

HOFSTETTER LAW OFFICE

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RECEIVED

NOV 10 2003

Department of Water Resources

November 10, 2003

Via Hand Delivery

Shelley Keen
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Re: Birding Island Ranch – Water Right No. 65-7461

Dear Shelley:

I enclose a copy of a map prepared by W & H Pacific of the boundaries of Birding Island Ranch. I also enclose the legal description for the property. I further include a legal description for a portion of the Ranch that was transferred to the Idaho Department of Fish and Game. Please let me know if you have any further questions regarding the boundaries of the Colwells' Birding Island Ranch.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

Enclosures

cc: George Colwell w/o enclosures

E:/4001.1/5700



COLWELL PROPERTY
1279 ACRES, MORE OR LESS

The map shows a wide river flowing from the top left towards the bottom right. A large, irregularly shaped area is outlined in black, representing the Colwell Property. This area follows the upper and middle reaches of the river. To the left of the river, there is a patchwork of rectangular agricultural fields. A dashed line, representing a 100-year flood plain boundary, follows the lower edge of the Colwell Property. A straight road or pipeline crosses the river valley diagonally from the upper left to the lower right. The terrain is hilly and forested, with some smaller structures visible in the upper left corner.

100 YEAR FLOOD PLAIN BOUNDARY

APPROXIMATE SCALE 1" = 400'

CREATIVE SOLUTIONS *** SUPERIOR SERVICE

W&H PACIFIC

960 BROADWAY, SUITE 312
BOISE, ID 83706
(208) 342-5400

PLANNING • ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE

Order No. FA - 14480

EXHIBIT "A"

PARCEL "A"

LAND IN TWP. 8 N. R. 4 W., B. M., PAYETTE COUNTY, IDAHO:

A TRACT OF LAND SITUATED IN SEC. 21, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE NORTHWEST CORNER OF SAID SEC. 21;
THENCE SOUTH 71.3 FEET FOLLOWING THE WEST SIDE LINE OF SAID SEC. 21
TO THE TRUE POINT OF BEGINNING;**

**THENCE MEANDERING SOUTHEASTERLY ALONG A CERTAIN FENCE LINE S.
63°28' E. 1028.4 FEET;**

**THENCE S. 54°38' W. 425.8 FEET;
THENCE S. 48°41' E. 624.2 FEET;
THENCE N. 80°52' E. 713.2 FEET;
THENCE S. 50°18' E. 185.5 FEET;
THENCE S. 48°29' E. 479.7 FEET;
THENCE S. 38°26' W. 311.3 FEET;
THENCE S. 69°39' E. 534.2 FEET;
THENCE S. 89°01' E. 546.4 FEET;
THENCE S. 59°33' E. 383 FEET;
THENCE N. 38°11' E. 214.3 FEET;
THENCE S. 72°50' E. 276.9 FEET;
THENCE S. 51°36' E. 373.2 FEET;
THENCE S. 27°54' E. 232.7 FEET;
THENCE S. 57°41' E. 225.4 FEET;
THENCE S. 63°30' E. 80 FEET;
THENCE S. 64°41' E. 101 FEET TO THE EAST SIDE LINE OF SAID SEC. 21, AT A
POINT WHICH BEARS S. 0°20' E. 173 FEET FROM THE EAST QUARTER CORNER
OF SAID SEC. 21;**

CONTINUED

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CONTINUED EXHIBIT 'A'

**THENCE S. 0°20' E 1115 FEET FOLLOWING THE EAST SIDE LINE OF SAID SEC. 21, TO THE NORTHEAST CORNER OF THE SE1/4SE1/4 OF SAID SEC. 21;
THENCE S. 89°56' W. 160.3 FEET FOLLOWING THE NORTH SIDE LINE OF SAID SE1/4SE1/4;
THENCE S. 0°20' E. 1136.6 FEET TO A POINT IN THE CENTERLINE OF STATE HIGHWAY NO. 52;
THENCE S. 60°56' E. 184 FEET FOLLOWING SAID HIGHWAY CENTERLINE TO A POINT ON THE EAST SIDE LINE OF SAID SEC. 21;
THENCE S. 0°20' E. 61.8 FEET TO THE SOUTHEAST CORNER OF SAID SEC. 21;
THENCE S. 89°36' W. 5292 FEET FOLLOWING THE SOUTH SIDE LINE OF SAID SEC. 21 TO THE SOUTHWEST CORNER OF SAID SEC. 21;
THENCE NORTH FOLLOWING THE WEST SIDE LINE OF SAID SEC. 21 A DISTANCE OF 5063.9 FEET TO THE TRUE POINT OF BEGINNING.**

