

Page 1 of 6
RECEIVED

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

Transfer No. 70266

AUG 29 2002

**APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 1**

RECEIVED

MAR 24 2003

WATER RESOURCES
 WESTERN REGION

Name of applicant New Union Ditch Company, Limited Phone 208- Department of Water Resources
 Post Office address P.O. Box 31, Eagle, ID 83616 with copy to Michael C. Creamer, P.O. Box 2720, Boise, ID 83701

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes Portion of water right associated with 1.3 shares of New Union stock to be used to offset evaporation from excavated ponds intercepting shallow groundwater. The transfer affects only 0.03 cfs of water right 63-146.

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

1.	Right Number	Priority	Amount (cfs / ac-ft)	Nature of Use	Period of Use	
	63-146	06/01/1865	13.73	Irrigation	3-15	to 11-15
			0.03	Ground Water Recharge	3-15	to 11-15
					to	
					to	

- Total amount of water being transferred 13.76 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Boise River tributary to Snake River
- Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	23	4N	1E	Ada	New Union Ditch - Boise River Diversion

- Lands irrigated or place of use: See Attachment A.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1E	16					E												1.3

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Total acres _____

DEC 11 2002

70266

PART 1

6. General Information:

- a. Description of diversion system Boise River headgate to New Union Main Canal and associated laterals. No change proposed in point of diversion or means of delivery to place of use.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. See Remarks.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

- d. Remarks:
Appurtenant water rights will not be transferred from the lands by this transfer. Purpose of transfer is to continue beneficial use of rights on same acres. See Attachment C (narrative).

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____.

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this day of _____, 20_____.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 70266

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

Right evidenced by:

- a. Decree No. 63-146 Decreed to _____
in case of Farmers Coop. Ditch Company vs. Riverside Irrigation District
dated 1/18/06 in Boise, ID county of Ada
- 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 a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Boise River tributary to Snake River

4. Date or priority 6-1-1865

5. Water is used for the following purpose:

amount 13.76 cfs for Irrigation purposes from 3-15 to 11-15
(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 13.76 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
		NE	SE	23	4N	1E	Ada	New Union Ditch - Boise River Diversion

8. Lands irrigated or place of use: See Attachment B.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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Total acres 726

9. Describe any other water rights used for the same purpose as described above 63-18785

PART 2

10: To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe See Attachment D.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED This does not involve split of right.

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

1. amount 0.03 cfs for Irrigation purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	23	4N	1E	Ada	New Union Ditch - Boise River Diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
							1.53												1.53

Total acres 1.53

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

1. amount for Balance of Water Right 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				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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Total acres

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**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 rights described in part 1. Clearly depict the land by section, township and range numbers.

See Attachment E.

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SCALE: 2 inches equal 1 mile. Draw plan in ink.

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PART 3

B. CHANGES IN NATURE OF USE

1.	New Nature of Use	Amount (cfs / ac-ft)	Hours/days/year	Period of Use	
	Ground Water Recharge	0.03		3-15	to 11-15
				to	

2. Quantity and quality of return flows and location of discharge:

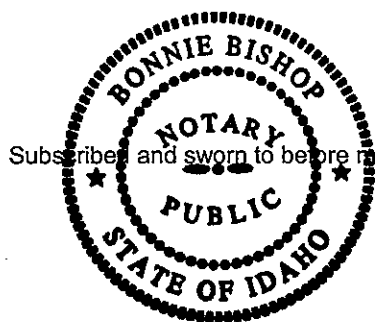
See narrative description attached.

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

See narrative description attached.

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.



