

61-12257

RECEIVED

APR 15 2008

WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of Applicant Pacific West Land, LLC Phone (206) 774-8656  
Mailing address 911 Hildebrand Lane NE, Suite 203  
Bainbridge Island, WA 98110

2. Source of water supply Ground water which is a tributary of n/a  
Points of diversion are in each T 1S R 3E § 12 See  
quarter-quarter section in the Planned Community, but a T 1S R 4E §§ 7, 8, 16, 17 Attachment A  
maximum of nine wells. The property includes: and 18 for quarter-  
descriptions

3. 1/4, 1/4, Govt. Lot \_\_\_\_\_, B.M., Ada County;

Additional points of diversion if any: Up to nine new wells within the planned community described in section 8(c), below. All points of diversion described in Attachment A.

4. Water will be used for the following purposes:  
Amount 18.2 cfs for municipal purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
3 cfs Maximum diversion to storage; 1/1 to 12/31; municipal purposes  
300 acre-feet Maximum diversion from storage; 1/1 to 12/31; municipal purposes  
388.12 acre-feet Total storage volume; municipal purposes

5. Total quantity to be appropriated is (a) 18.2 and/or (b) 6,317  
cubic feet per second acre feet per annum

6. Proposed diverting works:  
a. Describe type and size of devices used to divert water from the source Up to nine wells diverting from aquifers beneath the project site.

b. Height of storage dam n/a feet; active reservoir capacity 300 pond; 10 potable acre-feet; total reservoir capacity 375 pond + 13.12 potable acre-feet

c. Proposed well diameter is 10 to 18 inches; proposed depth of well is 500 to 1,500 feet

d. Is ground water with a temperature of 85°F being sought? No

e. If well is already drilled, when? n/a; Drilling firm \_\_\_\_\_  
Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

7. Time required for completion of works and application of water to proposed beneficial use is 25 years (minimum 1 year)  
**This application seeks a right for both present and future needs, with a planning horizon of 25 years pursuant to I.C. §§ 42-202B(7)-(9), 42-202(2), and 42-223(2).**

8. Description of proposed uses (if irrigation only, go to item 9):  
a. Hydropower; show total feet of head and proposed capacity in kW. n/a  
b. Stockwatering; list number and kind of livestock. none  
**Place of use is municipal service area in a 1,980-acre Planned Community on Applicant's lands in Ada County to contain 9,613 dwelling units and related uses. See Attachment A for details.**  
c. Municipal; show name of municipality. \_\_\_\_\_  
d. Domestic; show number of households. \_\_\_\_\_  
e. Other; describe fully. Aesthetic features, water amenities, and storage for these purposes.

WITHDRAWN

9. Description of place of use: **See Attachment A.**

If water is for irrigation, indicate acreage in each subdivision in the tabulation below. **Irrigation is one of the uses**

- a. **within the overall municipal use, and is described in Attachment A.**
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols. **The water in this municipal application will be used for several purposes other than irrigation, as described in Attachment A.**

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS		
			NE	NW	SW	SE															

Total number of acres irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes described above. none

11. a. Who owns the property at the point of diversion? Applicant  
 b. Who owns the land to be irrigated or place of use? Applicant  
 c. If the property is owned by a person other than the applicant, please describe the arrangement enabling the applicant to make this filing \_\_\_\_\_

12. Remarks: Attachment A and its exhibits provide additional detail concerning this application.

13. **MAP OF PROPOSED PROJECT REQUIRED** – Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

**Maps are included as exhibits to Attachment A.**

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

*Michael Gallavan* CEO  
 Signature of Applicant (and title, if applicable)

Received by DB Date 4-15-08 Time 2:00 PM Preliminary check by \_\_\_\_\_  
 Fee \$ 6750- Received by SB by DB # W036363 Date 4-11-08  
 Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
 Publication approved \_\_\_\_\_ Date \_\_\_\_\_

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Identi. No. 61-12257

APR 11 2008

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Planned Community, but a and 18 for quarter-  
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			NE	NW	SW	SE																

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 Kelly Gray - CEO

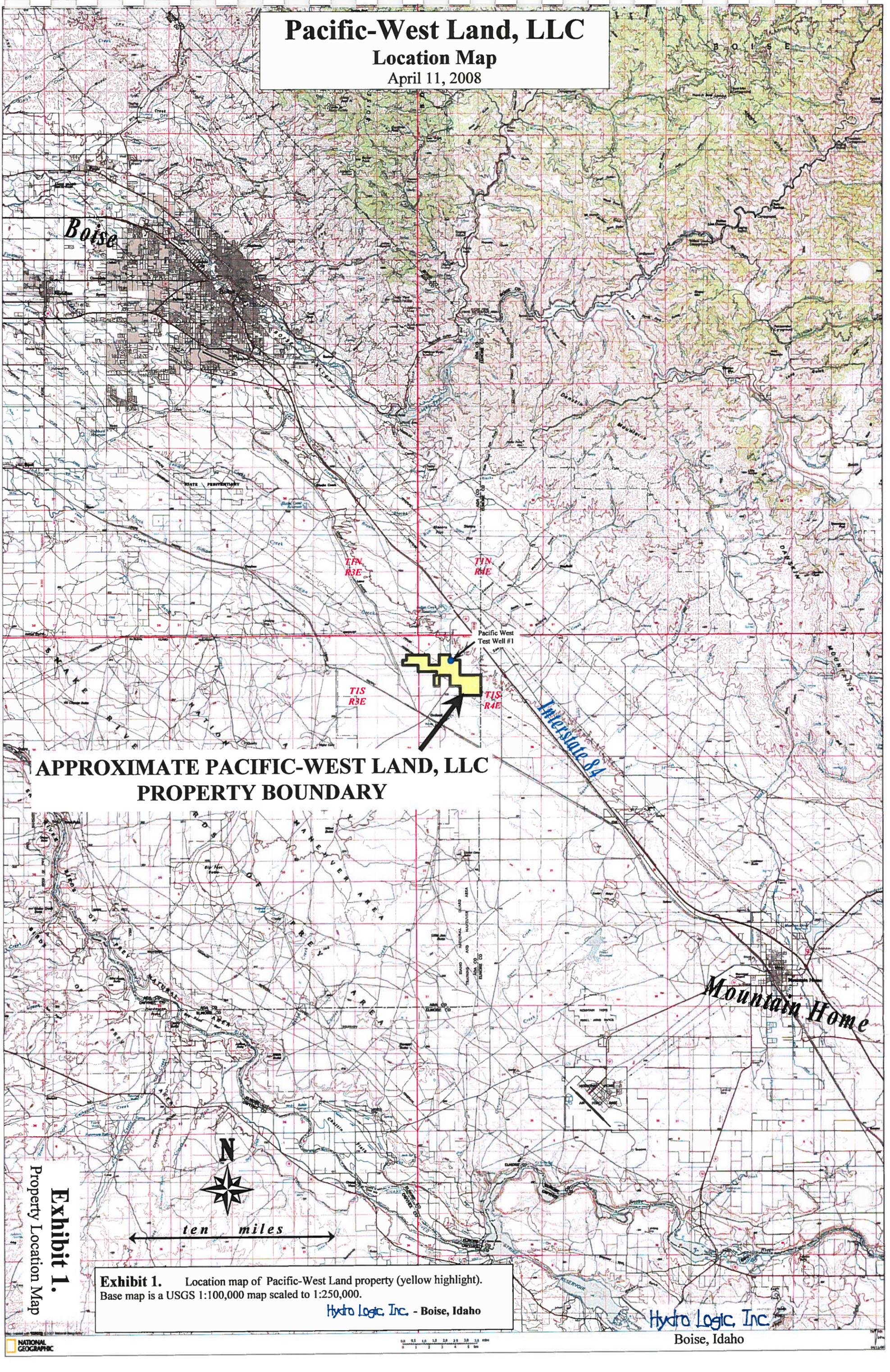
Signature of Applicant (and title, if applicable)

Received by SB Date 4/11/08 Time 3:10PM Preliminary check by \_\_\_\_\_  
 Fee \$ 1750.00 Received by SB # W036363 Date 4/11/08  
 Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
 Publication approved \_\_\_\_\_ Date \_\_\_\_\_

# Pacific-West Land, LLC

## Location Map

April 11, 2008



**APPROXIMATE PACIFIC-WEST LAND, LLC  
PROPERTY BOUNDARY**

**Exhibit 1.** Location map of Pacific-West Land property (yellow highlight).  
Base map is a USGS 1:100,000 map scaled to 1:250,000.

