

Memo

Feb. 16, 2007

To: WR Files 29-4075 and 29-13285

From: Jeff Peppersack

Re: Review of Evidence Submitted for Notice of Owner Change in the Name of Recreational Properties A & B, A Partnership

Timeline for documents submitted related to ownership:

SRBA Claim filed for 29-4075 on April 5, 1990 in the name of MK or D Merritt Thornhill

Notice of Change in Ownership for 29-4075 filed September 4, 1998 from Thornhill to Terry Anderson/AICO Recreational Properties. Evidence included Warranty Deed from John and Julie Baker to AICO Recreational Properties LLC dated September 18, 1997 (see attached).

SRBA Claim filed for 29-13285 on February 4, 2002 in the name of AICO Recreational Properties

Partial Decrees issued March 22, 2004 to AICO Recreational Properties for both rights

Notice of Change in Ownership filed July 11, 2006 from Thornhill to Recreational Properties A & B, A Partnership. Evidence included a Warranty Deed from Thornhill to Terry Anderson, Trustee of Anderson Living Trust and to John and Julie Baker dated July 2, 1996. Evidence also included a Corporate Warranty Deed from Indian Springs Natatorium, Inc. to Terry Anderson, Trustee and to Bakers dated July 2, 1996. Evidence also included an Affidavit dated July 7, 2006 from Terry Anderson (managing partner of Recreational Properties A & B) with the following statement:

This affidavit pertains to Water Rights claimed, numbers 29-13285 and 29-04075. Documents submitted during the adjudication process were part of a Plan which the Court failed to approve, leaving the Title in Partnership Recreational Properties A & B, successors in interest from Thornhill.

The 1996 deeds to Terry Anderson as Trustee and to Bakers and then the 1997 deed to AICO Recreational Properties are the only conveyance documents indicating current ownership of the property. Although some of the attached documents (closing statements and escrow instructions) submitted with the 2006 Notice list Recreational Properties A & B, the resultant deeds do not list Recreational Properties A & B. There are no deeds indicating a conveyance to Recreational Properties A & B.

A Business Entity Search indicated that AICO Recreational Properties LLC is an existing business in Idaho and has been since 1996. Recreational Properties A & B LLC is an existing business in Idaho since October, 2006. Terry Anderson is the registered agent for both entities. They appear to be separate entities with no indication of a name change from one entity to the other.

IDWR sent a letter to Terry Anderson indicating that additional information is required and that no further action would be taken by the IDWR.

SUBMITTED

FILE # 29-4075

4-1
WARRANTY DEED

Accom
98001175

FOR VALUE RECEIVED

JOHN K. BAKER AND JULIE A. BAKER, HUSBAND AND WIFE

the grantors, do hereby grant, bargain, sell, and convey unto
AICO RECREATIONAL PROPERTIES LLC

the grantees, whose current address is
3247 INDIAN SPRINGS RD., AMERICAN FALLS, ID. 83211

the following described premises, to-wit:

SEE EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except as herein above set forth and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: SEPTEMBER 18, 1997

John K. Baker
JOHN K. BAKER

Julie A. Baker
JULIE A. BAKER

STATE OF IDAHO, COUNTY OF BANNOCK On this 18th day of SEPT., 1997, before me, a notary public in and for said State, personally appeared JOHN K. BAKER AND JULIE A. BAKER, HUSBAND AND WIFE known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same. <u>[Signature]</u> Notary Public Residing at POCA TELLO, Idaho Comm. Expires 5/30/99	
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169208

Instrument #	
Dwr #	8
Time	2:48 PM
Req. of	First American Title
JAN 26 1998	
POWER COUNTY AM FALLS C. SCHREIBER	
BY <u>[Signature]</u> DEPUTY	

'98 JAN 23 PM 4 21

98001175

FIRST AMERICAN TITLE

Date: 704

Official Record Book

Bannock County Recorder

Fee 12.00 MV

CK

From claim file 29-4075

EXHIBIT "A"

PARCEL 1:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., POWER COUNTY, IDAHO, LESS RIGHT OF WAY.

