

APPLICATION FOR TRANSFER 76412

ORIGINALLY 3 APPLICATIONS

73764

73765

75556

FOR 2 RELATED RESERVOIRS

BLACKHAWK LAKE (FORMERLY UPPER HAIT)

BANANA LAKE (FORMERLY LOWER HAIT)

COMBINED & RENUMBERED BY IDWR AS 76412

NO APPL FORM WITH THIS #

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESBANANA LakeAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Blackhawk Partners, LLC Phone (208) 634-6050Post Office address 112 N. 3rd St., McCall, ID 83638

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 Lower Hait Reservoir (now known as "Banana Lake") were originally developed to store spring run-off in Duffner Creek for irrigation use later in the season. Subdivision and development has occurred in the vicinity of Banana Lake and it is no longer desirable to lower the level of the reservoir to provide irrigation water. The claimant is proposing to change the nature of use of the irrigation storage component of the water right to represent the new aesthetic use.

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
65-7535 03/03/1975 20.0 ac-ft aesthetic storage 04/01 to 05/01
2. Total amount of water being transferred _____ cubic feet per second and/or 20 acre-feet per annum.
3. Source of water Duffner Creek tributary to North Fork Payette River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	02	17N	02E	Valley	Lower Hait Reservoir dam

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	
18N	02E	02													AS				

AS = Aesthetic Storage

RECEIVED

APR 05 2007

WATER RESOURCES
WESTERN REGION

PART 1

6. General Information:

- a. Description of diversion system dam impounding Lower Hait Reservoir (now known as "Banana Lake")

- 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:
The portion of the original place of use in the SWSE, S01, T17N, R02E will continue to be irrigated with the live-flow component of water right 65-7052E. The season of use during which irrigation occurs may be shortened by the lack of irrigation storage in Blackhawk Lake. The reaining tract of the original place of use will no longer be irrigated from Duffner Creek.

- d. Remarks:

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 copy of "Water Right Report" obtained from IDWR's online database)

1. Right as evidenced by:

- a. Decree No. 65-7535 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 _____

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 65-2946C, 65-7052E

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

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

1. amount _____ 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 _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ 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 _____

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

04/03/2007

WATER RIGHT NO. 65-7535

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	L B INDUSTRIES INC 5983 W STATE ST #D BOISE, ID 83703 (208)424-2022
Original Owner	JAMES M HAIT 8047 CHARDONAY CT SAN JOSE, CA 95135 (408)274-9248

Priority Date: 03/03/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
DUFFNER CREEK	NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	4/01	5/01		20 AFA
IRRIGATION FROM STORAGE	6/01	9/01		20 AFA
Total Diversion			20 AFA	

Location of Point(s) of Diversion:

DUFFNER CREEK Rediversion	SWSW	Sec. 01	Township 17N	Range 02E	VALLEY County
DUFFNER CREEK	NESE	Sec. 02	Township 17N	Range 02E	VALLEY County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE VALLEY County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
17N	02E	1	8	NWSE	5	9	SWSE	5						

Total Acres: 10

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Conditions of Approval:

1. C18 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. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 10/31/2000

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 65

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

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DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- 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.

See attached map

Attachment B

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>20 ac-ft</u>		<u>04/01</u> to <u>05/01</u>
				to _____

Quantity and quality of return flows and location of discharge: Change in nature of use is from irrigation storage to aesthetic storage; the location and quantity of return flows will not change. The quality of return flows may improve when the water is not used for irrigation.

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

No anticipated effects.

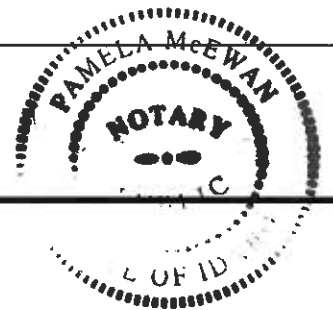
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 4th day of April, 2007

Pamela McEwan
(Notary Public)

My commission expires 3/30/2011

**FOR DEPARTMENT USE ONLY**

Transfer contains 8 pages and 2 attachments

Received by DB Date 4-5-07 Protest filed by _____

Prelim. Check by VLM Fee \$100 -

Received by DB / W035237 Date 4-5-07

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
415 Railroad
McCall, ID 83638