LAND IN TWP. 8 N. R. 4 W., B. W., PAYETTE COUNTY, IDAHO:

**A TRACT OF LAND SITUATED IN A PORTION OF THE S1/2 OF SEC. 17; A PORTION OF THE SE1/4SE1/4 OF SEC. 18; A PORTION OF THE NE1/4 OF SEC. 19; THE N1/2, N1/2SE1/4, SE1/4SE1/4, AND A PORTION OF THE N1/2SW1/4 OF SEC. 20, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID SEC 20;
THENCE N. 89°19' W. 843 FEET FOLLOWING THE NORTH SIDE LINE OF SAID SEC. 20;
THENCE N. 58°44' W. 695.2 FEET;
THENCE N. 60°46' W. 460.5 FEET;
THENCE N. 16°56' W. 523.8 FEET;
THENCE N. 57°28' W. 130 FEET TO A POINT ON THE WESTERLY BANK OF LITTLE WILLOW CREEK;
THENCE MEANDERING IN A SOUTHWESTERLY DIRECTION ALONG THE FENCE LINE OF SAID WESTERLY BANK OF LITTLE WILLOW CREEK S. 55°21' W. 186.8 FEET;
THENCE S. 33°42' W. 650 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 52;**

CONTINUED

CONTINUED EXHIBIT "A"

THENCE N. 78°39' W. 61.7 FEET TO THE NORTH-SOUTH CENTERLINE OF SAID SEC. 17, AT A POINT WHICH BEARS N. 0°4' W. 500 FEET FROM THE SOUTH QUARTER CORNER OF SAID SEC. 17, WHICH POINT COINCIDES WITH THE POINT OF INTERSECTION OF THE CENTERLINE OF SAID STATE HIGHWAY NO. 52 WITH THE NORTH-SOUTH CENTERLINE;
THENCE N. 35°22' W. 430 FEET FOLLOWING THE CENTERLINE OF STATE HIGHWAY NO. 52;
THENCE LEAVING SAID CENTERLINE RUN N. 77°11' W. 289.3 FEET;
THENCE N. 83°32' W. 788.1 FEET;
THENCE S. 84°03' W. 403.4 FEET;
THENCE S. 44°09' W. 1059.6 FEET;
THENCE S. 67°59' W. 239 FEET TO A WITNESS CORNER MONUMENT ON THE WEST SIDE LINE OF SAID SEC. 17 AT A POINT THAT BEARS N. 0°07' W. 80 FEET FROM THE SOUTHWEST CORNER OF SAID SEC. 17;
THENCE S. 62° W. 1030 FEET TO A POINT ON THE NORTHERLY BANK OF THE PAYETTE RIVER;
THENCE MEANDERING IN A SOUTHEASTERLY DIRECTION ALONG THE SAID NORTHERLY BANK OF SAID PAYETTE RIVER S. 23° E. 680 FEET;
THENCE S. 18°10' E. 1000 FEET;
THENCE S. 67° E. 365.5 FEET TO A POINT ON THE WEST SIDE LINE OF SAID SEC. 20;
THENCE S. 0°07' E. 1740 FEET FOLLOWING SAID WEST SIDE LINE TO THE SOUTHWEST CORNER OF THE NW1/4SW1/4 OF SAID SEC. 20;
THENCE S. 89°48' E. 4007.1 FEET FOLLOWING THE SOUTH SIDE LINE OF THE N1/2 OF THE S1/2 OF SAID SEC. 20 TO THE NORTHWEST CORNER OF THE SE1/4SE1/4 OF SAID SEC. 20;
THENCE S. 0°2' E. 1318.2 FEET FOLLOWING THE WEST SIDE LINE OF SAID SE1/4SE1/4 TO THE SOUTHWEST CORNER OF SAID SE1/4SE1/4;
THENCE S. 89°46' E. 1335 FEET FOLLOWING THE SOUTH SIDE LINE OF SAID SEC. 20 TO THE SOUTHEAST CORNER OF SAID SEC 20;
THENCE N. 0° E. 5135.2 FEET FOLLOWING THE EAST SIDE LINE OF SAID SEC. 20 TO THE POINT OF BEGINNING.