EXCEPTING THEREFROM: A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ SE $\frac{1}{4}$) OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY SIDE OF COLD CREEK ROAD AND THE SOUTH LINE OF THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ FROM WHICH THE CORNER OF SAID SECTION 18 BEARS SOUTH 89°53' EAST, 25.00 FEET; THENCE NORTH 89°53' WEST, ALONG THE SOUTH LINE OF SAID SECTION 18, 604.70 FEET; THENCE NORTH 43°00' WEST, 70.60 FEET; THENCE NORTH 15°49' WEST 144.39 FEET; THENCE NORTH 65°28' WEST, 49.62 FEET; THENCE NORTH 35°28' EAST, 450.48 FEET TO THE SOUTHWESTERLY SIDE OF AN EXISTING COUNTY ROAD; THENCE SOUTH 57°45' EAST, ALONG THE SIDE OF SAID COUNTY ROAD, 120.00 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 450.00 FEET, THROUGH A CENTRAL ANGLE OF 18°55' FOR AN ARC LENGTH OF 148.57 FEET; THENCE SOUTH 38°50' EAST, 332.96 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 38°20' FOR AN ARC LENGTH OF 167.26; THENCE SOUTH 0°30' EAST, 2.90 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM: BEGINNING AT A POINT ON THE SOUTH LINE OF AND NEAR THE SOUTHEAST CORNER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., BY A POWER POLE ON THE WESTERLY LINE OF A COUNTY ROAD; THENCE WESTERLY 604.0 FEET TO THE EASTERLY LINE OF AN EXISTING NATURAL DRAINAGE CREEK, COMMONLY KNOWN AS COLD CREEK, ON THE SECTION LINE AND MARKED WITH A 1 $\frac{1}{4}$ " X 3 $\frac{1}{2}$ " IRON PIN DRIVEN 2 $\frac{1}{4}$ FEET INTO THE GROUND; THENCE NORTH 27°32' WEST 236.0 FEET, TO A STEEL FENCE POST ON THE NORTHEASTERLY BANK AND CURVE TO THE LEFT OF SAME CREEK; THENCE ON A CURVE TO THE RIGHT OF WITH A RADIUS EQUAL TO 51 FEET, AND DELTA ANGLE EQUAL TO 64°00' AND LENGTH OF 56.8 FEET; THENCE NORTH 36°28' EAST 391.0 FEET, MORE OR LESS, TO A SECOND POINT ON THE SOUTHWESTERLY BOUNDARY LINE OF SAID COUNTY ROAD; THENCE SOUTH 57°00' EAST 120.0 FEET TO A THIRD POINT ON THE ROAD LINE; THENCE ALONG THIS ROAD LINE A CURVE TO THE RIGHT WITH A RADIUS OF 910.0 FEET, CHORD 635 FEET AND A LENGTH OF CURVE OF 648.0 FEET, BOTH MORE OR LESS, TO PLACE OF BEGINNING.

ALL IN THE SOUTHEASTERLY PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ SE $\frac{1}{4}$) OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M.

EXCEPTING THEREFROM: COMMENCING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY #37, WHICH POINT IS ONE-QUARTER MILE NORTH OF THE SOUTHERLY

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SECTION LINE OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., AND WHICH POINT IS ALSO 50' EAST OF THE CENTERLINE OF SAID HIGHWAY AND 67.0 FEET EAST OF THE NORTH-SOUTH CENTER QUARTER SECTION LINE OF SAID SECTION; THENCE SOUTH 85°30' EAST 1182.0 FEET TO A POINT, WHICH POINT IS ON THE SOUTHWESTERLY SHOULDER OF AN EXISTING COUNTY ROAD; AND NORTH 77°25' WEST, 83.2 FEET OF THE SOUTHEAST CORNER OF AN EXISTING CONCRETE BRIDGE WHICH CROSSES SAID ROAD; THENCE SOUTH 44°38' EAST 332.0 FEET TO ANOTHER POINT ON THE AFORESAID ROADWAY, THE TRUE POINT OF BEGINNING; THENCE SOUTH 46°15' EAST 112.5 FEET; THENCE SOUTH 57°47' EAST 261.0 FEET; THENCE SOUTH 32°13' WEST 362.0 FEET TO A POINT ON THE NORTHEASTERLY BANK OF AN EXISTING NATURAL DRAINAGE CREEK; THENCE NORTH 57°47' WEST 24.0 FEET TO A POINT; THENCE NORTH 12°47' WEST 127.26 FEET; THENCE NORTH 57°47' WEST 147.0 FEET; THENCE NORTH 32°13' EAST 148.0 FEET; THENCE NORTH 17°47' WEST 168.0 FEET; THENCE NORTH 58°14' EAST 42.5 FEET TO THE PLACE OF BEGINNING.