Rerecord to correct verbage in
the legal description

Instrument # 304208
VALLEY COUNTY, CASCADE, IDAHO
2005-12-22 06:11:38 No. of Pages: 14
Recorded for: FIRST AMERICAN TITLE
LELAND G. HENRICH
Ex-Officio Recorder Deputy Fee: 42.00
Date for Filing:

Instrument # 308133
VALLEY COUNTY, CASCADE, IDAHO
2006-04-24 03:45:58 No. of Pages: 14
Space Above Recorded for 308133 FIRST AMERICAN TITLE
LELAND G. HENRICH Fee: 42.00
Ex-Officio Recorder Deputy
Date for Filing:

WARRANTY DEED

File No.: 135209-MC (cg)

Date: December 19, 2005

For Value Received, Sage SGI, LLC, an Idaho Limited Liability Company, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Blackhawk Partners, LLC, hereinafter called the Grantee, whose current address is P.O. Box 1110, McCall, ID 83638, the following described premises, situated in VALLEY County, Idaho, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

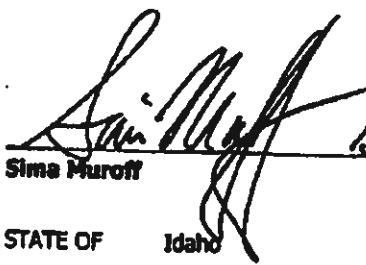
Attachment A (15 pages)

A,

Date: 12/19/2005

Warranty Deed
- continued

File No.: 135209-MC (cg)


Sima Muroff

12/24/05

STATE OF Idaho)

ss.

COUNTY OF VALLEY)

On this 20th day of December, 2005, before me, a Notary Public in and for said State, personally appeared Sima Muroff, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the Sage SGI, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.





Notary Public of Idaho

Residing at: McCall, Idaho

Commission Expires: 10/27/2006

Date: 12/19/2008

Warranty Deed
- continued

File No.: 135208-MC (cg)

EXHIBIT A

Parcel 1

Lots A, B, E, F, and G, private roads and common area of Amended Blackhawk Lake Estates, Phase 1 according to the official plat in the office of the Recorder, Valley County, Idaho, recorded August 22, 1994 as Instrument No. 206204 in Book 8 of Plats, at Page 54.

TOGETHER WITH an easement more particularly described in Grant of Easement recorded November 6, 1996 as Instrument No. 222415.

Parcel 2

Lots 1, 2, 3 and 4, private roads and common area of Blackhawk Lake Estates Phase II according to the official plat in the office of the Recorder, Valley County, Idaho, recorded November 1, 1996 as Instrument No. 221848 in Book 8 of Plats, at Page 52.

TOGETHER WITH an easement more particularly described in Grant of Easement recorded November 6, 1996 as Instrument No. 222415.

Parcel 3

Common area and private roads of Blackhawk Ranch Phase I according to the official plat in the office of the Recorder, Valley County, Idaho, recorded November 1, 1996 as Instrument No. 221851 in Book 8 of Plats, at Page 53.

TOGETHER WITH an easement further described in Grant of Easement recorded July 25, 2001 as Instrument No. 255800.

Parcel 4

Common area and private roads of Blackhawk Ranch Phase II according to the official plat in the office of the Recorder, Valley County, Idaho, recorded July 25, 2000 as Instrument No. 248630 in Book 9 of Plats, at Page 16.

TOGETHER WITH an easement further described in Grant of Easement recorded July 25, 2001 as Instrument No. 255800.

Parcel 5

Lots A, B, and C, common area and private roads of Blackhawk Ranch Phase III according to the official plat in the office of the Recorder, Valley County, Idaho, recorded July 25, 2001 as Instrument No. 255795 in Book 9 of Plats, at Page 25.

TOGETHER WITH an easement further described in Grant of Easement recorded July 25, 2001 as Instrument No. 255800.

