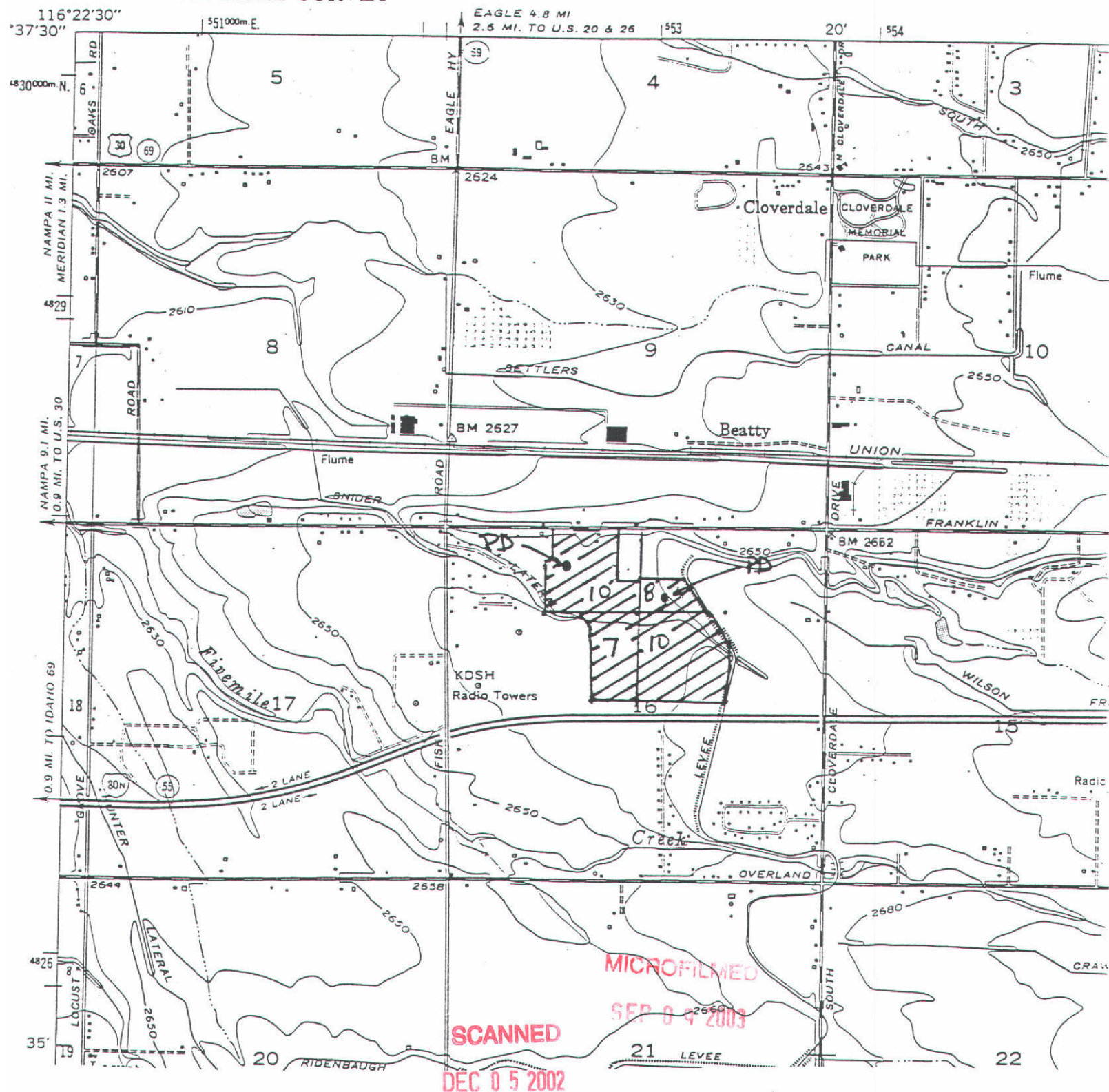


APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



SCANNED
DEC 05 2002

2000 AERIAL PHOTO
2.3 ACRES IN LOT 11

2.3 ac

MICROFILMED
SEP 09 2003

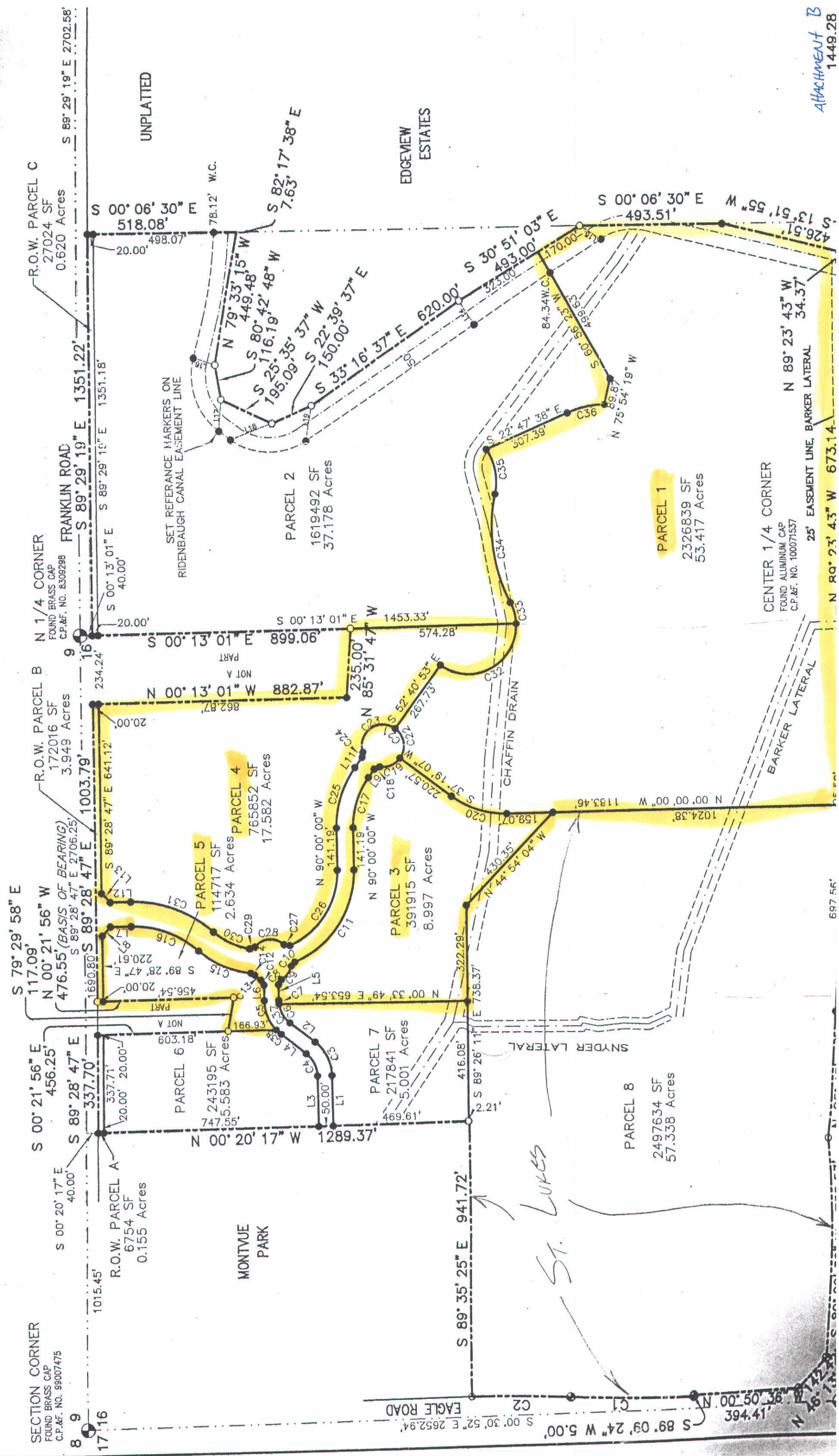
SCANNED
DEC 05 2002

1987 AERIAL PHOTO

2.3 ac

MICROFILM
SEP 09 2003

RECORD OF SURVEY NO. 5306



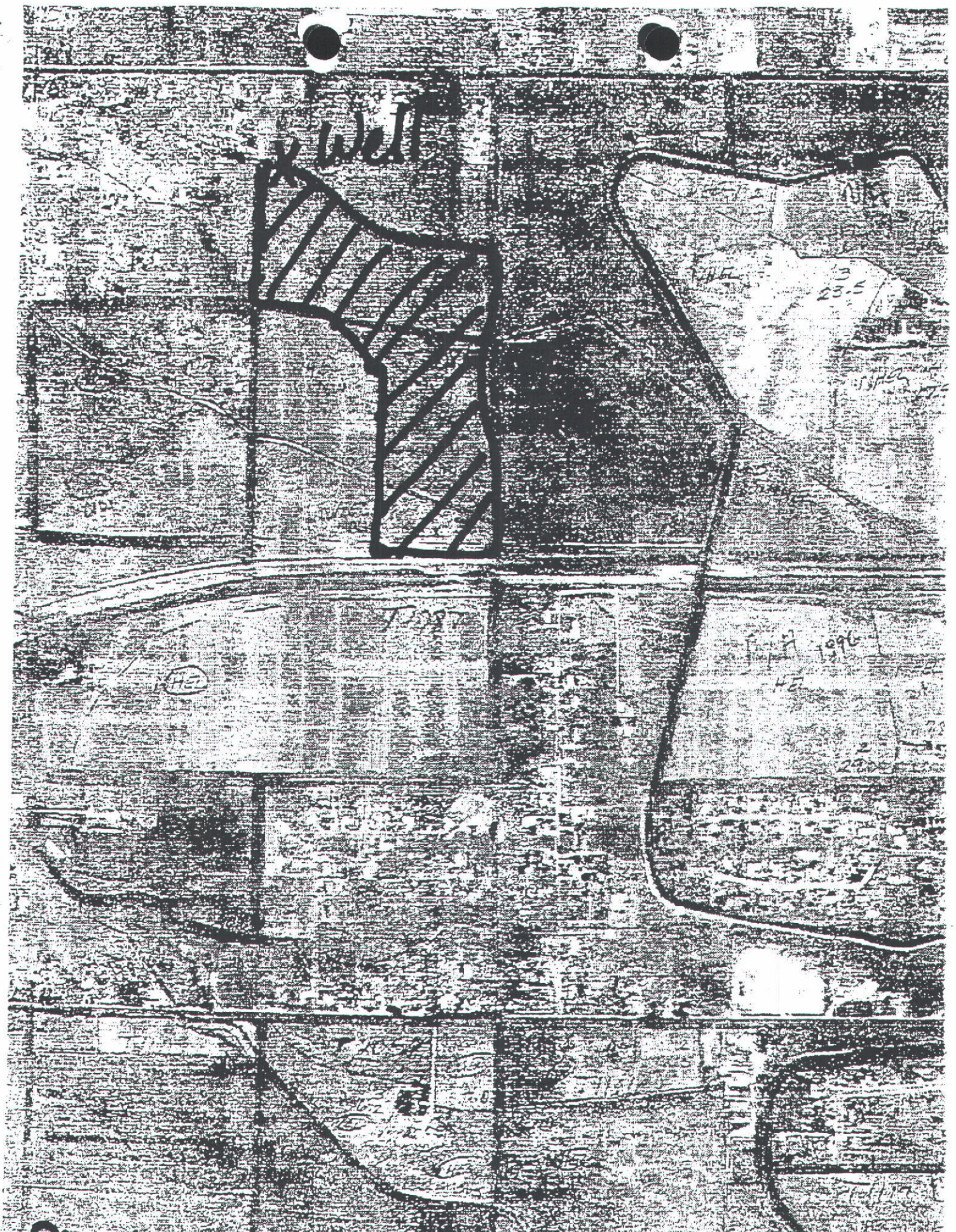


Photo source - IDWR License File 63-1178

FEB 24 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69643

Amended

This is to certify that: TOUCHMARK LIVING CENTERS INC
5150 SW GRIFFITH DR
BEAVERTON OR 97002-2935
503-646-5186

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
63-31383	WR/License	04/14/1992	0.7 cfs	N/A		35.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-31383	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-31383	63-31383	0.7 cfs	157.5 af	N/A	35.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.7 cfs	157.5 af	35	35		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 28 day of March, 2003

For 
Chief, Water Allocation Bureau

MICROFILMED

APR 14 2003 SCANNED

MAR 28 2003

WATER RIGHT NO. 63-31383
As Modified by Transfer No. 69643

In accordance with the approval of Transfer No. 69643, Water Right No. 63-31383 is now described as follows.

Right Holder: TOUCHMARK OF THE TREASURE VALLEY LLC
 5150 SW GRIFFITH DR
 BEAVERTON OR 97005-2935

Priority Date: April 14, 1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.70 CFS	157.5 AF
			0.70 CFS	157.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 16 Twp 03N	Rge 01E	ADA County
GROUND WATER	NWNENW	Sec. 16 Twp 03N	Rge 01E	ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	16		8.0	10.0		10.0			7.0									35.0

Total Acres: 35

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. The total instantaneous diversion of water from all points of diversion under Right 63-31383 shall not exceed .70 cfs, nor total combined annual volume of 157.5 af.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The proposed new well shall be drilled and constructed in such a way that a full depth surface seal be emplaced from land surface to the top of the aquifer zone being appropriated, with special attention to sealing off of the upper floodplain terrace gravel of the Whitney Terrace.
7. The surface/pump-chamber well casing shall consist of standard wall thickness pipe (i.e. wall thickness of .365 inches for 8-inch diameter pipe).
8. The well discharge piping shall be equipped with totalizing flow meters and designated water-level monitoring tubes shall be installed with the pump column.
9. The water bearing zone to be appropriated by the new well authorized by this transfer shall be no deeper than 200 feet.