Hydro Logic Inc. - Boise, Idaho

Hydro Logic Inc.

Boise, Idaho

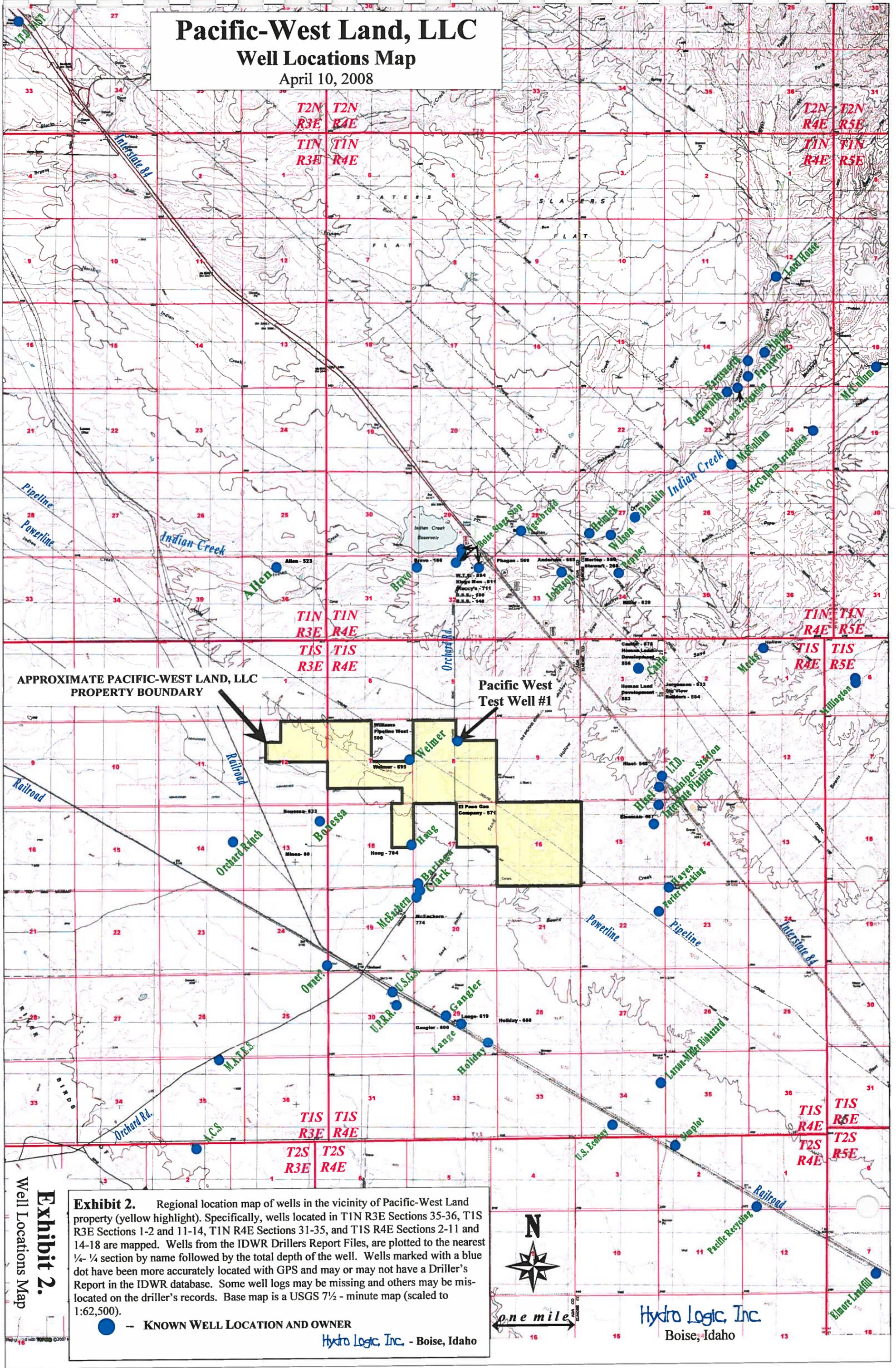
Property Location Map

**Exhibit 1.**

# Pacific-West Land, LLC

## Well Locations Map

April 10, 2008



APPROXIMATE PACIFIC-WEST LAND, LLC PROPERTY BOUNDARY

Pacific West Test Well #1

**Exhibit 2.** Regional location map of wells in the vicinity of Pacific-West Land property (yellow highlight). Specifically, wells located in T1N R3E Sections 35-36, T1S R3E Sections 1-2 and 11-14, T1N R4E Sections 31-35, and T1S R4E Sections 2-11 and 14-18 are mapped. Wells from the IDWR Drillers Report Files, are plotted to the nearest 1/4- 1/4 section by name followed by the total depth of the well. Wells marked with a blue dot have been more accurately located with GPS and may or may not have a Driller's Report in the IDWR database. Some well logs may be missing and others may be mislocated on the driller's records. Base map is a USGS 7 1/2 - minute map (scaled to 1:62,500).

● -- KNOWN WELL LOCATION AND OWNER  
Hydro Logic Inc. - Boise, Idaho



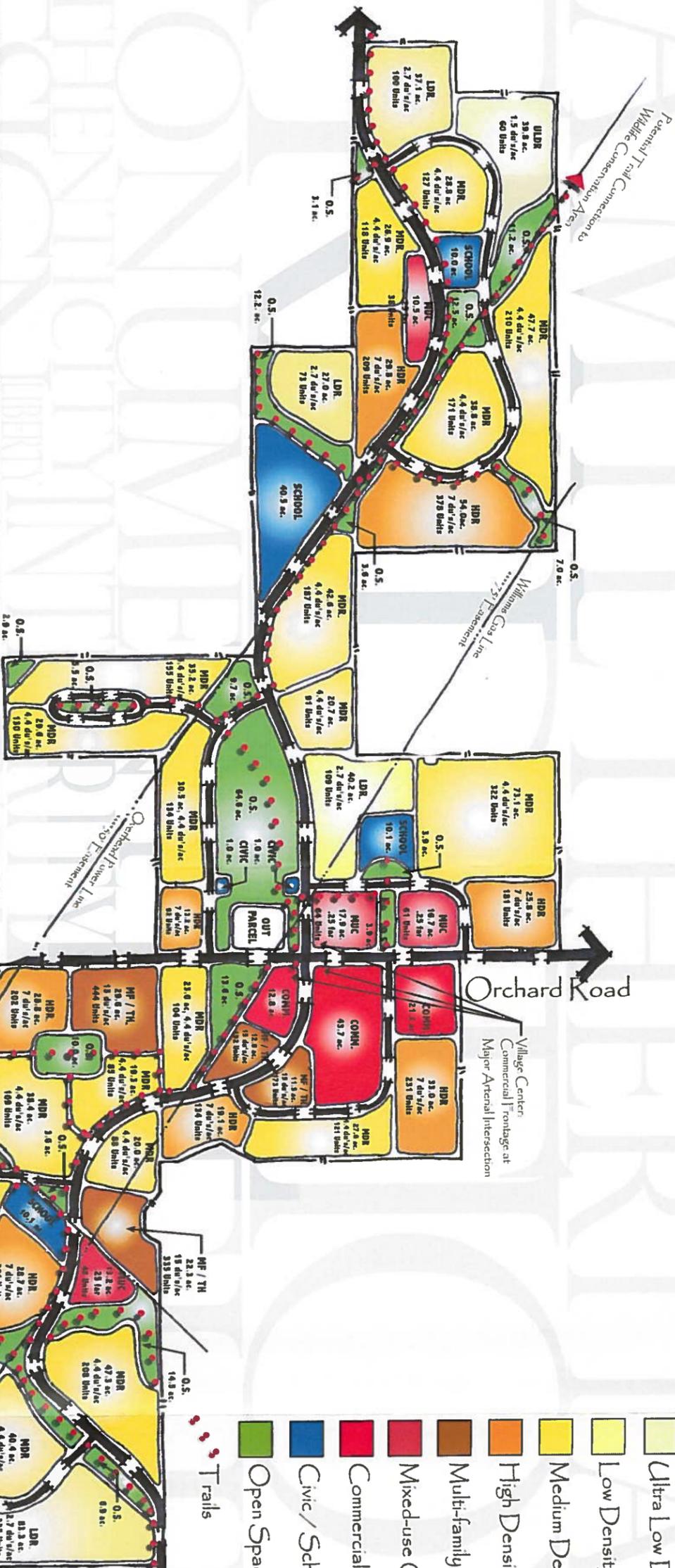
Hydro Logic Inc  
Boise, Idaho

Well Locations Map

Exhibit 2.