Parcel 6

A parcel of land situated in portions of Sections 25, 35 and 36 of Township 18 North, Range 2 East, Sections 30 and 31 of Township 18 North, Range 3 East, and Sections 1, 2, 11 and 12 of Township 17 North, Range 2 East, Boise Meridian, Valley County, Idaho, and more particularly described as follows:

Date: 12/19/2008

Warranty Deed
- continued

File No.: 133209-MC (cg)

BEGINNING at the W 1/4 corner of said Section 30, said point also being the NW corner of Government Lot 11 of said section, from which corner the NW corner of said section bears N. 00°22'24"W., 2646.19 feet; thence, along the North line of said Government Lot 11,

1) S. 89°46'13"E., 1352.79 feet to the NE corner of the NW 1/4 of the SW 1/4 of said Section 30, said point also being the NE corner of said Government Lot 11; thence, along the East line of said Government Lot 11,

2) S. 01°12'53"E., 644.89 feet to the right (north) bank of the North Fork of the Payette River; thence, along said right bank through said Sections, the following courses:

- 3) S. 83°10'04"W., 209.91 feet; thence,
- 4) S. 36°01'39"W., 301.29 feet; thence,
- 5) S. 11°18'36"W., 254.14 feet; thence,
- 6) S. 44°34'09"W., 260.41 feet; thence,
- 7) S. 66°02'15"W., 218.17 feet; thence,
- 8) S. 22°04'04"W., 442.20 feet; thence,
- 9) S. 01°01'23"W., 310.17 feet; thence,
- 10) S. 35°04'51"E., 237.70 feet; thence,
- 11) S. 30°04'07"E., 91.19 feet; thence,
- 12) S. 08°49'13"E., 81.26 feet; thence,
- 13) S. 20°18'46"W., 142.21 feet; thence,
- 14) S. 34°00'09"W., 175.86 feet; thence,
- 15) S. 60°11'49"W., 149.72 feet; thence,
- 16) N. 88°50'42"W., 280.49 feet; thence,
- 17) N. 64°33'00"W., 235.09 feet; thence,
- 18) N. 11°18'01"W., 120.19 feet; thence,
- 19) N. 14°59'57"E., 298.79 feet; thence,
- 20) N. 32°44'08"W., 210.21 feet; thence,
- 21) N. 44°23'02"W., 128.57 feet; thence,

A4

Date: 12/19/2003

Warranty Deed
- continued

File No.: 135209-MC (cp)

- 22) N. 62°03'46"W., 146.05 feet; thence,
- 23) S. 74°13'58"W., 172.67 feet; thence,
- 24) S. 48°36'30"W., 153.75 feet; thence,
- 25) S. 33°16'46"W., 241.82 feet; thence,
- 26) S. 06°06'44"W., 585.46 feet; thence,
- 27) S. 02°11'19"W., 406.34 feet; thence,
- 28) S. 33°53'46"W., 153.92 feet; thence,
- 29) S. 68°37'46"W., 147.91 feet; thence,
- 30) S. 87°55'03"W., 219.74 feet; thence,
- 31) N. 66°59'28"W., 316.65 feet; thence,
- 32) N. 36°21'29"W., 84.28 feet; thence,
- 33) N. 88°39'36"W., 341.46 feet; thence,
- 34) S. 54°11'48"W., 150.15 feet; thence,
- 35) S. 27°38'46"W., 94.65 feet; thence,
- 36) S. 09°29'58"W., 254.02 feet; thence,
- 37) S. 07°39'28"E., 239.70 feet; thence,
- 38) S. 20°49'31"W., 174.07 feet; thence,
- 39) S. 38°58'21"W., 228.53 feet; thence,
- 40) S. 26°33'54"W., 116.06 feet; thence,
- 41) S. 65°39'32"W., 276.07 feet; thence,
- 42) N. 87°23'51"W., 131.89 feet; thence,
- 43) S. 71°08'49"W., 86.49 feet; thence,
- 44) S. 36°07'57"W., 105.05 feet; thence,
- 45) S. 04°28'02"E., 126.15 feet; thence,

Date: 12/19/2005

Warranty Deed
- continued

File No.: 135208-PHC (cp)