SCANNED
 MAR 29 2003

MICROFILMED

SEP 29 2003

WATER RIGHT NO. 63-31383
As Modified by Transfer No. 69643

CONDITIONS OF APPROVAL

10. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
11. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
12. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 28 day of March, 20 03

For 
Chief, Water Allocation Bureau

SCANNED
MICHOPEL
MAR 28 2003
SEP 03 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69643

This is to certify that: TOUCHMARK LIVING CENTERS INC
 5150 SW GRIFFITH DR
 BEAVERTON OR 97002-2935
 503-646-5186

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-31383	WR/License	04/14/1992	0.7 cfs	N/A		35.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-31383	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-31383	63-31383	0.7 cfs	157.5 af	N/A	35.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.7 cfs	157.5 af	35	35		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13 day of March, 20 03

for 
 Chief, Water Allocation Bureau

MICROFILMED
 SEP 09 2003
 SCANNED
 MAR 13 2003

WATER RIGHT NO. 63-31383
As Modified by Transfer No. 69643

In accordance with the approval of Transfer No. 69643, Water Right No. 63-31383 is now described as follows.

Right Holder: TOUCHMARK OF THE TRESAURE VALLEY LLC
 5150 SW GRIFFITH DR
 BEAVERTON OR 97005-2935

Priority Date: April 14, 1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.70 CFS	157.5 AF
			0.70 CFS	157.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 16 Twp 03N Rge 01E ADA County
GROUND WATER	NWNENW	Sec. 16 Twp 03N Rge 01E ADA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 01E 16	8.0	10.0			10.0			7.0									35.0

Total Acres: 35

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. The total instantaneous diversion of water from all points of diversion under Right 63-31383 shall not exceed .70 cfs, nor total combined annual volume of 157.5 af.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The proposed new well shall be drilled and constructed in such a way that a full depth surface seal be emplaced from land surface to the top of the aquifer zone being appropriated, with special attention to sealing off of the upper floodplain terrace gravel of the Whitney Terrace.
7. The surface/pump-chamber well casing shall consist of standard wall thickness pipe (i.e. wall thickness of .365 inches for 8-inch diameter pipe).
8. The well discharge piping shall be equipped with totalizing flow meters and designated water-level monitoring tubes shall be installed with the pump column.
9. The water bearing zone to be appropriated by the new well authorized by this transfer shall be no deeper than 200 feet.

MICROFILMED

SCANNED

SEP 03 2003

MAR 13 2003

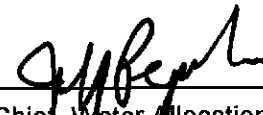
WATER RIGHT NO. 63-31383
As Modified by Transfer No. 69643

CONDITIONS OF APPROVAL

10. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
11. The right holder shall make full use of all appurtenant surface water rights in conjunction with ground water diverted under this right.
12. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13 day of March, 20 03


For Chief, Water Allocation Bureau

MICROFILMED

SEP 09 2003

SCANNED
MAR 13 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 69643**RECEIVED****APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**WATER RESOURCES
Name of Applicant

Touchmark Living Centers, Inc.

Phone 503-646-5186Post Office address 5150 S.W. Griffith Drive, Beaverton, OR 97005-2935**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 (1) Distribute irrigation to landscaped areas within boundaries of proposed retirement community, (2) Add second diversion point located near surface water booster pump station

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-31383</u>	<u>4/14/1992</u>	<u>0.70/157.5</u>	<u>irrigation</u>	<u>3/1</u> to <u>11/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.70 cubic feet per second and/or 157.5 acre-feet per annum.

3. Source of water ground water tributary to NA

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	NE	NW	16	3N	1E	Ada	existing 16" well
		NW	NE	16	3N	1E	Ada	proposed well

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1E	16		8	10		10			7									35

DEC 05 2002

Total Acres 35

PART 1

6. General Information:

a. Description of diversion system existing well (16" x 485'), proposed well (8" x 200')
electric well pumps discharging to booster pump system

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:
lands now irrigated will be removed from irrigation through
development of a proposed retirement community

d. Remarks:
Water will be used for supplemental irrigation of landscape

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

MICROFILMED SCANNED

SEP 05 2003

DEC 05 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:
- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
 - b. License No. 63-11781 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 _____
3. Source of water ground water tributary to NA
4. Date or priority April 15, 1992
5. Water is used for the following purposes:
- amount 0.70/157.5 for irrigation purposes from 3/1 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 0.70 cubic feet per second and/or 157.5 acre-feet per annum.
7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	NENW		16	3N	1E	Ada	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1E						16			19									35

MICROFILMED

SEP 8 2002

SCANNED

Total Acres 35

DEC 05 2002

9. Describe any other water rights used for the same purpose as described above Nampa & Meridian Irrigation District

PART 2

Transfer No. 69643

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

yes If yes, describe Water right is supplemental only and has not been needed

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED since 1994.
(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	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

MICROFILMED

SEP 10 2003

SCANNED

DEC 05 2003

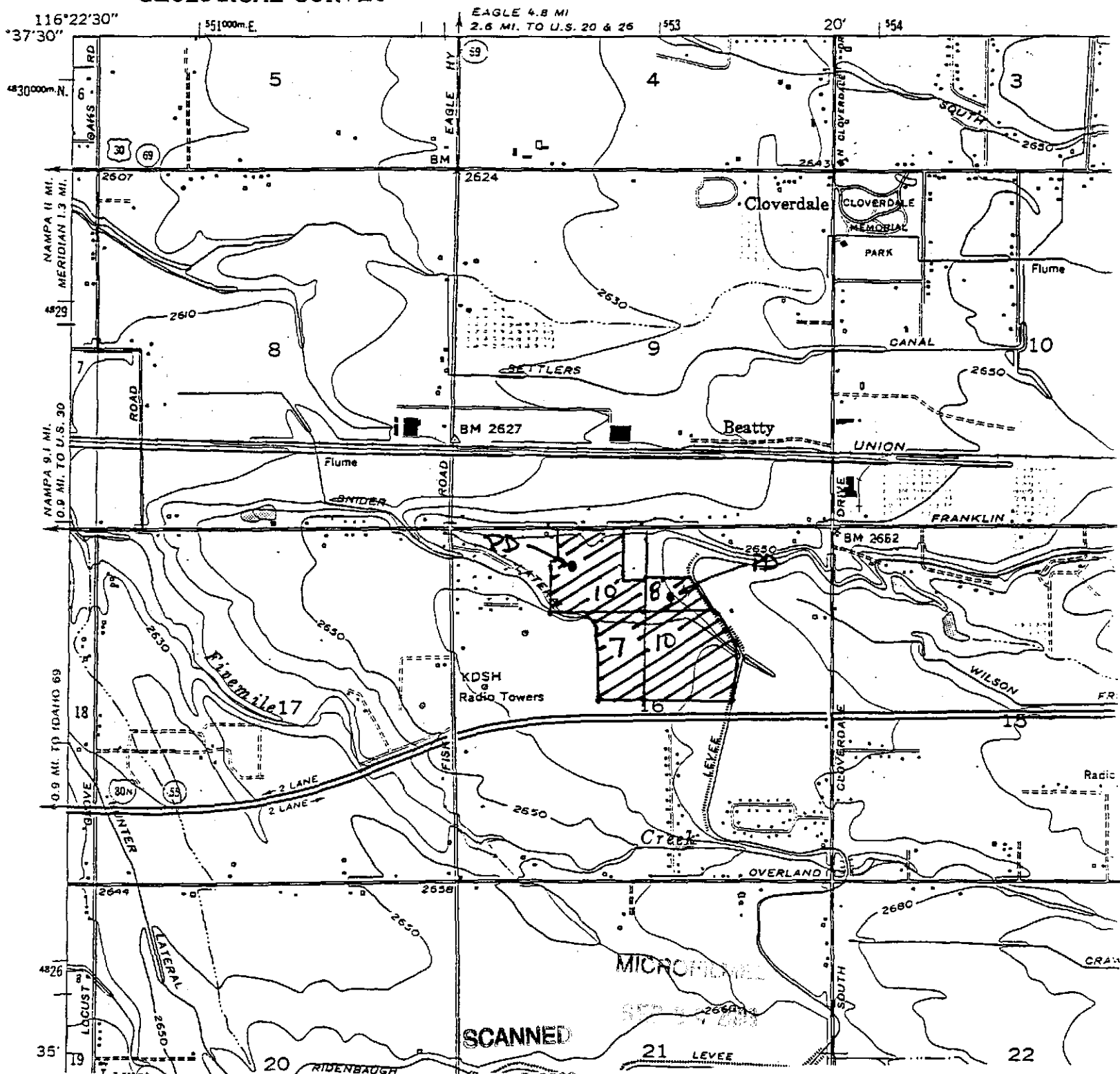
Total Acres _____

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.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



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

3. 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.

Ann D. Mott CEO

(Signature of Applicant)

Subscribed and sworn to before me this 2nd day of October, 20 01



Theresa M. Gates
(Notary Public)

My commission expires Aug 14, 2005

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by [Signature] Date 11/14/01 Protest filed by _____

Prelim. Check by [Signature] Fee 250.00

Received by [Signature] Date 11/14/01 W028499

Published in THE IDAHO STATESMAN Copies of protest forwarded by _____

Pub. Dates 1-17 + 24-02 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

SCANNED

DEC 05 2002

SCANNED
DEC 05 2007

2000 AERIAL PHOTO
2.3 ACRES IN LOT 11

MICROFILMED
SEP 14 2003

SCANNED

DEC 05 2002

1987 AERIAL PHOTO

MICROFILM

SEP 08 2003

11/16/2001 15:28

208-888-6511

TOUCHMARK DEVELOPMENT
TOUCHMARK LIVING CENTERS *** TOLD TDCG

PAGE 02

11/16/01 14:15 FAX 800 844 8888

ADA COUNTY RECORDER
J. DAVID NAVARRO
916.1040

RECORDED-REQUEST OF
FIRST AMERICAN
FEE 18.00 DEPUTY *Kasper*

2001MY-1 AM11:25

101041126

QUITCLAIM DEED

For Value Received

TOUCHMARK OF THE TREASURE VALLEY, LLC, an Oregon limited liability company; TOUCHMARK OF THE TREASURE VALLEY, LLC, an Oregon limited liability company who acquired title to a portion of said property as GRANTOR OF THE TREASURE VALLEY, LLC; TLC PROPERTIES - USA, LLC, an Oregon limited liability company; COLLEEN T. NISTLER and WERNER G. NISTLER, JR. as Trustees of THE COLLEEN and WERNER G. NISTLER, JR. TRUST AGREEMENT, dated SEPTEMBER 3, 1992, and DONALD H. JOSS and ALVIE S. JOSS, husband and wife

do hereby convey, release, remise and forever quit claim unto

TOUCHMARK OF THE TREASURE VALLEY, LLC, an Oregon limited liability company

whose address is 3150 SW Griffith Drive, Beaverton, OR 97005

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

together with their appurtenances.

Dated: April 27, 2001

TOUCHMARK OF THE TREASURE VALLEY, LLC

Werner G. Nistler

WERNER G. NISTLER - Manager

TLC PROPERTIES - USA, LLC

Werner G. Nistler

WERNER G. NISTLER - Manager

THE COLLEEN and WERNER G. NISTLER, JR. FAMILY TRUST

Colleen T. Nistler

COLLEEN T. NISTLER, CO-TRUSTEE

Werner G. Nistler, Jr.

WERNER G. NISTLER, JR., NISTLER, CO-TRUSTEE

MICROFILMED

SEP 09 2002

SCANNED
DEC 09 2002

Parcel 1

ATTACHMENT A1

Donald H. Foss
DONALD H. FOSS

Annie B. Foss
ANNIE B. FOSS

STATE OF)
COUNTY OF) ss

On This 30 day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared DONALD H. FOSS and ANNIE B. FOSS, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.



Mary C. Fair
Notary Public of State of Washington
Residing at: Seattle, Co.
Commission Expires: October 27, 2004

SCANNED
DEC 05 2002

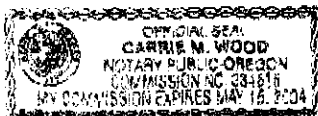
MICROFILMED
SEP 09 2003

STATE OF OREGON

COUNTY OF Washington

On This 30th day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared COLLEEN T. NISILER and WERNER G. NISILER, JR., known or identified to me to be the persons whose names are subscribed to the within instrument as co-trustees of the COLLEEN T. NISILER and WERNER G. NISILER, JR. FAMILY TRUST and acknowledged to me that they executed the same as such Co-Trustees.

~~Colleen T. Nisiler's identity was proved to me by the oath of Werner G. Nisiler, Jr. a witness~~
See attached.

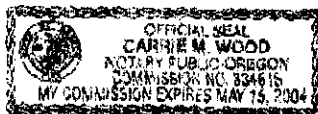


Carrie M. Wood
Notary Public of Oregon
Residing at: Washington County
Commission Expires: 5/15/04

STATE OF OREGON

COUNTY OF Washington

On This 30th day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared WERNER G. NISILER, Chairman and CEO of TOUCHMARK LIVING CENTERS, INC., Manager, known or identified to me to be the person whose name is subscribed to the within instrument as the Manager of TOUCHMARK OF THE TREASURE VALLEY, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in said Limited Liability Company's name.