CONTINUED

EXHIBIT "A" CONTINUED

EXCEPTING THEREFROM THAT PORTION OF THE N1/2SW1/4 OF SEC. 20 LYING SOUTH OF THE NORTH BANK OF THE PRESENT PAYETTE RIVER CHANNEL, ALSO, EXCEPTING FROM THE LANDS IN SEC. 17, 20 AND 21 THAT PORTION CONVEYED TO THE STATE OF IDAHO FOR HIGHWAY PURPOSES BY DEED RECORDED MAY 8, 1936, FEE #37837, IN BOOK 13, PAGE 557, DEED RECORDS OF PAYETTE COUNTY, IDAHO.

FURTHER EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF IDAHO BY GRANT RECORDED DECEMBER 1, 1992, FEE #241530 AND 241531, DEED RECORDS OF PAYETTE COUNTY, IDAHO.

FURTHER EXCEPTING THEREFROM THAT PORTION CONVEYED TO IDAHO FISH AND WILDLIFE FOUNDATION BY GRANT RECORDED DECEMBER 26, 2000 AS INSTRUMENT NO. 291302, DEED RECORDS OF PAYETTE COUNTY, IDAHO.

PARCEL "B"

LAND IN TWP. 8 N., R. 4 W., B. M., PAYETTE COUNTY, IDAHO:

IN SEC 17:

N1/2SE1/4, AND A PORTION OF THE SE1/4SE1/4 AND OF GOVERNMENT LOTS 1 AND 2 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SE1/4SE1/4 OF SAID SEC. 17; THENCE N. 89°19' W. 843 FEET FOLLOWING THE SOUTH LINE OF SAID SE1/4SE1/4;

THENCE N. 58°44' W. 695.2 FEET;

THENCE N. 60° 46' W. 460.5 FEET;

THENCE N. 16°56' W. 523.8 FEET;

THENCE N. 57°28' W. 130 FEET TO A POINT ON THE WESTERLY BANK OF LITTLE WILLOW CREEK;

THENCE MEANDERING IN A SOUTHWESTERLY DIRECTION ALONG THE FENCE LINE OF SAID WESTERLY BANK OF LITTLE WILLOW CREEK S. 55°21' W. 186.8 FEET;

THENCE S. 33°42' W. TO A POINT IN THE NORTHERLY RIGHT OF WAY LINE OF THE LOWER PAYETTE DITCH;

THENCE IN A NORTHWESTERLY DIRECTION FOLLOWING SAID NORTHERLY RIGHT OF WAY LINE TO THE POINT WHERE THE SAME INTERSECTS THE NORTH SIDE LINE OF SAID GOVERNMENT LOT 2;

CONTINUED

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CONTINUED EXHIBIT 'A'

THENCE EAST FOLLOWING THE NORTH SIDE LINE OF SAID LOT 2 TO THE
NORTHEAST CORNER THEREOF;
THENCE CONTINUE EAST FOLLOWING THE NORTH SIDE LINE OF SAID
GOVERNMENT LOT 1 AND OF THE SE1/4SE1/4 TO THE NORTHEAST CORNER OF
SAID SE1/4SE1/4;
THENCE SOUTH FOLLOWING THE EAST SIDE LINE OF SAID SE1/4SE1/4 TO THE
POINT OF BEGINNING.
SAVE AND EXCEPTING THE FOLLOWING PORTION OF GOVERNMENT LOT 1;
BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SEC. 17;
THENCE N. 0°4' W. 500 FEET;
THENCE S. 78°39' E. 61.7 FEET;
THENCE N. 33.42' E. 650 FEET;
THENCE MEANDERING IN A NORTHEASTERLY DIRECTION ALONG THE FENCE
LINE OF THE WESTERLY BANK OF LITTLE WILLOW CREEK N. 55°21' E. 186.8
FEET;
THENCE S. 57°28' E. 130 FEET TO THE TRUE POINT OF BEGINNING;
THENCE N. 57°28' W. 130 FEET TO A POINT ON THE WESTERLY BANK OF
LITTLE WILLOW CREEK;
THENCE IN A NORTHEASTERLY DIRECTION ALONG THE WESTERLY BANK OF
LITTLE WILLOW CREEK TO A POINT ON THE NORTH LINE OF SAID
GOVERNMENT LOT 1;
THENCE EAST FOLLOWING SAID NORTH SIDE LINE TO A POINT WHICH IS 489
FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 1;
THENCE IN A SOUTHWESTERLY DIRECTION AN UNKNOWN DISTANCE TO THE
POINT OF BEGINNING.