Subscriber and sworn to before me this

27 day of

August

2002

(Signature of Applicant)

(Notary Public)

My commission expires

2-16-06

FOR DEPARTMENT USE ONLY

SCANNED

DEC 11 2002

Transfer contains _____ pages and _____ attachments

Received by Kh Date 8/29/02 Protest filed by _____Prelim. check by Kh Fee 100.00Receipted by Kh Date 8/29/02 W029652Published in THE IDAHO STATESMAN Copies of protest forwarded by _____Pub. dates 2-20+27-03 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

EXHIBIT A

TWNSHP	RGE	SEC	LOT	TRACT	ACRES	LOT	TRACT	ACRES	LOT	TRACT	ACRES	LOT	TRACT	ACRES
04N	01E	9		SESE	2									
		14		SWSW	40		SESW	10						
		15		NWNE	6		SWNE	37		SENE	30			
				NENW	10		NWNW	26		SWNW	39		SENE	36
				NESW	40		NWSW	34		SWSW	1			
				NESE	36		NWSE	39		SWSE	12		SESE	40
		16		NENE	37		NWNE	31		SWNE	16		SENE	35
				NENW	36.7/1.3									
		22		NENE	7									
		23		NENW	40		NWNW	40		SWNW	10		SENE	34

TOTAL IRRIGATED ACRES: 724.7

TOTAL GROUND WATER RECHARGE AS MITIGATION ACRES: 1.3

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EXHIBIT B

TWNSHP	RGE	SEC	LOT	TRACT	ACRES	LOT	TRACT	ACRES	LOT	TRACT	ACRES	LOT	TRACT	ACRES
04N	01E	9		SESE	2									
		14		SWSW	40		SESW	10						
		15		NWNE	6		SWNE	37		SENE	30			
				NENW	10		NWNW	26		SWNW	39		SENE	36
				NESW	40		NWSW	34		SWSW	1			
				NESE	36		NWSE	39		SWSE	12		SESE	40
		16		NENE	37		NWNE	31		SWNE	16		SENE	35
				NENW	38									
		22		NENE	7									
		23		NENW	40		NWNW	40		SWNW	10		SENE	34

TOTAL ACRES: 726

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**Application for Transfer
In the Name of
New Union Ditch Company, Limited
(Narrative Description)**

The Application proposes to change the nature of use of a portion of water right 63-146 represented by 1.3 shares of New Union Ditch Company, Limited ("New Union") stock owned by New Union shareholder, Eagle River LLC ("Eagle River"). Each New Union share represents the right to delivery of 0.02 cfs, or one miners inch per acre, as and when water is available during the irrigation season, subject to pro rata reductions among New Union shareholders in times of shortage. The current authorized use of right 63-146 is for irrigation of lands within the New Union service area.

On September 21, 2001, Eagle River applied to the Department for a permit to appropriate for storage 107 acre-feet of ground water tributary to the Boise River, that would accrue to shallow excavated ponds. Accrued ground water will not be diverted from storage. A Permit conditionally authorizing the appropriation was issued to Eagle River on January 9, 2001. The ponds will have a total surface area of approximately 8.4 acres, 1.3 acres of which are within the New Union service area and historically have been irrigated with water delivered by New Union. This Application is intended to mitigate effects of that portion of the permitted appropriation within the New Union service area, by changing the use of the water rights historically used to irrigate the 1.3 acres of land within the New Union service area that are to be converted from irrigated agriculture to excavated ponds.¹

New Union's filing of this Application and its consent to the use of a portion of Water Right 63-145 as Eagle River proposes are conditioned upon approval of the Application on terms and conditions that are satisfactory to New Union and Eagle River.

Consumptive use of ground water due to evaporative loss from the ponds is estimated to be 3.5 acre-feet per acre per year, and all but a de minimus amount thereof is deemed to occur between March 15 and November 15th of each year. Historical consumptive use of the New Union water right during the irrigation season due to evapotranspiration also is estimated to be 3.5 acre-feet per acre per year. The transfer would maintain the place of use of the water right by delivering water into one or more of the ponds during the irrigation season to recharge the ground water source and directly offset evaporation of exposed ground water from the ponds on a one-to-one basis, and without any change in the historical consumptive use of the transferred portion of the water right. Maintaining the historical diversion of the water into the New Union system, and delivery to the existing appurtenant acres, ensures that there will be no potential for enlargement of the transferred portion of the water right due to delivery to different lands, and maintains the timing and location of historical return flows from the canal. Because

¹ Expected evaporative loss from 7.1 acres of ponds excavated within the Ballentyne Ditch Company service area is proposed by Eagle River to be addressed by a separate transfer using a portion of Eagle River's water right shares in that company.

