

# **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 #**

*Amended*  
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 73764Blackhawk Lake

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant Blackhawk Partners, LLC Phone (208) 634-6050Post Office address 112 N. 3<sup>rd</sup> 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 Hait Reservoir (now known as "Blackhawk Lake") was originally developed to store spring run-off in Duffner Creek for irrigation use later in the season. Subdivision and development has occurred around Blackhawk Lake and it is no longer desirable to lower the level of the reservoirs to provide irrigation water. The claimant is proposing to change the nature of use of the irrigation storage components of the water rights to represent the new aesthetic use.

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

| 1. <u>Right Number</u> | <u>Priority</u>   | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u>     | <u>Period of Use</u>         |
|------------------------|-------------------|---------------------------|--------------------------|------------------------------|
| <u>65-2946C</u>        | <u>05/06/1952</u> | <u>181.99 ac-ft</u>       | <u>aesthetic storage</u> | <u>01/01</u> to <u>12/31</u> |
| <u>65-7052E</u>        | <u>09/27/1968</u> | <u>475.00 ac-ft</u>       | <u>aesthetic storage</u> | <u>01/01</u> to <u>12/31</u> |

2. Total amount of water being transferred \_\_\_\_\_ cubic feet per second and/or 656.99 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 |
|-----|---|----|----|-----|-----|-----|--------|--------------------------|
|     |   | SE | NE | 02  | 17N | 02E | Valley | Hait Reservoir dam       |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |

5. Lands irrigated or place of use:

*6/7/29/10*

| 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 |        |
| 17N | 02E | 02  | AS   | AS | AS | AS | AS   |    |    | AS |      |    |    |    |      |    |    |    |        |
| 18N | 02E | 35  |      |    |    |    |      |    |    |    |      |    | AS |    |      | AS |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

AS = Aesthetic Storage

AMENDED

7/29/2010

RECEIVED

APR 05 2007

WATER RESOURCES  
WESTERN REGION

**PART 1****6. General Information:**

- a. Description of diversion system 36' dam impounding Hait Reservoir (now known as "Blackhawk 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 ☒ 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 place of use 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.
- 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 Partial Decree)

1. Right as evidenced by:
- a. Decree No. 65-2946C 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 65-7052E, 65-7535
- \_\_\_\_\_

2000 OCT 31 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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 65-02946C

NAME AND ADDRESS: L B INDUSTRIES INC  
1401 SHORELINE DR  
PO BOX 2797  
BOISE, ID 83701

SOURCE: DUFFNER CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 181.99 AFY

PRIORITY DATE: 05/06/1952

POINT OF DIVERSION: T17N R02E S02 SENE Within Valley County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY   |
|-------------------------------|-------------------------|----------------|------------|
|                               | Irrigation from Storage | 04-15 TO 10-15 | 181.99 AFY |
|                               | Irrigation Storage      | 01-01 TO 12-31 | 181.99 AFY |

| PLACE OF USE: | Irrigation from Storage | Within Valley County |
|---------------|-------------------------|----------------------|
|               | T17N R02E S01           | NESW 20.0            |
|               |                         | SWSW 32.0            |
|               | S12                     | NENW 27.0            |
|               |                         | SWNW 21.0            |
|               | 226.0 Acres Total       |                      |

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.

  
Barry Wood  
Administrative District Judge  
Presiding Judge of the  
Snake River Basin Adjudication

Part 2(A)

Plat 5 of 10

2000 OCT 31 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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 )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 65-07052E

NAME AND ADDRESS: L B INDUSTRIES INC  
1401 SHORELINE DR  
PO BOX 2797  
BOISE, ID 83701

SOURCE: DUFFNER CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 6.74 CFS  
475.00 AFY

PRIORITY DATE: 09/27/1968

POINT OF DIVERSION: T17N R02E S02 SENE Within Valley County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE          | PERIOD OF USE  | QUANTITY   |
|----------------------------|-------------------------|----------------|------------|
|                            | Irrigation Storage      | 01-01 TO 12-31 | 475.00 AFY |
|                            | Irrigation              | 04-15 TO 10-15 | 6.74 CFS   |
|                            | Irrigation from Storage | 04-15 TO 10-15 | 475.00 AFY |