- 46) S. 38°39'35"W., 51.13 feet; thence,
- 47) N. 88°02'51"W., 175.78 feet; thence,
- 48) S. 75°57'50"W., 90.54 feet; thence,
- 49) S. 01°34'10"E., 145.78 feet; thence,
- 50) S. 36°36'25"W., 87.04 feet; thence,
- 51) S. 01°52'04"E., 183.76 feet; thence,
- 52) S. 43°36'10"W., 86.84 feet; thence,
- 53) S. 32°35'33"W., 289.07 feet; thence,
- 54) S. 28°08'30"W., 97.35 feet; thence,
- 55) S. 10°41'06"E., 53.84 feet; thence,
- 56) S. 26°33'54"E., 107.13 feet; thence,
- 57) S. 67°14'56"E., 67.11 feet; thence,
- 58) S. 09°27'44"E., 121.43 feet; thence,
- 59) S. 50°47'34"E., 195.80 feet; thence,
- 60) S. 58°09'27"E., 223.25 feet; thence,
- 61) S. 00°00'00"W., 70.87 feet; thence,
- 62) S. 64°43'20"W., 158.95 feet; thence,
- 63) S. 06°34'55"W., 104.50 feet; thence,
- 64) S. 19°58'59"E., 70.10 feet; thence,
- 65) S. 56°36'41"W., 105.20 feet; thence,
- 66) N. 86°59'14"W., 37.98 feet; thence,
- 67) S. 72°13'43"W., 163.51 feet; thence,
- 68) S. 41°00'33"W., 60.85 feet; thence,
- 69) S. 15°43'55"W., 368.13 feet; thence,
- 70) S. 57°39'09"W., 70.89 feet; thence,

Date: 12/19/2005

Warranty Deed
- continued

File No.: 135209-MC (cp)

- 71) S. 27°49'27"W., 162.52 feet; thence,
- 72) S. 50°35'58"W., 72.34 feet; thence,
- 73) S. 70°33'36"W., 107.97 feet; thence,
- 74) S. 20°13'29"W., 161.69 feet; thence,
- 75) S. 48°59'27"E., 60.85 feet; thence,
- 76) S. 17°33'44"W., 135.58 feet; thence,
- 77) S. 41°59'14"W., 94.00 feet; thence,
- 78) S. 14°12'57"W., 154.45 feet; thence,
- 79) S. 15°35'34"E., 89.12 feet; thence,
- 80) S. 58°10'09"E., 162.42 feet; thence,
- 81) S. 60°15'18"E., 284.88 feet; thence,
- 82) N. 58°08'02"E., 219.91 feet; thence,
- 83) S. 71°13'43"E., 407.85 feet; thence,
- 84) N. 63°09'11"E., 223.55 feet; thence,
- 85) N. 58°55'15"E., 215.12 feet; thence,
- 86) S. 66°22'14"E., 88.16 feet; thence,
- 87) S. 30°57'50"E., 397.35 feet; thence,
- 88) S. 16°37'15"E., 88.24 feet; thence,
- 89) S. 43°12'07"E., 398.18 feet; thence,
- 90) S. 59°19'52"E., 126.18 feet; thence,
- 91) S. 77°47'58"E., 286.63 feet; thence,
- 92) S. 64°44'49"E., 147.90 feet; thence,
- 93) S. 11°32'48"E., 239.57 feet; thence,
- 94) S. 33°41'24"W., 172.90 feet; thence,

Date: 12/19/2005

Warranty Dead
- continued

File No.: 135209-MC (ca)

- 95) N. 80°32'16"W., 76.76 feet; thence,
- 96) S. 51°39'33"W., 353.97 feet; thence,
- 97) N. 73°08'30"W., 87.03 feet; thence,
- 98) S. 29°36'07"W., 74.02 feet; thence,
- 99) S. 01°14'24"E., 291.58 feet; thence,
- 100) S. 35°31'20"E., 175.98 feet; thence,
- 101) S. 12°39'09"E., 63.37 feet; thence,
- 102) S. 57°18'08"E., 232.44 feet; thence,
- 103) S. 67°23'59"E., 285.69 feet; thence,
- 104) S. 13°28'53"W., 271.65 feet; thence,
- 105) S. 09°07'56"E., 374.34 feet; thence,
- 106) S. 18°59'48"E., 462.74 feet; thence,
- 107) S. 77°59'19"E., 155.46 feet; thence,
- 108) N. 88°56'21"E., 263.67 feet; thence,
- 109) S. 57°25'33"E., 104.28 feet; thence,
- 110) S. 01°28'08"E., 95.23 feet; thence,
- 111) S. 29°25'39"W., 109.30 feet; thence,
- 112) S. 55°07'29"W., 294.56 feet; thence,
- 113) S. 69°00'13"W., 81.75 feet; thence,
- 114) N. 86°02'07"W., 247.13 feet; thence,
- 115) N. 65°13'29"W., 104.85 feet; thence,
- 116) S. 68°43'47"W., 366.72 feet; thence,
- 117) N. 86°25'25"W., 156.53 feet; thence,
- 118) S. 48°33'06"W., 250.76 feet; thence,
- 119) S. 08°07'48"W., 172.60 feet; thence,

