

RECEIVED

OCT 21 2009

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

WATER RESOURCES  
 WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

| Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) |
|----------------------|-----------------------------|----------|----------------------|-----------------------------|----------|
| per 63-32235         |                             | N        |                      |                             |          |
| PD 2-16-07 63-4695   |                             | N        |                      |                             |          |
| PD 4-2-07 63-17863   |                             | N        |                      |                             |          |
| PD 2-16-07 63-31312  |                             | N        |                      |                             |          |
| PD 2-16-07 63-31313  |                             | N        |                      |                             |          |
|                      |                             |          |                      |                             |          |

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

South Channel LLC

PO Box 1550

Eagle, ID 83616

SUPPORT DATA

IN FILE #

63-4695

4. New Owner/Claimant(s)

Orion Holdings LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

618 N. Pioneer Oak

City, State and ZIP Code

Salt Lake City, Utah 84108

New Telephone Number

(801) 381-6950

Email: cnh.dn@

verizon.net

5. Date you acquired the property

8/10/09

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

ORION HOLDINGS LLC MANAGER  
(title if applicable)  
(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

## For IDWR Office Use Only:

Received by SP Date 10-21-09  
 Received by SP Date 10-21-09  
 Processed by AJ Date 10-21-09

Receipt Amt. \$125.00  
 Receipt No. 0037962  
 WR SP Date 12-4-09

A0982027 ST/LSO

ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 08/10/09 02:30PM  
DEPUTY Vicki A Allen  
RECORDED-REQUEST OF  
TITLEONE CORPORATION

AMOUNT 33.00 11



## *SPECIAL WARRANTY DEED*

For Value Received,

M&I Marshall & Ilsley Bank, a Wisconsin state chartered bank, the Grantor, does hereby grant, bargain sell and convey unto, Orion Holdings, LLC, an Idaho limited liability company, whose current address is 618 N. Pioneer Oak Road, Salt Lake City, UT 84108, the Grantee, the following described premises, in Ada County, Idaho, To Wit:

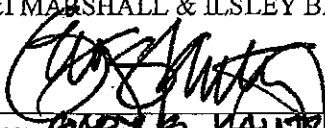
See Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the premises are free from all encumbrances EXCEPT those suffered or done by the Grantee, subject to municipal and zoning ordinances and agreements entered under them, building and use restrictions and covenants, State and/or Federal statutes and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the year 2009 and for subsequent years not yet due and payable and all Permitted Exceptions listed in Exhibit B attached hereto.

The said Grantor will warrant and defend the said premises from any persons whomsoever lawfully claiming, or who may claim the same, or any part thereof, by, through, or under Grantor but not otherwise. Whenever the context so requires, the singular number includes the plural.

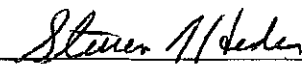
Dated: August 7, 2009

M&I MARSHALL & ILSLEY BANK

By: 

Name: GARY S. HAUDRIER

Its: ASST VICE PRESIDENT

Attest: 

Name: STEVEN J. HEGER

Its: ASST. VICE PRESIDENT

STATE OF WISCONSIN )

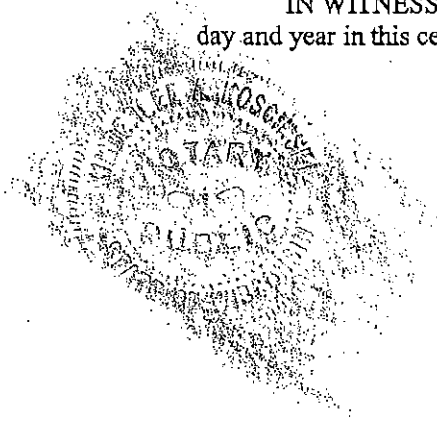
) ss.

County of Milwaukee )

On this 7<sup>th</sup> day of August, 2009, before me, a Notary Public in and for said State, personally appeared Gary Kautzer and Steven Heder known or identified to me ~~(or proved to me on the oath of \_\_\_\_\_)~~ to be the Assistant Vice President and Assistant Vice President respectively of M&I MARSHALL & ILSLEY BANK, the chartered bank that executed the instrument or the persons who executed the instrument on behalf of said chartered bank, and who acknowledged to me that such chartered bank executed the same.

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

Karla Korte  
NOTARY PUBLIC FOR WISCONSIN  
Residing at Milwaukee County  
My Commission Expires March 4, 2012



## EXHIBIT A

### Parcel A:

Lots 5, 6, 8, 9, 10, 11, 12, 13, 14 and 15 in Block 1; Lots 6, 8, 9, 11, 13, 14, 15, 16 and 17 in Block 2; Lots 2, 4, 5, 8 and 9 in Block 3; Lots 7, 10, 11, 12, 13, 14, 15, 16 and 17 in Block 4 of The Shores Subdivision - Phase 1, according to the plat thereof, filed in Book 94 of Plats at Pages 11424 through 11432, Records of Ada County, Idaho.