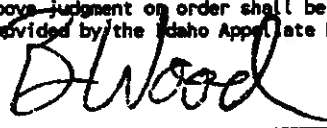
| PLACE OF USE: | Irrigation                          | Within Valley County                |
|---------------|-------------------------------------|-------------------------------------|
| T17N R02E S01 | SWNW 1.0<br>NWSW 22.0<br>SESW 37.0  | NESW 25.0<br>SWSW 32.0<br>SWSE 1.0  |
| S12           | NENW 39.0<br>SNWN 36.0<br>NESW 35.0 | NWNW 32.0<br>SENW 39.0<br>NWSW 40.0 |
|               | 339.0 Acres Total                   |                                     |

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.

  
Barry Wood  
Administrative District Judge  
Presiding Judge of the  
Snake River Basin Adjudication

Part 2(A)

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 | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|--------|--------------------------|
|     |     |     |     |     |     |     |        |                          |
|     |     |     |     |     |     |     |        |                          |
|     |     |     |     |     |     |     |        |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | 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 | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|--------|--------------------------|
|     |     |     |     |     |     |     |        |                          |
|     |     |     |     |     |     |     |        |                          |
|     |     |     |     |     |     |     |        |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total Acres 339

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2

(Attach one copy for each right)

D. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of Partial Decree issued in the SRBA)

1. Right as evidenced by:
- e. Decree No. 65-7052E Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
  - f. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
  - g. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
  - h. 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, 65-7535
- \_\_\_\_\_

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 \_\_\_\_\_

E. 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 475 ac-ft for irrigation storage purposes from 01/01 to 12/31  
(cfs/ac-ft)  
amount 475 ac-ft for irrigation from storage purposes from 04/15 to 10/15  
(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 |
|-----|---|----|----|-----|-----|-----|--------|--------------------------|
|     |   | SE | NE | 02  | 17N | 02E | Valley |                          |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |

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 |        |
| 17N | 02E | 01  |      |    |    |    |      |    | 1.0 |    | 25   | 22 | 32 | 37 |      |    | 1  |    | 118    |
|     |     | 12  |      |    |    |    | 39   | 32 | 36  | 39 | 35   | 40 |    |    |      |    |    |    | 221    |
|     |     |     |      |    |    |    |      |    |     |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |     |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |     |    |      |    |    |    |      |    |    |    |        |

Total Acres 339

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

1. amount 6.74 cfs for irrigation purposes from 04/15 to 10/15  
(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 |
|-----|---|----|----|-----|-----|-----|--------|--------------------------|
|     |   | SE | NE | 02  | 17N | 02E | Valley |                          |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |

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 |        |
| 17N | 02E | 01  |      |    |    |    |      |    | 1.0 |    | 25   | 22 | 32 | 37 |      |    | 1  |    | 118    |
|     |     | 12  |      |    |    |    | 39   | 32 | 36  | 39 | 35   | 40 |    |    |      |    |    |    | 221    |
|     |     |     |      |    |    |    |      |    |     |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |     |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |     |    |      |    |    |    |      |    |    |    |        |

Total Acres 339

STATE OF IDAHO  
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>656.99 ac-ft</u>      |                        | <u>01/01</u> to <u>12/31</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.

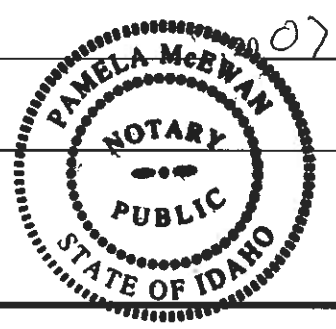
I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature]  
CFO / Partner (Signature of Applicant)

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

Pamela McEwan  
(Notary Public)

My commission expires 3/30/2011



**FOR DEPARTMENT USE ONLY**

Transfer contains 10 pages and 2 attachments  
Received by DB Date 4-5-07 Protest filed by \_\_\_\_\_  
Prelim. Check by VLM Fee \$490-  
Received by DB / W035237 Date 4-5-07  
Published in STAR NEWS DB Copies of protest forwarded by \_\_\_\_\_  
Pub. Dates SEPTEMBER 2 & 9, 2010 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 04:11:30 No. of Pages: 14  
Recorded for: FIRST AMERICAN TITLE  
LELAND G. HENRICH  
Ex-Officio Recorder Deputy Fee: 42.00  
Index to: 08808