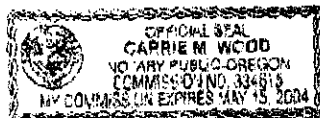


Carrie M. Wood
Notary Public of Oregon
Residing at: Washington County
Commission Expires: 5/15/04

STATE OF OREGON

COUNTY OF Washington

On This 30th day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared WERNER G. NISILER, Chairman and CEO of TOUCHMARK LIVING CENTERS, INC., Manager, known or identified to me to be the person whose name is subscribed to the within instrument as the Manager of TLC PROPERTIES - USA, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in said Limited Liability Company's name.



Carrie M. Wood
Notary Public of Oregon
Residing at: Washington County
Commission Expires: 5/15/04

SCANNED
DEC 05 2002

MICROFILMED

SEP 09 2003

EXHIBIT "A"
DESCRIPTION FOR PARCEL 1
TOUCHMARK DEVELOPMENT

February 21, 2001

Parcel 1 of Survey No. 5306, recorded as Instrument No. 101017141, described as follows:
A parcel of land located in the N ½ and the SE ¼ of Section 16, Township 3 North, Range 1 East,
Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the northwest corner of Section 16, Township 3 North, Range 1 East, Boise
Meridian, thence S 89°28'47" E 2375.39 feet along the north line of the NW ¼ of said Section 16
to a point; thence S 00°31'13" W 1089.05 feet to the **REAL POINT OF BEGINNING** of this
description;

Thence S 52°40'53" E 267.73 feet to a point on a curve;

Thence along a curve to the left 368.97 feet, said curve having a radius of 165.00 feet,
a central angle of 128°07'28", tangents of 339.23 feet, and a chord which bears S 26°44'37" E
296.76 feet to a point on the east line of said NW ¼;

Thence continuing along a curve to the left 75.97 feet said curve having a radius of 165.00 feet,
a central angle of 28°22'45", tangents of 38.87 feet, and a chord which bears N 76°00'16" E
75.30 feet to a point of reverse curvature;

Thence along a curve to the right 378.40 feet, said curve having a radius of 535.00 feet,
a central angle of 40°31'29", tangents of 197.50 feet, and a chord which bears N 83°04'38" E
370.56 feet to a point of reverse curvature;

Thence along a curve to the left 158.17 feet, said curve having a radius of 195.00 feet,
a central angle of 46°28'24", tangents of 83.72 feet, and a chord which bears N 80°06'10" E
153.67 feet to a point on a curve;

Thence S 22°47'38" E 307.39 feet to a point of curvature;

Thence along a curve to the right 133.27 feet, said curve having a radius of 335.00 feet
a central angle of 22°47'38", tangents of 67.53 feet, and a chord which bears S 11°23'49" E
132.40 feet to a point on a curve;

Thence S 75°54'19" E 89.87 feet to a point;

Thence N 60°56'23" E 499.63 feet to a point on the westerly boundary of Edgeview Estates
Subdivision;

Along said westerly boundary the following:

Thence S 30°51'03" E 170.00 feet to a point;

Thence S 00°06'30" E 493.51 feet to a point;

Thence S 13°51'55" W 426.51 feet to a point on the south line of the NE ¼ of Section 16;

Thence N 89°23'43" W 34.37 feet along said south line to a point;

Thence S 13°46'18" W 21.40 feet to a point on the north right-of-way of Interstate 84;

980601/parcel 1.des

SCANNED
DEC 05 2002

MICROFILMED

SEP 09 2003

Leaving said westerly boundary:

Thence N 89°43'13" W 530.52 feet along said north right-of-way to a point;

Thence N 00°19'45" W 23.85 feet to a point on the south line of said NE 1/4;

Thence N 89°23'43" W 673.14 feet along said south line to the SW corner of the NE 1/4 (center 1/4 corner) of Section 16;

Thence N 89°23'35" W 825.37 feet along the south line of the NW 1/4 of Section 16 to a point on the north right-of-way of Interstate 84;

Thence N 85°44'30" W 25.58 feet along said north right-of-way to a point;

Thence N 00°00'00" W 1183.46 feet to a point of curvature;

Thence along a curve to the right 203.70 feet, said curve having a radius of 312.75 feet a central angle of 37°19'07", tangents of 105.61 feet, and a chord which bears N 18°39'33" E 200.12 feet;

Thence N 37°19'07" E 220.57 feet to a point on a curve;

Thence along a curve to the left 114.67 feet, said curve having a radius of 73.00 feet a central angle of 90°00'00", tangents of 73.00 feet, and a chord which bears N 82°19'07" E 103.24 feet to the REAL POINT OF BEGINNING of this description;

Said parcel contains 53.417 acres (2,328,839 sq. ft.) more or less

Michael E. Marks, PLS 4898



980601/parcel1.des

SCANNED

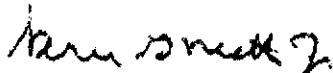
DEC 05 2002

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SEP 09 2003

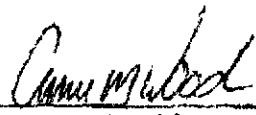
STATE OF OREGON)
) ss
COUNTY OF WASHINGTON)

I, Werner G. Nistler, Jr., certify that Colleen T. Nistler signed the foregoing document willingly and freely in my presence and that the signature is genuinely hers.


Werner G. Nistler, Jr.

Subscribed and sworn to before me this 30th day of April, 2001 by Werner G. Nistler, Jr.




Notary Public of Oregon
Residing at Washington County
Commission Expires: 5/15/04

MICROFILMED
SEP 29 2003

SCANNED
DEC 05 2002

11/16/2001 15:28

208-888-6511

FRI 14:18 FAX 800 844 3598

TOUCHMARK DEVELOPMENT
TOUCHMARK LIVING CENTERS *** TRID TRCC

PAGE 08
0008

ADA COUNTY RECORDER
J. DAVID NAVARRO
2008 10400

RECEIVED-REQUEST OF
FIRST AMERICAN

FEE 18.00 DEPUTY *[Signature]*

2001MY-1 AM11:25

101041127

QUITCLAIM DEED

For Value Received

TOUCHMARK OF THE TREASURE VALLEY, LLC, an Oregon limited liability company; TOUCHMARK OF THE TREASURE VALLEY, LLC, an Oregon limited liability company who acquired title to a portion of said property as WATERFORD OF THE TREASURE VALLEY, LLC; TLC PROPERTIES - USA, LLC, an Oregon limited liability company; COLLEEN T. NISTLER and WERNER G. NISTLER, JR. as Trustees of THE COLLEEN and WERNER G. NISTLER, JR. TRUST AGREEMENT, dated SEPTEMBER 3, 1992

do hereby convey, release, remise and forever quit claim unto

TOUCHMARK OF THE TREASURE VALLEY, LLC, an Oregon limited liability company

whose address is 5150 SW Griffith Drive, Seaverton, OR 97005

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

together with their appurtenances.

Dated: April 27, 2001

TOUCHMARK OF THE TREASURE VALLEY, LLC

[Signature]
WERNER G. NISTLER - Manager

TLC PROPERTIES - USA, LLC

[Signature]
WERNER G. NISTLER - Manager

THE COLLEEN AND WERNER G. NISTLER, JR. FAMILY TRUST

[Signature]
COLLEEN T. NISTLER, CO-TRUSTEE

[Signature]
WERNER G. NISTLER, JR. NISTLER, CO-TRUSTEE

SCANNED
DEC 05 2002

MICROFILMED

SEP 09 2003

Parcel 3

AZ

STATE OF OREGON)

* See attached

COUNTY OF WA)

On this 30th day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared COLLEEN T. NISTLER and WERNER G. NISTLER, JR., known or identified to me to be the persons whose names are subscribed to the within instrument as co-trustees of the COLLEEN T. NISTLER and WERNER G. NISTLER, JR. FAMILY TRUST and acknowledged to me that they executed the same as such co-trustees.

Christine N. Bravo
Notary Public of Oregon
Residing at: Washington County
Commission Expires: 10/31/03

STATE OF OREGON)

COUNTY OF WA)

On this 30th day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared WERNER G. NISTLER, Chairman and CEO of TOUCHMARK LIVING CENTERS, INC., Manager, known or identified to me to be the person whose name is subscribed to the within instrument as the Manager of TOUCHMARK OF THE TREASURE VALLEY, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in said Limited Liability Company's name.



Christine N. Bravo
Notary Public of Oregon
Residing at: Washington County
Commission Expires: 10/31/03

STATE OF OREGON)

COUNTY OF WA)

On this 30th day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared WERNER G. NISTLER, Chairman and CEO of TOUCHMARK LIVING CENTERS, INC., Manager, known or identified to me to be the person whose name is subscribed to the within instrument as the Manager of TLC PROPERTIES - USA, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in said Limited Liability Company's name.



Christine N. Bravo
Notary Public of Oregon
Residing at: Washington County
Commission Expires: 10/31/03

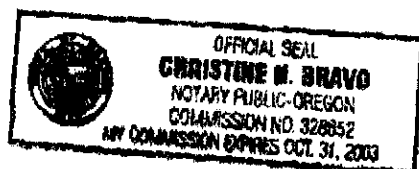
SCANNED
DEC 05 2002

MICROFILMED

SEP 09 2003

STATE OF OREGON)
) ss
COUNTY OF WASHINGTON)

On this 30th day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared COLLEEN T. NISTLER and WERNER G. NISTLER, JR., known or identified to me to be the persons whose names are subscribed to the within instrument as co-trustees of the COLLEEN T. NISTLER and WERNER G. NISTLER, JR. FAMILY TRUST and acknowledged to me that they executed the same as such Co-Trustees.



Christine M. Bravo

Notary Public of Oregon
Residing at: Washington County
Commission Expires: 10/31/03

SCANNED
DEC 05 2002

MICROFILMED
SEP 09 2003

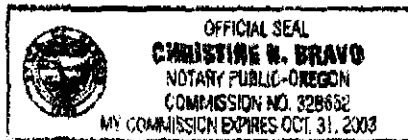
STATE OF OREGON)
) ss
COUNTY OF WASHINGTON)

I, Werner G. Nistler, Jr., certify that Colleen T. Nistler signed the foregoing document willingly and freely in my presence and that the signature is genuinely hers.

Werner G. Nistler, Jr.

Werner G. Nistler, Jr.

Subscribed and sworn to before me this 30th day of April, 2001 by Werner G. Nistler, Jr.



Christine W. Bravo
Notary Public of Oregon
Residing at Washington County
Commission Expires: 10/31/03

SCANNED

MICROFILMED

SEP 29 2003

**DESCRIPTION FOR PARCEL 3
TOUCHMARK DEVELOPMENT**

January 17, 2001

Parcel 3 of Survey No. 5306, recorded as Instrument No. 101017141, described as follows:
A parcel of land lying in the NW ¼ of Section 16, Township 3 North, Range 1 East, Boise
Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the northwest corner of Section 16, Township 3 North, Range 1 East, Boise
Meridian; thence S 89°28'47" E 1451.80 feet along the north line of the NW ¼ of said Section 16
to a point; thence S 00°31'13" E 673.79 feet to the **REAL POINT OF BEGINNING** of this
description;

Thence along a curve to the right 12.88 feet, said curve having a radius of 100.00 feet,
a central angle of 07°22'44", tangents of 6.45 feet, and a chord which bears N 86°18'38" E
12.87 feet to a point of tangency;

Thence N 90°00'00" E 52.24 feet to a point of curvature;

Thence along a curve to the right 21.31 feet, said curve having a radius of 20.00 feet,
a central angle of 61°03'41", tangents of 11.80 feet, and a chord which bears S 59°28'09" E
20.32 feet to a point of reverse curvature;

Thence along a curve to the left 59.58 feet, said curve having a radius of 73.00 feet,
a central angle of 46°45'51", tangents of 31.58 feet, and a chord which bears S 52°19'14" E
57.94 feet to a point of reverse curvature;

Thence along a curve to the right 19.42 feet, said curve having a radius of 20.00 feet,
a central angle of 55°38'21", tangents of 10.55 feet, and a chord which bears S 47°53'00" E
18.67 feet to a point of reverse curvature;

Thence along a curve to the left 393.65 feet, said curve having a radius of 322.50 feet,
a central angle of 69°56'11", tangents of 225.55 feet, and a chord which bears S 55°01'55" E
369.66 feet to a point of tangency;

Thence S 90°00'00" E 141.19 feet to a point of curvature;

Thence along a curve to the right 150.74 feet, said curve having a radius of 277.50 feet,
a central angle of 37°19'07", tangents of 93.71 feet, and a chord which bears S 71°20'27" E
177.57 feet to a point of tangency;

Thence S 52°40'53" E 34.65 feet to a point of curvature;

Thence along a curve to the right 21.92 feet, said curve having a radius of 20.00 feet,
a central angle of 82°48'25", tangents of 12.21 feet, and a chord which bears S 21°16'41" E
20.84 feet to a point of reverse curvature;

Thence along a curve to the left 80.02 feet, said curve having a radius of 73.00 feet,
a central angle of 62°48'25", tangents of 44.57 feet, and a chord which bears S 21°16'41" E
76.08 feet to a point of tangency;

Thence S 37°19'07" W 220.57 feet to a point of curvature;

980601/parcel 3 den

SCANNED
DEC 05 2002

MICROFILMED

SEP 09 2003

Thence along a curve to the left 203.70 feet, said curve having a radius of 312.75 feet,
a central angle of $37^{\circ}19'07''$, tangents of 105.61 feet, and a chord which bears $S 18^{\circ}39'33'' W$
200.12 feet to a point of tangency;

Thence $S 00^{\circ}00'00'' E$ 159.07 feet to a point;

Thence $N 44^{\circ}54'04'' W$ 430.35 feet to a point;

Thence $N 69^{\circ}26'11'' W$ 322.29 feet to a point;

Thence $N 00^{\circ}33'49'' E$ 653.54 feet to the **REAL POINT OF BEGINNING** of this description;

Said parcel contains 8.997 Acres (391615 Sq. Ft.) more or less.