SCANNED

DEC 11 2002

there will be no net affect on the shallow ground water source, there also will be no net affect on the timing, extent, location or quality of historical return flows or discharges of shallow ground water to the Boise River.

The lands to which the Water Right is appurtenant have been continuously irrigated through the 1999 irrigation season. *See Attachment D (1999 ASCS aerial photo).* Extensive grading, excavation and other construction activities began on the Eagle River property in 2001, precluding subsequent irrigation until landscaping is completed.

Based on the above discussion and assumptions, this transfer will not result in an enlargement of the water right or cause injury to other water rights because the number of acres to which the water right will be applied, and the consumptive use of water, will not increase.

The transfer proposes to apply all water under Water Right 63-146 to recognized beneficial uses, and will continue beneficial use of the water right within the New Union's service area for its shareholders. The transfer also will facilitate the use of ground water without depleting the resource. For these reasons, the transfer is in the public interest.

SCANNED

DEC 11 2002



DEC 11 2002

DEC 11 2002

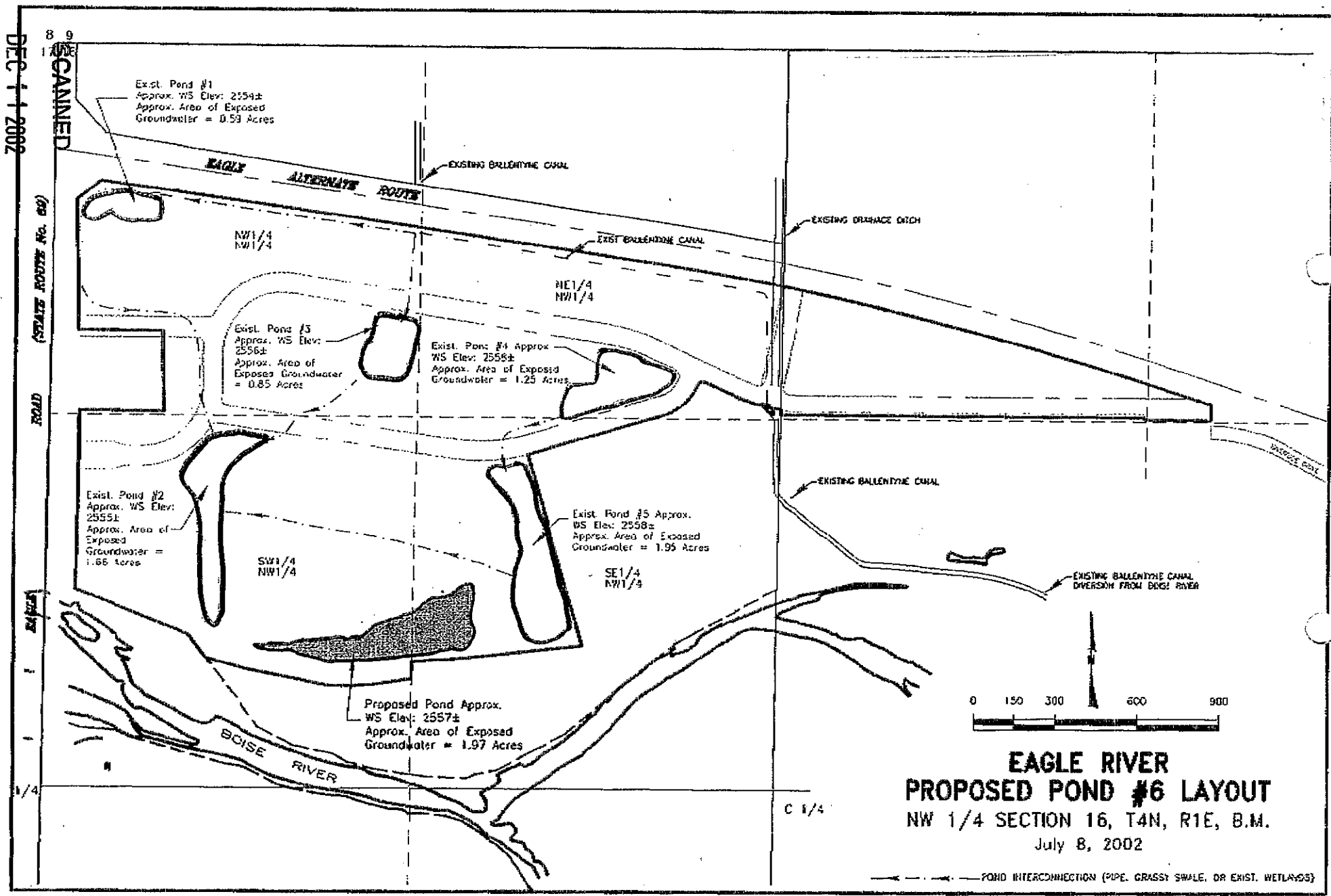
SCANNED

(36) 1/4 SECTION 16, T4N, R1E, B.M.

1/4

1/4

Attachment E



Warranty Deeds Eagle River, LLC

SCANNED

DEC 11 2002

When recorded, return to:
M. Virginia Perry
3101 North Central Avenue, Suite 1390
Phoenix, Arizona 85012

DAVID L. WARR
JISE ID
PIONEER TITLE
94 DEC 23 PM 12:59
FEE 6.00
RECORDED AT THE REQUEST OF

1821000614

SPECIAL WARRANTY DEED

For Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CHARING CROSS ASSOCIATES, an Arizona limited partnership ("Grantor"), hereby grants, sells and conveys to EAGLE RIVER L.L.C., an Arizona limited liability company ("Grantee"), located at 3101 North Central Avenue, Suite 1390, Phoenix, Arizona 85012, that real property located in the City of Eagle, in ADA County, Idaho and legally described on Exhibit "A" attached hereto and incorporated herein by this reference, together with all water, air and mineral rights (including any grandfathered ground water or other groundwater or surface water rights), interests, privileges and easements appurtenant thereto and any and all improvements thereon (the "Property"), SUBJECT TO: those matters of record as of this date or observable by inspection or survey.

Notwithstanding any warranty which may otherwise be implied from the use of any word, phrase or clause herein, Grantor warrants title to the Property, subject to the matters referred to above, only against its own acts, but not the acts of any others.

DATED as of this 1st day of May, 1994.

CHARING CROSS ASSOCIATES, an Arizona
limited partnership

By

Charles Carlise
Its General Partner

STATE OF ARIZONA }
County of Maricopa } ss.

The foregoing instrument was acknowledged before me this 15th day of December, 1994, by Charles Carlise, the General Partner of CHARING CROSS ASSOCIATES, an Arizona limited partnership, on behalf of said Partnership.

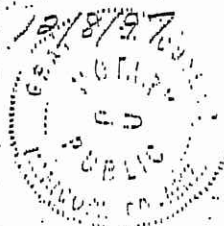
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Charles E. Carlise
Notary Public

847 E. Rockwell Dr
Residing at

Chandler, Az 85225

My commission expires:



SCANNED

DEC 11 2002

EXHIBIT "A"

THAT PORTION OF THE WEST HALF OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE BOISE MERIDIAN, IN ADA COUNTY, IDAHO, LYING NORTHERLY OF THE NORTHERLY LINE OF THE NORTH CHANNEL OF THE BOISE RIVER.

EXCEPT THOSE PORTIONS CONVEYED TO THE STATE OF IDAHO BY DEEDS RECORDED UNDER INSTRUMENT NO.'S 7703988 AND 7850844.