Date: 12/19/2005

Warranty Deed
- continued

File No.: 135209-MC (cg)

- 120) S. 12°27'54"E., 237.49 feet; thence,
- 121) S. 24°24'28"E., 159.49 feet; thence,
- 122) S. 40°14'11"E., 290.98 feet; thence,
- 123) S. 27°27'25"W., 278.04 feet; thence,
- 124) N. 89°22'55"W., 341.03 feet; thence,
- 125) S. 47°44'37"W., 282.90 feet; thence,
- 126) S. 10°18'17"W., 109.16 feet; thence,
- 127) S. 05°02'33"E., 166.63 feet; thence,
- 128) S. 21°43'16"E., 323.19 feet; thence,
- 129) S. 02°49'38"W., 197.96 feet; thence,
- 130) N. 16°55'39"W., 117.37 feet; thence,
- 131) S. 45°30'58"W., 95.80 feet; thence,
- 132) S. 15°26'47"E., 384.94 feet; thence,
- 133) S. 47°29'22"E., 218.55 feet; thence,
- 134) S. 49°51'04"E., 469.44 feet; thence,
- 135) S. 19°01'32"E., 149.76 feet; thence,
- 136) S. 17°06'10"W., 66.40 feet; thence,
- 137) S. 55°10'32"W., 102.59 feet; thence,
- 138) S. 50°11'40"W., 190.65 feet; thence,
- 139) N. 71°43'56"W., 132.38 feet; thence,
- 140) S. 47°43'35"W., 145.15 feet; thence,
- 141) S. 37°43'05"W., 371.07 feet; thence,
- 142) N. 49°23'55"W., 45.01 feet; thence,
- 143) S. 46°04'51"W., 45.75 feet; thence,

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144) S. 22°06'34"E., 42.16 feet; thence,

145) S. 22°24'07"W., 180.20 feet; thence,

146) S. 18°12'31"W., 97.65 feet; thence,

147) S. 39°28'21"W., 53.76 feet; thence,

148) S. 74°21'28"W., 165.15 feet; thence,

149) S. 33°29'05"W., 278.06 feet; thence,

150) S. 26°23'14"W., 175.76 feet; thence,

151) S. 00°42'42"W., 98.26 feet; thence,

152) S. 39°45'38"E., 198.46 feet; thence,

153) S. 47°33'50"E., 115.76 feet to the center of section line of said section; thence, leaving said right bank along said section line,

154) S. 00°40'54"W., 190.98 feet to the centerline of that particular 60 foot wide non-exclusive easement as detailed in Warranty Deed Instrument No. 173995, records of Valley County, Idaho; thence, along said centerline the following courses:

155) S. 84°40'56"W., 826.14 feet; thence,

156) N. 44°43'11"W., 319.64 feet; thence,

157) S. 88°37'38"W., 350.00 feet; thence,

158) S. 60°16'50"W., 500.00 feet; thence,

159) S. 88°37'38"W., 800.00 feet to the East line of said Section 11; thence, leaving said centerline, along said east line,

160) N. 00°33'50"E., 1284.38 feet to the E 1/4 corner of said section; thence, continuing along said east line,

161) N. 00°46'29"E., 1321.80 feet to the SE corner of the NE 1/4 of the NE 1/4 of said section; thence, along the south line of said NE 1/4,

162) N. 89°40'40"W., 666.05 feet to the SW corner of the E 1/2 of said NE 1/4 of the NE 1/4; thence, along the west line of said E 1/2,

163) N. 00°55'22"E., 1321.77 feet to the NW corner of said E 1/2 and the SE corner of the W 1/2 of the SE 1/4 of the SE 1/4 of Section 2, Township 17 North, Range 2 East; thence, along the east line of said W 1/2,

