

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76305

**MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

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FEB 09 2010

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76305

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Timothy J. Burke and/or Mary Burke Phone (208) 383-9600

Mailing address P.O. Box 2536, Eagle, ID 83610 Email

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Roxanne Brown, SPF Water Engineering LLC Phone (208) 383-4140

Mailing address 300 E. Mallard Dr., Suite 350, Boise, ID 83706 Email rbrown@spfwater.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Tim BURKE
Print Name and Title if applicable

2/4/09
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. See Part 1A.2**

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WATER RESOURCES
WESTERN REGION

Part 1A.2

Background

The applicants received a *Pending Notice of Violation* from IDWR in 2006 and hired SPF Water Engineering to assist them with acquiring a water right for their home at 4941 Meander Place, Eagle (Lot 7, Block 1, Stillwell Estates No. 7). The applicants submitted an application to rent water from the Idaho Water Supply Bank prior to the 2007 irrigation season and entered into negotiations to buy a portion of water right 63-31216 from Jade Eagle LLC. A deed conveying a three-acre portion of water right 63-31216 from Jade Eagle LLC to the applicants was executed June 11, 2007 (See Attachment 2a). A transfer application was prepared and submitted in July 2007.

IDWR began its review of the original transfer application and requested additional information from the applicant and an additional \$165.00 to upgrade the existing drilling permit. The additional fee and information were submitted to IDWR in 2009.

Questions also arose concerning ownership of water right 63-31216 during IDWR's processing of the original transfer application. The seller of the water right (Jade Eagle) did not provide adequate proof of ownership and the transfer application was rejected in a Preliminary Order dated October 27, 2009. Ownership of water right 63-31216 is addresses below.

Narrative Description of Project

The applicants seek authorization to move their portion of water right 63-31216 to the location of their home to provide landscape irrigation. Water will be diverted from an existing well on the applicants' property.

Water Right Ownership

Jade Eagle LLC conveyed land in Canyon County to Ridgeline Vistas LLC in 2005 (copy of deed attached and labeled "Attachment 1A.2a"). During negotiations prior to the land sale, Jade Eagle and Ridgeline agreed that only 107 acres of the appurtenant water rights would be conveyed with the land. Although a contractual agreement existed, the deed conveying the land was unclear concerning the water rights. IDWR suggested a quit claim deed to the water rights be provided to clarify the chain of title of the water rights. A quit claim to the water rights was signed December 29, 2009 and a copy is provided (labeled "Attachment 1A.2b").

Evidence of water right ownership by the applicants is provided as Attachment 2a, a deed conveying a three-acre portion of water right 63-31216 from Jade Eagle LLC to Timothy J. Burke.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-31216	0.06 cfs	irrigation	3/15 to 11/15	ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No			NW	SW	29	5N	1E	Ada	groundwater	63-95-W-0611-000

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1E	29										3							3

Total Acres (for irrigation use) 3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: An existing 252' well will be used. Water is pumped from 241-251' (see Attachment 1B.5.a - Well Driller's Report). The proposed place of use is Lot 7, Block 1, Stillwell Estates #7.

- b. Who owns the property at the point(s) of diversion? applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: not applicable

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: Water right 63-31216 was retained by Jade Eagle LLC during a land sale to Ridgeline Vistas LLC in 2005. The water right is no longer used for irrigation at the original place of use.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: See 1B.5.d above.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-31216

Current Owner: CHRISTOPHER E DOYLE
TRACY DOYLE

Priority Date: 9/14/1989

Origin: Water Right

Status: Active

Basis: License

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	03/15	to 11/15	0.2 CFS	45 AF
	Total Diversion		0.2 CFS	45 AF

Location of Point(s) of Diversion

GROUND WATER
CANYON County

SW1/4SW1/4SW1/4 Sec. 5, Twp 05N, Rge 02W B.M.

Place of Use

IRRIGATION Within CANYON County

T05N R02W S5	SWSW	1.00	T05N R02W S5	SESW	7.00
T05N R02W S5	SWSE	2.00			

Total Acres: 10

Page 6 of 8

Conditions of Approval:

1. X36 Rights 63-31213, 63-31214 and 63-31215 are also diverted through the point of diversion described above.
2. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

[illegible][illegible]

Total Acres (for irrigation use) 3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of instructions for application for transfer for complete requirements.)

- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.
Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 6 attachments.