### Parcel B:

A Parcel of land, a portion of which lies in Assessor Parcel S0517336107, Records of Ada County, Idaho, and situated in the Southwest quarter of Section 17 and Northwest quarter of Section 20, of Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of said Section 17, as shown on Amended Record of Survey No. 6619, Instrument No. 104113436, Records of Ada County, Idaho, from which the quarter corner common to said Sections 17 and 20 bears South 88°22'10" East, 2686.60 feet; thence along the Westerly section line of said Section 17 the following courses:

North 00°35'54" East, 502.90 feet to the Point of Beginning; thence  
North 00°35'54" East, 306.84 feet; thence leaving said Westerly section line  
South 88°22'04" East, 1226.07 feet; thence  
South 01°37'56" West, 180.15 feet; thence  
South 88°22'57" East, 29.51 feet; thence  
South 29°07'13" West, 982.49 feet to the Southerly boundary of said Amended Records of Survey No. 6619, on the North Bank of the South fork of the Boise River; thence along said Southerly boundary the following courses:

North 61°47'07" West, 160.65 feet; thence  
North 51°47'48" West, 80.86 feet; thence  
North 59°38'10" West, 169.96 feet; thence  
North 04°01'40" East, 63.95 feet; thence  
North 64°03'57" West, 58.45 feet; thence  
North 60°56'04" West, 127.92 feet; thence  
North 44°40'24" West, 223.51 feet; thence  
North 14°03'18" West, 93.16 feet;  
thence North 20°41'58" West, 121.11 feet; thence  
North 44°38'32" West, 58.08 feet to the Point of Beginning.

### Parcel C:

A Parcel of land, a portion of which lies in Assessor Parcel S051733600, Records of Ada County, Idaho, and situated in the Southwest quarter of the Southwest quarter of Section 17, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the South 1/16th corner common to Sections 17 and 18, from which point, the Southwest corner of said Sections 17 bears

South 00°35'54" West, 1317.82 feet, as shown on Amended Record of Survey No. 6619, Instrument No. 104113436, Records of Ada County, Idaho; thence along the Northerly line of said Southwest quarter of the Southwest quarter, South 89°08'03" East, 1349.80 feet to the Northeasterly corner thereof, said point being on the Westerly line of Lot 24, Block 20 of Two Rivers Subdivision No. 3, recorded in Book 82 of Plats, at Pages 8979 through 8981, Ada County Records, thence along the Easterly line of said Southwest quarter of the Southwest quarter South 00°53'27" West, 345.37 feet to the Northwesterly corner of Lot 18, Block 4 of The Shores Subdivision, Phase 1, recorded in Book 94 of Plats, at Pages 11424 through 11432, Ada County Records; thence along said Westerly line, South 00°53'27" West, 180.72 feet; thence North 88°22'04" West, 1347.32 feet to a point on the Westerly line of said Southwest quarter of the Southwest quarter; thence along said Westerly line, North 00°35'54" East, 508.08 feet to the Point of Beginning.

Parcel D:

A parcel of land situated in the Southwest Quarter of Section 17, Township 4 North, Range 1 East, Boise Meridian, City of Eagle, Ada County, Idaho, more particularly described as follows:

Commencing at the ¼ corner common to said Sections 17 and 20, as shown on Amended Record of Survey No. 6619, Ada County records, from which point the Southwest corner of said Section 17 bears

North 88°22'10" West 2686.60 feet; thence along the Easterly line of the Southwest quarter of said Section

North 01°10'15" East 576.57 feet; thence

North 88°49'45" West 17.00 feet; thence

North 01°10'15" East 53.34 feet to the Southeasterly corner of Parcel A1 as described in Warranty Deed Instrument No. 105014269, records of Ada County, Idaho; thence along the Southerly boundary line of said Parcel A1;

North 88°22'57" West 1319.60 feet to the Westerly right-of-way line of N. Bellemonte Way and the Point of Beginning; thence along said Westerly right-of-way line the following courses:

South 07°12'04" East 159.36 feet to the beginning of a tangent curve; thence along said curve to the right having a radius of 217.00 feet, an arc length of 137.51 feet through a central angle of 36°18'30", and a chord bearing and distance of South 10°57'11" West 135.22 feet; thence, tangent from said curve,

South 29°06'26" West 300.52 feet to the beginning of a tangent curve; thence along said curve to the right having a radius of 30.00 feet, an arc length of 43.01 feet, through a central angle of 82°08'59", and a chord bearing and distance of South 70°10'56" West 39.42 feet; thence, non-tangent from said curve

South 21°15'25" West 66.00 feet; thence

South 68°44'35" East 30.17 feet to the Northwesterly corner of Lot 16, Block 1, of The Shores Subdivision - Phase 1, Instrument No. 106005728, filed for record in Book 94 at Pages 11424 through 11432, records of Ada County, Idaho; thence along the Westerly line of said Lot