Instrument # 308133  
VALLEY COUNTY, CASCADE, IDAHO  
2006-04-24 03:45:50 No. of Pages: 14  
Space Above Reserved for 308133  
LELAND G. HENRICH  
WARRANTY DEED Ex-Officio Recorder Deputy Fee: 42.00  
Index to: 08808

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)

A1

Date: 12/19/2005

Warranty Deed  
- continued

File No.: 135209-MC (cg)

*Sima Muroff* 12/24/05  
Sima Muroff

STATE OF Idaho )  
COUNTY OF VALLEY )  
SS.

On this 20<sup>th</sup> 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.



*Christine R. Martin*

Notary Public of Idaho  
Residing at: McCall, Idaho  
Commission Expires: 10/27/2006

Date: 12/19/2008

Warranty Deed  
- continued

File No.: 135209-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 82.

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 83.

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:

**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°12'55"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., 148.72 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,

Date: 12/19/2003

Warranty Deed  
- continued

File No.: 135200-MC (cg)

- 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., 94.85 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., 128.15 feet; thence,

Date: 12/19/2005

Warranty Deed  
- continued

File No.: 135209-MC (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., 78.89 feet; thence,

Date: 12/19/2005

Warranty Deed  
- continued

File No.: 135300-44C (cg)

- 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.: 335200-MC (cg)

- 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., 290.96 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,

Date: 12/19/2005

Warranty Deed  
- continued

File No.: 135209-MC (cg)

- 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., 319.84 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. 1/2, M.,

Date: 12/19/2005

Warranty Deed  
- continued

File No.: 133209-MC (cp)

- 164) N. 00°34'21"E., 1317.99 feet to the NE corner of said W ½; thence, along the north line of said W ½,
- 165) N. 89°37'17"W., 663.98 feet to the NW corner of said W ½ and the SW corner of the NE 1/4 of the SE 1/4 of said section; thence, along the west line of said NE 1/4,
- 166) N. 00°30'18"E., 1318.84 feet to the NW corner of said NE 1/4; thence,
- 167) N. 41°05'24"W., 794.05 feet; thence,
- 168) N. 89°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°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°53'51"E., 726.06 feet to the NE corner of the NW 1/4 of the SE 1/4 of the NW 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 52, Records of Valley County, Idaho and recorded under Instrument No. 221848,
- 171) N. 89°31'37"W., 675.22 feet to the NW corner of said SE 1/4 of the NW 1/4 of said section; thence, along the West line of the NE 1/4 of the NW 1/4,
- 172) N. 01°10'29"E., 1092.00 feet to the NW corner of the NE 1/4 of the NW 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°47'39"E., 412.08 feet to the SW corner of the SE 1/4 of the SW 1/4 of said Section 35; thence, along said boundary and the West line of said SE 1/4,
- 174) N. 00°33'38"E., 1321.97 feet to the NW corner of said SE 1/4; thence, along the North line of said SE 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° 45' 28" E., 1329.62 feet to the NE corner of said SE1/4 and NW corner of the S1/2 of the SE1/4 of said section; Thence, continuing along said boundary and along the North line of said S1/2 and the extension of said North line,
- 176) S. 89° 40' 52" E., 2678.01 feet to the S1/16 corner common to Section 35 and 36, Township 18 N., Range 2 East; thence,
- 177) N. 45° 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) Northwesterty 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° 29' 20", and a chord bearing and distance of N.