AND EXCEPT THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED PARCEL:
BEGINNING AT A POINT ON THE SECTION LINE WHICH BEARS SOUTH 88 DEGREES 26' WEST A
DISTANCE OF 1488.62 FEET FROM THE SECTION CORNER COMMON TO SECTIONS 9, 10, 15 AND 16, T4N,
R1E, BOISE MERIDIAN;
THENCE SOUTH 28 DEGREES 04 1/4 WEST A DISTANCE OF 530.94 FEET TO THE CENTERLINE OF A
CERTAIN DRAIN DITCH;
THENCE NORTH 81 DEGREES 50' WEST ALONG SAID CENTERLINE A DISTANCE OF 917.34 FEET TO A
POINT;
THENCE NORTH 82 DEGREES 25' WEST A DISTANCE OF 194.74 FEET TO A POINT;
THENCE NORTH 6 DEGREES 34' WEST A DISTANCE OF 276.41 FEET TO AN IRON PIN;
THENCE NORTH 88 DEGREES 25' EAST A DISTANCE OF 1383.08 FEET ALONG THE SECTION LINE TO
THE POINT OF BEGINNING.

EXCEPTING THAT PORTION LYING WITHIN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER.

ALSO EXCEPTING:

A TRACT OF LAND SITUATED IN A PORTION OF SECTION 16, T4N, R1E, BOISE MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16,
THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 578.18 FEET,
THENCE SOUTH 57 DEGREES 37' 10" EAST A DISTANCE OF 2344.36 FEET TO A POINT,
THENCE NORTH 42 DEGREES 15' 40" EAST A DISTANCE OF 290.67 FEET TO THE REAL POINT OF
BEGINNING,
THENCE CONTINUING NORTH 42 DEGREES 15' 40" EAST A DISTANCE OF 103.60 FEET,
THENCE NORTH 65 DEGREES 24' 20" EAST A DISTANCE OF 137.93 FEET,
THENCE NORTH 88 DEGREES 33' 00" EAST A DISTANCE OF 290.16 FEET,
THENCE SOUTH 00 DEGREES 36' 44" EAST A DISTANCE OF 453.57 FEET,
THENCE SOUTH 66 DEGREES 48' 45" WEST A DISTANCE OF 432.77 FEET,
THENCE SOUTH 82 DEGREES 08' 18" WEST A DISTANCE OF 83.00 FEET,
THENCE NORTH, A DISTANCE OF 485.13 FEET TO THE REAL POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

SCANNED

DEC 11 2002

2000 HQ -9 PM 12:39

RECORDED - REQUEST OF

FEE 9.00 DEPUTY *M. Navar*

100090439

TITLEONE

WARRANTY DEED

For Value Received, Eagle Gravel, Inc., an Idaho corporation, GRANTOR, does hereby grant, bargain, sell and convey unto Eagle River L.L.C., whose present address is c/o Charles Carlise, 1002 Harrison Boulevard, Boise, Idaho 83702, the GRANTEE, the following described premises in Ada County, Idaho, to-wit:

See legal description attached hereto as Exhibit A

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except easements and rights of way recorded or apparent upon visual examination of The Property, exceptions and reservations contained in the United States Patents or State of Idaho deed, restrictions and obligations imposed by governmental regulation, boundary encroachments, the Reciprocal Easement and Development Agreement between Eagle River, LLC, and State of Idaho, Idaho Transportation Board for the Division of Highways recorded April 4, 1997, as Instrument No. 97025980, and that it will warrant and defend the same from all lawful claims whatsoever.

SCANNED

DEC 11 2002

Parcel 6

#350

Dated this 8th day of November, 2000.

EAGLE GRAVEL, INC.

By

Clark Magstadt
Vice-President

STATE OF IDAHO)

: ss.

County of Ada)

On this 8th day of November, 2000, before me, the undersigned, a Notary Public in and for said state, personally appeared Clark Magstadt, known or identified to me to be the Vice-President of Eagle Gravel, Inc., the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that Eagle Gravel, Inc. executed the same.

