There will not

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SEP 25 2009

however, be a separate diversion for any of the ponds as they will be filled for both storage and evaporation by the shallow groundwater that infiltrates into the pond and is otherwise tributary to the Boise River. The evapotranspiration from the previously irrigated land should closely match the evaporation from the free water surface of the ponds justifying an acre for acre conversion from irrigation to ponds.

Water right #63-270 has a diversion rate of 6.0-cfs (300.0") for 300-irrigable acres. The place of use for the water right will not change; however, the number of irrigable acres will be reduced due to the development of RiversEnd Subdivision. The existing farmland outside of RiversEnd Subdivision will continue to be farmed by Sylvan Williamson by receiving irrigation water from the existing diversion point. When each phase of RiversEnd Subdivision is completed, the land will be irrigated from the new point of diversion. The applicant Williamson is the only water user from the existing diversion point, so no other water users will be affected by changes to the water right.

The new irrigation diversion point will consist of a pump-station located near the west entrance of RiversEnd Subdivision. The pump-station will draw irrigation water from a pond that is filled with shallow groundwater linked to the Boise River. The pump will be sized to only allow a maximum flow rate of 1.36-cfs (68.0"). The Boise River Water Master will be given a key for access to the pump-station to control operation, and a flow meter will be installed outside of the pump-station so the Water Master can verify use with a glance. The Water Master will be able to start or stop the pump-station to ensure that the pump-station operates only during the irrigation season. They can also vary the flows below the 1.36-cfs (68.0") maximum, in the case of a drought water year when water rights need to be reduced.

RiversEnd Subdivision will be designed so that all excess water that is not absorbed into the ground will flow back to the ponds, but before discharging into the ponds, the water will be cleaned and filtered by standards accepted by the Department of Environmental Quality. Irrigation water from the existing point of diversion will continue to flow through open ditches and used for irrigation. Any leftover irrigation water from the existing diversion point will continue to flow to an existing drain ditch that leads back to the north channel of the Boise River.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-270

WATER RIGHT NUMBER: 63-270

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA A WILLIAMSON 850 WILLIAMSON LN EAGLE, ID 83616 (208)939-6287
Original Owner	LOUISE SIMONSON
	, ZZ
Current Owner	SYLVAN D WILLIAMSON 850 WILLIAMSON LN EAGLE, ID 83616 (208)939-6287

*Prior to 6/02, transfer
would have acted on
this ~~big~~ record.*

Priority Date: 04/01/1865

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	6.000 CFS	
	<u>Total Diversion:</u>	6.000 CFS	1,350.00 AF

Location of Point(s) of Diversion

BOISE RIVER	L6 SW1/4NE1/4	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	15									4.0	35.0	10.0						49.0
04N	01E	16													25.0	5.0	35.0	35.0	100.0
															L 8	L 7	L 7	L 8	
04N	01E	21	35.0	15.0		5.0													55.0
			L 1	L 2		L 2													
04N	01E	22					38.0	38.0	5.0	15.0									96.0
							L 3	L 4	L 5	L 6									

Total Acres: 300

Conditions of Approval:

SCANNED

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-270

Remarks:

1. General THIS CLAIM REPRESENTS A TRANSFER OF THE PLACE OF USE TO THE ACRES LISTED IN THIS SRBA CLAIM.

Comments:

Dates and Other Information:

Claim Received Date: 7/5/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: And
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SCANNED

SEP 25 2009

Attachment C.1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-31496

WATER RIGHT NUMBER: 63-31496

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA A WILLIAMSON 850 WILLIAMSON LN EAGLE, ID 83616 (208)939-6287
Original Owner	LOUISE SIMONSON , ZZ
Current Owner	SYLVAN D WILLIAMSON 850 WILLIAMSON LN EAGLE, ID 83616 (208)939-6287

After 6/02, transfer
will act on this
Record, which shows
Right held by Williamsons.