Michael E. Marks, PLS 4998



980601/parcel 3.dea

SCANNED
DEC 05 2002

MICROFILMED
SEP 09 2003

11/16/2001 15:28

208-888-6511

TOUCHMARK DEVELOPMENT

PAGE 14

11/16/01

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TOUCHMARK LIVING CENTERS 44 010 TPOC

2014

WILCO

RECORDED-REQUEST OF

FIRST AMERICAN

FEE 15.00 DEPUTY *phillips*

ADA COUNTY RECORDER

J. DAVID NAVARRO
TOLSON, CANO

200:MY-1 AMH:25

101041128

QUITCLAIM DEED

For Value Received

TOUCHMARK OF THE TREASURE VALLEY, LLC, an Oregon limited liability company; TOUCHMARK OF THE TREASURE VALLEY, LLC, an Oregon limited liability company who acquired title to a portion of said property as WATERFORD OF THE TREASURE VALLEY, LLC; TLC PROPERTIES - USA, LLC, an Oregon limited liability company; COLLEEN T. NISTLER and WERNER G. NISTLER, JR. as Trustees of THE COLLEEN and WERNER G. NISTLER, JR. TRUST AGREEMENT, dated SEPTEMBER 3, 1992

do hereby convey, release, remise and forever quit claim unto

TOUCHMARK OF THE TREASURE VALLEY, LLC, an Oregon limited liability company

whose address is 5150 SW Griffith Drive, Beaverton, OR 97005

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

together with their appurtenances.

Dated: April 27, 2001

TOUCHMARK OF THE TREASURE VALLEY, LLC

Werner G. Nistler

WERNER G. NISTLER - Manager

TLC PROPERTIES - USA, LLC

Werner G. Nistler

WERNER G. NISTLER - Manager

THE COLLEEN AND WERNER G. NISTLER, JR. FAMILY TRUST

Colleen T. Nistler

COLLEEN T. NISTLER, CO-TRUSTEE

Werner G. Nistler, Jr.

WERNER G. NISTLER, JR., NISTLER, CO-TRUSTEE

SCANNED
DEC 05 2002

MICROFILMED

SEP 09 2003

Parcel 4

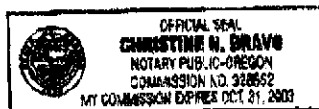
A3

STATE OF OREGON)

* See attached

COUNTY OF WA)

On This 30th day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared COLLEEN T. NISTLER and WERNER G. NISTLER, JR., known or identified to me to be the persons whose names are subscribed to the within instrument as co-trustees of the COLLEEN T. NISTLER and WERNER G. NISTLER, JR. FAMILY TRUST and acknowledged to me that they executed the same as such Co-Trustees.



Christine N. Bravo
Notary Public of Oregon
Residing at: Washington County
Commission Expires: 10/31/03

STATE OF OREGON)

COUNTY OF WA)

On This 30th day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared WERNER G. NISTLER, Chairman and CEO of TOUCHMARK LIVING CENTERS, INC., Manager, known or identified to me to be the person whose name is subscribed to the within instrument as the Manager of TOUCHMARK OF THE TREASURES VALLEY, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in said Limited Liability Company's name.



Christine N. Bravo
Notary Public of Oregon
Residing at: Washington County
Commission Expires: 10/31/03

STATE OF OREGON)

COUNTY OF WA)

On This 30th day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared WERNER G. NISTLER, Chairman and CEO of TOUCHMARK LIVING CENTERS, INC., Manager, known or identified to me to be the person whose name is subscribed to the within instrument as the Manager of TLC PROPERTIES - USA, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in said Limited Liability Company's name.



Christine N. Bravo
Notary Public of Oregon
Residing at: Washington County
Commission Expires: 10/31/03

SCANNED

DEC 05 2002

MICROFILMED

SEP 09 2003

STATE OF OREGON)
) ss
COUNTY OF WASHINGTON)

I, Werner G. Nistler, Jr., certify that Colleen T. Nistler signed the foregoing document willingly and freely in my presence and that the signature is genuinely hers.

Werner G. Nistler, Jr.
Werner G. Nistler, Jr.

Subscribed and sworn to before me this 30th day of April, 2001 by Werner G. Nistler, Jr.



Christine N. Bravo
Notary Public of Oregon
Residing at Washington County
Commission Expires: 10/31/03

SCANNED

DEC 05 2002

MICROFILMED

SEP 09 2003

**DESCRIPTION FOR PARCEL 4
TOUCHMARK DEVELOPMENT**

January 17, 2001

Parcel 4 of Survey No. 5306, recorded as Instrument No. 101017141, described as follows:
A parcel of land lying in the NW ¼ of Section 16, Township 3 North, Range 1 East, Boise
Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the northwest corner of Section 16, Township 3 North, Range 1 East, Boise
Meridian; thence S 89°28'47" E 1831.67 feet along the north line of the NW ¼ of said Section 16
to a point, thence S 00°31'13" E 60.00 feet to a point on the future south right-of-way of Franklin
Road, the **REAL POINT OF BEGINNING** of this description;

Thence S 89°28'47" E 641.12 feet along said future south right-of-way to a point;

Thence S 00°13'01" E 862.87 feet to a point;

Thence S 85°31'47" E 235.00 feet to a point on the east line of said NW ¼;

Thence S 00°13'01" E 574.28 feet along said east line to a point on a curve;

Thence along a curve to the right 368.97 feet, said curve having a radius of 165.00 feet,
a central angle of 128°07'28", tangents of 339.23 feet, and a chord which bears N 26°44'37" W
296.76 feet to a point;

Thence N 52°40'53" W 267.73 feet to a point on a curve;

Thence along a curve to the left 183.14 feet, said curve having a radius of 73.00 feet,
a central angle of 143°44'37", tangents of 222.97 feet, and a chord which bears N 34°33'12" W
138.75 feet to a point of reverse curvature;

Thence along a curve to the right 18.76 feet, said curve having a radius of 20.00 feet,
a central angle of 53°44'37", tangents of 10.13 feet, and a chord which bears N 79°33'12" W
18.08 feet to a point of tangency;

Thence N 52°40'53" W 42.38 feet to a point of curvature;

Thence along a curve to the left 218.20 feet, said curve having a radius of 335.00 feet,
a central angle of 37°19'07", tangents of 113.13 feet, and a chord which bears N 71°20'27" W
214.36 feet to a point of tangency;

Thence N 90°00'00" W 141.19 feet to a point;

Thence along a curve to the right 318.50 feet, said curve having a radius of 265.00 feet,
a central angle of 68°51'49", tangents of 181.67 feet, and a chord which bears N 55°34'05" W
299.68 feet to a point of reverse curvature;

Thence along a curve to the right 21.68 feet, said curve having a radius of 20.00 feet,
a central angle of 62°05'48", tangents of 12.04 feet, and a chord which bears N 09°54'43" E
20.63 feet to a point of reverse curvature;

Thence along a curve to the left 112.25 feet, said curve having a radius of 73.00 feet, a central angle of $88^{\circ}08'13''$, tangents of 70.62 feet, and a chord which bears $N 03^{\circ}05'30'' W$ 101.52 feet to a point of reverse curvature;

Thence along a curve to the right 19.89 feet, said curve having a radius of 20.00 feet, a central angle of $56^{\circ}58'17''$, tangents of 10.85 feet, and a chord which bears $N 18^{\circ}39'28'' W$ 19.08 feet to a point of reverse curvature;

Thence along a curve to the right 139.29 feet, said curve having a radius of 259.00 feet, a central angle of $30^{\circ}48'47''$, tangents of 71.37 feet, and a chord which bears $N25^{\circ}14'04'' E$ 137.61 feet to a point of reverse curvature;

Thence along a curve to the left 312.81 feet, said curve having a radius of 441.00 feet, a central angle of $40^{\circ}38'27''$, tangents of 163.31 feet, and a chord which bears $N20^{\circ}19'14'' E$ 306.29 feet to point of tangency;

Thence $N 00^{\circ}00'00'' W$ 71.19 feet to a point;

Thence $N45^{\circ}15'36'' E$ 42.62 feet to the REAL POINT OF BEGINNING;

Said parcel contains 17.582 Acres (765852 Sq. Ft.) more or less.

Michael E. Marks, PLS 4998



980601/parcel 4.des

SCANNED
DEC 05 2002

MICROFILMED

SEP 09 2003

WZLO

JOA COUNTY RECORDER
J. DAVID HAVARD
605 E. JAYORECORD REQUEST OF
FIRST AMERICAN
FEE 12.00 DEPUTY *[Signature]*

2001M-1 AM11:26

101041129

QUIT CLAIM DEED

For Value Received

TOUCHMARK OF THE TREASURE VALLEY, LLC, as Oregon limited liability company; TOUCHMARK OF THE TREASURE VALLEY, LLC, an Oregon limited liability company who acquired title to a portion of said property as WATERFORD OF THE TREASURE VALLEY, LLC; TLC PROPERTIES - USA, LLC, an Oregon limited liability company; COLLEEN T. NISTLER and WERNER G. NISTLER, JR. as Trustees of THE COLLEEN and WERNER G. NISTLER, JR. TRUST AGREEMENT, dated SEPTEMBER 3, 1992

do hereby convey, release, remise and forever quit claim unto

TOUCHMARK OF THE TREASURE VALLEY, LLC, an Oregon limited liability company

whose address is 5150 SW Griffith Drive, Beaverton, OR 97006

the following described premises to-wit:

SEE ATTACHED EXHIBIT "A"

together with their appurtenances.

Dated: April 27, 2001

TOUCHMARK OF THE TREASURE VALLEY, LLC

[Signature]

WERNER G. NISTLER - Manager

TLC PROPERTIES - USA, LLC

[Signature]

WERNER G. NISTLER - Manager

THE COLLEEN AND WERNER G. NISTLER, JR. FAMILY TRUST

[Signature]

COLLEEN T. NISTLER, CO-TRUSTEE

[Signature]

WERNER G. NISTLER, JR. - NISTLER, CO-TRUSTEE

SCANNED
DEC 05 2002

MICROFILMED

SEP 09 2003

Parcel 5 A4

DESCRIPTION FOR PARCEL 5
TOUCHMARK DEVELOPMENT

February 20, 2001

Parcel 5 of Survey No. 5306, recorded as Instrument No. 101017141, described as follows:
A parcel of land lying in the NW ¼ of Section 16, Township 3 North, Range 1 East, Boise
Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the northwest corner of Section 16, Township 3 North, Range 1 East, Boise
Meridian; thence S 86°28'47" E 1353.13 feet along the north line of the NW ¼ of said Section 16
to a point; thence S 00°21'56" E 496.26 feet to the REAL POINT OF BEGINNING of this
description;

Thence S 79°29'58" E 117.09 feet to a point;

Thence N 00°21'56" W 456.54 feet to a point on the future south right-of-way of Franklin Road;

Thence S 89°28'47" E 220.61 feet along said south right-of-way to a point;

Thence S 44°44'24" E 42.23 feet to a point;

Thence S 00°00'00" W 72.48 feet to a point of curvature;

Thence along a curve to the right 254.65 feet, said curve having a radius of 359.00 feet,
a central angle of 40°38'27", tangents of 132.94 feet, and a chord which bears S 20°19'14" W
246.34 feet to a point of reverse curvature;

Thence along a curve to the left 200.16 feet, said curve having a radius of 341.00 feet,
a central angle of 33°37'55", tangents of 103.06 feet, and a chord which bears S 23°49'30" W
197.30 feet to a point of reverse curvature;

Thence along a curve to the right 15.07 feet, said curve having a radius of 20.00 feet,
a central angle of 43°10'18", tangents of 7.91 feet, and a chord which bears S 28°35'41" W
14.72 feet to a point of reverse curvature;

Thence along a curve to the left 27.06 feet, said curve having a radius of 73.00 feet,
a central angle of 21°14'32", tangents of 13.69 feet, and a chord which bears S 39°33'35" W
26.91 feet to a point of reverse curvature;

Thence along a curve to the right 21.31 feet, said curve having a radius of 20.00 feet,
a central angle of 81°03'41", tangents of 11.80 feet, and a chord which bears S 59°23'09" W
20.32 feet to a point of tangency;

Thence N 90°00'00" W 52.24 feet to a point of curvature;

Thence along a curve to the left 111.17 feet, said curve having a radius of 150.00 feet,
a central angle of 42°27'48", tangents of 58.28 feet, and a chord which bears S 68°46'06" W
103.64 feet to a point on a curve;

Thence N 00°21'56" W 166.93 feet to the REAL POINT OF BEGINNING of this description
Said parcel contains 2.634 Acres (1/4 of 10.536 Acres) or less.

Michael E. Marks. PLS 4998

0d0601/parcel 5.das



SCANNED

DEC 05 2002

MICROFILMED

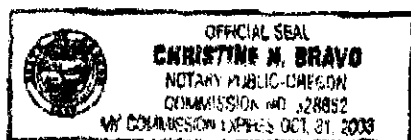
SEP 09 2003

STATE OF OREGON)
) ss
COUNTY OF WASHINGTON)

I, Werner G. Nistler, Jr., certify that Colleen T. Nistler signed the foregoing document willingly and freely in my presence and that the signature is genuinely hers.

Werner G. Nistler, Jr.
Werner G. Nistler, Jr.