South 29°06'26" West 355.54 feet to the Southwesterly corner of said Lot 16 on the North Bank of the South Channel of the Boise River as shown on said Record of Survey No. 6619; thence along said North Bank of the South Channel of the Boise River the following courses:

North 85°09'13" West 54.75 feet;

North 62°05'37" West 192.06 feet; thence leaving said Bank

North 29°07'13" East 982.49 feet; thence

North 88°23'01" West 29.50 feet; thence

North  $01^{\circ}37'56''$  East 180.15 feet; thence  
South  $88^{\circ}21'57''$  East 121.24 feet; thence  
South  $00^{\circ}53'26''$  West 35.01 feet to the beginning of a non-tangent curve; thence  
along said curve to the right having a radius of 192.00 feet, an arc length of 11.60 feet, through a  
central angle of  $3^{\circ}27'41''$ , and a chord bearing and distance of North  $78^{\circ}26'15''$  West, 11.60 feet;  
thence, non-tangent from said curve, South  $10^{\circ}01'41''$  West 66.08 feet to the beginning of a non-  
tangent curve; thence along said non-tangent curve to the right having a radius of 30.00 feet, an  
arc length of 36.83 feet, through a central angle of  $70^{\circ}20'30''$ , and a chord bearing and distance of  
South  $42^{\circ}22'19''$  East, 34.56 feet; thence tangent from said curve  
South  $07^{\circ}11'20''$  East 57.55 feet to the Point of Beginning.

## **EXHIBIT B**

### Permitted Exceptions

1. Taxes, including any assessments collected therewith, for the year 2009 which are a lien not yet due and payable.
2. The land described herein is located within the boundaries of the City of Eagle (939-6813) and is subject to any assessments levied thereby.
3. The land described herein is located within the boundaries of Eagle Sewer District (939-0132) and is subject to any assessments levied thereby.
4. Liens, Levies, and Assessments of the Eagle Island Water Users Association.
5. Liens, Levies, and Assessments of the Riverside Irrigation.
6. The land described herein is located within the boundaries of Farmers Union Irrigation District (208-345-2510) and is subject to any assessments levied thereby.
7. Liens, Levies, and Assessments of The Shores Homeowners' Association, Inc.
8. Reservations and exceptions in a United States Patent, and in the act authorizing the issuance thereof.  
Recorded: February 21, 1876  
Book 1 of Patents at Page 88
9. Reservations and exceptions in a United States Patent, and in the act authorizing the issuance thereof.  
Recorded: May 31, 1894  
Book 3 of Patents at Page 87
10. Any question that may arise due to the shifting and changing in the course of the Boise River.
11. Any Rights, Interests or Easements in favor of the State of Idaho, the United States of America, or the public which exist or are claimed to exist in and over the waters, bed and banks of the Boise River.
12. Any adverse claim based upon the assertion that:
  - a) Some portion of the land forms the bed or bank of a navigable river or lake, or lies below the mean high water mark thereof;
  - b) The boundary of the land has been affected by a change in the course or water level of a navigable river or lake;
  - c) The land is subject to water rights, claims or title to water and to any law or governmental regulation pertaining to wetlands.

13. An easement for the purpose shown below and rights incidental thereto as set forth in a Warranty Deed.  
Granted to:  
Purpose: right of way for road  
Recorded: September 8, 1917  
Instrument No.: 70619  
Book 126 of Deeds at Page 47
14. An easement for the purpose shown below and rights incidental thereto as set forth in a Warranty Deed.  
Granted to:  
Purpose: ditch  
Recorded: January 24, 1922  
Instrument No.: 97761  
Book 155 of Deeds at Page 222
15. An easement for the purpose shown below and rights incidental thereto as set forth in a Decree of Partial Distribution.  
Purpose: Roadway  
Recorded: June 14, 1924  
Instrument No.: 111446  
Book 167 of Deeds at Page 490
16. An easement for the purpose shown below and rights incidental thereto as set forth in a Power Line Easement.  
Granted to: Idaho Power Company, a corporation  
Purpose: Public Utilities  
Recorded: August 12, 1939  
Instrument No.: 191592  
Book 16 of Contracts at Page 179  
The exact location and extend of said easement is not disclosed of record.
17. An easement for the purpose shown below and rights incidental thereto as set forth in a Power Line Easement.  
Granted to: Idaho Power Company, a corporation  
Purpose: Public Utilities  
Recorded: August 12, 1939  
Instrument No.: 191593  
Book 16 of Contracts at Page 180  
The exact location and extent of said easement is not disclosed of record.
18. An easement for the purpose shown below and rights incidental thereto as set forth in a Power Line Easement.  
Granted to: Idaho Power Company, a corporation  
Purpose: Public Utilities  
Recorded: October 16, 1942  
Instrument No.: 214810  
Book 18 of Miscellaneous at Page 195  
The exact location and extent of said easement is not disclosed of record.