Received by Smith Date 2-9-10 Prelim. Check by KW Date 5/7/2010

Fee Paid \$100. Date 2-9-2010 Received by JB Receipt # W038130

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

Attachment 1A.2a

Order No.: C059399

CORPORATION WARRANTY DEED

For Value Received: JADE EAGLE, INC..

A Corporation duly organized and existing under the laws of the State of IDAHO hereby Grant, Bargain, Sell and Convey unto RIDGELINE VISTAS, LLC., AN IDAHO LIMITED LIABILITY COMPANY,

Whose current address is: 533 E RIVERSIDE DR., STE 110, EAGLE, ID 83616

The following described real estate, to wit:

SEE ATTACHED LEGAL DESCRIPTION MARKED EXHIBIT "A", WHICH BY THIS REFERENCE BECOMES A PART THEREOF AND CONSISTS OF TWO (2) PAGES.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever.

The Grantor does hereby covenant to and with the said Grantees, that it is the owner in fee simple of said premises; that it is free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, including irrigation and utility easements, (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. In constraining this Deed and where the context so requires, the singular includes the plural, and the masculine, includes the feminine and neuter.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be herunto subscribed.

Dated: 10/23/05

JADE EAGLE INC., by:



RICHARD O. THURBER, Jr.'s PRESIDENT

STATE OF IDAHO

COUNTY OF ADA

ON THIS ____ DAY OF OCTOBER IN THE YEAR 2005, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED, RICHARD O. THURBER KNOWN TO ME TO BE THE PRESIDENT OF THE CORPORATION THAT EXECUTED THIS INSTRUMENT AND 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 HEREBY SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

DIANNA L. STORK
RESIDING AT: MERIDIAN
MY COMMISSION EXPIRES ON: 01/23/08

EXHIBIT "A"**PARCEL 1:**

Part of the Southeast Quarter of the Section 6 and the Southwest Quarter of Section 5 and the Southwest Quarter of the Southeast Quarter of Section 5, Township 5 North, Range 2 West, of the Boise Meridian, Canyon County, Idaho, described as follows:

COMMENCING at a brass cap monument marking the Southwest corner of Section 6, Township 5 North, Range 2 West, of the Boise Meridian, Canyon County, Idaho, and running thence North 89°32'55" East 2606.07 feet, said point being the South Quarter corner of said Section 6; thence North 0°02'05" West 660.18 feet to the POINT OF BEGINNING; thence North 0°02'05" West 538.36 feet to a point of curve with a radius of 60.00 feet, a central angle of 180°00'00" and a chord that bears North 00°02'05" West 120.00 feet; thence to the left along said curve 188.49 feet; thence North 89°38'18" East 1320.00 feet to a brass cap marking the Southeast One-Sixteenth (1/16) corner of said section; thence North 89°35'50" East 1323.33 feet to a brass cap marking the South One-Sixteenth (1/16) corner of said section; thence North 89°58'32" East 2644.82 feet; thence North 89°56'52" East 1323.59 feet thence South 0°08'58" East 1319.92 feet; thence South 89°57'54" West 1324.20 feet to the South Quarter corner of said Section 5; thence South 89°45'55" West 2648.40 feet to the Southwest corner of said Section 5; thence South 89°51'00" West 1981.32 feet; thence North 0°03'14" West 660.58 feet; thence South 89°48'56" West 660.21 feet to the POINT OF BEGINNING.

Being Lot 14, High Plains Estates, of Record of Survey, recorded April 21, 2004, as Instrument No. 200421334, records of Canyon County, Idaho.

PARCEL 2:

A 60-foot wide right-of-way to be used for ingress-egress and utilities lying in the Southeast Quarter of Section 1, Township 5 North, Range 3 West of the Boise Meridian, the South half of Section 6, Township 5 North, Range 2 West of the Boise Meridian and the North half of Section 7, Township 5 North, Range 2 West of the Boise Meridian described as follows:

Beginning at a brass cap monument marking the Southeast 1/16 corner of Section 1 Township 5 North, Range 3 West of the Boise Meridian and running thence North 89°53'06" East 1316.24 feet to a brass cap monument marking the South 1/16 corner of said Section 1; thence North 89°51'15" East 1286.78 feet to a brass cap monument marking the Southwest 1/16 corner of Section 6, Township 5 North, Range 2 West of the Boise Meridian; thence North 89°41'07" East 1319.08 feet to a brass cap monument marking the center South 1/16 corner of said Section 6; said point being a point of curve with a radius of 60.00 feet, a central angle of 255°44'17" and a chord that bears South 37°35'11" West 95.05 feet; thence to the right along said curve 267.81 feet to a point of reverse curve with a radius of 20.00 feet, a central angle of 75°31'21" and a chord that bears North 52°33'13" West 24.49 feet; thence to the left along said curve 26.36 feet; thence South 89°41'07" West 1160.53 feet to a point of curve with a radius of 50.00 feet, a central angle of 90°24'59" and a chord that bears South 44°28'37" West 70.97 feet; thence to the left along said curve 78.90 feet; thence South 0°43'52" East 1101.47 feet to a point of curve with a radius of 50.00 feet, a central angle of 89°43'13" and a chord that bears South 45°35'29" East 70.54 feet; thence to the left along said curve 78.30 feet; thence North 89°32'55" East 1224.01 feet; thence North 89°51'00" East 2641.63 feet; thence South 0°09'00" East 60.00 feet to a 5/8" iron rod with yellow plastic cap marked P.L.S. 7323 marking the Southeast corner of said Section 6; thence South

Exhibit "A"

Legal Description

89°51'00" West 2641.75 feet to a 5/8" iron rod with yellow plastic cap marked P.L.S. 7323 marking the South Quarter corner of said Section 6; thence South 89°32'55" West 587.02 feet to a point of curve with a radius of 60.00 feet, a central angle of 101°35'06" and a chord that bears South 38°45'22" West 77.49 feet; thence to the left along said curve 88.65 feet; thence South 12°02'11" East 184.45 feet; thence South 2°50'01" East 185.61 feet; thence South 10°07'32" East 211.90 feet to a point of curve with a radius of 60.00 feet, a central angle of 255°31'21" and a chord that bears North 82°21'52" West 94.87 feet; thence to the right along said curve 267.58 feet to a point of reverse curve with a radius of 20.00 feet, a central angle of 75°31'21" and a chord that bears North 27°38'08" East 24.49 feet; thence to the left along said curve 26.36 feet; thence North 10°07'32" West 136.27 feet; thence North 2°50'01" West 184.80 feet; thence North 12°02'11" West 222.42 feet to a point of curve with a radius of 50.00 feet, a central angle of 78°24'54" and a chord that bears North 51°14'38" West 63.21 feet; thence to the left along said curve 68.43 feet; thence South 89°32'55" West 1746.08 feet to a point of curve with a radius of 50.00 feet, a central angle of 89°35'08" and a chord that bears South 44°45'21" West 70.45 feet; thence to the left along said curve 78.18 feet; thence South 0°02'13" East 485.13 feet to a point of curve with a radius of 20.00 feet, a central angle of 75°31'21" and a chord that bears South 37°47'54" East 24.49 feet; thence to the left along said curve 26.36 feet to a point of reverse curve with a radius of 60.00 feet, a central angle of 255°31'21" and a chord that bears South 52°12'06" West 94.87 feet; thence to the right along said curve 267.58 feet; thence North 0°02'13" West 611.60 feet to a brass cap monument marking the Southwest corner of said Section 6; thence North 89°55'43" West 658.93 feet to a point of curve with a radius of 60.00 feet, a central angle of 243°01'43" and a chord that bears North 31°31'17" East 102.30 feet; thence to the right along said curve 254.50 feet to a point of reverse curve with a radius of 50.00 feet, a central angle of 62°57'52" and a chord that bears South 58°26'48" East 52.22 feet; thence to the left along said curve 54.95 feet; thence North 89°42'46" East 1782.95 feet to a point of curve with a radius of 50.00 feet, a central angle of 90°16'46" and a chord that bears North 44°24'31" East 70.88 feet; thence to the left along said curve 78.78 feet; thence North 0°43'52" West 1102.09 feet to a point of curve with a radius of 50.00 feet, a central angle of 89°24'52" and a chord that bears North 45°28'18" West 70.35 feet; thence to the left along said curve 78.03 feet; thence South 89°51'15" West 1208.02 feet; thence South 89°53'06" West 1316.31 feet; thence North 0°02'31" East 60.00 feet to the point of beginning.