Subscribed and sworn to before me this 30th day of April, 2001 by Werner G. Nistler, Jr.



Christine M. Bravo
Notary Public of Oregon
Residing at Washington County
Commission Expires: 10/31/03

SCANNED
DEC 09 2002

MICROFILMED

SEP 9 9 2003

STATE OF OREGON

* See attached

COUNTY OF WA

On this 30th day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared COLLEEN T. NISTLER and WERNER G. NISTLER, JR., known or identified to me to be the persons whose names are subscribed to the within instrument as co-trustees of the COLLEEN T. NISTLER and WERNER G. NISTLER, JR. FAMILY TRUST and acknowledged to me that they executed the same as such Co-Trustees.



Christine N. Bravo

Notary Public of Oregon
Residing at: Washington County
Commission Expires: 10/31/03

STATE OF OREGON

COUNTY OF WA

On this 30th day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared WERNER G. NISTLER, Chairman and CEO of TOUCHMARK LIVING CENTERS, INC., Manager, known or identified to me to be the person whose name is subscribed to the within instrument as the Manager of TOUCHMARK OF THE TREASURE VALLEY, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in said Limited Liability Company's name.



Christine N. Bravo

Notary Public of Oregon
Residing at: Washington County
Commission Expires: 10/31/03

STATE OF OREGON

COUNTY OF WA

On this 30th day of April, in the year 2001, before me, a Notary Public in and for said State, personally appeared WERNER G. NISTLER, Chairman and CEO of TOUCHMARK LIVING CENTERS, INC., Manager, known or identified to me to be the person whose name is subscribed to the within instrument as the Manager of TLC PROPERTIES - USA, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in said Limited Liability Company's name.



Christine N. Bravo

Notary Public of Oregon
Residing at: Washington County
Commission Expires: 10/31/03

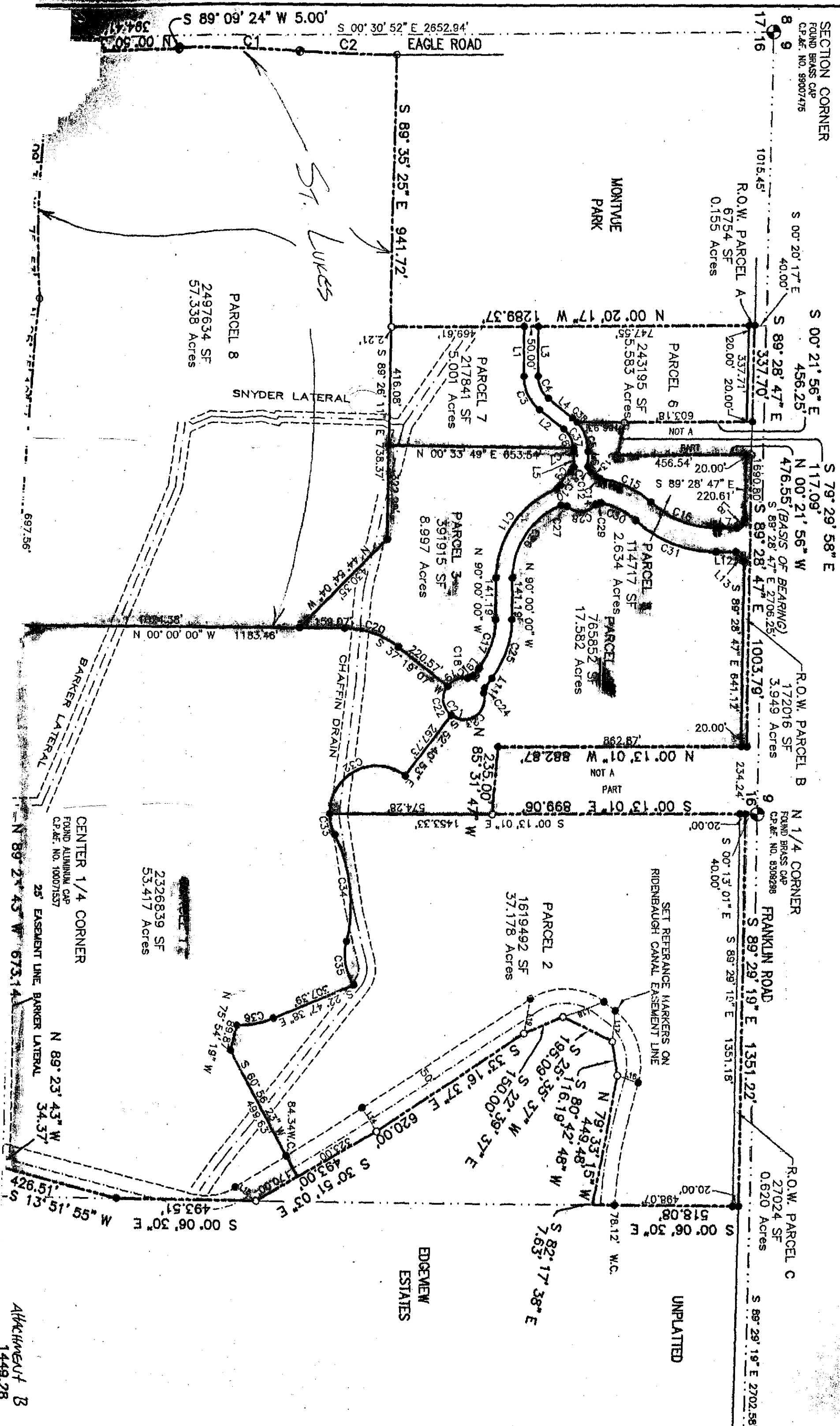
SCANNED

DEC 05 2002

MICROFILMED

SEP 09 2003

5206



Touchmark Living Centers, Inc.

Corporate Officers

Werner G. Nistler

Colleen Nistler

Steve Nistler

Tom Moe

Chairman and President

Corporate Secretary

Treasurer

Comptroller

MICROFILMED
SEP 09 2003

SCANNED
DEC 05 2002

ATTACHMENT C

RECEIVED

NOV 14 2001

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

RECEIVED

NOV 19 2001

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.

Department of Water Resources

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, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-11781		<u>X</u>			

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:
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 usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **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**.

Name and Address of Former
Owner/Claimant(s)

Ed Bews

5206 Sorrento Circle, Boise, ID 83704

New Owner/Claimant(s)

St. Luke's Regional Medical Center

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

New Mailing Address

190 East Bannock Street

City, State and ZIP Code

Boise, ID 83712

New Telephone Number

(208) 381-2222

Date you acquired the property

Feb. 2, 1993, Dec. 27, 2000

MICROFILMED

JAN 03 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, then you may skip this item and go to item 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 (one water right per box, you may copy this page as necessary). 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

Water Use	Rate of Diversion (CFS)	Annual Volume (acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	0.38	85.5	19 acres
Stock			
Domestic			
Other			
Total	0.38	85.5	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

Water Use	Rate of Diversion (CFS)	Annual Volume (acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation			
Stock			
Domestic			
Other			
Total			

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

GARY FLEISHER

GARY FLEISHER

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

For Office Use Only

Received by <u>AL</u>	Date <u>11/14/01</u>	Fee <u>100.00</u>
Received by <u>AL</u>	Date <u>11/14/01</u>	Receipt No. <u>10028496</u>
Processed by _____	Date _____	

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JAN 09 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-31383

WATER RIGHT NUMBER: 63-31383

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ED L BEWS 5206 SORRENTO CIR BOISE, ID 83704 (208) 385-7274

Priority Date: 04/14/1992

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01	to 11/15	0.700 CFS	
	<u>Total Diversion:</u>		0.700 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4NW1/4	Sec. 16, Twp 03N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T03N R01E S16	NENW 16.0	T03N R01E S16	SEnw 19.0
---------------	-----------	---------------	-----------

Total Acres: 35

Conditions of Approval:

1. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. R61 This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:

1. General This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 243.0 af at the field headgate for the lands above.

Comments:

1. scurtis 1/2/2002 Split from Right 63-11781
Comment: This right is one of two rights created from an ownership split of Right 63-11781. The remainder portion is now 63-31384.

Dates and Other Information:

Water District Number: 63

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JAN 09 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 26, 2003

TOUCHMARK LIVING CENTERS INC
TOUCHMARK OF THE TREASURE VALLEY LLC
5150 SW GRIFFITH DR
BEAVERTON OR 97002-2935

RE: Change of Ownership for Water Right 63-31383

Dear Interested Parties:

Your Notice of Change in Water Right Ownership form for the above listed water right was received at our Western Region office on November 14, 2001 along with your check number 1006 in the amount of \$350.00. An Application for Transfer of Water Right was received at the same time. The \$350.00 was split into Transfer Application fee of \$250.00 and Adjudication filing fee (ownership change fee) of \$100.00.

Since the change of ownership was accomplished during the transfer processing we have determined that the \$100.00 fee needs to be refunded.

By copy of this letter to our Fiscal Section, I am requesting that a refund of \$100.00 be sent to you. The original funds were received on IDWR receipt #W028499 on November 14, 2001.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

cc: Debbie Allen, IDWR Fiscal Section

MICROFILMED
FEB 24 2004

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

RECEIVED**NOV. 14 2001****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, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-11781		X			

RECEIVED**NOV 19 2001**

Department of Water Resources

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:
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 usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency 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**.

Name and Address of Former Owner/Claimant(s)	Ed Bews 5206 Sorrento Circle, Boise, ID 83704
New Owner/Claimant(s)	Touchmark Living Centers, Inc. Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	5150 S.W. Griffith Drive
City, State and ZIP Code	Beaverton, OR 97005-2935
New Telephone Number	(503) 646-5186
Date you acquired the property	January 3, 2000

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FEB 24 2004

Copied from 63-11781.

6.

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, then you may skip this item and go to item 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 (one water right per box, you may copy this page as necessary). 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

Water Use	Rate of Diversion (CFS)	Annual Volume (acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	0.70	157.5	35 acres
Stock			
Domestic			
Other			
Total	0.70	157.5	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

Water Use	Rate of Diversion (CFS)	Annual Volume (acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation			
Stock			
Domestic			
Other			
Total			

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

Kevin S. Mott CEO

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

For Office Use Only

Received by [Signature]
 Receipted by [Signature]
 Processed by _____

Date 11.14.2001
 Date 11.14.2001
 Date _____

Fee 1100.10
 Receipt No. 11028493

MICROFILMED

FEB 24 2004

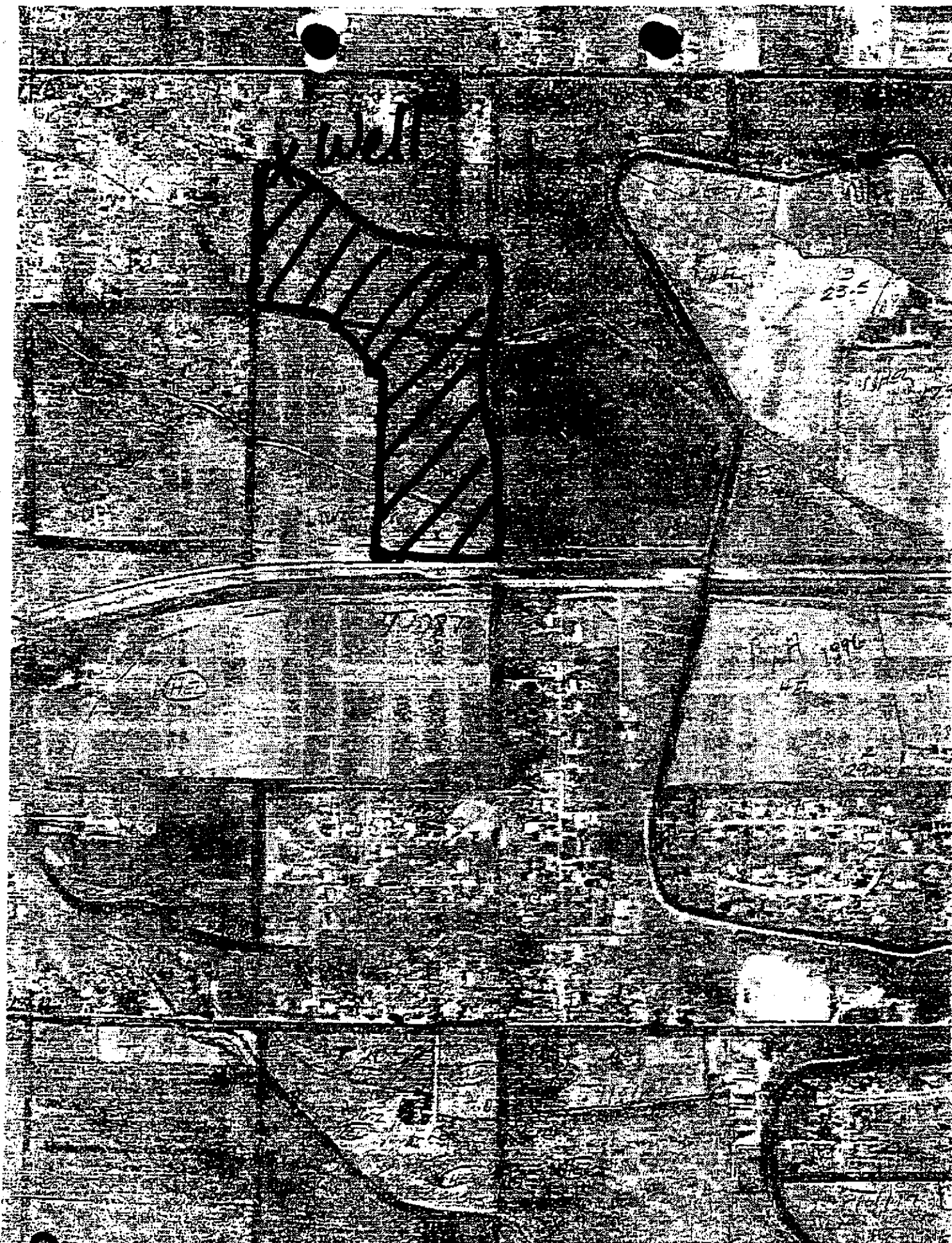


Photo source - IDNR License File 63-1178

FEB 2 4 2006

Touchmark Living Centers, Inc.