19. An easement for the purpose shown below and rights incidental thereto as set forth in a Warranty Deed.  
Purpose: right of way of the road  
Recorded: June 9, 1970  
Instrument No.: 743377  
  
Terms, conditions, easements and, obligations, if any, contained in Agreement to Vacate Easement by and between Jon Wroten and Marietta Wroten, Co-Trustees of the Wroten Family Revocable Living Trust, Janis M. Wroten-Graham, who acquired title as Janise M. Meek and South Channel, L.L.C., an Idaho limited liability company.  
Recorded: February 4, 2005  
Instrument No.: 105014274
20. An easement for the purpose shown below and rights incidental thereto as set forth in a Power Line Easement.  
Granted to: Idaho Power Company, a corporation  
Purpose: Public Utilities  
Recorded: January 2, 1980  
Instrument No.: 8000131
21. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Public Utilities  
Recorded: March 28, 1986  
Instrument No.: 8615540
22. All matters, and any rights, easements, interests or claims as disclosed by Record of Survey No. 4303 recorded June 17, 1998 as Instrument No. 98058316.
23. An easement for the purpose shown below and rights incidental thereto as set forth in a Grant of Easement.  
Granted to: Starwood of Eagle, Inc., an Idaho corporation  
Purpose: Sewer Line  
Recorded: November 18, 1998  
Instrument No.: 98110813  
  
Assignment of Easement  
Recorded: May 15, 2000  
Instrument No.: 100036737  
  
Assignment of Easement  
Recorded: May 15, 2000  
Instrument No.: 100036738  
  
Assignment of Easement  
Recorded: May 15, 2000  
Instrument No.: 100036739
24. All matters, and any rights, easements, interests or claims as disclosed by Record of Survey No. 6430 recorded February 27, 2004 as Instrument No. 104022142.

25. All matters, and any rights, easements, interests or claims as disclosed by Record of Survey No. 6619 recorded September 2, 2004 as Instrument No. 104113436.
26. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: City of Eagle  
Purpose: Greenbelt  
Recorded: July 1, 2005  
Instrument No.: 105088975
27. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: City of Eagle  
Purpose: Greenbelt  
Recorded July 1, 2005  
Instrument No.: 105088976
28. An easement for the purpose shown below and rights incidental thereto as set forth in a Public-Right-of-Way Easement (Sidewalk).  
Granted to: Ada County Highway District, a body politic and a corporate of the State of Idaho  
Purpose: Sidewalk  
Recorded: August 18, 2005  
Instrument No.: 105117240
29. Terms, conditions, easements and, obligations, if any, contained in Development Agreement by and between City of Eagle and South Channel LLC.  
Recorded: September 1, 2005  
Instrument No: 105126607
30. An easement for the purpose shown below and rights incidental thereto as set forth in a Conservation Easement.  
Granted to: The City of Eagle  
Purpose: preserving and maintaining the wetland and flood plain values  
Recorded: September 7, 2005  
Instrument No.: 105129520
31. An easement for the purpose shown below and rights incidental thereto as set forth in a Conservation Easement.  
Granted to: The City of Eagle  
Purpose: preserving and maintaining the wetland and flood plain values  
Recorded: September 7, 2005  
Instrument No.: 105129521
32. An easement for the purpose shown below and rights incidental thereto as set forth in a Dced of Wetland Conservation Easement.  
Purpose: Wetland conservation  
Recorded: September 21, 2005  
Instrument No.: 105137703

33. All matters, and any rights, easements, interests or claims as disclosed by Record of Survey No. 7114 recorded November 1, 2005 as Instrument No. 105165138.
34. An easement for the purpose shown below and rights incidental thereto as set forth in a Scenic Easement.  
Granted to: T R Company, L.L.C., an Idaho limited liability company  
Purpose: Scenic Easement  
Recorded: November 16, 2005  
Instrument No.: 105173960
35. An easement for the purpose shown below and rights incidental thereto as set forth in a Scenic Easement.  
Granted to: T R Company, L.L.C., an Idaho limited liability company  
Purpose: Scenic Easement  
Recorded: November 16, 2005  
Instrument No.: 105173979
36. An easement for the purpose shown below and rights incidental thereto as set forth in a State of Idaho Disclaimer of Interest No. 202.  
Granted to:  
Purpose: 25.00 foot wide public access easement  
Recorded: December 1, 2005  
Instrument No.: 105182513
37. An easement for the purpose shown below and rights incidental thereto as set forth in a State of Idaho Disclaimer of Interest No. 201.  
Granted to:  
Purpose: 25.00 foot wide public access easement  
Recorded: December 1, 2005  
Instrument No.: 105182514
38. Easements, reservations, restrictions, and dedications as shown on the official plat of The Shores Subdivision – Phase I.
39. Covenants, Conditions, and Restrictions, and, Easements but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status, or national origin, unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons as set forth in the document.  
Recorded: January 19, 2006  
Instrument No.: 106009735