Exhibit "A"

Legal Description

Attachment 1A.26

27
28
29
30
31
32
33

2008 DEC 31 PM 2 20

WILLIAM H. HANST
CANYON CITY RECORDER
BY JANE B. HANST

REQUEST Adm Engr, Inc
TYPE Prod FEE 900 0

QUITCLAIM DEED

FOR VALUE RECEIVED, RIDGELINE VISTAS, LLC, an Idaho limited liability company, does hereby convey, release, remise and forever quit claim unto JADE EAGLE, INC., an Idaho corporation whose address is 660 E. Franklin Road, #140, Meridian, Idaho, 83642, all right, title, and interest now owned or hereafter acquired in and to water rights exceeding 107 acres appurtenant to the following described premises located in Canyon County, State of Idaho, more particularly described as follows, to-wit:

See Exhibit "A" attached hereto

This Quitclaim Deed shall have no effect upon, or convey any portion of, water right nos. 63-31214 and 63-32851. RIDGELINE VISTAS, LLC hereby withholds and retains said water rights in their entirety, and said water rights are reserved and wholly exempt from this transaction.

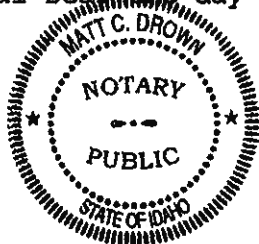
DATED: 12-29-09

Joyce Aulenti

STATE OF IDAHO)
) ss.
County of Ada)

On this 29th day of December, in the year 2009, before me,
Matt C. Drown, a Notary Public for the State of
Idaho, personally appeared Jayce Stukenholtz, known
or identified to me to be the Manager/Member of the Limited
Liability Company whose name is subscribed to the within and
foregoing instrument, and acknowledged to me that he executed the
same.

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



Notary Public for the State of Idaho
Residing in Ada County, Idaho
My Commission Expires: 4/20/2015

EXHIBIT "A"

PARCEL 1:

Part of the Southeast Quarter of the Section 6 and the Southwest Quarter of Section 5 and the Southwest Quarter of the Southeast Quarter of Section 5, Township 5 North, Range 2 West, of the Boise Meridian, Canyon County, Idaho, described as follows:

COMMENCING at a brass cap monument marking the Southwest corner of Section 6, Township 5 North, Range 2 West, of the Boise Meridian, Canyon County, Idaho, and running thence North 89°32'55" East 2806.07 feet, said point being the South Quarter corner of said Section 6; thence North 0°02'05" West 680.18 feet to the POINT OF BEGINNING; thence North 0°02'05" West 538.36 feet to a point of curve with a radius of 60.00 feet, a central angle of 180°00'00" and a chord that bears North 00°02'05" West 120.00 feet; thence to the left along said curve 188.49 feet; thence North 89°38'18" East 1320.00 feet to a brass cap marking the Southeast One-Sixteenth (1/16) corner of said section; thence North 89°36'50" East 1323.33 feet to a brass cap marking the South One-Sixteenth (1/16) corner of said section; thence North 89°58'32" East 2644.82 feet; thence North 89°56'52" East 1323.59 feet; thence South 0°08'58" East 1319.92 feet; thence South 89°57'34" West 1324.20 feet to the South Quarter corner of said Section 5; thence South 89°45'55" West 2648.40 feet to the Southwest corner of said Section 5; thence South 89°51'00" West 1981.32 feet; thence North 0°03'14" West 680.68 feet; thence South 89°48'55" West 680.21 feet to the POINT OF BEGINNING.

Being Lot 14, High Plains Estates, of Record of Survey, recorded April 21, 2004, as Instrument No. 200421334, records of Canyon County, Idaho.

PARCEL 2:

A 60-foot wide right-of-way to be used for ingress-egress and utilities lying in the Southeast Quarter of Section 1, Township 5 North, Range 3 West of the Boise Meridian, the South half of Section 6, Township 5 North, Range 2 West of the Boise Meridian and the North half of Section 7, Township 5 North, Range 2 West of the Boise Meridian described as follows:

Beginning at a brass cap monument marking the Southeast 1/16 corner of Section 1 Township 5 North, Range 3 West of the Boise Meridian and running thence North 88°53'08" East 1316.24 feet to a brass cap monument marking the South 1/16 corner of said Section 1; thence North 89°51'15" East 1286.78 feet to a brass cap monument marking the Southwest 1/16 corner of Section 6, Township 5 North, Range 2 West of the Boise Meridian; thence North 89°41'07" East 1319.08 feet to a brass cap monument marking the center South 1/16 corner of said Section 6; said point being a point of curve with a radius of 60.00 feet, a central angle of 255°44'17" and a chord that bears South 37°35'11" West 86.05 feet; thence to the right along said curve 267.81 feet to a point of reverse curve with a radius of 20.00 feet, a central angle of 75°31'21" and a chord that bears North 62°33'13" West 24.49 feet; thence to the left along said curve 26.35 feet; thence South 89°41'07" West 1160.63 feet to a point of curve with a radius of 60.00 feet, a central angle of 90°24'59" and a chord that bears South 44°28'37" West 70.97 feet; thence to the left along said curve 78.30 feet; thence South 0°43'52" East 1101.47 feet to a point of curve with a radius of 60.00 feet, a central angle of 89°43'13" and a chord that bears South 48°35'29" East 70.84 feet; thence to the left along said curve 78.30 feet; thence North 89°32'56" East 1224.01 feet; thence North 89°51'00" East 2641.63 feet; thence South 0°09'00" East 60.00 feet to a 5/8" iron rod with yellow plastic cap marked P.L.S. 7323 marking the Southeast corner of said Section 6; thence South

Exhibit "A"

Legal Description

89°51'00" West 2841.75 feet to a 5/8" Iron rod with yellow plastic cap marked P.L.S. 7323 marking the South Quarter corner of said Section 6; thence South 89°32'55" West 587.02 feet to a point of curve with a radius of 50.00 feet, a central angle of 101°36'06" and a chord that bears South 38°48'22" West 77.49 feet; thence to the left along said curve 88.65 feet; thence South 12°02'11" East 194.45 feet; thence South 2°50'01" East 185.61 feet; thence South 10°07'32" East 211.90 feet to a point of curve with a radius of 60.00 feet, a central angle of 255°31'21" and a chord that bears North 62°21'52" West 94.87 feet; thence to the right along said curve 287.58 feet to a point of reverse curve with a radius of 20.00 feet, a central angle of 75°31'21" and a chord that bears North 27°38'08" East 24.49 feet; thence to the left along said curve 26.36 feet; thence North 10°07'32" West 138.27 feet; thence North 2°50'01" West 184.60 feet; thence North 12°02'11" West 222.42 feet to a point of curve with a radius of 50.00 feet, a central angle of 78°24'54" and a chord that bears North 51°14'38" West 83.21 feet; thence to the left along said curve 68.43 feet; thence South 69°32'55" West 1746.03 feet to a point of curve with a radius of 50.00 feet, a central angle of 89°35'08" and a chord that bears South 44°45'21" West 70.45 feet; thence to the left along said curve 78.16 feet; thence South 0°02'13" East 485.13 feet to a point of curve with a radius of 20.00 feet, a central angle of 75°31'21" and a chord that bears South 37°47'54" East 24.49 feet; thence to the left along said curve 28.36 feet to a point of reverse curve with a radius of 60.00 feet, a central angle of 255°31'21" and a chord that bears South 62°12'06" West 94.87 feet; thence to the right along said curve 287.58 feet; thence North 0°02'13" West 611.80 feet to a brass cap monument marking the Southwest corner of said Section 6; thence North 89°55'43" West 658.93 feet to a point of curve with a radius of 60.00 feet, a central angle of 243°01'43" and a chord that bears North 31°31'17" East 102.30 feet; thence to the right along said curve 254.50 feet to a point of reverse curve with a radius of 50.00 feet, a central angle of 62°57'52" and a chord that bears South 58°26'45" East 62.22 feet; thence to the left along said curve 54.95 feet; thence North 89°42'48" East 1782.95 feet to a point of curve with a radius of 50.00 feet, a central angle of 90°16'46" and a chord that bears North 44°24'31" East 70.86 feet; thence to the left along said curve 78.78 feet; thence North 0°43'52" West 1102.09 feet to a point of curve with a radius of 60.00 feet, a central angle of 89°24'52" and a chord that bears North 48°26'18" West 70.35 feet; thence to the left along said curve 78.03 feet; thence South 89°51'15" West 1208.02 feet; thence South 89°53'08" West 1316.31 feet; thence North 0°02'31" East 60.00 feet to the point of beginning.