Corporate Officers

Werner G. Nistler

Colleen Nistler

Steve Nistler

Tom Moe

Chairman and President

Corporate Secretary

Treasurer

Comptroller

MICROFILMED

FEB 24 2004

DEED

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Ed L. Bews, whose address is 5206 Sorrento Circle, Boise, Idaho, 83704, hereby transfers and conveys to Touchmark Living Centers, Inc., an Oregon limited liability company, whose address is 5150 SW Griffith Drive, Beaverton, OR 97005, Water Right No. 63-11781, further described as a 16" well located in Ada County, Sec 16, Twp 3N, Rge 1E.

Witness my hand this 2ND day of NOVEMBER, 2001.



Ed L. Bews

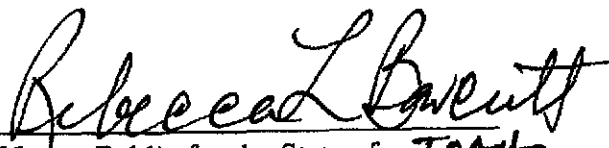
State of IDAHO)

County of ADA)

ss.

This instrument was acknowledged before me on NOVEMBER 2, 2001, by Ed L. Bews.





Notary Public for the State of IDAHO

Residing at Boise, ID.

My commission expires: 4/26/04

Idaho Department of Water Resources Receipt

Receipt ID W028499

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$250.00	TRANSFERS	0229	21	62105	1155
\$100.00	ADJUDICATION FILING FEE	0337		42503	1155



Signature Line (Dept. Representative)

MICROFILMED

FEB 24 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 31, 2003

TOUCHMARK LIVING CENTERS INC
TOUCHMARK OF THE TREASURE VALLEY LLC
5150 SW GRIFFITH DR
BEAVERTON OR 97002-2935

RE: Transfer No.: 69643 - Water Right 63-31383 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved **amended** Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

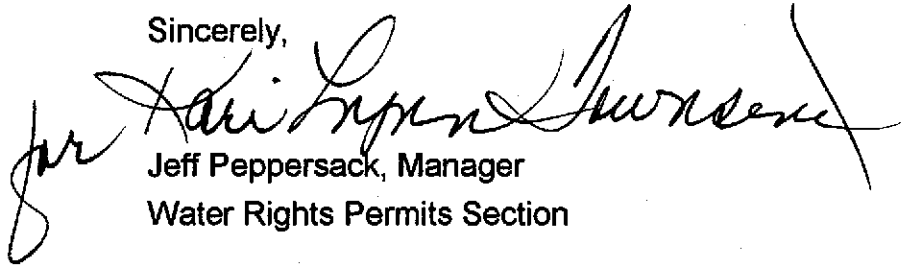
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SEP 09 2003

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for
Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

cc: Charles L. Honsinger
Ringert Clark
PO Box 2773
Boise, ID 83701-2773

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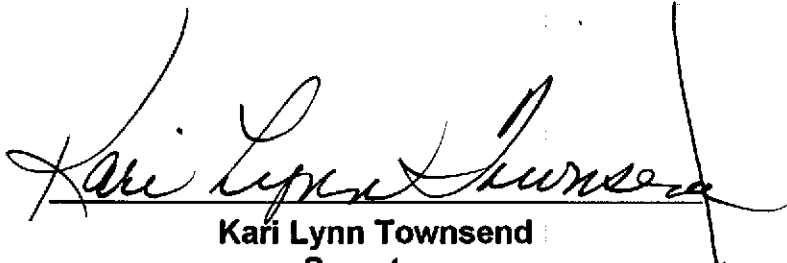
SEP 09 2003

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69643 - WATER RIGHT 63-31383

**TOUCHMARK LIVING CENTERS INC
TOUCHMARK OF THE TREASURE VALLEY LLC
5150 SW GRIFFITH DR
BEAVERTON OR 97002-2935**


Kari Lynn Townsend
Secretary

MICROFILMED
SEP 09 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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SEP 09 2003

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

FAX TRANSMITTAL COVER SHEET

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DATE: 3.31.03

TO: Ed Squires
342-3100

FROM: Kari Lynn S.
IDWR

DOCUMENT DESCRIPTION: Trademark Transfer # 69642

COMMENTS: _____


```
*****
*                                                                 P.01 *
*                                                                 *
*          TRANSACTION REPORT                                     *
*                                                                 *
*                                                                 MAR-31-03 MON 11:59 AM *
*                                                                 *
* DATE  START  RECEIVER  TX TIME  PAGES  TYPE  NOTE  M# *
*-----*-----*-----*-----*-----*-----*-----*
* MAR-31 11:57 AM 93423100 1'39"  4  SEND  OK *
*                                                                 *
*****
```

MICROFILMED

SEP 09 2003

CHARLES L. HONSINGER (ISB #5240)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED

MAR 27 2003

Department of Water Resources

Attorneys for Protestant/Petitioner City of Meridian

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

_____	)	
IN THE MATTER OF TRANSFER NO.	)	
69643 IN THE NAME OF TOUCHMARK	)	OBJECTION TO APPROVAL AND
LIVING CENTERS, INC.	)	PETITION FOR RECONSIDERATION
_____	)	

COMES NOW, Protestant/Petitioner, City of Meridian, by and through its attorneys, Ringert Clark, Chartered, and hereby objects to the decision approving transfer no. 69643 which was issued by the Idaho Department of Water Resources (IDWR) on March 13, 2003. The City of Meridian also hereby petitions IDWR to reconsider its decision approving transfer no. 69643. The basis of Petitioner's objection is that the approved transfer does not sufficiently specify that water right no. 63-31383 is a supplemental water right to be used only when surface water rights appurtenant to the place of use are not available for diversion. Petitioner requests that IDWR withdraw its approval and issue a new approval containing conditions which more accurately describe the nature of the water right. This petition is filed pursuant to I.C. § 42-1701A(3) and I.C. § 67-5243. Petitioner requests that the hearing provided for under I.C. § 42-1701A(3) be held in this matter, and that IDWR hold a prehearing conference to discuss issues pertaining to this matter, including scheduling matters if necessary.

MICROFILMED

SEP 09 2003

OBJECTION TO APPROVAL AND PETITION FOR RECONSIDERATION - 1

A. Argument

Water right no. 63-11781 was permitted with the following condition:

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

Application for Transfer no. 69643 was filed on November 14, 2001. The transfer application proposed to add a point of diversion to, and change the place of use for, water right no. 63-11781. The City of Meridian filed a protest to the transfer to protect its interests and insure that its water rights were not injured by the proposed transfer.

On October 4, 2002, the City withdrew its protest pursuant to a Withdrawal of Protest and Agreement of Conditions (hereinafter "Withdrawal") filed on that date. The Withdrawal specifies that the City agrees to withdraw its protest provided that certain conditions are applied to the transfer. Among these conditions is one which provides that the "water right is "supplemental" in nature of use and can only be used within the irrigation season of use and only when the appurtenant surface water rights are not available for diversion."

On March 13, 2003, IDWR issued its approval of the transfer. Except for a condition which clearly specifies that the water right is supplemental in nature and can only be used when the appurtenant surface water rights are not available, the approval contained all of the conditions under which the City of Meridian withdrew its protest. The approval's only nod to the required condition regarding the supplemental nature of the water right stated that "[t]he right holder shall make full use of all appurtenant surface water rights in conjunction with the ground water diverted under this right." See Condition No. 11, Approved Transfer No. 69643 (March 13, 2003). Because the

approval does not accurately state the condition under which the City withdrew its protest, the City's protest is reinstated, and the issue raised by the failure of IDWR to accurately condition the water right is now again pending before the Department.

Condition No. 11 does not reflect the condition under which the City of Meridian withdrew its protest, nor does it reflect the condition under which the original water right was permitted. But, beyond that and more importantly, Condition No. 11 does not sufficiently notify the right holder, IDWR and the public at large of the "supplemental" nature of the water right. The transfer approval could easily be read to allow the right holder to divert water right no. 63-31383 at the same time as the appurtenant surface water rights, even when those surface water rights are sufficient to irrigate the land to which water right no. 63-31383 is also appurtenant. Such a use would be directly contrary to the water right as originally permitted, and would likely result in injury to other water rights, including those held by the City of Meridian.

To prevent the perception that water right no. 63-31383 is anything other than a supplemental water right, and to ensure that it is used only when the appurtenant surface water rights are not available, IDWR must withdraw its Approval, and condition the transfer as was contemplated both by the City of Meridian's Withdrawal and the original permit itself.

Based upon the argument set forth herein, Petitioner respectfully requests that the Director withdraw the order approving transfer no. 69643, and enter a new order re-issuing the approval with a condition which mirrors the "supplemental" water right condition contained in the permit, and under which the City of Meridian withdrew its protest.

Dated this 27th day of March, 2003.

RINGERT CLARK, CHARTERED

By: Charles L. Honsinger
Charles L. Honsinger
Attorneys for Petitioner

CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing document was made this 27th day of March, 2003, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

1. Original filed with:

IDWR STATE OFFICE
1301 NORTH ORCHARD STREET
BOISE, ID 83706

2. Copies mailed to:

TOUCHMARK LIVING CENTERS, INC.
TOUCHMARK OF THE TREASURE VALLEY, LLC
5150 SW GRIFFITH DR.
BEAVERTON, OR 97002-2935

SCANLAN ENGINEERING
600 EAST RIVER PARK LANE, #105
BOISE, ID 83706

Charles L. Honsinger
Charles L. Honsinger

RECEIVED

MAR 27 2003

Department of Water Resources

CHARLES L. HONSINGER (ISB # 5240)
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Protestant/Petitioner City of Meridian

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

_____	)	
IN THE MATTER OF TRANSFER NO.	)	
69643 IN THE NAME OF TOUCHMARK	)	NOTICE OF APPEARANCE
LIVING CENTERS, INC.	)	
_____	)	

COMES NOW Charles L. Honsinger of the firm of Ringert Clark, Chartered, and hereby makes his appearance as counsel of record for Protestant/Petitioner City of Meridian in the above entitled matter.

Dated this 27th day of March, 2003.

RINGERT CLARK, CHARTERED

By Charles L. Honsinger
Charles L. Honsinger

CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing document was made this 27th day of March, 2003, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

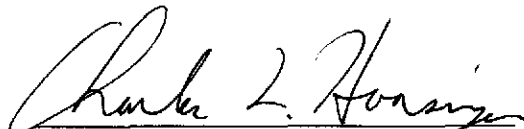
1. Original filed with:

IDWR STATE OFFICE
1301 NORTH ORCHARD STREET
BOISE, ID 83706

2. Copies mailed to:

TOUCHMARK LIVING CENTERS, INC.
TOUCHMARK OF THE TREASURE VALLEY, LLC
5150 SW GRIFFITH DR.
BEAVERTON, OR 97002-2935

SCANLAN ENGINEERING
600 EAST RIVER PARK LANE, #105
BOISE, ID 83706


Charles L. Honsinger



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 13, 2003

TOUCHMARK LIVING CENTERS INC
TOUCHMARK OF THE TREASURE VALLEY LLC
5150 SW GRIFFITH DR
BEAVERTON OR 97002-2935

RE: Transfer No.: 69643 - Water Right 63-31383 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED

SEP 09 2003

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for *Sharla Curtis*
Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

cc: Scanlan Engineering
600 East River Park Ln, #105
Boise, ID 83706

City of Meridian
C/o Ed Squires
988 S Longmont Ave
Boise, ID 83706

MICROFILMED

SEP 09 2003

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69643 - WATER RIGHT 63-31383

**SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706**

**TOUCHMARK LIVING CENTERS INC
TOUCHMARK OF THE TREASURE VALLEY LLC
5150 SW GRIFFITH DR
BEAVERTON OR 97002-2935**

**CITY OF MERIDIAN
C/O ED SQUIRES
988 S LONGMONT AVE
MERIDIAN ID 83706
*Boise***


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 09 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
SEP 19 2003

FINAL TRANSFER REVIEW CHECKLIST

Trans # 69643 Date Reviewed 11/29/02 Reviewer 6

Right No(s). * 63-31383
Split? Y N Y N Y N Y N

AREA OF CONCERN: / No Yes, identify

RightID's of From & To records correct? / Y N (resolve with State Office personnel)

NOTE: Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U / Lien Holder Release Department of Water Resources

GROUNDWATER:

DRILLING PERMIT

All wells (-046)
DP upgrade req'd Y N (contact GW personnel)

WMD - North/East/West

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 067

WMD

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M or (01Q)

SUPPLEMENTAL (irr = only use) (-065-104)

SUPPLEMENTAL (irr + other uses) - 100-105

SURFACE WATER:

WD - R05 (WD#) WM comments rec'd

≤ 0.20 cfs/others - R02, 01P or No MD

> 0.20 cfs - R43

WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON 3/1 to 11/15 (use X61 if extended season)

STANDARD VOLUME 4.5 af/ac

CONSUMPTIVE USE VOLUME af/ac (only N/U change)

USES:

STORAGE - 18C-R02-01P-18B-NA

IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)

> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)

STOCKWATER - R37 (all BLM/USFS)

MINING - 054-106

FISH PROP - 029(70'S only)-007-122-106

HEAT/COOL - R07 (injection well)

FIRE PROT. - 077

DAIRY - 082 (zoning if a concern)-106-WD8

USES:

POWER - 17H-17K (+uses)-025-106

MUNICIPAL - 022-075 RAFN - 007-109-X64

Restricted area - 102

Irr., GW supp to SW

DOMESTIC

Surface water - WB5 (Big Wood or Boise above Star Bridge)

- 27A (Payette River)

> 1 in restricted area - 070-071-075 (no parks/common areas, etc)

Irr use listed separate - WB5

MISC CONDITIONS:

(T07) - 1 yr to develop

(T08) - comply or rescind

(T17) - measure all p/d's (used with (WB4))

T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19

Water Quality - 106-R07

X27 - Number of acres/season in ppu

X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)

X51 - 2+ yrs to develop

X53 - Use ltd to orig. source availability

X54 - forfeited ac/rate (used rarely)

X55 - (transfer shrinks total water to less ac)

004 - no right-of-way

X58 - pending claim (statutory or AJ b/u claim)

X61 - extended irr season

X62 - replaces N11 and N13

X63 - replaces C12

WB4 - + p/ds, cfs & afa (used with T17)

WD8 - land application of waste water

01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01m)

Apply one to chg'd and unchg'd rts:

T09 - on-going SRBA (no Dir Rpt or Recomm yet)

T19 - replaces C18 (if at Recommendation or Partial Decree stage)

T20 - use instead of T09 where not ongoing in SRBA

OTHER CONDITIONS see draft memo

SCANNED

COMMENTS MAR 07 2003

Database files updated Approval form saved Shape files created / (optional printing)

Special Mailing Instructions (cc's, etc)

S.O. ONLY: Final database update after approval *Comment to WR No(s).

