

Transfer No. 73772STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

MAR 09 2007

WATER RESOURCES  
WESTERN REGIONName of Applicant Bruce and Bruce, LLCPhone (208) 869-9956Post Office address 7878 Ustick Rd., Suite 101, Boise, ID 83704

## 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 The original place of use is being developed as River Terrace Subdivision. The transfer will describe the place of use to allow irrigation on 29 lots within the subdivision with water from the Payette River.

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

| 1. Right Number | Priority              | Amount (cfs/ac-ft) | Nature of Use     | Period of Use                |
|-----------------|-----------------------|--------------------|-------------------|------------------------------|
| <u>65-2614</u>  | <u>April 24, 1956</u> | <u>0.80 cfs</u>    | <u>irrigation</u> | <u>04/01</u> to <u>11/01</u> |
| _____           | _____                 | _____              | _____             | _____ to _____               |
| _____           | _____                 | _____              | _____             | _____ to _____               |
| _____           | _____                 | _____              | _____             | _____ to _____               |

2. Total amount of water being transferred 0.80 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.3. Source of water Payette River tributary to Snake River

4. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Local name for diversion |
|-----|---|----|----|-----|-----|-----|--------|--------------------------|
| 4   |   | SE | NW | 32  | 07N | 02E | Boise  |                          |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |

5. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |              | NW ¼ |    |               |               | SW ¼ |      |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|--------------|------|----|---------------|---------------|------|------|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE           | NE   | NW | SW            | SE            | NE   | NW   | SW | SE | NE   | NW | SW | SE |        |
| 07N | 02E | 31  |      |    |    | 1.3<br>Lot 8 |      |    |               |               |      |      |    |    | 38   |    |    |    | 39.3   |
|     |     | 32  |      |    |    |              |      |    | 25.0<br>Lot 3 | 10.0<br>Lot 4 |      | 40.0 |    |    |      |    |    |    | 75.0   |
|     |     |     |      |    |    |              |      |    |               |               |      |      |    |    |      |    |    |    |        |
|     |     |     |      |    |    |              |      |    |               |               |      |      |    |    |      |    |    |    |        |
|     |     |     |      |    |    |              |      |    |               |               |      |      |    |    |      |    |    |    |        |
|     |     |     |      |    |    |              |      |    |               |               |      |      |    |    |      |    |    |    |        |
|     |     |     |      |    |    |              |      |    |               |               |      |      |    |    |      |    |    |    |        |
|     |     |     |      |    |    |              |      |    |               |               |      |      |    |    |      |    |    |    |        |
|     |     |     |      |    |    |              |      |    |               |               |      |      |    |    |      |    |    |    |        |

Total Acres 34 acres within 114.3 acre PPU

# PART 1

## 6. General Information:

- a. Description of diversion system Pump intake in the Payette River, relift pond and booster pump  
\_\_\_\_\_  
\_\_\_\_\_
- 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:  
Land will only be irrigated within the permissible place of use.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- d. Remarks:  
Water rights 65-2366A (Lone Pine Creek and springs) and 65-3402 (spring) are used in conjunction with 65-2614, but will not be diverted through the new delivery system and will not be delivered to the entire permissible place of use.  
\_\_\_\_\_  
\_\_\_\_\_

## 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

Transfer No. \_\_\_\_\_

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. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in the \_\_\_\_\_ 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 Quitclaim Deed changing name

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 65-3402, 65-2366A
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
No If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

## 2. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Local name for diversion |
|-----|---|---|---|-----|-----|-----|--------|--------------------------|
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |

## 3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres \_\_\_\_\_

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

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

## 2. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Local name for diversion |
|-----|---|---|---|-----|-----|-----|--------|--------------------------|
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |

## 3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres \_\_\_\_\_

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.



**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> |
|----|--------------------------|--------------------------|------------------------|----------------------|
|    | _____                    | _____                    | _____                  | _____ to _____       |
|    | _____                    | _____                    | _____                  | _____ to _____       |

Quantity and quality of return flows and location of discharge: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

Alvin M. Burr  
(Signature of Applicant)

Subscribed and sworn to before me this 20 day of February, 2007.