LEGEND

- Ultra Low Density Residential (ULDR)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Multi-family / Townhome (MF / TH)
- Mixed-use Commercial (MUC)
- Commercial (COMM)
- Civic / School / Park
- Open Space / Park (O.S)



Land Use	Acreage	DUVAC	Max. # of Units	Target # of Units	% of Land
ULDR	190 ac.	1-3 du/ac	464	229	7%
LDR	271 ac.	2-4 du/ac	1085	732	14%
MDR	667 ac.	3-6 du/ac	4005	2935	33%
HDR	232 ac.	6-10 du/ac	2324	1624	12%
MF / TH	76 ac.	10-20 du/ac	1924	1140	4%
MUC	98 ac.	.25 far	211****	211	3%
Commercial	78 ac.	NA	NA	NA	4%
Civic / Park	73 ac.*	NA	NA	NA	4%
O.S / Park	262 ac. (352 ac.**)	NA	NA	NA	13%
ROW	113 ac.***	NA	NA	NA	6%
<b>Total</b>	<b>1980</b>	<b>NA</b>	<b>9613</b>	<b>6867</b>	<b>100%</b>



\*Civic Use (school, fire, police) to be open space / park credit until use is warranted  
 \*\*Assumes a 5% minimum open space for each residential development parcel. 70 additional acres  
 \*\*\*ROW / Average city includes roads shown on the Land Use Plan including the proposed Orchard Rd ROW  
 \*\*\*\*Estimate with the proposed widths  
 \*\*\*\*\*Number of units based on 50% residential use with an average unit size of 1,900 sq ft

Land Use Consistency Plan

This plan is provided for illustrative purposes only. Designations of land use is conceptual and is subject to flexibility.

# Exhibit 4

## Pacific West Land, LLC

### Potential Places of Use Locations Table

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS	
			NE	NW	SW	SE														
1S	3E	12	X	X	X	X	X				X									
1S	4E	7					X	X	X	X	X	X	X	X	X	X	X	X	X	
		8			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
		16	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
		17	X	X	X	X														
		18	X			X														

## Pacific West Land, LLC

### Potential Places of Use Locations List

#### TOWNSHIP 1 SOUTH      RANGE 3 EAST

**Section 12**      NE NE, NW NE, SW NE, SE NE, NE NW, SE NW

#### TOWNSHIP 1 SOUTH      RANGE 4 EAST

- Section 7**      NE NW, NW NW, SW NW, SE NW, NE SW, NW SW, SW SW, SE SW, NE SE, NW SE, SW SE, SE SE
- Section 8**      ALL EXCEPT NE NE and NW NE
- Section 16**      ALL
- Section 17**      NE NE, NW NE, SW NE, SE NE
- Section 18**      NE NE, SE NE

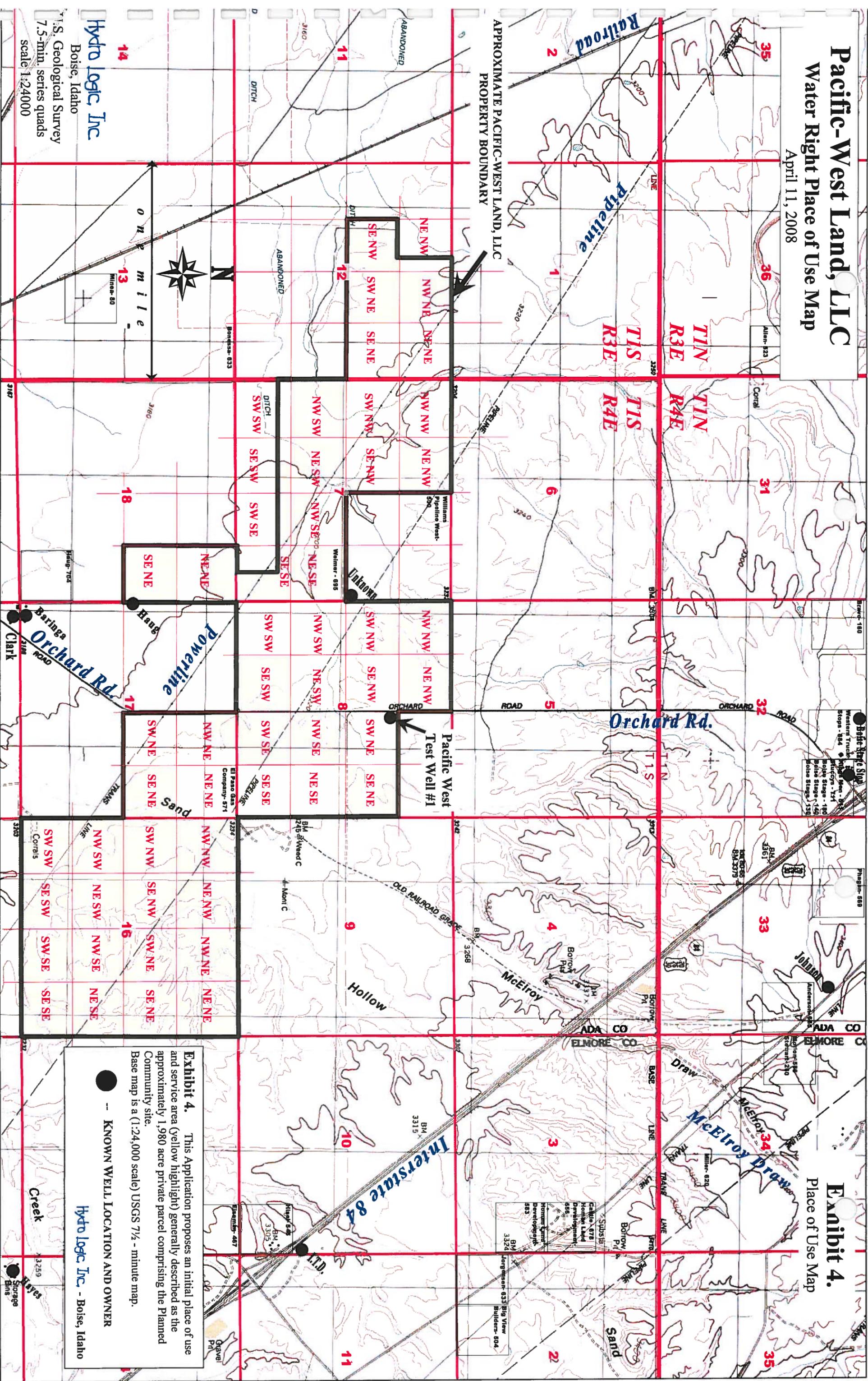
# Pacific-West Land, LLC

## Water Right Place of Use Map

April 11, 2008

# Exhibit 4.

## Place of Use Map



APPROXIMATE PACIFIC-WEST LAND, LLC  
PROPERTY BOUNDARY

Pacific West  
Test Well #1

**Exhibit 4.** This Application proposes an initial place of use and service area (yellow highlight) generally described as the approximately 1,980 acre private parcel comprising the Planned Community site.  
Base map is a (1:24,000 scale) USGS 7 1/2 - minute map.