IDWR WESTERN REGION TRANSFER ANALYSIS

Applicant Touchmark Transfer No. 69643
 Reviewed by g Date 1/7/02
 Data entered by LM
 1. Right number(s) 63-31383

Caution before processing: ☐ Partial Decree to WR ☒ Ownership Change filed & split completed

2. Type of right ☐ Decree ☒ License ☐ Stat. Claim ☐ BU Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Period ☐ Split Right
☐ Other: _____

4. Check Existing Right ☐ Source ☒ Priority ☒ Amount
☐ Purpose ☒ Period ☒ SRBA Claim
☐ Description of original point(s) of diversion
☐ Description of original place of use
☐ Overlapping rights for original P/D &/or P/U

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☒ Analysis memo – always include unless justify why not needed
- b. ☒ All of right
- c. ☒ Part of right – Note: Part B should normally be completed only if part of right is owned by applicant
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing proposed P/D &/or P/U
- g. ☒ Correct notarized signature and fee – see Transfer Memo #23 about fees if necessary
- h. ☒ Proof of ownership of right &/or land from which water is transferred
- i. ☒ Expansion in use of right: check rate of flow, diversion volume and consumptive volume. Discuss in memo.
- j. ☒ Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

SCANNED

MAR 07 2003

k. ☒ Overlapping rights for current & proposed scenarios

Current surface water

Proposed _____

l. N/A SRBA Claim(s) _____

m. ☒ Comment letters ☒ No ☐ Yes as follows:

_____ Water District # _____ IDFG _____ Other per attached

PUBLICATION REVIEW

1. Comment Letters

Watermaster comments requested on N/A, received on _____

Other comment letters received ☐ Yes ☐ No

2. Affidavit of publication received: ☒ Yes

3. Published correctly: ☒ Yes ☐ No

If No, re-publication required: ☐ Yes ☐ No

4. Protests received: ☒ Yes ☐ No ☐ If yes, acknowledgement sent

RECOMMENDATIONS

1. ☒ Approve ☐ See attached memo

2. ☐ Deny due to _____

3. Conditions of Approval 046, see also conditions of approval in withdrawal of protest letter, dated 10/9/02

4. Recommended by Bugs Date 11/15/02

FORWARDING FILE TO S.O.

1. Copies made for Region file (see attached supplemental page):

Yes N/A

2. File forwarded to S.O. by g

Date 3/2/03

SCANNED

MAR 07 2003

SUPPLEMENTAL ANALYSIS SHEET FOR TRANSFER

▶ Transfer No. 69643▶ Legal Notice: Use Workflow ad /OR

Word Filename _____

▶ Email to SO & Western by: _____

ORN/A /

COPIES MADE

▶ ASAP Yes STATE OFFICE files for all transfers ... copy APPLICATION▶ ASAP N/A REGION ADJUDICATION files if adj. claim involved ... copy APPLICATION

▶ JUST BEFORE FILE TO S.O. -- REGION WATER RIGHT files ... copy as follows:

Yes Legal NoticeYes Transfer Analysis Sheet (Form 222a)Yes Transfer Application – assume entire application with attachments to be *copied except as noted* below (*always copy ownership information*): identify by letter/number attachments that are *not* to be copied:Yes Reviewer's analysis memo: list *date of memo* 1/7/02 List other items to be copied:

AVOID COPYING FOR REGION WATER RIGHT FILES – excess computer reports, excess attachments unless show ownership or other clarifying information, easements & other agreements, oversized documents and so forth.

DISCARD THIS FORM BEFORE FORWARDING FILE.

SUPPLEMENTAL TRANSFER REVIEW CHECKLIST

- E'folder name Touchmark 69643
(applicant last name + transfer application #)
- Right Numbers * 63-31383
- Legal Notice: Use Workflow ad N/A
OR Word file name N/A
- Emails Reviewer, check one:
☒ WR record transferred ☒ AJ record transferred
- Email sent, include e'folder name & brief sentence about purpose of transfer:
☒ WR record = Pam ☒ AJ record = Don, copy to Pam & Jan

SCANNING/SAVING TO E'FOLDER

ITEM SCANNED/SAVED	INITIALS & DATE
► <u>Application</u> (... <u>original</u> ... <u>amended</u>) with its attachments	<u>3-7-03</u> <u>Lm</u>
► <u>Draft review memo</u> <u>11-29-02</u>	<u>3-7-03</u> <u>Lg</u>
► Legal notice w/ cover letter/email (<u>Correspondence legal notice</u>)	
► <u>Draft transfer approval</u>	<u>3-6-03</u> <u>Lg</u>
► <u>Final Review memo</u>	
► <u>Initial Review checklist</u> (... <u>initial</u>)	<u>3-7-03</u> <u>Lm</u>
► <u>Final Review checklist</u> (... <u>final</u>)	<u>3-7-03</u> <u>Lm</u>
► Additional items, <i>identify with acceptable e'folder file names</i>	
<u>Draft memo 1-7-02</u>	<u>3-7-03</u> <u>Lg</u>

*** FILE COMPLETED FORM IN ALL WESTERN WR FILES INVOLVED**

MEMORANDUM

DATE: 1/7/02

FROM: Lori Graves *lg*

TO: Transfer File No. 69643

Attachments

- A. Ownership Documentation
- B. Survey Map
- C. List of Corporate Officers

Brief

Applicant proposes to add a second p/d near their surface water booster pump station and distribute irrigation to landscaped area within the boundaries of a proposed retirement community.

History

License 63-11781 (parent right) authorized supplemental irrigation from ground water for 54 acres of irrigation in S16. Touchmark purchased the well and p/u for the 54 acres of water right from Ed Bews in 1/2000. St. Lukes subsequently purchased a 19 acre portion of the p/u from Touchmark in 12/2000. Water right changes in ownership were filed and processed creating 63-31383 for Touchmark's 35 acres and 63-31384 for St. Lukes 19 acres.

Overlaps

Although the original well served all 54 acres listed on rts 63-31383 and 63-31384, only the Touchmark's 35 acre portion will use the well in the future. St. Lukes have proposed to divert their portion of groundwater out of an existing well located at the Medical center instead (see transfer no. 69642). As mentioned above, the ground water is supplemental to surface water. Meridian City water will be used for internal domestic uses for the retirement Community. No other rights are used.

SRBA

An SRBA claim was not required or filed.

Recommendations

Approve transfer as filed.

Limit diversion from both wells to .70 cfs for supplemental irrigation.

SCANNED
NOV 05 2003
DEC 05 2003
MICROFILMED
SEP 09 2003

DRAFT MEMO

Date: 11/29/02

From: Lori Graves

To: Transfer File No. 69643

Re: Touchmark Living Center

Brief

This is a pipeline transfer. Please refer to my memo dated 1/7/02 for the transfer review.

Workflow Records

Workflow shows the correct records were acted on.

Arc view has yet to be completed.

Standard Conditions

046, 01Q, T07, T08, T09, T17, 065, 104, R65, WB4, 020

Special Conditions

(Per withdrawal of protests and agreement of conditions from the City of Meridian dated 10/4/02)

The right is supplemental and can be used only when surface water is not available during the irrigation season.

The aquifer to be appropriated from will be no more than 200' below surface.

The new well be drilled and constructed so that a "full depth" surface seal be employed from the land surface to the top of the aquifer zone appropriated with special attention to sealing off the upper flood plain terrace gravel of the Whitney Terrace.

The new well's surface/pump-chamber casing consist of "standard" wall thickness pipe

The new well's discharge piping be equipped with totalizing flow-meters and designated water-level monitoring tubes be installed with the pump column.

~~SCANNED~~
DEC 05 2002

SCANNED
NOV 11 5 2003

MICROFILMED
SEP 09 2003

SUPPLEMENTAL TRANSFER REVIEW CHECKLIST

- E'folder name Touchmark 69643
(applicant last name + transfer application #)
- Right Numbers 63-31383
- Legal Notice: Use Workflow ad ☒ ✓
OR Word file name _____
- Emails Reviewer, check one:
✓ WR record transferred _____ AJ record transferred _____
Email sent, include e'folder name & brief sentence about purpose of transfer:
_____ WR record = Pam _____ AJ record = Don, copy to Pam & Jan

SCANNING/SAVING TO E'FOLDER**ITEM SCANNED/SAVED****INITIALS & DATE**

- | | | |
|---|-----------------|-----------|
| ► <u>Application</u> ¹ (original & amended) with its attachments | <u>12-03-02</u> | <u>ST</u> |
| ► <u>Draft review memo</u> | _____ | _____ |
| ► Legal notice w/ cover letter/email (<u>Correspondence legal notice</u>) | _____ | _____ |
| ► <u>Draft transfer approval</u> | _____ | _____ |
| ► Final <u>Review memo</u> | _____ | _____ |
| ► Initial <u>Review checklist</u> (... <u>initial</u>) | _____ | _____ |
| ► Final <u>Review checklist</u> (... <u>final</u>) | _____ | _____ |
| ► Additional items, identify with acceptable e'folder file names | _____ | _____ |
| Draft memo Lori 1-7-02 | <u>12-03-02</u> | <u>LG</u> |
| Correspondence City of Meridian 10-4-02 | " | " |

FILE THIS COMPLETED FORM IN WESTERN'S WR FILES

¹ Underlined word indicates acceptable file name for e'folder scan/save. Can clarify by adding to file name if necessary (example: Application amended.pdf). See *Scanning/Saving to Transfer E'folders* dated 11-19-02.

PROTEST INFORMATION SHEET

APPLICANT: TOUCHMARK LIVING CENTERS, INC.
5150 S W GRIFFITH DR
BEAVERTON OR 97005-2935

PH: 503-646-5186

APPLICATION NO: 63-31383
TRANSFER NO; 69643

DATE FILED: 11-14-01 **PROTEST DATE:** 2-4-02

PROTESTANT(S) NAME & ADDRESS:

CITY OF MERIDIAN
C/O ED SQUIRES -342:8369
988 S LONGMONT AVE
BOISE ID 83706

Attorney Name & Address: Issues:

Applicant - Attorney - Name & Address:

Dates:

Acknowledgement Letters: _____

Hearing Notice: _____

Hearing Date: _____

Other: _____

MICROFILMED

SEP 6 1981



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 9, 2002

GARY D SMITH PE
CITY OF MERIDIAN
660 E WATERTOWER LN STE 200
BOISE ID 83642

Re: Application for Transfer No. 69643 in the Name of Touchmark Living Center, Inc.

Dear Parties:

This letter acknowledges the withdrawal of protest of the above referenced application for transfer.

The department will now continue to process this application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,



Gary Spackman

GS:st

CC: Touchmark Living Centers
Terry Scanlan

MICROFILMED
SEP 09 2003

MAYOR
ROBERT D. CORRIE

COUNCIL MEMBERS
WILLIAM L. M. NARY
KEITH BIRD
TAMMY DEWEERD
CHERIE McCANDLESS



GARY D. SMITH, P.E.
PUBLIC WORKS DIRECTOR

BRAD R. WATSON, P.E.
CITY ENGINEER

LEN GRADY
STAFF ENGINEER

Public Works Department: Engineering Division

October 4, 2002

Mr. Gary Spackman
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

OCT 08 2002

WATER RESOURCES
WESTERN REGION

**Re: Withdrawl of Protest And Agreement of Conditions
Touchmark Living Centers, Inc. – Request of Transfer No. 69643**

Dear Mr. Spackman:

Here is a "Withdrawl of Protest and Agreement of Conditions" for the subject Transfer No. 69643 request. We respectfully request the inclusion of the five (5) conditions, we have listed in our Withdrawl of Protest, in any approval of the subject transfer request that you may make.