**JODI HOPPELL**  
Notary Public  
State of Idaho

Jodi Hoppell  
(Notary Public)

My commission expires 7-17-09

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 3 attachments

Received by SB Date 3-9-07 Protest filed by \_\_\_\_\_

Prelim. Check by CP Fee \$250-

Receipted by DB W033155 Date 3-9-07

Published in \_\_\_\_\_ Copies of protest forwarded by \_\_\_\_\_

Pub. Dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendations requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ received \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

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 65-02614

NAME AND ADDRESS: JAMES E BRUCE  
STEVEN M BRUCE  
428 CASHMERE RD  
BOISE, ID 83702

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.80 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 0.02 CFS PER ACRE. COMBINED  
RIGHT NOS.: 65-03402, 65-02366A.

PRIORITY DATE: 04/24/1956

POINT OF DIVERSION: T07N R02E S32 LOT 4 (SENW ) Within Boise County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 11-01 | 0.80 CFS |

PLACE OF USE: Irrigation Within Boise County  
T07N R02E S31 LOT 8 (SENE) 1.0  
S32 LOT 3 (SWNW) 21.0 LOT 4 (SENW) 12.0  
34.0 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.

  
\_\_\_\_\_  
Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

Attachment A

Instrument # 185417  
IDAHO CITY, BOISE COUNTY, IDAHO  
2002-04-18 10:54:59 No. of Pages: 2  
Recorded for: PERKINS COLE LLP  
RORA A. CANODY Fee: 6.00  
Ex-Officio Recorder Deputy *[Signature]*  
Index to: DEEDS

WHEN RECORDED, RETURN TO:  
Perkins Cole LLP  
251 E. Front Street, Suite 400  
Boise, Idaho 83702

## CORRECTED QUITCLAIM DEED

### RECITALS

A. In regard to Quitclaim Deed, Instrument No. 184983, filed in the Boise County Recorder's Office on March 15, 2002;

B. The legal description and address of the property being quitclaimed was correct in Deed, Instrument No. 184983; however the date signed should have been March 18, 2002 instead of March 13, 2002;

C. NOW THEREFORE, this Quitclaim Deed should be recorded to correct the date as follows:

"GRANTORS, BRUCE AND BRUCE, a partnership consisting of JAMES E. BRUCE and STEVEN M. BRUCE, of 428 Cashmere Road, Boise, Ada County, Idaho 83702 do hereby REMISE, RELEASE and forever QUITCLAIM, unto Bruce and Bruce, LLC, an Idaho limited liability company, whose current address is 7878 Ustick Road; Boise, Ada County, Idaho 83702, as GRANTEE and to Grantee's successors and assigns, all of Grantors' right, title and interest in and to the real property situated in Boise County, Idaho, more particularly described as follows:

The NW¼ of the SW¼ of Section 32, Township 7 North, Range 2  
East, Boise Meridian, Boise County, Idaho.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 13<sup>th</sup> day of March, 2002."

*Attachment B*

IN WITNESS WHEREOF, Grantor, James E. Bruce has hereunto subscribed his name to this corrected deed this 29<sup>th</sup> day of March, 2002.

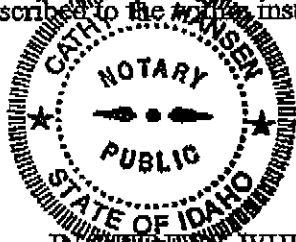
James E. Bruce  
James E. Bruce, Partner

STATE OF IDAHO )

) ss.

County of Ada )

On this 29<sup>th</sup> day of March, in the year of 2002, before me personally appeared James E. Bruce, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Cathy R. Hansen  
Notary Public for Idaho

Residing at 1200 S. R. S. BEND, ID

My commission expires: 6/12/2002

IN WITNESS WHEREOF, Grantor, Steven M. Bruce has hereunto subscribed his name to this corrected deed this 10 day of April, 2002.

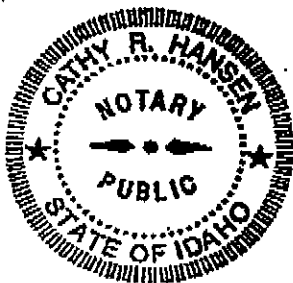
Steven M. Bruce  
Steven M. Bruce, Partner

STATE OF IDAHO )

) ss.