Amendments, Supplements, or Modifications of said Covenants, Conditions, and Restrictions:  
Recorded: November 21, 2007  
Instrument No.: 107156684

Amendments, Supplements, or Modifications of said Covenants, Conditions, and Restrictions:  
Recorded: November 21, 2007  
Instrument No.: 107156685

Amendments, Supplements, or Modifications of said Covenants, Conditions, and Restrictions:

Recorded: May 2, 2008

Instrument No.: 108052300

40. An easement for the purpose shown below and rights incidental thereto as set forth in a Scenic Easement.  
Granted to: T R Company, L.L.C., an Idaho limited liability company  
Purpose: Scenic Easement  
Recorded: January 24, 2006  
Instrument No.: 106012115
41. An easement for the purpose shown below and rights incidental thereto as set forth in a Public Right-of-Way Easement (Sidewalk).  
Granted to: Ada County Highway District, a body politic and corporate of the State of Idaho  
Purpose: Sidewalk  
Recorded: September 28, 2006  
Instrument No.: 106154857
42. Notice of claim of Robert Imeson's beneficial interest in The Shores subdivision, as noted in the letter dated June 3, 2009 from C. Tom Arkoosh to Debra Baesemann.
43. Terms, conditions, easements and, obligations, if any, contained in Addendum No. Two to Option Agreement by and between Wroten Family Revocable Living Trust and Rocky Ridge Construction Co., DBA South Channel LLC.  
Recorded: July 27, 2009  
Instrument No.: 109087857
44. Terms, conditions, easements and, obligations, if any, contained in an Agreement by and between Wroten Family Revocable Living Trust and South Channel, L.L.C.  
Recorded: July 27, 2009  
Instrument No.: 109087858
45. Terms, conditions, easements and, obligations, if any, contained in Addendum No. One to Option Agreement by and between Wroten Family Revocable Living Trust and Rocky Ridge Construction, Inc.  
Recorded: July 27, 2009  
Instrument No.: 109087859

M 9/10

## ASSIGNMENT AND BILL OF SALE

THIS Assignment and Bill of Sale is made by the undersigned South Channel, LLC, an Idaho limited liability company ("Grantor") in connection with that certain Special Warranty Deed (Deed in Lieu of Foreclosure) made by the Grantor in favor of M & I Marshall and Isley Bank ("Grantee")

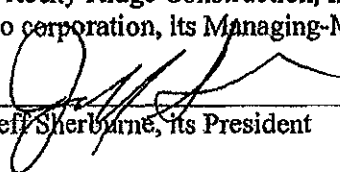
For good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby sell, transfer and deliver to the Grantee all of the Grantor's right, title and interest in and to that any and all permits, entitlements, approval documents, engineering drawings, plats, maps, environmental soils and other studies owned or belonging to Grantor relating to that certain real property development know as "The Shores" which real property is more particularly described on the Deed in Lieu, including without limitation all of Grantor's right, title and interest in and to the documents referenced on Exhibit "A" attached hereto (collectively the "Property Documents"), which Property Documents shall be or have been delivered to the Grantee's agent, Grubb & Ellis. Grantor warrants that it has the right to transfer or assign the referenced personal property; and that such personal property is free and clear of all liens.

Grantor hereby agrees to execute such additional documents and take such additional further action as may be reasonably required to accomplish and perfect the assignment and transfer contemplated herein.

IN WITNESS WHEREOF Grantor has executed this Bill of Sale this 31<sup>st</sup> day of December, 2008.

**SOUTH CHANNEL, LLC**, an Idaho  
Limited liability company

By: Rocky Ridge Construction, Inc. an  
Idaho corporation, its Managing-Member

By:   
Jeff Sherburne, its President



# ARTICLES OF DISSOLUTION LIMITED LIABILITY COMPANY

(Instructions on back of application)

09 APR 30 AM 8:22

SECRETARY OF STATE  
STATE OF IDAHO

FILED EFFECTIVE

The below named limited liability company has been dissolved pursuant to section 53-642, Idaho Code.

1. The name of the dissolved limited liability company is:

South Channel, LLC

2. Its articles of organization were filed with the Secretary of State on:

April, 27, 2004

3. The reason for the dissolution is:

Deeded project/property back to the bank. No longer own development

4. Other information concerning the dissolution (optional):

5. Signature of at least 1 manager or member

|            |                         |          |                |
|------------|-------------------------|----------|----------------|
| Signature  | <u>[Signature]</u>      | Capacity | <u>Manager</u> |
| Typed Name | <u>Talced Sherburne</u> | Capacity |                |
| Signature  | _____                   | Capacity | _____          |
| Typed Name | _____                   | Capacity | _____          |

g:\corp\forms\articles of dissolution\_11c.p65  
Revised 09/2002

Secretary of State use only

IDAHO SECRETARY OF STATE  
04/30/2009 05:00  
EX: 2702 CT: 236638 BH: 1168306  
1 @ 38.00 = 38.00 DISS LLC # 2

U30225

**TOOTHMAN-ORTON ENGINEERING COMPANY**

**MEMORANDUM**

**TO:** Erin Dixon, First American Title Co.  
**CC:** Jeff and Jared Sherburne (South Channel LLC)  
**FROM:** Lynn Olson  
**DATE:** December 30, 2008  
**SUBJECT:** Shores Subdivision Files

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Per your request of December 29, attached are copies of the major approvals for the Shores Phases 1 and 2. We will be glad to forward any additional information you need on January 5<sup>th</sup> as both Steve Holt and myself will be out the of office until then. Please contact us with any questions.