● -- KNOWN WELL LOCATION AND OWNER

Hydro Logic Inc. - Boise, Idaho

Hydro Logic Inc.  
Boise, Idaho

U.S. Geological Survey  
7.5-min. series quads  
scale 1:24000

# Exhibit 5

## Pacific West Land, LLC

### Potential Future Points of Diversion Locations Table

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE													
1S	3E	12	X	X	X	X	X			X									
1S	4E	7					X	X	X	X	X	X	X	X	X	X	X	X	X
		8			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		16	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		17	X	X	X	X													
		18	X			X													

## Pacific West Land, LLC

### Potential Future Points of Diversion Locations List

#### TOWNSHIP 1 SOUTH RANGE 3 EAST

**Section 12** NE NE, NW NE, SW NE, SE NE, NE NW, SE NW

#### TOWNSHIP 1 SOUTH RANGE 4 EAST

**Section 7** NE NW, NW NW, SW NW, SE NW, NE SW, NW SW, SW SW, SE SW, NE SE, NW SE, SW SE, SE SE  
**Section 8** ALL EXCEPT NE NE and NW NE  
**Section 16** ALL  
**Section 17** NE NE, NW NE, SW NE, SE NE  
**Section 18** NE NE, SE NE

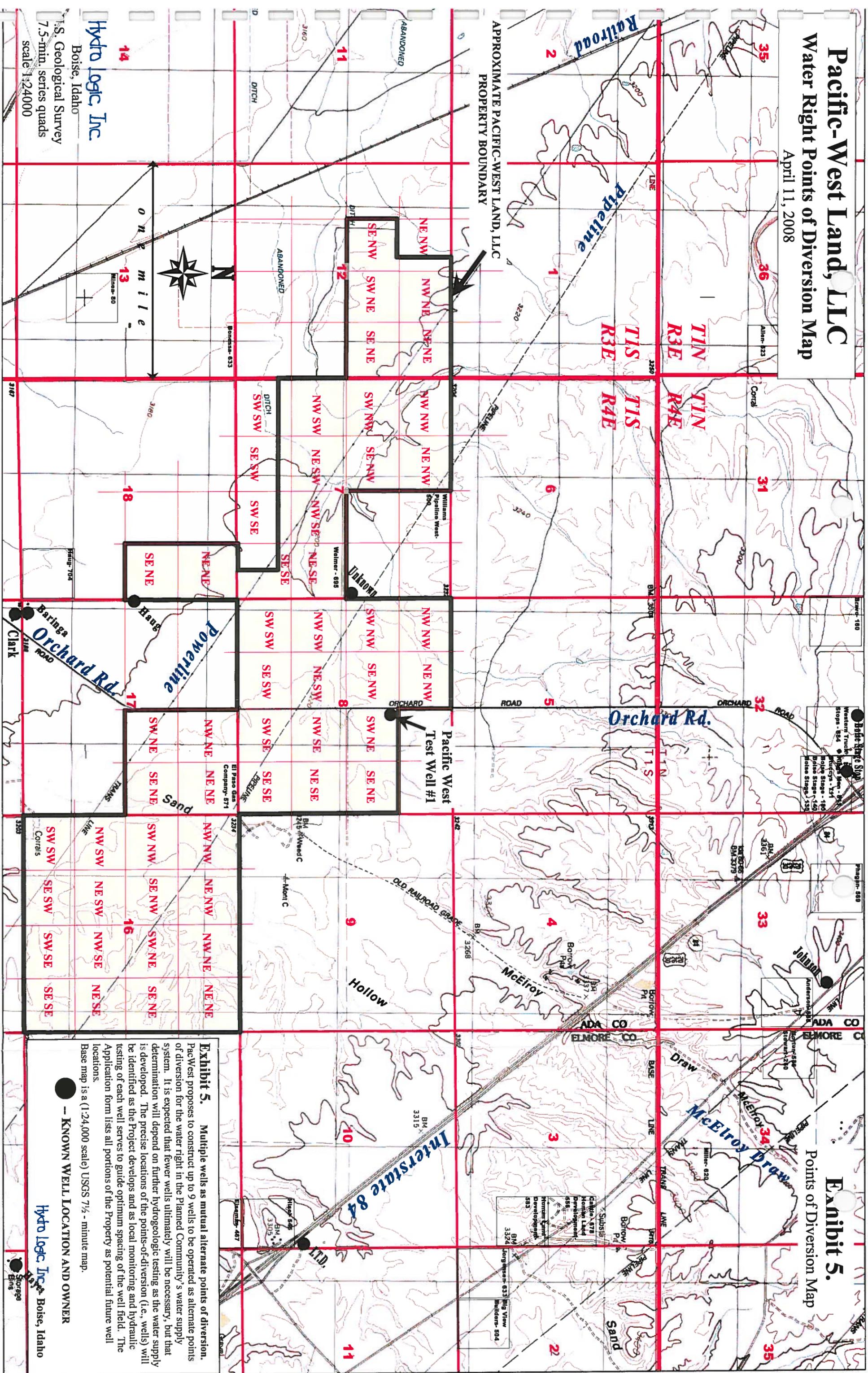
# Pacific-West Land, LLC

## Water Right Points of Diversion Map

April 11, 2008

# Exhibit 5.

## Points of Diversion Map



**Exhibit 5.** Multiple wells as mutual alternate points of diversion. PacWest proposes to construct up to 9 wells to be operated as alternate points of diversion for the water right in the Planned Community's water supply system. It is expected that fewer wells ultimately will be necessary, but that determination will depend on further hydrogeologic testing as the water supply is developed. The precise locations of the points-of-diversion (i.e., wells) will be identified as the Project develops and as local monitoring and hydraulic testing of each well serves to guide optimum spacing of the well field. The Application form lists all portions of the Property as potential future well locations.

● — KNOWN WELL LOCATION AND OWNER

Hydro Logic, Inc. Boise, Idaho

Hydro Logic, Inc.  
Boise, Idaho  
S. Geological Survey  
7.5-min. series quads  
scale 1:24,000