EXHIBIT "A"
Legal Description

Form 238-7
7/94

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

RECEIVED
Typewriter
or
Point Pen
AUG 22 1995

1. DRILLING PERMIT NO. 63-95-W-0611-000
Other IDWR No. _____

2. OWNER:
Name HOLMES LYNOT
Address P.O. Box 45164
City BOISE State ID Zip 83707

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N		Twp. <u>5</u> North ☒ or South ☐	
E		Rge. <u>1</u> East ☒ or West ☐	
S		Sec. <u>29</u> 1/4 <u>NE</u> 1/4 <u>SW</u> 1/4	
W		Gov't Lot _____ County <u>ADAM</u>	

Address of Well Site _____ City ARM EAGLE

(Give at least name of road + Distance to Road or Landmark)
L.I. 7 Bk. 1 Sub. Name STILLWATER ESTATE
7

4. PROPOSED USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK
☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
BENTONITE	0	18	300 lbs	OVERDRILL

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>6"</u>	<u>1 1/2</u>	<u>239</u>	<u>.25</u>	<u>STEEL</u>	☒	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe 5' Length of Tailpipe 1'

9. PERFORATIONS/SCREENS

☐ Perforations Method WASH-IN
☒ Screens Screen Type STAINLESS STEEL

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u>241</u>	<u>251</u>	<u>.30</u>	<u>—</u>	<u>5"</u>	<u>STEEL</u>	☐	☒
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
141 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:
☐ Pump ☐ Baller ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
<u>40</u>	<u>—</u>	<u>235</u>	<u>1HR</u>

Water Temp. 54° Bottom hole temp. 54°
Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Depth	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>8</u>	<u>0</u>	<u>2</u>	<u>TOP SOIL</u>		
<u>2</u>	<u>18</u>	<u>18</u>	<u>BEN CLAY</u>		
<u>6</u>	<u>18</u>	<u>47</u>	<u>BEN CLAY</u>		
	<u>67</u>	<u>76</u>	<u>BEN SANDY CLAY</u>		
	<u>76</u>	<u>115</u>	<u>BEN SAND</u>		
	<u>115</u>	<u>155</u>	<u>BEN CLAY</u>		
	<u>155</u>	<u>161</u>	<u>SAND</u>		
	<u>161</u>	<u>173</u>	<u>BEN CLAY</u>		
	<u>173</u>	<u>181</u>	<u>FINE SAND</u>		
	<u>181</u>	<u>183</u>	<u>BEN CLAY</u>		
	<u>183</u>	<u>184</u>	<u>FINE SAND</u>		
	<u>184</u>	<u>186</u>	<u>HARD BROWN CLAY</u>		
	<u>186</u>	<u>197</u>	<u>SANDY CLAY</u>		
	<u>197</u>	<u>201</u>	<u>ORANGE SAND</u>		
	<u>201</u>	<u>203</u>	<u>TAN CLAY</u>		
	<u>203</u>	<u>207</u>	<u>SAND W/CLAY SPINKERS</u>		
	<u>207</u>	<u>212</u>	<u>SAND</u>		
	<u>212</u>	<u>218</u>	<u>TAN CLAY</u>		
	<u>218</u>	<u>223</u>	<u>FINE SAND</u>		
	<u>223</u>	<u>237</u>	<u>COARSE SAND</u>		
	<u>237</u>	<u>238</u>	<u>TAN CLAY</u>		
	<u>238</u>	<u>252</u>	<u>SAND</u>		

RECEIVED

AUG 29 1995

Department of Water Resources

Completed Depth 252 FT. (Measurable)
Date: Started 8-9-95 Completed 8-16-95

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name COGNISE WELL DRILLING Firm No. 409

Firm Official Ray E. Cannon Date 8-16-95

and Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

2007041957

RECORDED

2007 JUN 15 PM 2:00

WILLIAM L. HURST
CANYON COUNTY RECORDER

1. JESSE L. BURKE
TYPE: 1001 FEE: 0.00

Attachment da

CORPORATE WARRANTY DEED

1. Conveyance of Water Right. For value received, Jade Eagle, Inc., an Idaho corporation, with its principal office at 660 East Franklin, Suite 140, Meridian, Idaho 83642 ("Grantor") hereby GRANTS, BARGAINS, SELLS, AND CONVEYS to Timothy J. Burke, a married man, whose current address is P.O. Box 7067, Boise, Idaho 83707 ("Grantee") a portion of that certain Water Right No. 63-31216 located in Canyon County, State of Idaho and further described on Exhibit A attached ("Water Right"), TO HAVE AND TO HOLD the Water Right and the appurtenances to the Water Right unto the Grantee and the Grantee's heirs and assigns forever.