County of Ada )

On this 10 day of April, in the year of 2002, before me personally appeared Steven M. Bruce, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Cathy R. Hansen  
Notary Public for Idaho

Residing at 1200 S. R. S. BEND, ID

My commission expires: 6/12/2002

WHEN RECORDED, RETURN TO:  
Perkins Coie LLP  
251 E. Front Street, Suite 400  
Boise, Idaho 83702

Instrument # 185418  
IDAHO CITY, BOISE COUNTY, IDAHO  
2002-04-18 10:54:59 No. of Pages: 5  
Recorded for : PERKINS COIE LLP  
RORA A. CANODY Fee: 15.00  
Ex-Officio Recorder Deputy *[Signature]*  
Index to: DEEDS

## CORRECTED QUITCLAIM DEED

### RECITALS

A. In regard to Quitclaim Deed, Instrument No. 184982, filed in the Boise County Recorder's Office on March 15, 2002;

B. The legal description and address of the property being quitclaimed was correct in Deed, Instrument No. 184982; however the date signed should have been March 18, 2002 instead of March 13, 2002;

C. NOW THEREFORE, this Quitclaim Deed should be recorded to correct the date as follows:

"GRANTORS, BRUCE AND BRUCE, a partnership consisting of JAMES E. BRUCE and STEVEN M. BRUCE, of 428 Cashmere Road, Boise, Ada County, Idaho 83702 do hereby REMISE, RELEASE and forever QUITCLAIM, unto Bruce and Bruce, LLC, an Idaho limited liability company, whose current address is 7878 Ustick Road, Boise, Ada County, Idaho 83704, as GRANTEE and to Grantee's successors and assigns, all of Grantors' right, title and interest in and to the real property situated in Boise County, Idaho, more particularly described as follows:

See Exhibit A, attached hereto and incorporated herein.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 13<sup>th</sup> day of March, 2002."

IN WITNESS WHEREOF, Grantor, James E. Bruce has hereunto subscribed his name to this corrected deed this 29<sup>th</sup> day of March, 2002.

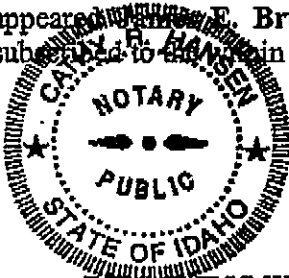
James E. Bruce  
James E. Bruce, Partner

STATE OF IDAHO )

) ss.

County of Ada )

On this 29 day of MARCH, in the year of 2002, before me personally appeared James E. Bruce, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Cathy R. Hansen  
Notary Public for Idaho  
Residing at HORSESHOE BRND, ID  
My commission expires: 6/12/2002

IN WITNESS WHEREOF, Grantor, Steven M. Bruce has hereunto subscribed his name to this corrected deed this 10 day of April, 2002.

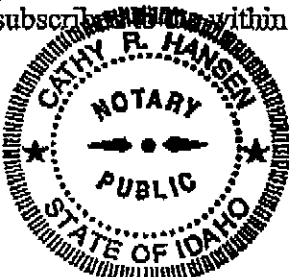
Steven M. Bruce  
Steven M. Bruce, Partner

STATE OF IDAHO )

) ss.

County of Ada )

On this 10 day of APRIL, in the year of 2002, before me personally appeared Steven M. Bruce, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Cathy R. Hansen  
Notary Public for Idaho  
Residing at HORSESHOE BRND, ID  
My commission expires: 6/12/2002

**PARCEL I**

The Northeast 1/4 of the Southeast 1/4, and a portion of Lot 4 described as follows:

Commencing at the East quarter corner of said Section 31, being the REAL POINT OF BEGINNING; thence North 0°04' West, 880 feet to a point; thence South 89°44' West, 70.3 feet to a point; thence South 0°04' East, 880 feet to a point; thence North 89°44' East, 70.3 feet to a point being the REAL POINT OF BEGINNING.

All located in Section 31, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho.

**EXCEPTING THEREFROM:**

A portion of the Northeast 1/4 of the Southeast 1/4, Section 31, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

Commencing at the East quarter corner of said Section 31; thence South 89°44' West 70.3 feet to a point, being the REAL POINT OF BEGINNING; thence South 89°44' West, 1249.7 feet to a point; thence South 0°04' West, 40.00 feet to a point; thence South 89°21' East, 1249.72 feet to a point; thence North 0°04' West, 60.0 feet to a point being the REAL POINT OF BEGINNING.

**PARCEL II**

Lot 4 of Section 32, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho.

**EXCEPTING THEREFROM:**

Beginning at a point 30 feet North of Station 46+59 (plus) 132.6 feet (said station is on the centerline of the Idaho Northern Rail Road right of way) (Oregon Short Line and Union Pacific Railroad) From said point 30 feet North of the Idaho Northern Railroad Right of way center line, thence North 23°00' East 166 feet, to the line of highwater on the south bank of the Fayette River, thence upstream along said line of highwater to the East line of Lot 4 Section 32, Township 7 North, Range 2 East, Boise Meridian, thence South along said line to the North side of the Idaho Northern Rail Road right-of-way; thence westerly along said right of way line to the POINT OF BEGINNING. All in Lot 4 of Section 32, Township 7 North, Range 2 East, Boise Meridian.