**Shores Overall**

- Geotechnical Engineering Report of Property by Materials Testing and Inspection (2/3/04)
- United Water Serviceability Letter (5/19/04)
- Eagle City Council Approval of Annexation and Rezone of Property (8/24/04)
- Eagle City Council Approval of Preliminary Plat for Phases 1 and 2 (8/24/04)
- Corps of Engineers Approval of Wetland Delineation of Property (10/25/04)
- Eagle Sewer District Annexation Instrument # 104144753 (11/15/04)
- Mace-Catlin Mutual Ditch Company Letter (11/29/04)
- City of Eagle Approval of Floodplain Development Permit (1/24/05)
- NPDES Permit Notice of Intent (NOI) # IDR10AL55 (2/21/05)
- NPDES Permit Notice of Intent (NOI) # IDR10AL82 (2/28/05)
- Ada County Street Name Approvals (3/31/05)
- Corps of Engineers Original Approval of 404 Permit NWW No. 042100139 (6/2/05) with approval letter for modifications of permit on 9/1/06 and time extension approval on 5/12/08
- Greenbelt Easements per Instrument #'s 105088975 and 105088976 (7/1/05)
- Operation and Maintenance Manual for Storm Drainage Facilities at Shores (7/05)
- Conservation Easements per Instrument #'s 105129520 and 105129521 (9/7/05)
- Wetland Conservation Easement Instrument # 105137703 (9/21/05)
- Idaho Department of Lands Disclaimers of Interest No. 201 and 202 (12/1/05) related to Riverfront Property Adjustment per Instrument #'s 105182513 and 105182514
- Declaration of Covenants, Conditions and Restrictions of the Shores Subdivision (CC&Rs) (1/19/06) per Instrument # 106009735
- Pressure Irrigation System Users Manual (Rev - 8/31/06)
- City of Eagle Letter Regarding Floodplain Development Permit (9/25/06)
- Idaho Power Easement Instrument #105019218 (2/17/07)
- Water Right No. 63-32235
- Water Right Transfer No. 72596

### **Shores Phase 1**

- Idaho Department of Environmental Quality Approval of Shores Phase 1 Plans (5/16/05)
- Shores Phase 1 Public Right-of-Way Easement for Sidewalk (8/12/05) per Instrument # 105117240
- City of Eagle Approval of Shores Phase 1 Final Plat (9/30/05)
- Confirmation Agreement Regarding Master Perpetual Storm Water Drainage Easement (7/12/05) per Instrument # 104068411
- FEMA Letter of Map Revision based on Fill removing portions of Phase 1 lots from 100-year floodplain Case #06-10-B309A (6/13/06)
- Bill of Sale to United Water for Shores Phase 1 Water System (6/14/06)
- Ada County Highway District Swale Acceptance Letter for Phase 1 (8/21/08)
- Shores Phase 1 Minimum Top of Building Foundation Exhibit
- Sheets 1-9 of Recorded Final Plat

### **Shores Phase 2**

- Eagle Sewer District Approval of Phase 2 Sewer (7/13/06)
- Eagle Fire Department Approval Letter to ACHD for Shores Phase 2 (8/1/06)
- Idaho Department of Environmental Quality Approval of Shores Phase 2 Plans (8/16/06)
- Ada County Highway District Approval Letter for Phase 2 Plans (8/16/06)
- Shores Phase 2 Public Right-of-Way Easement for Sidewalk (9/28/06) per Instrument # 106154857
- City Engineer Approval of Phase 2 Final Plat (10/18/06)
- Eagle City Council Approval of Phase 2 Final Plat (11/28/06)
- City of Eagle Time Extension for Phase 2 Final Plat (6/18/08)
- Shores Phase 2 Minimum Top of Building Foundation Exhibit
- Sheets 1-8 of Final Plat (not yet recorded)