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



Kelli Lyn Engum
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 10/8/2004

SCANNED

DEC 11 2002

Parcel 1

A parcel of land located in the Northwest Quarter of the Northwest Quarter of Section 16, Township 4 North, Range 1 East, Boise Meridian, City of Eagle, Ada County, Idaho, lying Southerly of the Southerly right of way for Eagle Alternate, being described as follows:

Commencing at a brass cap monument in the Eagle Road (State Highway No. 55) marking the Northwest corner of said Section 16, said corner being located North 00 degrees 55' 47" East, 2640.78 feet from an aluminum cap monument marking the West Quarter corner of said Section 16; thence South 00 degrees 55' 47" West, 1320.36 feet along the Westerly line of said Section 16 to the North 1/16 corner common to Sections 16 and 17; thence South 89 degrees 52' 14" East, 110.00 feet along the Southerly line of said Northwest Quarter of the Northwest Quarter of said Section 16 to the Easterly right of way line of Eagle Road; thence North 01 degrees 18' 37" West, 15.81 feet along said Easterly right of way line to the POINT OF BEGINNING; thence South 89 degrees 35' 10" East, 300.00 feet; thence North 01 degrees 18' 37" West, 290.54 feet along a line parallel with said Easterly right of way line; thence North 89 degrees 35' 10" West, 300.00 feet to said Easterly right of way line; thence along said right of way line South 01 degrees 18' 37" East 290.54 feet to the POINT OF BEGINNING.

#33

SCANNED

DEC 11 2002

FOR VALUE RECEIVED

The State of Idaho, by and through the Idaho Transportation Board for the Division of Highways, whose address is 3311 W. State Street, Boise, Idaho 83707-1129, the GRANTOR, does hereby GRANT, CONVEY AND WARRANT unto Eagle River L.L.C., an Arizona limited liability company, GRANTEE, whose address is 118 S. 5th Street, Boise, Idaho 83702, the real property in Ada County, Idaho, described on the attached Exhibit A (the "Property") which exhibit is made a part hereof, together with all other easements, appurtenances and hereditaments benefiting the Property.

This conveyance hereby made is subject to the lien for real property taxes for the year 1997 and each year thereafter and also the following matters described on the attached Exhibit B, which exhibit is made a part hereto.

TO HAVE AND TO HOLD said Property, unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor, for itself, its heirs and assigns, does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said Property; that the Property is free from all encumbrances, except for the matters referenced herein and as described on Exhibit B, that Grantee, its heirs and assigns shall be entitled to the quiet and peaceable possession of said Property; and that Grantor will warrant and defend, including attorneys' fees, the same forever from all other lawful claims whatsoever.

DATED: March 3, 1997.

April

97025978

ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID

ALLIANCE TITLE

'97 APR 4 AM 10 42

FEE 15.00 DLF J. Leaper
RECORDED AT THE REQUEST OF

SCANNED

DEC 11 2002

WARRANTY DEED - 1
390614/DEED.I07

GRANTOR:

STATE OF IDAHO, IDAHO TRANSPORTATION
BOARD FOR THE DIVISION OF HIGHWAYS

By:

Dwight M. Bower
Dwight Bower, Director

REVIEWED AND APPROVED AS TO FORM:

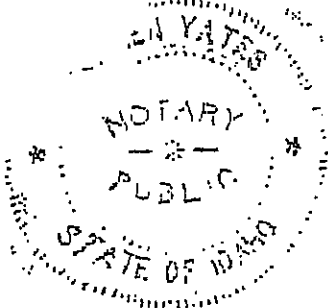
By:

Stephen M. Parry
Stephen M. Parry, Chief Legal Counsel,
State of Idaho, Idaho Department of
Transportation

County of Ada) ss.

On this 3rd day of April, in the year 1997, before me, a Notary Public in and for the State of Idaho, personally appeared DWIGHT BOWER, known or identified to me to be the Director of the State of Idaho, Idaho Transportation Board for the Division of Highways, that executed the said instrument, and acknowledged to me that the Idaho Transportation Board for the Division of Highways executed the same.

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



James L. Yates

Notary Public for Idaho

Residing at: DNAI

My commission expires: 11-21-99

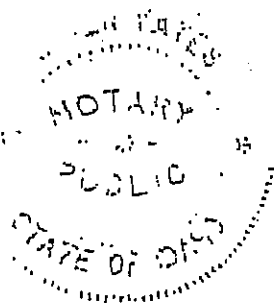
STATE OF IDAHO)

County of Ada)

ss.