Priority Date: 04/01/1865

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	5.840 CFS	1,314.00 AF
	<u>Total Diversion:</u>	5.840 CFS	1,314.00 AF

Location of Point(s) of Diversion

BOISE RIVER	L6 SW1/4NE1/4	Sec. 22, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	15									4.0	35.0	10.0						49.0
													L 5						
04N	01E	16													25.0	5.0	35.0	35.0	100.0
															L 8	L 7	L 7	L 8	
04N	01E	21	35.0	15.0		5.0													55.0
			L 1	L 2		L 2													
04N	01E	22					30.0	38.0	5.0	15.0									88.0
							L 3	L 4	L 5	L 6									

Total Acres: 292

Conditions of Approval:

ATTACHMENT C 2

SCANNED

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31496

Remarks:

1. General THIS CLAIM REPRESENTS A TRANSFER OF THE PLACE OF USE TO THE ACRES LISTED IN THIS SRBA CLAIM.
2. General This claim is the result of a split due to change in ownership for a portion of 63-270. DH 6/3/2002

Comments:

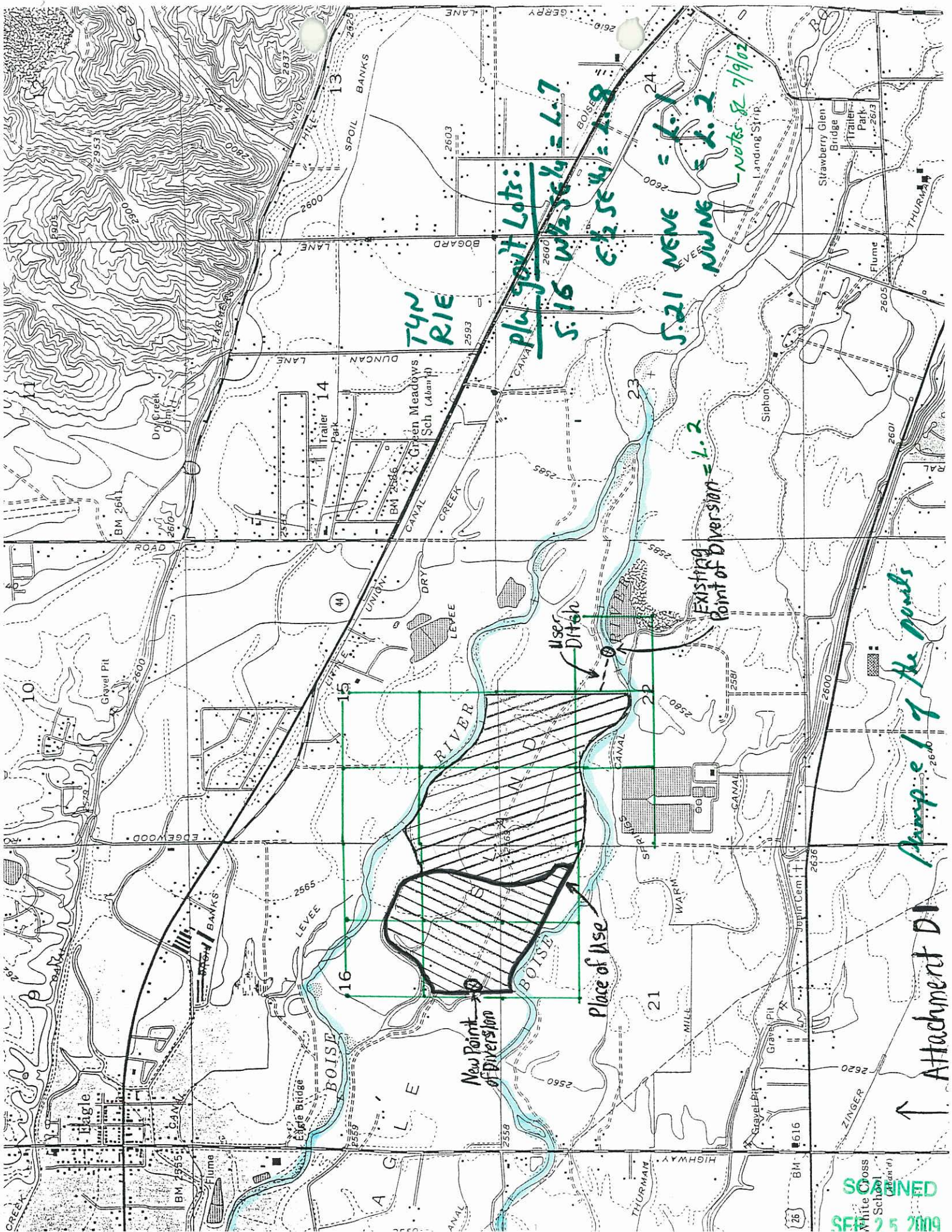
Dates and Other Information:

Claim Received Date: 7/5/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

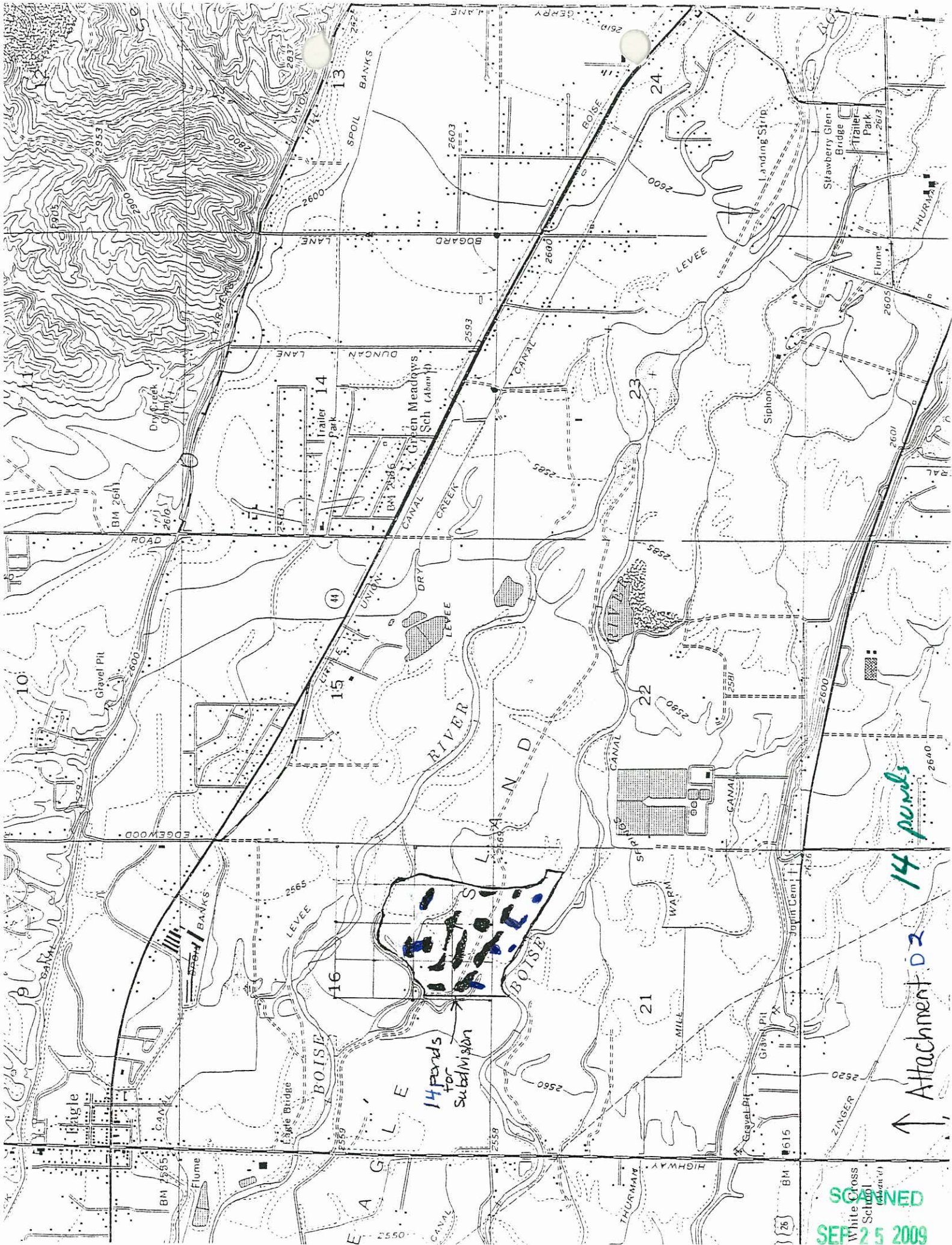
ATTACHMENT C2

SCANNED

SEP 25 2019



↑ Attachment D1 Purpose of the ponds



14 ponds
for
subdivision

14 ponds

↑ Attachment D2