2. Representations and Covenants of the Grantor. The Grantor represents to and covenants with the Grantee as follows:

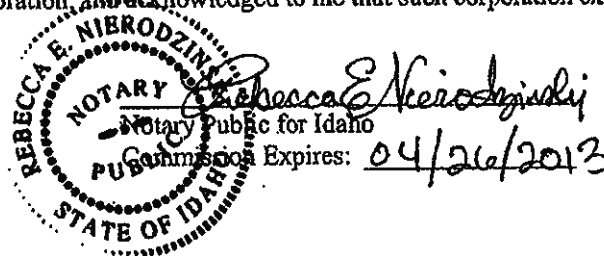
- A. The Grantor is the owner in fee simple of the Water Right.
- B. The Water Right is free from all encumbrances, subject to and except for (i) the encumbrances described on Exhibit B attached, (ii) encumbrances made, suffered, or done by the Grantee, (iii) reservations, restrictions, dedications, easements, rights of way, and agreements (if any) of record, and (iv) general taxes and assessments (including irrigation and utility assessments, if any) for the current year which are not yet due and payable.
- C. The Grantor will warrant and defend the quiet enjoyment of the Water Right from all lawful claims, to the extent of the warranties contained in this Deed.
- D. The Grantor will give such assurances and perform such acts as may be necessary to perfect or confirm the title conveyed by this Deed.

3. Certification of Authorization. The officer who signs this Deed certifies that this Deed and the transfer represented by this Deed were duly authorized by the Board of Directors in accordance with the Bylaws and Articles of the Grantor and the laws applicable to the Grantor.

JADE EAGLE, INC.

By: 
Rick Thurber, President

On this 11 day of June, 2007, before me, a notary public in and for the State of Idaho, personally appeared Rick Thurber, known or identified to me to be the President of Jade Eagle, Inc., the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



CORPORATE WARRANTY DEED - 2
June 8, 2007

EXHIBIT A
WATER RIGHT

A three (3.0) acre portion of Water Right No. 63-31216, located in Section 5 and Section 6, T05N, R02W, being Lot 14, High Plains Estates, Record of Survey recorded April 21, 2004 as Instrument No. 200421334, records of Canyon County, Idaho, which shall include 0.06 cubic feet per second (cfs), and 13.5 acre feet per annum (afa).

**EXHIBIT B
ENCUMBRANCES**

NONE

RECORDER SCAN

ADA COUNTY RECORDER
J. DAVID HAVARRORECORDED - REQUEST OF
FEE 3.00 DEPUTY MP

2002 AP -1 PM 4:30

102038441



TITLE ONE

Order No.: A027273 DR/AL

WARRANTY DEED

FOR VALUE RECEIVED,

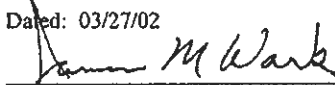
JAMES M. WARK and MERRIDEE L. WARK, HUSBAND AND WIFE
The Grantor(s), do(es) hereby grant, bargain sell and convey unto
TIM BURKE and MARY BURKE, HUSBAND AND WIFE
whose current address is 2876 W. TIMBER, EAGLE, ID 83616

the Grantee(s), the following described premises, in ADA County, Idaho, TO WIT:

Lot 7 in Block 1 of STILLWELL ESTATES NO. 7, according to the Plat thereof, filed in
Book 51 of Plats at Page 4238 and 4239, Records of Ada County, Idaho.

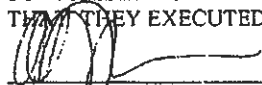
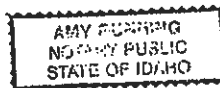
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s),
that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances
EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants,
zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments,
including irrigation and utility easements (if any) for the current year, which are not due and payable,
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: 03/27/02


JAMES M. WARK


MERRIDEE L. WARK
STATE OF IDAHO
COUNTY OF ADA

ON THIS 27TH OF MARCH, 2002, BEFORE ME, THE UNDERSIGNED, A
NOTARY PUBLIC PERSONALLY APPEARED JAMES M. WARK, MERRIDEE L.
WARK, KNOWN TO ME OR PROVEN TO ME ON THE BASIS OF
SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE
SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME
THAT THEY EXECUTED THE SAME.