Date: 12/19/2005

Warranty Deed  
- continued

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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. 26° 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:

Date: 12/19/2005

Warranty Deed  
- continued

File No.: 135208-MC (cg)

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°08'09" 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°29'46" 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:

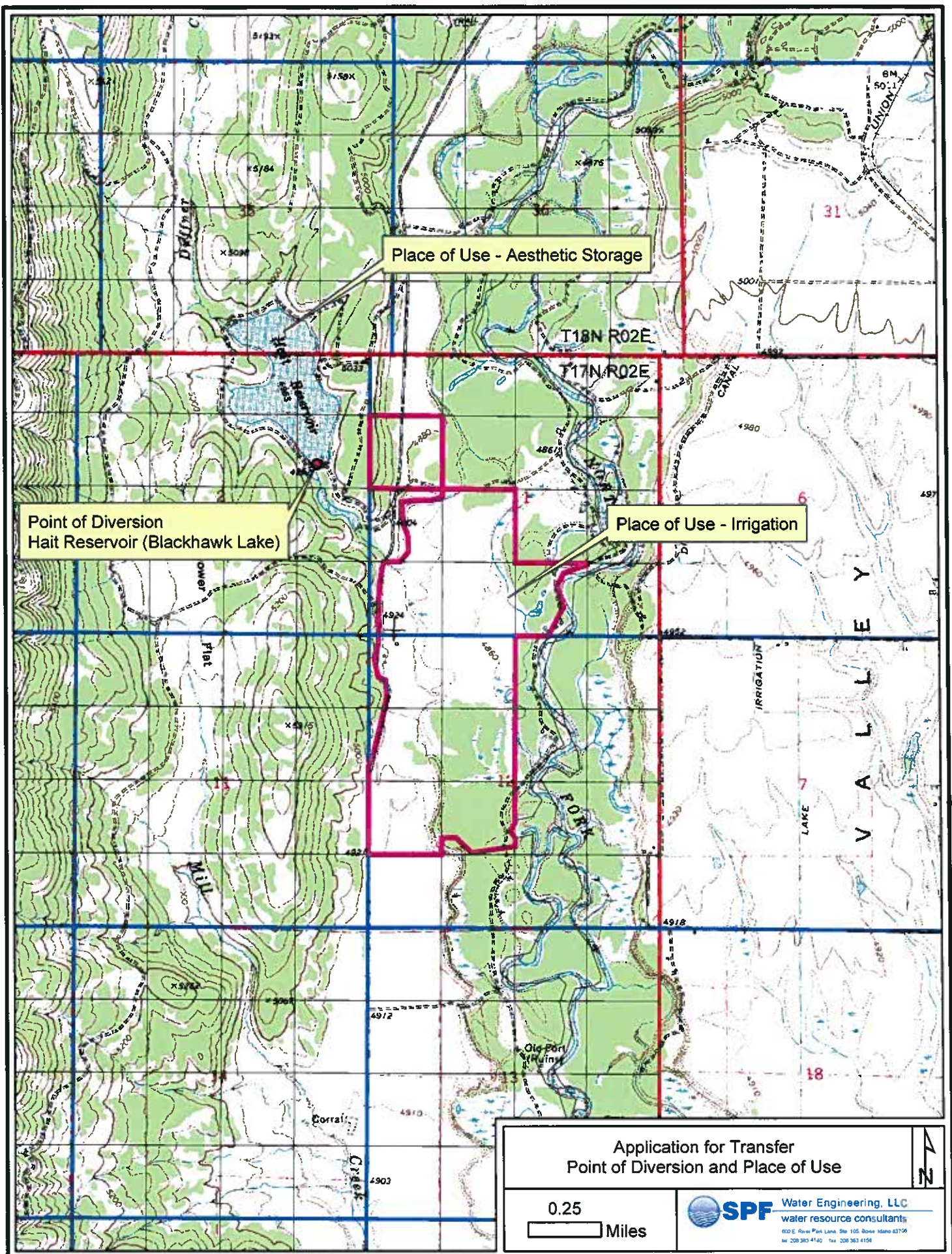
Date: 12/19/2005

Warranty Deed  
- continued

File No.: 135208-MC (cg)