**ALSO EXCEPTING THEREFROM:**

Beginning North 47°56' East 1044.23 feet from the Southwest Corner of the Lot 4 in Section 32, Township 7 North, Range 2

(Continued)

(Continued from previous page)

East, Boise Meridian, Boise County, Idaho, on the North boundary of the Railroad Right of Way, thence  
From TRUE POINT OF BEGINNING on the Northside of the Idaho Northern Railroad Right of Way; thence  
North 23°00' East 155' to the average line of highwater on the South Bank of the Payette River; thence  
Easterly upstream along said line of highwater to the North line of the Idaho Northern Railroad Right of Way; thence  
Westerly, along said North line of Idaho Northern Railroad Right of Way to the TRUE POINT OF BEGINNING. All being in Lot 4, Section 32, Township 7 North, Range 2 East, Boise Meridian.

ALSO EXCEPTING THEREFROM:

A portion of Government Lot 4 of Section 32, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho, said portion being described as follows:

Commencing at a found brass cap monumenting the West 1/4 Corner of said Section 32, thence  
along the east-west center-of-section line of said Section 32, South 89°50'00" East, a distance of 1300.41 feet to a found brass cap monumenting the Center-West 1/16 Corner, thence  
continuing along the said east-west center-of-section line South 89°48'43" East, a distance of 618.74 feet to a set steel pin, thence  
North 08°52'14" East 412.41 feet to a set steel pin, said pin being the REAL POINT OF BEGINNING; thence  
North 08°52'14" East 170.7 feet to a set steel pin. On the Southwesterly right-of-way of a Boise County road; thence  
along said right-of-way Southeasterly 195.56 feet along the arc of a circular curve concave to the Northeast said curve having a radius of 445.00 feet, a central angle of 25°19'16", a chord bearing of South 65°33'38" East, a chord distance of 195.07 feet to a point; thence  
South 52°54' East 96.58 feet to a point; thence  
leaving said Southeasterly road right-of-way South 37°06' West 178.93 feet to a set steel pin; thence  
North 52°54' West 93.20 feet to a set steel pin; thence  
North 60°04'31" West 113.9 feet to a set steel pin, the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A portion of Government Lot 4 of Section 32, Township 7 North, Range 2 East, Boise Meridian, Boise County, Idaho, said portion being described as follows:

Commencing at a found brass cap monumenting the West 1/4 Corner of said Section 32, thence  
along the east-west center-of-section line of said Section 32 South 89°50'00" East, a distance of 1300.41 feet to a found brass cap monumenting the Center-West 1/16 Corner, thence  
continuing along the said east-west center-of-section line South 89°48'43" East, a distance of 618.74 feet to a set steel pin.

(Continued)

## EXHIBIT A CON'T

(Continued from previous page)  
said pin being the REAL POINT OF BEGINNING; thence  
continuing along the said east-west center-of-section line South  
89°49'43" East, a distance of 681.74 feet to a set steel pin and  
cap monumenting the Center 1/4 Corner of said Section 32, thence  
continuing along the said east-west center-of-section line South  
89°49'16" East, a distance of 365.81 feet to a set steel pin,  
thence  
along the Southwesterly right-of-way of a Boise County road the  
following courses:  
North 59°50'47" West, a distance of 420.63 feet to a set steel  
pin, North 60°51'00" West, a distance of 150.98 feet to a point,  
North 82°47'00" West, a distance of 249.50 feet to a point,  
thence  
leaving said Southwesterly road right-of-way South 37°06' West,  
a distance of 178.93 feet to a found steel pin; thence  
North 52°54' West, a distance 93.20 feet to a found steel pin,  
thence  
North 60°04'31" West, a distance of 113.9 feet to a found steel  
pin, thence  
South 08°52'14" West, a distance of 412.41 feet to a set steel  
pin, said pin being the REAL POINT OF BEGINNING.

PARCEL III  
Lot 3 of Section 32, Township 7 North, Range 2 East, Boise  
Meridian, Boise County, Idaho.



# ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

2002 MAR 18 AM 10:30

SECRETARY OF STATE  
STATE OF IDAHO

- The name of the limited liability company is: Bruce and Bruce, LLC
- The address of the initial registered office is: 9600 N. Pebblebrook Lane  
Boise, ID 83703 and the name of the initial registered agent at that address is: Steven M. Bruce
- The mailing address for future correspondence: 7878 Ustick Road, Boise,  
Idaho 83704
- Management of the limited liability company will be vested in:  
Manager(s) ☐ or Member(s) ☒ (please check the appropriate box)
- If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the members, list the name(s) and address(es) of at least one initial member.

Name

Address

Steven M. Bruce

9600 N. Pebblebrook Lane

Boise, ID 83703

- Signature of at least one person responsible for forming the limited liability company:

Signature

Steven M. Bruce

Typed Name Steven M. Bruce

Capacity Member

Signature

Typed Name

Capacity

Secretary of State use only

IDAHO SECRETARY OF STATE  
03/18/2002 05:00  
CK: 1576 CT: 143038 BH: 452098  
1 @ 100.00 = 100.00 ORGAN LLC # 2

W18458

Attachment C

| <b>No. W 18458</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Due no later than March 31, 2006</b><br><b>Annual Report Form</b>                                                                    |                                                                                                                     | <b>2. Registered Agent and Office NO PO BOX</b>                                                           |                    |             |                               |             |              |            |           |             |                |       |    |       |             |              |                        |       |    |       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|--------------------|-------------|-------------------------------|-------------|--------------|------------|-----------|-------------|----------------|-------|----|-------|-------------|--------------|------------------------|-------|----|-------|
| <b>Return to:</b><br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>         RECEIVED BY DUE DATE</b>                                                                                                                                                                                                                                                                                                                                                                                            | <b>1. Mailing Address - Correct in this box, if applicable</b><br><br>BRUCE AND BRUCE, LLC<br>7878 USTICK RD STE 101<br>BOISE, ID 83704 |                                                                                                                     | STEVEN M BRUCE<br>600 W PEBBLEBROOK LN<br>BOISE, ID 83703<br><br><b>3. New Registered Agent Signature</b> |                    |             |                               |             |              |            |           |             |                |       |    |       |             |              |                        |       |    |       |
| <b>4. Limited Liability Companies: Enter Names and Addresses of Members.</b> <table border="1"> <thead> <tr> <th><u>Office held</u></th> <th><u>Name</u></th> <th><u>Street or P.O. Address</u></th> <th><u>City</u></th> <th><u>State</u></th> <th><u>Zip</u></th> </tr> </thead> <tbody> <tr> <td>President</td> <td>James Bruce</td> <td>428 Cushman Rd</td> <td>Boise</td> <td>Id</td> <td>83702</td> </tr> <tr> <td>Sec./Treas.</td> <td>Steven Bruce</td> <td>600 W. Pebblebrook Ln.</td> <td>Boise</td> <td>Id</td> <td>83703</td> </tr> </tbody> </table> |                                                                                                                                         |                                                                                                                     |                                                                                                           | <u>Office held</u> | <u>Name</u> | <u>Street or P.O. Address</u> | <u>City</u> | <u>State</u> | <u>Zip</u> | President | James Bruce | 428 Cushman Rd | Boise | Id | 83702 | Sec./Treas. | Steven Bruce | 600 W. Pebblebrook Ln. | Boise | Id | 83703 |
| <u>Office held</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <u>Name</u>                                                                                                                             | <u>Street or P.O. Address</u>                                                                                       | <u>City</u>                                                                                               | <u>State</u>       | <u>Zip</u>  |                               |             |              |            |           |             |                |       |    |       |             |              |                        |       |    |       |
| President                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | James Bruce                                                                                                                             | 428 Cushman Rd                                                                                                      | Boise                                                                                                     | Id                 | 83702       |                               |             |              |            |           |             |                |       |    |       |             |              |                        |       |    |       |
| Sec./Treas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Steven Bruce                                                                                                                            | 600 W. Pebblebrook Ln.                                                                                              | Boise                                                                                                     | Id                 | 83703       |                               |             |              |            |           |             |                |       |    |       |             |              |                        |       |    |       |
| <b>5. Organized Under the Laws of:</b><br><br>IDAHO<br>W 18458                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                         | <b>6.</b><br>Signature <u>Steven M. Bruce</u> Date <u>1/18/05</u><br>(Typed or Printed Name) <u>Steven M. Bruce</u> |                                                                                                           |                    |             |                               |             |              |            |           |             |                |       |    |       |             |              |                        |       |    |       |