NOTARY PUBLIC
RESIDING AT: EAGLE, ID
MY COMMISSION EXPIRES: 6/19/06


(SEAL)

T05N R01E S29 NWSW



Lot 7, Block 1, Stilwell Estates #7



Existing Well



Proposed Place of Use

Attachment #7a



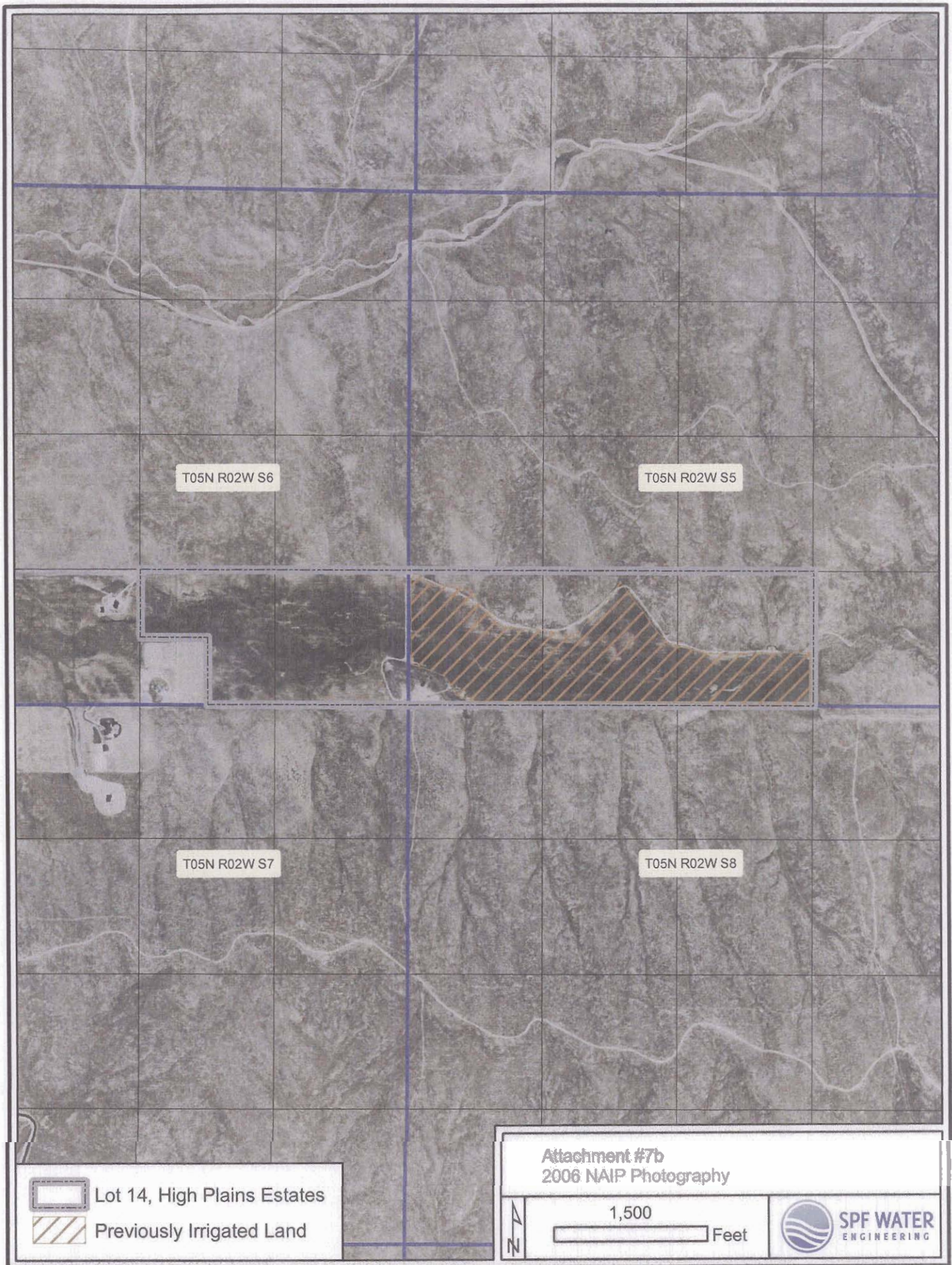
250

Feet



SPF WATER
ENGINEERING

TRANSFER # 76305



T05N R02W S6

T05N R02W S5

T05N R02W S7

T05N R02W S8

-  Lot 14, High Plains Estates
-  Previously Irrigated Land

Attachment #7b
2006 NAIP Photography



1,500
Feet