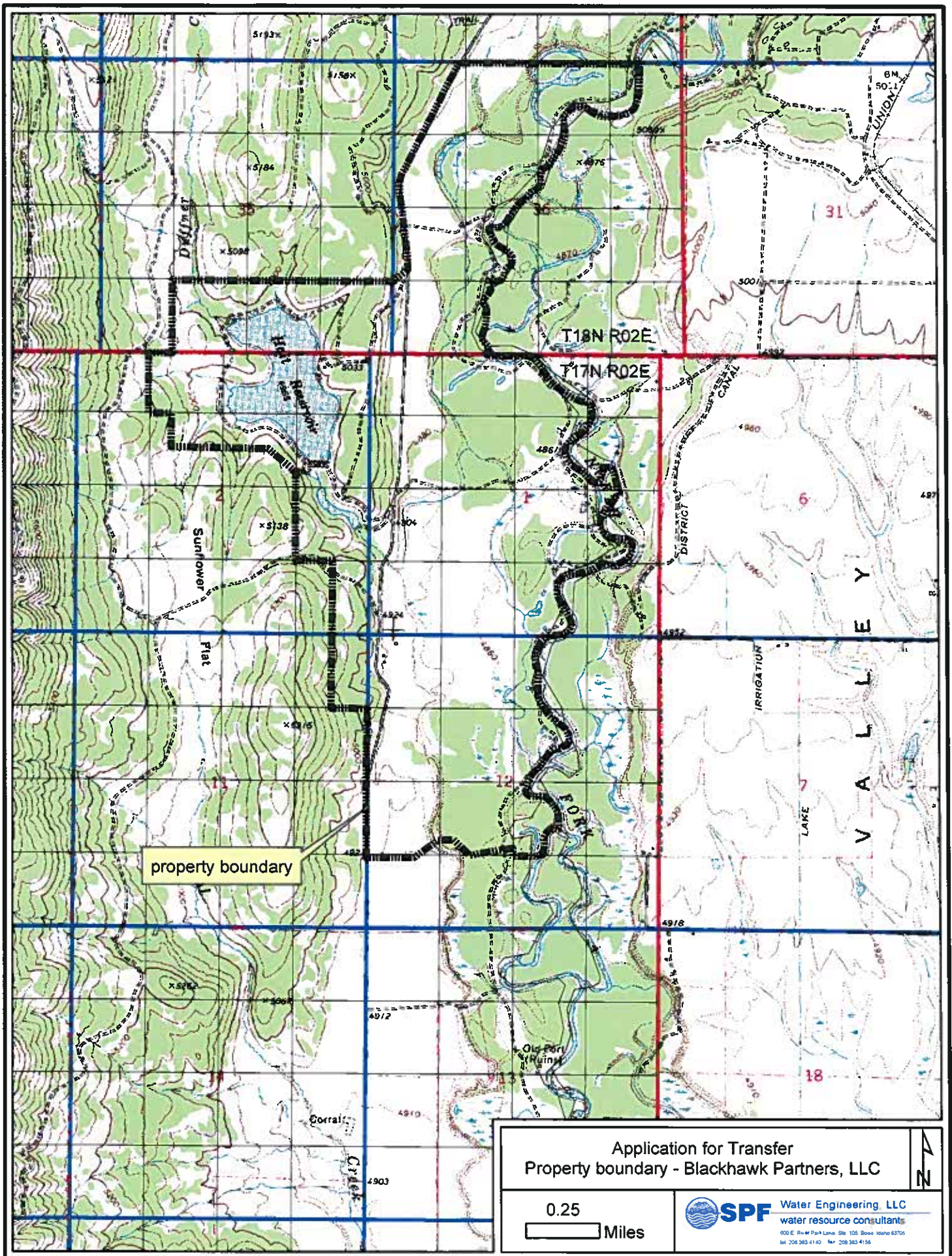
Thence S. 89° 15' 53" E., 174.79 feet along the north boundary of said Government Lot 11;  
Thence S. 07° 04' 43" E., 700.45 feet;  
Thence S. 40° 03' 11" W., 573.94 feet;  
Thence S. 53° 37' 00" W., 567.92 feet;  
Thence S. 82° 40' 31" W., 449.58 feet;  
Thence N. 03° 57' 56" W., 1,528.94 feet to the 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.