Thank you for your patience in providing time for us to resolve our concerns with Touchmark Living Centers, Inc. We very much appreciate your assistance in this matter.

Sincerely,

Gary D. Smith, PE
Public Works Director

Cc: file; Ed Squires, RPG; Donn Reiswig

MICROFILMED

SEP 09 2003

RECEIVED

OCT 08 2002

WATER RESOURCES
WESTERN REGION



GARY D. SMITH, P.E.
PUBLIC WORKS DIRECTOR

BRAD R. WATSON, P.E.
CITY ENGINEER

LEN GRADY
STAFF ENGINEER

MAYOR
ROBERT D. CORRIE
COUNCIL MEMBERS
WILLIAM L. M. NARY
KEITH BIRD
TAMMY DEWEIRD
CHERIE MCCANDLESS

Public Works Department: Engineering Division

BEFORE THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

IN THE MATTER OF THE APPLICATION)
OF TOUCHMARK LIVING CENTERS, INC.)
TO APPROPRIATE THE PUBLIC WATERS)
OF THE STATE OF IDAHO,)
TRANSFER NO. 69643)

WITHDRAWAL OF PROTEST
AND
AGREEMENT OF CONDITIONS

The City of Meridian, Idaho ("Protestant") filed a protest to the above referenced transfer by Touchmark Living Centers Inc. ("Applicant") on February 4, 2002. A pre-hearing conference was held at the Idaho Department of Water Resources' Western Regional Office on April 5, 2002. As a result of subsequent meetings between the Applicant and Protestant, the issues of concern between the parties have been resolved. Accordingly, the Protestant agrees to withdraw their protest to the approval of this application provided the following conditions are applied to the approved transfer:

- 1) We understand and acknowledge that this water right is "supplemental" in nature of use and can only be used within the irrigation season of use and only when the appurtenant surface water rights are not available for diversion.
- 2) That the aquifer zone to be appropriated by the second (future) point of diversion (well) remain consistent with the application at no more than 200 feet below land surface.
- 3) That the proposed new well be drilled and constructed in such a way that a "full depth" surface seal be emplaced from land surface to the top of the aquifer zone appropriated with special attention to sealing off of the upper floodplain terrace gravel of the Whitney Terrace.
- 4) That the surface/pump-chamber well casing consist of "standard" wall thickness pipe; for example 8-inch diameter pipe will have a wall thickness of .365 inches.
- 5) That the well(s) discharge piping be equipped with totalizing flow-meters and that designated water-level monitoring tubes be installed with the pump column.

It is the City's intent to have all well drilling projects within its jurisdiction meet the same well construction standards required of the City for its municipal supply wells. The City's commitment to proper well construction techniques is not helpful in protecting the water resource, and the City's culinary water supply, if surrounding wells are not sealed and constructed to the same standards.

Protestant

City of Meridian

By: Gary D. Smith 10-04-02
Gary D. Smith, P.E., Public Works Director

SCANNED

DEC 05 2002

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DEC 05 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 12, 2002

TOUCHMARK LIVING CENTERS INC
5150 SW GRIFFITH DR
BEAVERTON OR 97005-2935

CITY OF MERIDIAN
C/O ED SQUIRES
988 S LONGMONT AVE
BOISE ID 83706

Re: Application for Transfer No. 69643 in the Name of Touchmark Living Centers Inc.

Dear Parties:

On April 5, 2002 the Idaho Department of Water Resources (IDWR) conducted a prehearing conference regarding a protest against the above numbered application for transfer. The parties requested that IDWR withhold any action while they negotiate a settlement. The City of Meridian has represented to me that the parties have been talking but I have no official update regarding the negotiations. The purpose of this letter is to inquire regarding the present status of the discussions. If I have not heard from the parties within 30 days of the date of this letter I will schedule another prehearing conference.

Sincerely,

Gary Spackman

GS:st

CC: Terry Scanlan

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SEP 19 2002

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Transfer No. 69643 in the Name of Touchmark Living Center

Place: IDWR Western Region, 2735 Airport Wy, Boise, Idaho 83705

Date: April 5, 2002

Conducted by: Gary Spackman

NAME

ADDRESS

Ed Squires

988 S. Longmont. Ave Boise 06

Terry Scanlan

600 E. River Park Lane #105 Boise 06

Dann Reising

3805 E Franklin Road.

MICROFILMED

APR 12 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 69643)
IN THE NAME OF TOUCHMARK)
LIVING CENTERS, INC.)

**NOTICE OF PREHEARING
CONFERENCE**

On November 14, 2001, Touchmark Living Centers, Inc. filed with the Department of Water Resources (IDWR) application for transfer no. 69643. The application was protested by the City of Meridian.

IDWR has scheduled a conference for the protest to be held on **Friday, April 5, 2002, at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR within (10) days prior to the conference.

Dated this 20th day of February 2002.



Gary Spackman

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SEP 9 3 2003

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of February 2002, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:


Sue Taylor
Senior Secretary

TOUCHMARK LIVING CENTERS INC
5150 S W GRITTITH DR
BEAVERTON OR 97005-2935

CITY OF MERIDIAN
C/O ED SQUIRES
988 S LONGMONT AVE
BOISE ID 83706

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER

Section 42-222, Idaho Code, requires the department to consider the following issues in connection with an application for transfer:

- 1) Will the proposed transfer injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof of issues 1, 2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

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SEP 6 9 2003

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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SEP 24 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 20, 2002

CITY OF MERIDIAN
C/O ED SQUIRES
988 S LONGMONT AVE
BOISE ID 83706

Re: Application for Transfer No. 69643 in the Name of Touchmark Living Centers, Inc.

Dear Protestant:

This office acknowledges receipt of your protest opposing the above-referenced application for transfer. The following are the criteria we consider when either approving or denying an application for transfer:

1. Will other water rights be injured by the transfer?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for April 5, 2002, at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705

The department suggests you contact the applicant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If we may be of assistance, please contact us.

Sincerely,



Gary Spackman

GS:st

Encl. Notice of Conference
Copy of Application

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SEP 29 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 20, 2002

TOUCHMARK LIVING CENTERS INC
5150 S W GRITTITH DR
BEAVERTON OR 97005-2935

Re: Application for Transfer No. 69643

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application for transfer. You should be aware that the following are the criteria we consider when either approving or denying an application for transfer:

1. Will other water rights be injured by the transfer?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for Friday, April 5, 2002, at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise Idaho 83705.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If we may be assistance, please contact us.

Sincerely,

Gary Spackman

GS:st

Encl. Copy of protests
Prehearing Conference Notice

MICROFILMED

SEP 24 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer #69643 by Touchmark Living Centers, Inc.
2. Name of protestant City of Meridian, Idaho
3. Protestant's Representative for service (If different than protestant)
Edward Squires of Hydro Logic, Inc.
4. Service mailing address 988 S. Longmont Ave. Boise ID 83706
5. Service telephone no. (208) 342-8369
6. Basis of protest (including statement of facts and law upon which the protest is based)
Protestant is presently in negotiations with the Applicant
over the purchase of one of the points of diversion named
in the transfer. Protestant seeks additional data on new wells.
(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? To fully understand all of the changes
proposed by the water rights transfer and to agree
with the Applicant on the location and depth of new well.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 4th day of February, 2002
City of Meridian by: Gary Smith
Protestant

Protestant's Representative

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SEP 6 4 2002

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FEB 04 2002

WATER RESOURCES
WESTERN REGION

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by Janis Fontaine Date 2/4/02 Time 4:30
\$25.00 fee Receipted by Janis Fontaine # W028708 Date 2/4/02

The Idaho Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DT#	Identification	Amount:
047628	591873	PROPOSED CHANGE TOUCHMARK LIVING CENTERS	\$122.00
Attention:	P.O. #	Run Dates	
SUE TAYLOR	69643	JANUARY 17, 24, 2002	
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705			Number of Lines 34 X 2
			Affidavit 1
			Legal # 12372

LEGAL NOTICE NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 69643

TOUCHMARK LIVING CENTERS INC

5150 SW GRIFFITH DR
BEAVERTON OR 97002-2935, has filed Application No. 69643 for changes to the following water rights within ADA County:

Right No. 63-31383

Priority 4/14/1992
Source GROUND WATER
Use IRRIGATION (35 acres) 0.70 CFS
Total Amount 0.70 CFS
Point(s) of Diversion NWNENW S16 T03N R01E
Place of Use S16 T03N R01E

Remark: Applicant proposes to add a well in NWNE to the existing ground water system and provide supplemental irrigation water to 35 acres within a proposed retirement community. Applicant proposes to move water appurtenant to land in NW 1/4 to land in N 1/2. All activity remains in S16 T3N R1E.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before February 04, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER,
Director

Pub. Jan. 17, 24, 2002

12372

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning issue of: JANUARY 17, 2002

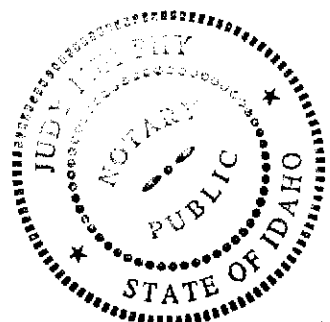
ending issue of: JANUARY 24, 2002

Janice Hildreth

STATE OF IDAHO)
) ss
COUNTY OF ADA)

On this 24 day of JANUARY in the year of 2002 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 1/6/04



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SEP 19 2003

SCANNED
MAR 13 2003

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

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NOV 20 2001

WATER RESOURCES
WESTERN REGION

November 16, 2001

Steve Lester 
Water Rights Supervisor
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Transfer Application for 63-11781 - Touchmark Living Centers

Dear Steve:

As a follow-up to my transfer submittal dated November 10, 2001 for Touchmark Living Centers, I enclose proof of ownership information for the Touchmark-owned lands currently authorized as the place of use under water right license 63-11781.

Sincerely,



Terry M. Scanlan, P.E.

Cc: Donn Reiswig – Touchmark

MICROFILMED
SEP 03 2003

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED
NOV 14 2001
WATER RESC.
WESTERN REGION

November 10, 2001

Steve Lester
Water Rights Supervisor
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Water Right License 63-11781

Dear Steve:

On behalf of Touchmark Living Centers (Touchmark) and St. Luke's Regional Medical Center (St. Luke's), I have enclosed water right change of ownership and transfer documents related to water right license 63-11781.

License 63-11781 authorizes supplemental irrigation from a groundwater source for 54 acres of irrigation, consisting of 16 acres within NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16 and 38 acres within the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16. Touchmark currently owns 35 acres of the 54 acres licensed under water right 63-11781. St. Luke's owns the remaining 19 acres licensed under water right 63-11781. Touchmark purchased the well and place of use for the 54 acres of water right from Ed Bews on January 3, 2000. St. Luke's subsequently purchased a portion of the place of use from Touchmark on December 27, 2000. Water right change of ownership notices are enclosed.

Touchmark and St. Luke's each propose water right transfers as described below.

- Touchmark proposes to (1) change the place of use to distribute the 35 acres of water right within common area landscape at a proposed retirement community and (2) add a point of diversion for a new well located near a proposed irrigation pond.
- St. Luke's proposes to (1) change the place of use to distribute the 19 acres of water right within the landscape at the St. Luke's Meridian Medical Center and (2) change the point of diversion to an existing well located at the Medical Center. The existing well was drilled for water right 63-12199.

Touchmark and St. Luke's have enclosed separate checks for \$350 to cover the \$100 change of ownership fee and the \$250 transfer fee.

MICHAEL

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry M. Scanlan". The signature is fluid and cursive, with the first name "Terry" being more prominent.

Terry M. Scanlan, P.E.

Cc: Donn Reiswig – Touchmark
Gregg Ostrow – St. Luke's
Tom South – South Landscape Architecture
Steve Bradbury – Attorney for Touchmark

MICROFILM

SEP 09 2003

Lester, Steve

From: Lester, Steve
Sent: Wednesday, January 09, 2002 2:30 PM
To: 'legals@idahostatesman.com'
Subject: Legal Notices

Dear Sir or Ms.:

I am sending this on behalf of Sue Taylor, who is on vacation. This is for publication on January 17 and 24.

Please send me an acknowledgment so I know everything was ok.

Thanks for your help.

Steve Lester
IDWR Western Region
tel: 334-2190
email: slester@idwr.state.id.us



St Lukes and
ouchmark LegalNo..

MICROFILMED
SEP 8 9 2003

T. 69643

January 09, 2002

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Transfer No. 69642 Water Right No(s). 63-31384
Transfer No. 69643 Water Right No(s). 63-31383

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 02/04/2002. Your cooperation is appreciated.

Sincerely

Steve Lester, Water Rights Supervisor

for Sue Taylor

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SEP 09 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 69643

TOUCHMARK LIVING CENTERS INC
5150 SW GRIFFITH DR

BEAVERTON OR 97002-2935, has filed Application No. 69643 for changes to the following water rights within ADA County:

Right No. 63-31383

Priority 4/14/1992

Source GROUND WATER

Use IRRIGATION (35 acres) 0.70 CFS

Total Amount 0.70 CFS

Point(s) of Diversion NWNENW S16 T03N R01E

Place of Use S16 T03N R01E

Remark: Applicant proposes to add a well in NWNE to the existing ground water system and provide supplemental irrigation water to 35 acres within a proposed retirement community. Applicant proposes to move water appurtenant to land in NW ¼ to land in N 1/2. All activity remains in S16 T3N R1E.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before February 04, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on January 17 and 24, 2002

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SEP 11 4 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 02, 2002

ED BEWS
5206 SORRENTO CIRCLE
BOISE ID 83704

RE: Change of Ownership for Water Right 63-31383

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
JAN 09 2002