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	<b>Liberty Planned Community - Estimated Water Demand at Build-Out, Based on Projected Uses for Maximum Number of Units</b>													
2	Input data cells in this spreadsheet are shaded. If irrigating with winter effluent, then iterate on effluent pond acreage in cell E14 to achieve approximately 20 ft depth in cell E15. If using RIB, then enter 0 in cell E14.													
3	<b>IRRIGATION</b>													
4	Irrigation Assumptions:													
5	1) All irrigation on the project is accomplished by diversion and use of groundwater. No surface water rights are appurtenant to the property or available for irrigation use.													
6	2) Tertiary-treated sewage effluent (reuse water) will be used for non-potable irrigation at sewage production rates during the irrigation season. During non-irrigation season, treated effluent (reuse water) will be stored and subsequently used for irrigation.													
7	3) Irrigation hours: Open space and parks irrigated during 9 hours at night to accommodate daytime use. Common area irrigated anytime (24 hours). Residences and civic areas assumed to migrate to 12 hour overnight irrigation.													
8	4) Number of irrigation days per year: 244 (March 15th - November 15th) Number of non-irrigation days per year: 121 (November 16th - March 14th)													
9	5) It is assumed sufficient standby power is provided to offset the need for standby potable water storage.													
10	6) Turf irrigation efficiency: 75%													
11	7) Drip irrigation efficiency: 85%													
12	8) Ponds: Multi-purpose (Ass., Wildlife, Rec., Non-potable Irrig. peaking) Effluent Buffering Storage (see note 8a) Effluent Stored for Irrigation (see note 8a) Totals													
13	Exposed water surface area in acres: 5 10 0 15													
14	Functional depth: 20 20 0 20.0													
15	Acre feet storage: 100 200 0 300													
16	Pond area assumed to be in addition to estimated public irrigation area. Depth excludes an freeboard or inactive storage in operational and effluent storage ponds. Storage volume computed by assuming pond geometry is cylindrical (area times depth equals volume).													
17	Primary water source: well diversions and effluent effluent													
18	8a) Effluent is not anticipated to be stored for irrigation under normal operating conditions of the sewage treatment plant or when effluent is disposed of through a rapid infiltration basin. Effluent buffering storage is allocated for potential adverse operational conditions that may require temp. storage of effluent.													
19	8b) All ponds will be lined or sealed and will fluctuate due to evaporation and any irrigation use.													
20	9) Max day public area irrigation demands represented in cfs met by using non-potable well diversions and reuse water as it is reduced. cfs demand calculated from Allen & Robison numbers, non-potable storage calculated from max da demand and irrigation hours.													
21	10) Max day residential and commercial demands represented in cfs met by potable water from direct well diversions. cfs demand calculated from Allen & Robison numbers. Potable storage calculated from irrigation times with well diversions at 0.02 cfs/acre.													
22	11) "Max day" refers to highest 24-hour demand. For irrigation, this occurs during July, as shown by the Allen & Robison numbers. "Peak" or "Peak Hour" refers to peak demand during compressed irrigation periods or on an instantaneous basis.													
23	12) Irrigation diversion rates, as they relate to use of potable water for irrigation, are less than 0.02 cfs/acre except during peak periods, where they may increase to this limit.													
24	13) Evapo-transpiration (ET) for irrigation, also termed consumptive use (CU) in this spreadsheet, is Allen & Robison 2006) "monthly @ 20% exceedance actual evapotranspiration" data for grass turf at Boise airport. These values are:													
25														
26	March 15-31													
27	mm/day	1.98	4.45	5.92	6.96	7.13	6.25	4.93	3.27	0.90	1237	mm/yr	5.07	mm/day
28	inches/day	0.08	0.18	0.23	0.27	0.28	0.25	0.19	0.13	0.04	48.7	in/yr	0.200	in/day
29	feet/day	0.006	0.015	0.019	0.023	0.023	0.021	0.016	0.011	0.003	4.06	ft/yr	0.017	ft/day
30	For comparison only, not used in calculations													
31	Kuna ET data: (mm/day)	1.78	4.51	6.30	7.37	7.23	6.60	5.10	3.66	0.90	1291	mm/yr	5.11	mm/day
32	Min. Home ET data: (mm/day)	1.40	4.08	5.42	6.77	7.17	6.15	4.52	2.96	0.65	1167	mm/yr	0.86	mm/day
33														
34	Public area irrigation (using non-potable well diversions and/or reuse water)													
35	Open Space/Park Areas (turf):			11,412,720	262	2.93	8.17	4.12	9	10.99	5.24	5.11	1418	
36	Civic (Schools, Fire/ Police Stations) (turf):			2,395,800	55	0.62	1.72	0.87	12	1.73	1.10	0.86	298	
37	Common area in arterial/collector roads (turf):			609,840	14	0.16	0.44	0.22	24	0.22	0.28	0.00	76	
38	Common area in arterial/collector roads (drip):			609,840	14	0.14	0.39	0.19	24	0.19	0.28	0.00	67	
39	Subtotal Irrig. w/ non-potable well and reuse water:			15,028,200	345	3.84	10.71	5.40	13.13	13.13	6.90	5.97	1858	
40														
41	Common area irr. with stored effluent (turf):		After effluent evap. from ponds	0	0	3.84	10.71	5.40	0.00	13.13	6.90	5.97	0	
42	Total Public area irrigation: 15,028,200 345 3.84 10.71 5.40 0.00 13.13 6.90 5.97 1,858													
43	<b>Residential irrigation (using potable water only in addition to any residential irrigation using effluent)</b>													
44	Single Family Detached Units:		7,878	1,088	0.02	2.20	6.14	3.09	6.19	6.19	3.94	0.73	1065	
45	turf area/unit:			1,088	0.02	2.20	6.14	3.09	6.19	6.19	3.94	0.73	1065	
46	drip area/unit:			1,088	0.02	2.20	6.14	3.09	6.19	6.19	3.94	0.73	1065	
47	Total single family turf:			8,571,264	196.77	2.20	6.14	3.09	12.00	5.46	3.94	0.49	940	
48	Total single family drip:			8,571,264	196.77	1.94	5.42	2.73	12.00	5.46	3.94	0.49	940	
49	Total single family irrigation (potable):			17,142,528	394	4.14	11.55	5.83	11.65	7.87	7.87	1.22	2004	
50														
51	Single Family and Multi-Family Attached units:		1,735	163	0.00	0.07	0.20	0.10	12.00	0.20	0.13	0.02	35	
52	turf area/unit:			163	0.00	0.07	0.20	0.10	12.00	0.20	0.13	0.02	35	
53	drip area/unit:			163	0.00	0.06	0.18	0.09	12.00	0.18	0.13	0.02	31	
54	Total multi-family turf:			282,805	6.49	0.06	0.18	0.09	12.00	0.18	0.13	0.02	31	
55	Total multi-family drip:			282,805	6.49	0.14	0.38	0.19	12.00	0.38	0.26	0.04	66	
56	Total multi-family irrigation (potable):			565,610	13	0.14	0.38	0.19	12.00	0.38	0.26	0.04	66	
57														
58	<b>Commercial irrigation (using potable water only in addition to any commercial irrigation using effluent)</b>													
59	Acres of Commercial	107	Total commercial turf (25%):	58,262	1.34	0.01	0.04	0.02	12.00	0.04	0.03	0.00	7	
60	% of Acres Irrigated	5.0%	Total commercial drip (75%):	174,785	4.01	0.04	0.11	0.06	12.00	0.11	0.08	0.01	19	
61	Commercial turf:	25%	Total commercial irrigation (potable):	233,046	5	0.05	0.15	0.08	12.00	0.15	0.11	0.02	26	
62	Commercial drip:	75%	Total irr'n with potable water:	17,941,184	412	4.33	12.09	6.09	12.19	8.24	8.24	1.28	2097	
63														
64	Total irrigation with both potable and non-potable water: 32,969,384 757 8.17 22.79 11.50 25.32 15.14 3955													
65														
66														
67														

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
68														
69	<b>INDOOR WATER DEMANDS</b>													
70	Indoor water demand assumptions:													
71	General commercial water use is based on data published by Larry W. Mays in "Water Distribution Systems Handbook" © 2000, which demonstrates a per commercial acre use of: 1,729 gallons per day per gross acre of commercial development land. (data range is 1100-5100 gpd/acre)													
72		800												
73		2.92												
74		1.5												
75		10.0%												
76		1.0												
77														
78														
79														
80			9,613	274	3,018	6.72	5,875	13.09	977,858	4.48	2,012	1076	2169	3245
81														
82														
83			9,613	12	132	0.29	257	0.57	42,826	0.20	88	47	95	142
84														
85														
86			500	120	69	0.15	134	0.30	22,275	0.10	46	25	49	74
87														
88														
89														
90			107	1,729	212	0.47	413	0.92	68,682	0.31	141	76	152	228
91														
92														
93														
94														
95		1.28												
96		1.11												
97		0.54												
98		0.24												
99		3.17												
100		35%												
101		4.28												
102	<b>WASTEWATER GENERATION AND REUSE</b>													
103														
104														
105	<b>Indoor wastewater production assumptions:</b>													
106	1) Residential wastewater production is assumed to be the following percentage of potable indoor water demand:													
107	2) School & commercial point use wastewater production assumed to be the following percentage of potable indoor water demand:													
108	3) Commercial unit wastewater production assumed at the percentage of potable indoor water demand:													
109	4) Infiltration, inflow, treatment losses & leakage in sewer system are collectively assumed to have no net significant effect.													
110		1.0												
111														
112														
113														
114														
115	<b>Treated Effluent Generation</b>													
116			9,613	189.06	1,262	2.81	2035	1361	675	915	611	303		
117														
118														
119														
120														
121														
122														
123	<b>Effluent Storage and Reuse for Irrigation</b>													
124														
125														
126														
127														
128														
129														
130														
131														
132														
133														