A<sub>15</sub>



Attachment B (3 pages)

B<sub>1</sub>



Application for Transfer  
Property boundary - Blackhawk Partners, LLC

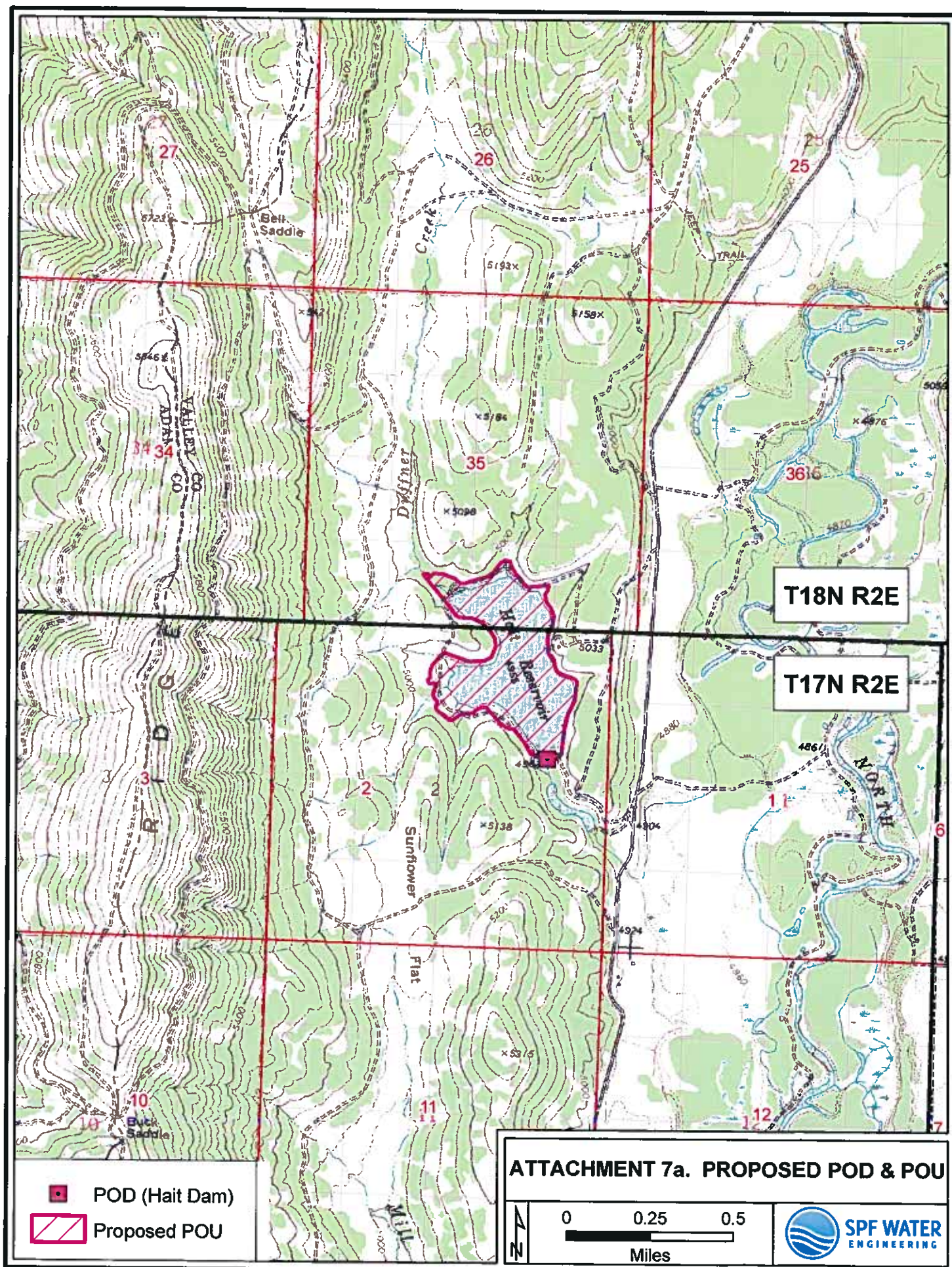
0.25  
Miles



**SPF** Water Engineering, LLC  
water resource consultants

800 E. River Park Lane, Ste. 105, Boise, Idaho 83706  
tel. 208.383.4140 fax 208.383.4156

B<sub>2</sub>

 $B_3$