12, Township 17 North,
Range 2 East E.M.,

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- 164) N. $00^{\circ}34'21''$ E., 1317.99 feet to the NE corner of said W $\frac{1}{2}$; thence, along the north line of said W $\frac{1}{2}$,
- 165) N. $89^{\circ}37'17''$ W., 663.98 feet to the NW corner of said W $\frac{1}{2}$ and the SW corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section; thence, along the west line of said NE $\frac{1}{4}$,
- 166) N. $00^{\circ}30'18''$ E., 1318.84 feet to the NW corner of said NE $\frac{1}{4}$; thence,
- 167) N. $41^{\circ}05'24''$ W., 794.05 feet; thence,
- 168) N. $89^{\circ}30'44''$ W., 422.04 feet to the southeasterly corner of the exterior boundary of Blackhawk Lake Estates Phase IV, as shown on the plat thereof; thence, along the southerly boundary line of said Blackhawk Lake Estates Phase IV; *Thence,*
- 169) N. $89^{\circ}30'44''$ W., 1060.19 feet; thence, continuing along said boundary and the exterior boundary of Blackhawk Lake Estates Phase II, as shown on the Plat thereof,
- 170) N. $00^{\circ}53'51''$ E., 726.06 feet to the NE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 2; thence, along said boundary and the exterior boundary of Blackhawk Lake Estates Phase II as shown on the Plat thereof filed in Book 8 of Plats at Page 82, Records of Valley County, Idaho and recorded under Instrument No. 221848,
- 171) N. $89^{\circ}31'37''$ W., 673.22 feet to the NW corner of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said section; thence, along the West line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$,
- 172) N. $01^{\circ}10'29''$ E., 1092.00 feet to the NW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said section; thence, along said boundary and along the Section line shared by said Section 2, Township 17 North, Range 2 East and Section 35, Township 18 North, Range 2 East,
- 173) S. $89^{\circ}47'39''$ E., 412.08 feet to the SW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 35; thence, along said boundary and the West line of said SE $\frac{1}{4}$,
- 174) N. $00^{\circ}33'38''$ E., 1321.97 feet to the NW corner of said SE $\frac{1}{4}$; thence, along the North line of said SE $\frac{1}{4}$ and along said boundary and the exterior boundary of Blackhawk Lake Estates Phase 1 as shown on the Plat thereof filed in Book 8 of Plats at Page 36, Records of Valley County, Idaho and recorded under Instrument No. 198036,
- 175) S. $89^{\circ}45'28''$ E., 1329.62 feet to the NE corner of said SE $\frac{1}{4}$ and NW corner of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said section; Thence, continuing along said boundary and along the North line of said S $\frac{1}{2}$ and the extension of said North line,
- 176) S. $89^{\circ}40'52''$ E., 2678.01 feet to the S $\frac{1}{16}$ corner common to Section 35 and 36, Township 18 N., Range 2 East; thence,
- 177) N. $45^{\circ}09'00''$ E., 333.27 feet to a non-tangent curve on the centerline of West Mountain Road; Thence, along said center line the following courses;
- 178) Northwestery along said curve to the left having a radius of 2400.00 feet, an arc length of 188.03 feet, through a central angle $04^{\circ}29'20''$, and a chord bearing and distance of N.

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04° 30' 00" W., 187.98 feet; Thence, tangent from said curve,

179) N. 06° 44' 40" W., 970.14 feet to the beginning of a tangent curve; thence,

180) Northeasterly along said curve to the right having a radius of 1400.00 feet, an arc length of 819.09 feet, through a central angle 33° 31' 18", and a chord bearing and distance of N. 10° 00' 59" E., 807.45 feet; thence, tangent from said curve,

181) N. 25° 46' 38" E., 1848.88 feet to the beginning of a tangent curve; thence,

182) Northeasterly along said curve to the right having a radius of 4000.00 feet, an arc length of 525.65 feet, through a central angle 07° 31' 46", and a chord bearing and distance of N. 30° 32' 31" E., 525.28 feet; thence, tangent from said curve,

183) N. 34° 18' 24" E., 2314.25 feet to the beginning of a tangent curve; thence,

184) Northeasterly along said curve to the left having a radius of 2392.34 feet, an arc length of 466.15 feet, through a central angle 11° 09' 51", and a chord bearing and distance of N. 28° 43' 29" E., 465.41 feet; thence, tangent from said curve and leaving said centerline,

185) Thence East along the North line of Government Lot 11 to the Point of Beginning.

EXCEPTING THEREFROM

Amended Blackhawk Lake Estates Phase I as further described in plat recorded August 22, 1994 as Instrument No. 206204;

ALSO EXCEPTING THEREFROM

Blackhawk Lake Estates Phase II as further described in plat recorded November 1, 1996 as Instrument No. 221848;

ALSO EXCEPTING THEREFROM

Blackhawk Ranch Phase I as further described in plat recorded November 1, 1996 as Instrument No. 21851;

ALSO EXCEPTING THEREFROM

Blackhawk Ranch Phase II as further described in plat recorded July 25, 2000 as Instrument No. 248630;

ALSO EXCEPTING THEREFROM

Blackhawk Ranch Phase III as further described in plat recorded July 25, 2001 as Instrument No. 255795.