On this 3rd day of April, in the year 1997, before me, a Notary Public in and for the State of Idaho, personally appeared STEVEN M. PARRY, known or identified to me to be the Chief Legal Counsel, State of Idaho, Idaho Transportation Department, that executed the said instrument, and acknowledged to me that the Idaho Transportation Department executed the same.

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



James L. Yates

Notary Public for Idaho

Residing at: DNAI

My commission expires: 11-21-99

SCANNED

DEC 11 2002

A parcel of land located in the Northwest Quarter of the Northwest Quarter of Section 16, Township 4 North, Range 1 East, Boise Meridian, City of Eagle, Ada County, Idaho; lying southerly of the southerly Right-of-Way for Eagle Alternate, being described as follows:

COMMENCING at a brass cap monument in Eagle Road (State Highway No. 55) marking the northwesterly corner of said Section 16 as shown on Record of Survey No. 3021 recorded in Ada County as Instrument No. 9498747, said corner being located North 00 degrees 55'47" East, 2640.78 feet from an aluminum cap monument marking the West Quarter corner of said Section 16; thence South 89 degrees 52'48" East, 1325.71 feet along the northerly line of said Section 16 to a brass cap monument marking the West 1/16 corner common to said Sections 16 and 9; thence South 00 degrees 51'29" West, 643.90 feet along the easterly line of said Northwest Quarter of the Northwest Quarter to the southerly right-of-way line of Eagle Alternate Route as shown on Right-of-Way Plans for Eagle Alternate Route, FAP No. STP-F-3271(033), Key

(Continued on Next Page)

SCANNED

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Station 935+12.80 and being the POINT
OF BEGINNING; thence continuing
South 00 degrees 51'29" West, 676.68 feet along said easterly
line to the southeasterly corner of said Northwest
Quarter of the Northwest Quarter; thence
North 89 degrees 52'14" West, 1217.34 feet along the
southerly line of said Northwest Quarter of the
Northwest Quarter to a 5/8 inch rebar marking the
point of intersection with the easterly right-of-way
line of Eagle Road as shown on said Eagle Alternate
Route Plans, located 0.72 feet westerly of a found
Right-of-Way Monument; thence
North 01 degrees 18'37" West, 767.55 feet along said easterly
right-of-way to the point of intersection with the
southerly right-of-way line of said Eagle Alternate
Route, said point being 168.30 feet right of Station
922+67.39; thence
North 50 degrees 42'37" East, 105.96 feet along said
southerly right-of-way line to a point located 90.00
feet right of Station 923+38.79; thence
South 82 degrees 18'56" East, 861.26 feet along said
southerly right-of-way line to a point located 80.00
feet right of Station 931+99.99; thence
South 81 degrees 39'01" East, 312.81 feet along said
southerly right-of-way line to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described 2.00 acre parcel:

COMMENCING at a brass cap monument in Eagle Road (State Highway
No. 55) marking the Northwest corner of said Section 16, said
corner being located
North 00 degrees 55'47" East, 2640.78 feet from an aluminum
cap monument marking the West Quarter corner of said
Section 16; thence
South 00 degrees 55'47" West, 1320.38 feet along the westerly
line of said Section 16 to the North 1/16 corner
common to Sections 16 and 17; thence
South 89 degrees 52'14" East, 110.00 feet along the southerly
line of said Northwest Quarter of the Northwest
Quarter of said section to the easterly right-of-way
line of Eagle Road; thence
North 01 degrees 18'37" West, 15.61 feet along said easterly
right-of-way line to the POINT OF BEGINNING; thence
South 89 degrees 35'10" East, 300.00 feet; thence
North 01 degrees 18'37" West, 290.54 feet along a line
parallel with said easterly right-of-way line; thence

North 89 degrees 35'10" West, 300.00 feet to said easterly
right-of-way line; thence along said right-of-way
line
South 01 degrees 18'37" East, 290.54 feet to the POINT OF
BEGINNING.

SCANNED

DEC 11 2002

Permitted Exceptions

Right-of-way for BALLANTYNE CANAL and the Rights of Access thereto for Maintenance of said canal, as said canal is referenced on Record of Survey No. 3021 recorded in Ada County as Instrument No. 9498747.

SCANNED

DEC 11 2002