**Estimated Potable Water Storage (million gallons)**

- Notes:  
1) Peak hour potable storage calculated as 5.4\*max day gals/24 using DEQ design guidelines with well diversions at max day rate.  
2) Average daily school water demand per student incorporates allowance for approximately 180 school days per year and extra-curricular activities.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
134	SUMMARY													
137														
138														
139														
140	Average daily well diversions			cfs	gpm	af/day	mgd							
141	Indoor potable average day constant annual rate			5.10	2,287	10.1	3.3							
142	Residential and commercial potable irrigation average day during irrigation season only)			4.33	1,945	8.6	2.8							
143														
144	Public area non-potable irrigation average day demand during irrigation season only)			3.84	1,723	7.6	2.5							
145	Less water reuse / treated effluent produced (during irrigation season)			-3.19	-1,430	-6.3	-2.1							
146	Net average day well diversion for public area non-potable irrigation			0.65	293	1.3	0.4							
147														
148	Evaporation from multi-purpose and effluent buffering ponds			0.10	45	0.2	0.1							
149	Average daily diversion from wells during irrigation season:			10.18	4,570	20.2	6.6							
150														
151	Average daily diversion from wells during non-irrigation season:			5.10	2,287	10.1	3.3							
152														
153														
154														
155	Maximum daily well diversions			cfs	gpm	af/day	mgd							
156	Indoor potable max day (during irrigation season only)			7.64	3,431	15.2	4.9							
157	Residential and commercial potable irrigation max day (during irrigation season only)			8.24	3,697	16.3	5.3							
158														
159	Public area non-potable irrigation max day demand during irrigation season			5.40	2,424	10.7	3.5							
160	Less: water reuse / treated effluent produced during irrigation season			-3.19	-1,430	-6.3	-2.1							
161	Net max day well diversion for public area non-potable irrigation			2.21	993	4.4	1.4							
162														
163	Evaporation from multi-purpose and effluent buffering ponds			0.13	57	0.3	0.1							
164	Maximum daily diversion from wells during irrigation season:			18.22	8,178	36.1	11.8							
165														
166	Maximum daily diversion from wells during non-irrigation season:			7.64	3,431	15.2	4.9							
167														
168														
169														
170	Annual ground water diversion volume			acre feet	million gallons									
171	Indoor potable			3,689	1,202									
172	Potable irrigation of residential and commercial areas			2,097	663									
173														
174	Public area non-potable irrigation demand			1,858	605									
175	Less: water reuse / treated effluent originally diverted from well for indoor demand			-1,380	-450									
176	Net annual well diversion for public area non-potable irrigation			478	156									
177														
178	Evaporation from multi-purpose and effluent buffering ponds			53	17									
179	Evaporation from effluent storage ponds			0	0									
180	Less: water reuse / treated effluent originally diverted from well for indoor demand			0	0									
181	Net annual well diversion for pond evaporation			53	17									
182														
183	Well Diversion Volume During Non-Irrigation Season			1,223	398									
184	Well Diversion Volume During Irrigation Season			5,094	1,660									
185	Total annual well diversion volume:			6,317	2,058									
186														
187														
188														
189														
190														
191	Annual consumptive use of ground water			acre feet	million gallons									
192	Indoor potable			1,047	341									
193														
194	Potable irrigation of residential and commercial areas			1,672	545									
195	Public area non-potable irrigation			1,400	456									
196														
197	Evaporation from effluent storage ponds during irrigation season			0	0									
198	Evaporation from multi-purpose and effluent buffering ponds			48	16									
199	Subtotal pond evaporation			48	16									
200														
201	Consumptive Use During Non-Irrigation Season			347	113									
202	Consumptive Use During Irrigation Season			3,820	1,245									
203	Annual consumptive use of ground water:			4,167	1,358									
204	Annual CU as % of diversions:			66%										
205														
206														
207														

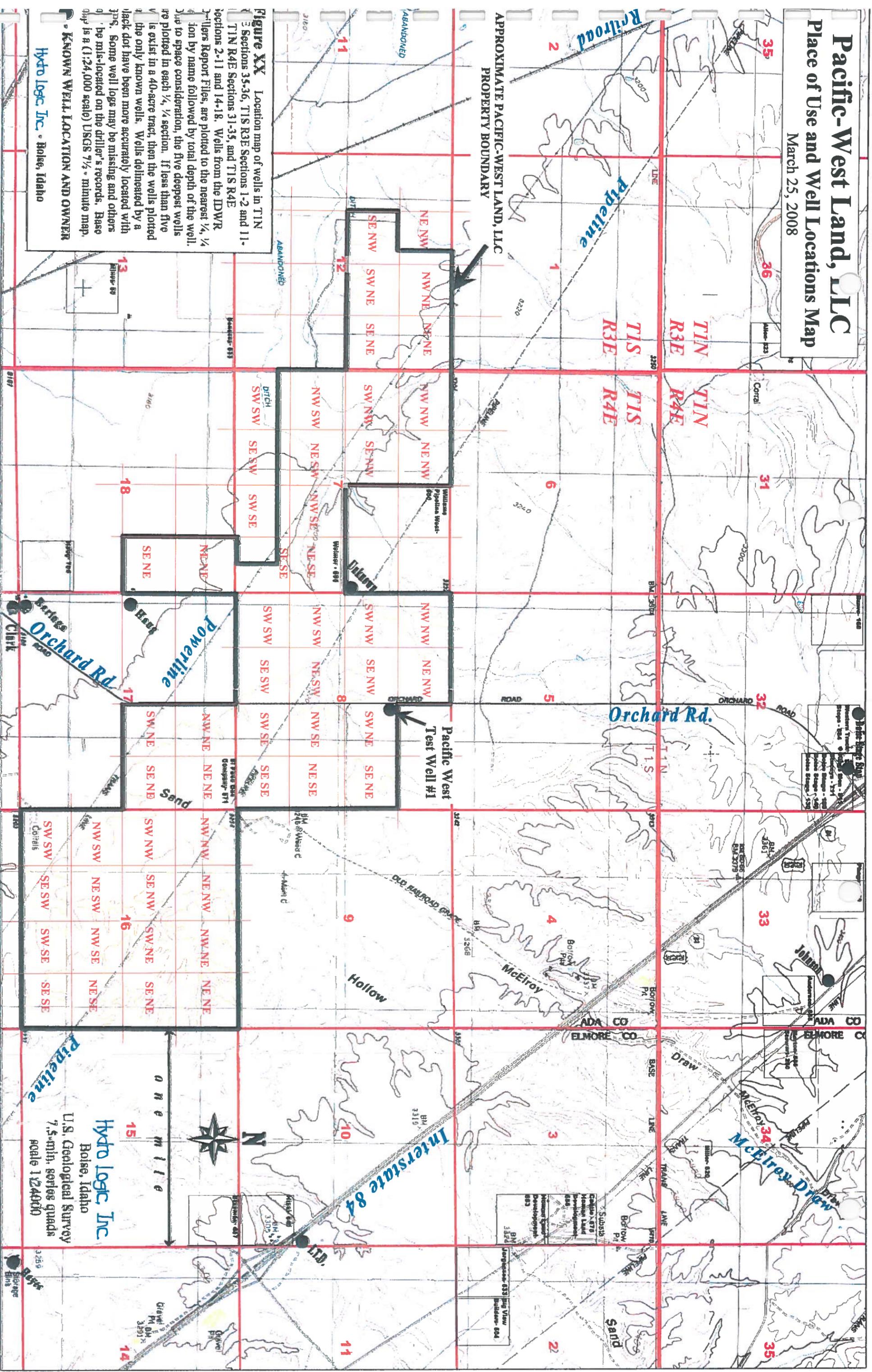
	A	B	C	D	E	F	G	H	I	J	K	L	M	N
208														
209	Source numbers for Attachment A, Page 11 of Water Rights Application Narrative													
210														
211														
212														
213	Type of Use	Peak Diversion Rate	Average Diversion Rate	Annual Diversion Volume	Annual C.U. Volume		Consumptive use expressed as direct well and reuse components							
214		(cfs)	(cfs)	(acre feet)	(acre feet)		Direct Well Annual C.U. Volume	Reuse Water Annual C.U. Volume						
215							(acre feet)	(acre feet)						
216	Indoor Potable	7.64	5.10	3,689	1,047		1047	0						
217														
218	Residential and Commercial Potable Irrigation	8.24	4.33	2,097	1,672		1672	0						
219														
220	Public Area Non-Potable Irrigation	2.21	0.65	478	1,400		360	1040						
221														
222	Pond Evaporation	0.13	0.10	53	48		48	0						
223														
224	Irrigation Season Total	18.22	10.18	5,094	3,820		2,780	1040						
225														
226	Non-Irrigation Season Total	7.64	5.10	1,223	347		347	0						
227														
228	Total Annual	18.22 (peak day)	8.73 (annual average)	6,317	4,167		3127	1040						
229														
230														