PARCEL "C":

LAND IN TWP. 8 N., R. 4 W., B. M., PAYETTE COUNTY, IDAHO:
IN SEC. 21:
THE EAST 100 FEET OF GOVERNMENT LOT 8 LYING NORTH OF THE RIGHT OF
WAY OF STATE HIGHWAY #52.

CONTINUED

ORDER NO. FA - 14480

CONTINUED EXHIBIT "A"

IN SEC. 22:

GOVERNMENT LOT 6, SAVE AND EXCEPTING THAT PORTION CONVEYED TO THE STATE OF IDAHO FOR HIGHWAY PURPOSES BY DEED RECORDED MAY 1, 1936, IN BOOK 13, PAGE 548, DEED RECORDS OF PAYETTE COUNTY, IDAHO: AND THE FOLLOWING PORTION OF GOVERNMENT LOT 7: BEGINNING AT THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 7; THENCE EAST FOLLOWING THE SOUTH SIDE LINE OF SAID GOVERNMENT LOT 7 TO A POINT THAT MEASURES 28 RODS WEST FROM THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 7 ACCORDING TO THE GOVERNMENT PLAT THEREOF; THENCE NORTH AND PARALLEL TO THE WEST SIDE LINE OF SAID GOVERNMENT LOT 7 TO THE NORTHEASTERLY SIDE LINE OF SAID GOVERNMENT LOT 7; THENCE IN A NORTHWESTERLY DIRECTION FOLLOWING SAID NORTHEASTERLY SIDE LINE TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 7; THENCE SOUTH FOLLOWING THE WEST SIDE LINE OF SAID GOVERNMENT LOT 7 TO THE POINT OF BEGINNING.

IN SEC. 27:

NW1/4NW1/4; NE1/4NW1/4, SAVE AND EXCEPTING THE NORTH 858 FEET OF THE EAST 462 FEET THEREOF; AND THE SE1/4NW1/4 SAVE AND EXCEPTING THE WEST 643.5 FEET OF THE EAST 841.5 FEET OF THE SOUTH 495 FEET THEREOF; AND FURTHER EXCEPTING FROM SAID TRACTS OF LAND ALL THAT PORTION CONVEYED TO THE STATE OF IDAHO FOR HIGHWAY PURPOSES BY DEEDS RECORDED MAY 1, 1936, IN BOOK 13, PAGE 549 AND 550, DEED RECORDS OF PAYETTE COUNTY, IDAHO.

CONTINUED

ORDER NO. FA- 14480

EXHIBIT 'A' CONTINUED

PARCEL "D" :

LAND IN TWP. 8 N., R. 4 W., B. M., PAYETTE COUNTY, IDAHO:

IN SEC. 20:

**THAT PORTION OF THE SW1/4 SE1/4 AND OF THE SE1/4SW1/4 LYING NORTH
OF THE PRESENT PAYETTE RIVER CHANNEL.**

PARCEL "E"

**THE FOLLOWING PORTION OF GOVERNMENT LOT 1, TWP. 8 N., R 4 W., B. M.,
PAYETTE COUNTY, IDAHO:**

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SEC. 17;

THENCE N. 0°4' W. 500 FEET;

THENCE S. 78°39' E. 61.7 FEET;

THENCE N. 33°42' E. 650 FEET;

**THENCE MEANDERING IN A NORTHEASTERLY DIRECTION ALONG THE FENCE
LINE OF THE WESTERLY BANK OF LITTLE WILLOW CREEK N. 55°21' E. 186.8
FEET;**

THENCE S. 57°28' E. 130 FEET TO THE TRUE POINT OF BEGINNING;

**THENCE N. 57°28' W. 130 FEET TO A POINT ON THE WESTERLY BANK OF
LITTLE WILLOW CREEK;**

**THENCE IN A NORTHEASTERLY DIRECTION ALONG THE WESTERLY BANK OF
LITTLE WILLOW CREEK TO A POINT ON THE NORTH LINE OF SAID
GOVERNMENT LOT 1;**

**THENCE EAST FOLLOWING SAID NORTH SIDE LINE TO A POINT WHICH IS 489
FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 1;**