ALL IN THE SE¼ SE¼ OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M.

EXCEPTING THEREFROM: A PARCEL OF LAND IN THE SE¼ SE¼ OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 EAST OF THE BOISE MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE NORTH 89°53' WEST, ALONG THE SOUTH LINE OF SAID SECTION, 25.00 FEET TO THE WEST LINE OF AN EXISTING COUNTY ROAD (COLD CREEK ROAD); THENCE NORTH 0°30' EAST, ALONG SAID ROAD 2.90 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 38°20' FOR AN ARC LENGTH OF 167.26 FEET; THENCE NORTH 38°50' WEST, 332.96 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 450.00 FEET, THROUGH A CENTRAL ANGLE OF 18°55', FOR AN ARC LENGTH OF 148.57 FEET; THENCE NORTH 57°45' WEST, 120.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING THE SIDE OF SAID COUNTY ROAD, SOUTH 35°28' WEST, 450.48 FEET; THENCE NORTH 65°28' WEST, 24.95 FEET; THENCE NORTH 35°42' WEST, 83.73 FEET; THENCE NORTH 61°20' WEST, 117.19 FEET; THENCE NORTH 76°13' WEST, 68.13 FEET; THENCE NORTH 26°47' WEST, 63.38 FEET; THENCE NORTH 13°13' EAST, 56.92 FEET; THENCE NORTH 57°10' WEST, 43.21 FEET; THENCE NORTH 31°40' EAST, 362.00 FEET TO THE SOUTHERLY SIDE OF SAID COUNTY ROAD; THENCE SOUTH 57°59' EAST, 429.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 EAST OF THE BOISE MERIDIAN, POWER COUNTY, IDAHO, BEING A PORTION OF THAT CERTAIN REAL PROPERTY CONVEYED TO M.K. THORNHILL AND JOSEPHINE THORNHILL, AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID RECREATIONAL AREA THAT BEARS NORTH 31°49' WEST 2247.1 FEET, MORE OR LESS, FROM THE SOUTHEAST CORNER OF SAID SECTION 18, THENCE NORTH 0°05' EAST 188.0 FEET, THENCE NORTH 33°04' EAST 214.7 FEET, THENCE SOUTH 89°55' WEST 377.7 FEET, THENCE SOUTH 4°57' WEST 342.2 FEET, THENCE SOUTH 84°47' EAST 291.0 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT: ANY PROPERTY LYING WEST OF HIGHWAY 37, IN SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 EAST BOISE MERIDIAN, POWER COUNTY, IDAHO.

PARCEL 2

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A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 EAST OF THE BOISE MERIDIAN, POWER COUNTY, IDAHO, BEING A PORTION OF THAT CERTAIN REAL PROPERTY CONVEYED TO M.K. THORNHILL AND JOSEPHINE THORNHILL, AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID RECREATIONAL AREA THAT BEARS NORTH 31°49' WEST 2247.1 FEET, MORE OR LESS, FROM THE SOUTHEAST CORNER OF SAID SECTION 18, THENCE NORTH 0°05' EAST 188.0 FEET, THENCE NORTH 33°04' EAST 214.7 FEET, THENCE SOUTH 89°55' WEST 377.7 FEET, THENCE SOUTH 4°57' WEST 342.2 FEET, THENCE SOUTH 84°47' EAST 291.0 FEET TO THE POINT OF BEGINNING.