	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV	
1	Irrigation Demands by Month (Note: Maximum Monthly Demand and Maximum Daily Demand Occurs in July)																																		
2	Non-Potable Irrigation Demand:																																		
3	January	February	March 15-31	April	May	June	July	August	September	October	November 1-15	Dec.	Totals																						
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
18	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
20	Total non-potable irrigation demand: 0.00 0.00 2.97 50.56 1.50 6.68 200.51 3.37 8.89 275.64 4.48 10.45 313.61 5.27 10.71 331.98 5.40 9.39 291.01 4.73 7.40 222.14 3.73 4.91 152.26 2.48 1.35 20.28 0.68 0.00 1858																																		
21	Non-potable irrigation demand by application type:																																		
22	Non-potable Irrn demand (acre feet) Non-potable CU (acre feet)																																		
23	Turf Irr'd w/well and effluent as produced 1,791 67 57 1,343																																		
24	Drip Irr'd w/well and effluent as produced 0 0 0 0																																		
25	Turf Irr'd w/stored effluent (after evap. from effluent ponds) Totals: 1,858 1,400																																		
26	Non-potable irrigation demand by application type:																																		
27	Non-potable Irrn demand (acre feet) Non-potable CU (acre feet)																																		
28	Turf Irr'd w/well and effluent as produced 1,791 67 57 1,343																																		
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37	Turf Irr'd w/well and effluent as produced 1,791 67 57 1,343																																		
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39	Turf Irr'd w/stored effluent (after evap. from effluent ponds) Totals: 1,858 1,400																																		
40	Potable Irrigation Demand																																		
41	January	February	March 15-31	April	May	June	July	August	September	October	November 1-15	Dec.	Totals																						
42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
45	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
47	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
49	Potable Irrigation Demand																																		
50	Potable Irrigation demand by application type:																																		
51	Acres-foot Potable Acres-foot Potable																																		
52	Demand Demand CU																																		
53	Turf 1,107 990 830																																		
54	Drip 2,097 841 1,672																																		
55	Annual Potable Irrigation Water demand (acre feet)																																		
56	Turf 1,107 990 830																																		
57	Drip 2,097 841 1,672																																		
58	Annual Potable Irrigation Water demand (acre feet)																																		
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75	Drip 2,097 841 1,672																																		
76	Annual Potable Irrigation Water demand (acre feet)																																		
77	Turf 1,107 990 830																																		
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79	Annual Potable Irrigation Water demand (acre feet)																																		
80	Turf 1,107 990 830																																		
81	Drip 2,097 841 1,672																																		
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105	Drip 2,097 841 1,672																																		
106	Annual Potable Irrigation Water demand (acre feet)																																		
107	Turf 1,107 990 830																																		
108																																			

# Pacific-West Land, LLC

## Place of Use and Well Locations Map

March 25, 2008



**Figure XX** Location map of wells in T1N R3E Sections 35-36, T1S R3E Sections 1-2 and 11-13, T1N R4E Sections 31-35, and T1S R4E Sections 2-11 and 14-18. Wells from the IDWR Drillers Report Files, are plotted to the nearest 1/4, 1/8, or 1/16 acre. Due to space consideration, the five deepest wells are plotted in each 1/4, 1/8, or 1/16 acre tract, then the wells plotted are the only known wells. Wells delineated by a black dot have been more accurately located with GPS. Some well logs may be missing and others may be mis-located on the driller's records. Base map is a (1:24,000 scale) USGS 7 1/2 - minute map.

**KNOWN WELL LOCATION AND OWNER**

Hydro Logic Inc. • Boise, Idaho

0 n e m i l e



**Hydro Logic Inc.**  
Boise, Idaho

U.S. Geological Survey  
7.5-min. series quadrangle  
scale 1:24,000

ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 02/16/07 04:54 PM  
DEPUTY Neava Hanes  
RECORDED - REQUEST OF  
Lawyers Title

AMOUNT 12.00

4



Recording Requested By and  
When Recorded Return to:  
I-25 R38 LLC  
c/o Bruce Galloway  
911 Hildebrand Lane, Suite 203  
Bainbridge Island, WA 98110

A

LTD-12370 PR

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

**SPECIAL WARRANTY DEED**

Special Warranty Deed made this 16<sup>th</sup> day of February, 2007, between Gregory B. Johnson, also known as Greg Johnson, and Heidi M. Johnson, also known as Heidi Johnson, husband and wife ("Grantor"), and I-25 R38 LLC, a Colorado limited liability company, as to a fifty-one and sixty-six one hundredths percent (51.66%) interest, RTJ Holdings, LLC, a Delaware limited liability company, as to a fifteen and eighty-nine one hundredths percent (15.89%) interest, and BC Galloway Holdings, LLC, a Delaware limited liability company, as to a thirty-two and forty-five one hundredths percent (32.45%) interest, (collectively "Grantee"), whose address is 911 Hildebrand Lane, Suite 203, Bainbridge Island, WA 98110, witnesseth:

That Grantor, for and in consideration of the sum of Ten Dollars and No Cents (\$10.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged, does, by these presents, grant and convey unto Grantee and its successors and assigns forever, all the following described real estate situated in the County of Ada, State of Idaho:

SEE SCHEDULE A ATTACHED HERETO AND INCORPORATED HEREIN.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the rents, issues and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity, except as expressly provided otherwise herein.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its heirs and assigns forever.

Grantor covenants and warrants that previous to the date of this instrument, Grantor has not conveyed the same estate, or any right, title or interest therein, to any person other than Grantee and that such estate is at the time of the execution of this instrument free from encumbrances done, made or suffered by the Grantor, or any person claiming under Grantor, subject to any and all easements, restrictions, agreements and encumbrances of record as of the date of this instrument.

GRANTOR:

Gregory B. Johnson

GRANTOR:

Heidi M. Johnson

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 16<sup>th</sup> day of February, 2007, before me, Kristy Scovill, a Notary Public in and for said state, personally appeared Gregory B. Johnson and Heidi M. Johnson, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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



Kristy Scovill  
Notary Public for Idaho  
Residing at Nampa, ID  
My commission expires 11/29/11

SCHEDULE A

LEGAL DESCRIPTION

PARCEL I

The Northwest Quarter (NW1/4) of Section 8, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPT that portion conveyed to the State of Idaho by Warranty Deed recorded November 23, 1959 as Instrument No. 467764, records of Ada County, Idaho.

PARCEL 2

The Southwest Quarter (SW1/4) of Section 8, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPT that portion conveyed to the State of Idaho by Warranty Deed recorded November 23, 1959, as Instrument No. 467766, records of Ada County, Idaho.

ALSO EXCEPT a portion of the Northeast Quarter of the Southwest Quarter and a portion of the Southeast Quarter of the Southwest Quarter Section 8, Township 1 South, Range 4 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:  
BEGINNING at a point on the North-South center of Section line, said point being North 89°50'50" East 2650.51 feet along the South Section line and North 00°03'26" West 946.00 feet from the Southwest corner of said Section 8;  
and running thence South 89°56'34" West 710.00 feet;  
thence North 00°03'26" West 760.00 feet;  
thence North 89°56'34" East 710.00 feet to the center line of said Section;  
thence South 00°03'26" East 760.00 feet along said centerline of said Section 8 to the POINT OF BEGINNING.

PARCEL III

The North 30 feet of the Northeast Quarter of Section 17, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPTING THEREFROM that property Deeded to the State of Idaho in Deed recorded November 23, 1959 in Book 463 of Deeds at page 110, Instrument No. 467761 for the Orchard Access Road.

PARCEL IV

The Northeast Quarter of Section 17, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPTING THEREFROM the North 30 feet.

(Continued)

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

ALSO EXCEPTING THEREFROM that property Deeded to the State of Idaho in Deed recorded November 23, 1959 in Book 463 of Deeds at page 110, Instrument No. 467761 for the Orchard Access Road.

PARCEL V

The Northwest quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, EXCEPT for a tract located in the Northwest quarter of the Northwest quarter of said Section 16 referred to as Tract 102, Condemnation Case No. 3551 dated December 10, 1962 and more particularly described as follows:  
Beginning at a point lying on the North line of said Section 16, which point lies Easterly, a distance of 418.49 feet from the Northwest corner thereof; thence South 47°53'01" East, a distance of 296.58 feet; thence North 89°14'32" East, a distance of 310.03 feet; thence North 30°32'26" East, a distance of 236.15 feet to a point lying on the North line of said Section 16, thence Westerly along said North line, a distance of 650.0 feet to the POINT OF BEGINNING, records of Ada County, Idaho.