**THENCE IN A SOUTHWESTERLY DIRECTION AN UNKNOWN DISTANCE TO THE
POINT OF BEGINNING.**

CONTINUED

ORDER NO. FA- 14480

CONTINUED EXHIBIT 'A'

PARCEL "F" :

ALL LAND LOCATED IN SECTION 19, TWP 8 N., R. 4 W ., B.M., PAYETTE COUNTY, IDAHO, LYING EASTERLY OF THE LINE DESCRIBED AS FOLLOWS:

**COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 19:
THENCE SOUTH 00°14'32" WEST 2116.85 FEET ALONG THE EAST LINE OF SAID SECTION 19 TO A POINT;
THENCE LEAVING SAID SECTION LINE NORTH 67°00'00" WEST 351.08 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 18°10'00" WEST 1000.00 FEET TO A POINT;
THENCE NORTH 23°00'00" WEST 680.00 FEET TO THE POINT OF TERMINUS WHICH BEARS SOUTH 66°04'30" WEST 995.10 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 19.**



BERGEY LAND SURVEYING

1431 BUS. ALT. US 95
Payette, Idaho 83661
208-642-3479 Fax 208-642-3501

REVISED LEGAL DESCRIPTION FOR IDAHO DEPT. OF FISH AND GAME

PARCELA

All of that certain parcel of real property situate in Section 21, Township 8 North, Range 4 West, Boise Meridian, Payette County, Idaho, being more particularly described as follows:

BEGINNING at the corner common to Sections 20, 21, 28 and 29, T8N, R4W, BM
THENCE; along the line common to said Sections 20 and 21, N00°02'30"E,
477.99 feet, to the mean high water line of the Payette River,
THENCE; along said mean high water line the following courses and distances:

- (1) N72°57'28"E, 49.83 feet,
- (2) N70°33'09"E, 188.47 feet,
- (3) N58°52'38"E, 123.74 feet,
- (4) N67°31'53"E, 320.52 feet,
- (5) S77°45'14"E, 723.94 feet,
- (6) S77°52'19"E, 58.27 feet,
- (7) S75°06'01"E, 119.84 feet,
- (8) S68°34'40"E, 251.88 feet,
- (9) S78°50'46"E, 244.00 feet,
- (10) N79°22'47"E, 167.27 feet,
- (11) N76°41'50"E, 154.34 feet,
- (12) N77°19'30"E, 30.60 feet,
- (13) S87°26'32"E, 93.87 feet,
- (14) N75°14'50"E, 192.19 feet,
- (15) S84°11'47"E, 103.47 feet,
- (16) S77°35'38"E, 141.54 feet,
- (17) S83°17'47"E, 110.03 feet,
- (18) S72°48'44"E, 165.73 feet,
- (19) S65°47'10"E, 97.14 feet,
- (20) S47°59'01"E, 81.14 feet,
- (21) S33°30'23"E, 135.44 feet,
- (22) S05°42'06"E, 132.66 feet,
- (23) S08°25'21"W, 66.09 feet,
- (24) S17°32'04"W, 19.55 feet, more or less to the south line of said
Section 21,

THENCE; along said south line, 3336.05 feet, more or less, to the Point of
Beginning. Containing 41.0 acres, more or less.

PARCEL B

All of that certain parcel of real property situate in Section 20, Township 8 North, Range 4 West, Boise Meridian, Payette County, Idaho, being more particularly described as follows:

BEGINNING at the corner common to Sections 20, 21, 28 and 29, T8N, R4W, BM
THENCE; along the line common to said Sections 20 and 21, N00°02'30"E,

477.99 feet to the mean high water line of the Payette River,

THENCE; along said mean high water line the following courses and distances,

(1) S72°57'28"W, 131.32 feet,

(2) S75°17'08"W, 202.36 feet,

(3) S83°48'43"W, 90.86 feet,

(4) S69°56'22"W, 113.09 feet,

(5) S89°07'55"W, 288.32 feet,

THENCE; departing said mean high water line and running along the easterly edge of a slough, S44°54'52"E, 464.31 feet to the southerly line of said Section 20,

THENCE; along said southerly line, S89°14'24"E, 478.00 feet, to the Point of Beginning. Containing 5.8 acres, more or less.

The total acreage as described in Parcels A and B above is 46.8 acres, more or less, and is subject to all easements and/or reservations.