ALSO EXCEPTING THEREFROM

A parcel of land situate in Government Lot 3, and the SE¼ of the NW¼, of Section 2, T. 17 N., R. 2 E., B.M., Valley County, Idaho, more particularly described as follows:
Commencing at an aluminum cap marking the C-E-NW 1/64 corner of Section 2, T. 17 N., R. 2 E., B.M., Valley County as shown on that particular Record of Survey on file as Instrument No. 124847, in Book 1, Page 160, of Records of Survey, in the Office of the Recorder of Valley County, Idaho, the REAL POINT OF BEGINNING:

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Thence, N. 89°31'37" W., 344.31 feet along the southerly boundary of Government Lot 3 said Section 2, to a 5/8" rebar, marking the southeast corner of Lot 49, Blackhawk Lake Estates, Phase 2, erroneously shown as an aluminum cap, on the official plat thereof on file in Book 8, Page 82 of Plats, as Instrument No. 221848 in the Office of the Recorder of Valley County, Idaho;

Thence, N. 20°19'15" W., 168.40 feet along the easterly boundary of said Lot 49, to a 5/8" rebar marking the southwest corner of Amended Lot 51 Blackhawk Lake Estates, as shown on the official plat thereof on file in Book 9, Page 20 of Plats, as Instrument No. 254380 in the Office of the Recorder of Valley County, Idaho;

Thence, N. 78°50'17" E., 296.00 feet to a 5/8" rebar marking the southeast corner of said Amended Lot 51;

Thence, N. 00°56'33" W., 157.37 feet along the easterly boundary of said Amended Lot 51, to a 5/8" rebar;

Thence, N. 00°30'45" E., 215.74 along said easterly boundary to a 5/8" rebar;

Thence, 105.78 feet along a curve to the right, whose radius is 312.59 and delta angle is 19°23'19", and whose long chord bears N. 10°12'24" E., 105.28 feet to a 5/8" rebar on the westerly right-of-way of Blackhawk Lake Drive;

Thence, N. 89°19'53" E., 176.31 feet to a 5/8" rebar;

Thence, S. 55°06'09" E., 431.83 feet to a 5/8" rebar on the shoreline of Blackhawk Lake; Thence, along said shoreline in a southerly direction the following courses;

S. 08°17'59" W., 132.95 feet;

S. 29°18'38" W., 121.57 feet;

S. 18°26'06" E., 75.56 feet;

S. 87°29'48" E., 104.29 feet;

S. 11°26'28" W., 94.15 feet;

S. 22°20'33" E., 100.44 feet;

S. 25°07'47" E., 92.47 feet;

S. 3°34'13" W., 50.58 feet;

S. 23°38'52" E., 59.91 feet;

S. 45°35'10" E., 90.32 feet;

S. 47°13'05" E., 101.27 feet;

S. 61°00'33" E., 85.07 feet;

N. 81°42'45" E., 100.04 feet;

N. 28°53'40" E., 50.70 feet;

N. 72°11'36" E., 77.61 feet;

S. 18°03'37" E., 45.55 feet;

N. 60°02'38" E., 53.63 feet;

S. 61°59'02" E., 37.96 feet to a 5/8" rebar;

Thence, S. 3°16'01" W., 372.46 feet to a 5/8" rebar;

Thence, N. 89°30'44" W., 1060.19 feet to an aluminum cap;

Thence, N. 0°53'51" E., 726.06 feet to the Point of Beginning.

ALSO EXCEPTING THEREFROM A parcel of land situate in Government Lot 11 of Section 30, T. 18 N., R. 3 E.B.M., and the NE1/4 of the SE1/4 of Section 25, T. 18 N., R. 2 E.B.M., Valley County, Idaho, more particularly described as follows:

Commencing at the 1/4 corner common to Section 30, T. 18 N., R. 3 E.B.M., and Section 25, T. 18 N., R. 2 E.B.M., Valley County, Idaho, the Real Point of Beginning:

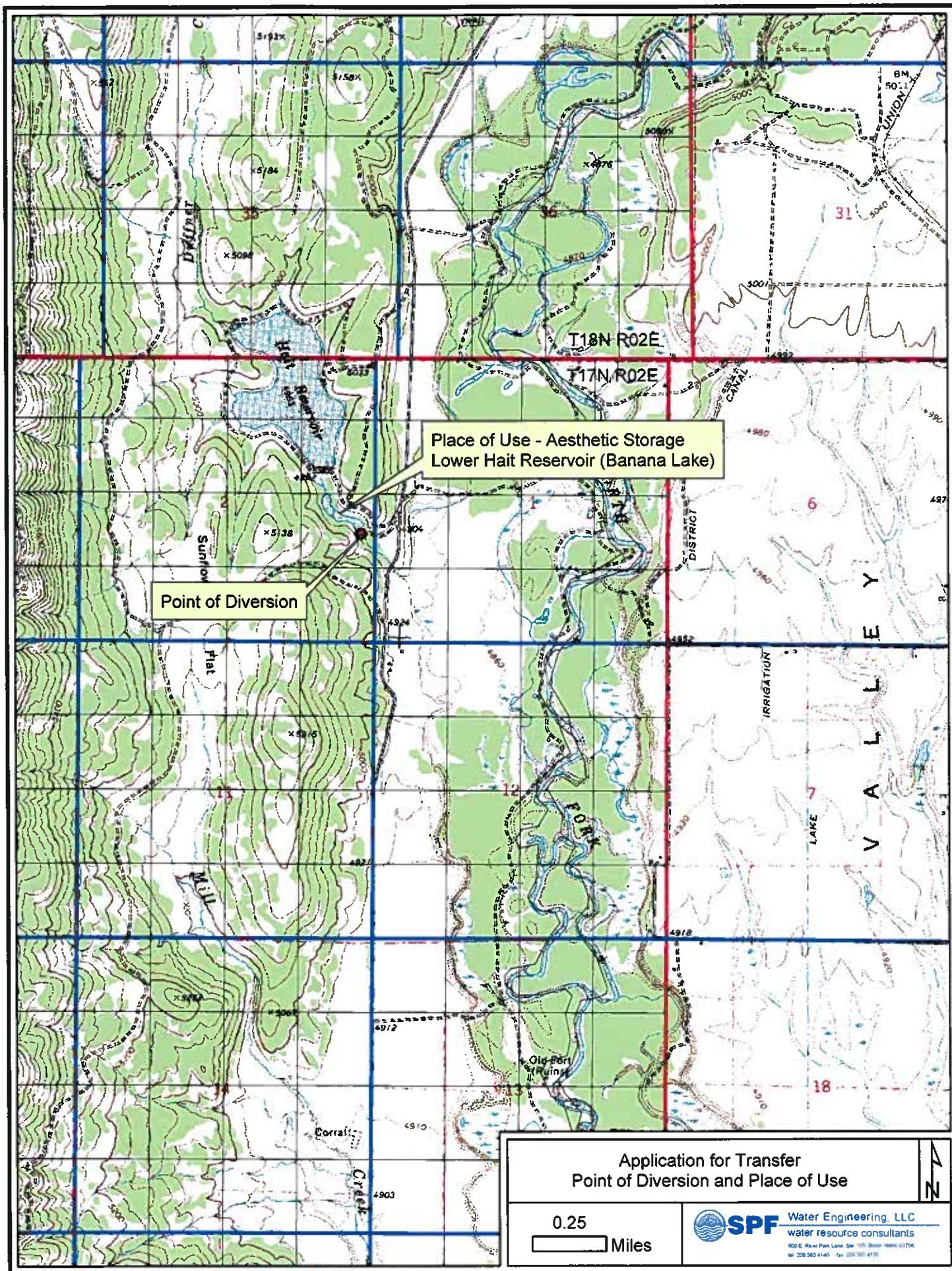
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Thence S. 89° 15' 53" E., 174.79 feet along the north boundary of said Government Lot 11;
Thence S. 07° 04' 43" E., 700.45 feet;
Thence S. 40° 03' 11" W., 573.94 feet;
Thence S. 53° 37' 00" W., 567.92 feet;
Thence S. 82° 40' 31" W., 449.58 feet;
Thence N. 03° 57' 56" W., 1,528.94 feet to the north boundary of the NE1/4 SE1/4 of said
Section 25;
Thence N. 89° 42' 44" E., 1,117.11 feet to the Point of Beginning.

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Attachment B

B₁