### **Agreements tied to Property**

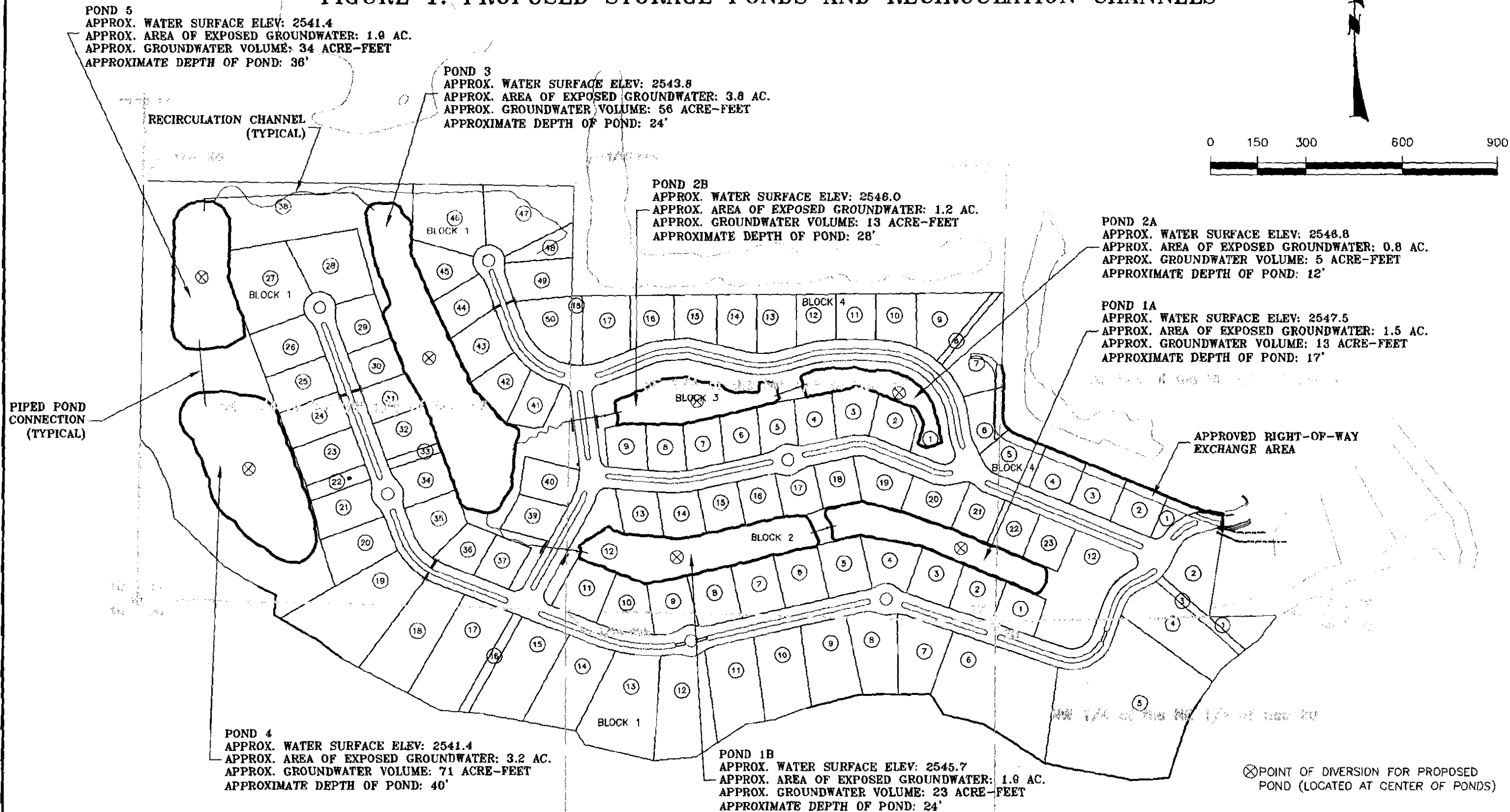
- Barry Peters Easement Agreement for Phase 2 Sewer (5/23/06) per Instrument # 106081385
- Agreement between South Channel LLC and Wroten Family Revocable Living Trust LLC (11/21/07)

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# THE SHORES SUBDIVISION

## APPLICATION FOR APPROPRIATION OF AESTHETIC STORAGE

### FIGURE 1: PROPOSED STORAGE PONDS AND RECIRCULATION CHANNELS



NW 1/4 of the NW 1/4 of Sec 20

NE 1/4 of the NW 1/4 of Sec 20

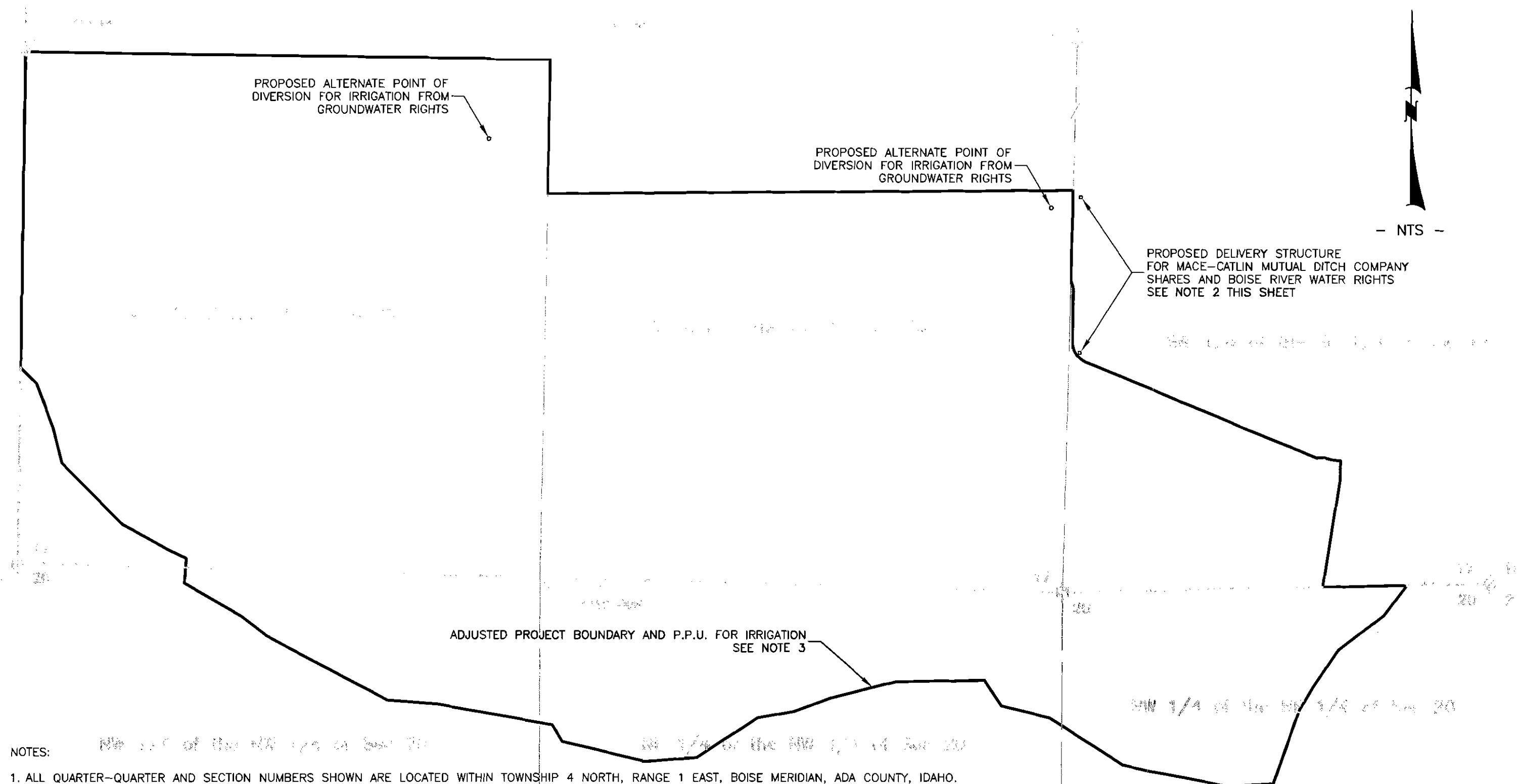
NOTE: ALL QUARTER-QUARTER DIVISIONS AND SECTIONS ARE LOCATED IN TOWNSHIP 4 NORTH, RANGE 3 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO.

**TOOTHMAN-ORTON ENGINEERING CO.**  
ENGINEERS • SURVEYORS • PLANNERS  
9777 CHINDEN BOULEVARD • BOISE, IDAHO 83714-2008  
PHONE: 208-323-2288 • FAX: 208-323-2399  
E-FILE: G:\03080\Water Right...Fig-Ponds DATE: 03/10/05 JOB: 03080-30-130

# THE SHORES SUBDIVISION

## APPLICATION FOR TRANSFER OF WATER RIGHTS

### FIGURE 2: PROPOSED ALTERNATE POINTS OF DIVERSION AND PERMISSIBLE PLACE OF USE



#### NOTES:

1. ALL QUARTER-QUARTER AND SECTION NUMBERS SHOWN ARE LOCATED WITHIN TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO.
2. THE POINT OF DIVERSION FOR THE SURFACE WATER RIGHTS FROM THE BOISE RIVER IS LOCATED IN THE SW $\frac{1}{4}$  OF THE SW $\frac{1}{4}$  OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO. THIS TRANSFER APPLICATION DOES NOT PROPOSE TO CHANGE THE POINT OF DIVERSION FOR THE BOISE RIVER.
3. THE PERMISSIBLE PLACE OF USE SHOWN IN THIS FIGURE IS FOR IRRIGATION WITHIN THE PROJECT SITE. THE REQUESTED P.P.U. FOR AESTHETIC USE CORRESPONDS TO THE 1/4, 1/4 SECTIONS WHERE THE PROPOSED PONDS ARE LOCATED.. REFER TO THE TRANSFER APPLICATION PART 1.B.5 FOR LEGAL DESCRIPTIONS OF REQUESTED PERMISSIBLE PLACE OF USE.