AND

The Northeast quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, records of Ada County, Idaho.

AND

The Southwest quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

AND

The Southeast quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 03/01/07 04:47 PM  
DEPUTY Vicki Allen  
RECORDED - REQUEST OF  
Lawyers Title

AMOUNT 12.00



**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

Orchard I-84, LLC  
c/o Bruce Galloway  
911 Hildebrand Lane NE, Suite 203  
Bainbridge Island, WA 98110

B

LT07-13477 PRC

Space above This Line for Recorder's Use

**SPECIAL WARRANTY DEED**

THIS DEED, made this 27<sup>th</sup> day of February, 2007, is from **BC Galloway Holdings, LLC**, a Delaware limited liability company, whose address is 911 Hildebrand Lane NE, Suite 203, Bainbridge Island, WA 98110 ("Grantor"), to **Orchard I-84, LLC**, a Delaware limited liability company, whose address is 911 Hildebrand Lane NE, Suite 203, Bainbridge Island, WA 98110 ("Grantee").

WITNESSETH, that the Grantor, for and in consideration of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto the Grantee and his heirs, successors, and assigns forever a 14.03% interest in the real property, together with all improvements, if any, situate, lying, and being in the County of Ada, State of Idaho, described on Exhibit A attached hereto.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim, and demand whatsoever of the Grantor, either in law or in equity, of, in, and to the above-bargained premises, with the tenements, hereditaments and appurtenances.

SUBJECT TO that certain Mortgage dated February 14, 2007 in favor of Gregory B. Johnson and Heidi M. Johnson, Husband and wife, and recorded February 16, 2007 as instrument No. 107023417, records of Ada County, Idaho.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances unto the Grantee and his heirs, successors, and assigns forever. The Grantor covenants and warrants that previous to the date of this instrument, the Grantor has not conveyed the same estate, or any right, title or interest therein, to any person other than Grantee and that such estate is at the time of the execution of this instrument free from encumbrances done, made or suffered by the Grantor, or any person claiming under the Grantor, subject to any and all easements, restrictions, agreements and encumbrances of record as of the date of this instrument.

**GRANTOR:**

BC Galloway Holdings, LLC, a Delaware limited liability company  
Pacific West Land, LLC, Manager

 - CEO

Bruce Galloway, Chief Executive Officer

State of Washington )  
                                  )     ss.  
County of Kitsap     )

On this 27<sup>th</sup> day of February, in the year 2007, before me the undersigned Notary Public in and for said State, personally appeared Bruce C. Galloway, known or identified to me to be the CEO, of Pacific West Land LLC, the limited liability company that executed the instrument on behalf of BC Galloway Holdings LLC the limited liability company who executed the instrument and acknowledged to me that such limited liability company executed the same.

[Signature]  
Residing at: Kingston, WA  
My Commission Expires: 8-15-2009



SCHEDULE A

LEGAL DESCRIPTION

PARCEL I

The Northwest Quarter (NW1/4) of Section 8, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPT that portion conveyed to the State of Idaho by Warranty Deed recorded November 23, 1959 as Instrument No. 467764, records of Ada County, Idaho.

PARCEL 2

The Southwest Quarter (SW1/4) of Section 8, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPT that portion conveyed to the State of Idaho by Warranty Deed recorded November 23, 1959, as Instrument No. 467766, records of Ada County, Idaho.

ALSO EXCEPT a portion of the Northeast Quarter of the Southwest Quarter and a portion of the Southeast Quarter of the Southwest Quarter Section 8, Township 1 South, Range 4 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:  
BEGINNING at a point on the North-South center of Section line, said point being North 89°50'50" East 2650.51 feet along the South Section line and North 00°03'26" West 946.00 feet from the Southwest corner of said Section 8;  
and running thence South 89°56'34" West 710.00 feet;  
thence North 00°03'26" West 760.00 feet;  
thence North 89°56'34" East 710.00 feet to the center line of said Section;  
thence South 00°03'26" East 760.00 feet along said centerline of said Section 8 to the POINT OF BEGINNING.

PARCEL III

The North 30 feet of the Northeast Quarter of Section 17, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPTING THEREFROM that property Deeded to the State of Idaho in Deed recorded November 23, 1959 in Book 463 of Deeds at page 110, Instrument No. 467761 for the Orchard Access Road.

PARCEL IV

The Northeast Quarter of Section 17, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPTING THEREFROM the North 30 feet.

(Continued)

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

ALSO EXCEPTING THEREFROM that property Deeded to the State of Idaho in Deed recorded November 23, 1959 in Book 463 of Deeds at page 110, Instrument No. 457761 for the Orchard Access Road.

PARCEL V

The Northwest quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, EXCEPT for a tract located in the Northwest quarter of the Northwest quarter of said Section 16 referred to as Tract 102, Condemnation Case No. 3551 dated December 10, 1962 and more particularly described as follows:  
Beginning at a point lying on the North line of said Section 16, which point lies Easterly, a distance of 418.49 feet from the Northwest corner thereof; thence South  $47^{\circ}53'01''$  East, a distance of 296.58 feet; thence North  $89^{\circ}14'32''$  East, a distance of 310.03 feet; thence North  $30^{\circ}32'26''$  East, a distance of 236.15 feet to a point lying on the North line of said Section 16, thence Westerly along said North line, a distance of 650.0 feet to the POINT OF BEGINNING, records of Ada County, Idaho.

AND

The Northeast quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, records of Ada County, Idaho.

AND

The Southwest quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

AND

The Southeast quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

C

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ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 03/08/07 04:12 PM  
DEPUTY Neava Haney  
RECORDED - REQUEST OF  
Lawyers Title

AMOUNT 12.00



**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

Spear Investors II, LLC  
1411 7th Street,  
Coronado, CA 92118

CT07-13133 ARC

Space above This Line for Recorder's Use

**SPECIAL WARRANTY DEED**

THIS DEED, made this 29<sup>th</sup> day of February, 2007, is from BC Galloway Holdings, LLC, a Delaware limited liability company, whose address is 911 Hildebrand Lane NE, Suite 203, Bainbridge Island, WA 98110 ("Grantor"), to, Spear Investors II, LLC a Delaware limited liability company, whose address is 1411 7th Street, Coronado, CA 92118 ("Grantee").

WITNESSETH, that the Grantor, for and in consideration of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto the Grantee and his heirs, successors, and assigns forever a 18.42% interest in the real property, together with all improvements, if any, situate, lying, and being in the County of Ada, State of Idaho, described on Exhibit A attached hereto.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim, and demand whatsoever of the Grantor, either in law or in equity, of, in, and to the above-bargained premises, with the tenements, hereditaments and appurtenances.

SUBJECT TO that certain Mortgage dated February 14, 2007 in favor of Gregory B. Johnson and Heidi M. Johnson, Husband and wife, and recorded February 16, 2007 as instrument No. 107023417, records of Ada County, Idaho.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances unto the Grantee and his heirs, successors, and assigns forever. The Grantor covenants and warrants that previous to the date of this instrument, the Grantor has not conveyed the same estate, or any right, title or interest therein, to any person other than Grantee and that such estate is at the time of the execution of this instrument free from encumbrances done, made or suffered by the Grantor, or any person claiming under the Grantor, subject to any and all easements, restrictions, agreements and encumbrances of record as of the date of this instrument.

**GRANTOR:**

BC Galloway Holdings, LLC, a Delaware limited liability company  
Pacific West I.and, LLC, Manager

  
\_\_\_\_\_

Bruce Galloway, Chief Executive Officer

State of Washington )  
                                  )     ss.  
County of Kitsap     )

On this 28<sup>th</sup> day of February, in the year 2007, before me the undersigned Notary Public in and for said State, personally appeared Bruce C. Galloway, known or identified to me to be the CEO, of Pacific West Land, the limited liability company that executed the instrument on behalf of BC Galloway Holdings, the limited liability company who executed the instrument and acknowledged to me that such limited liability company executed the same.

*Linda T. Carlson*

Residing at: Kingston, WA

My Commission Expires: 8-15-2009



SCHEDULE A

LEGAL DESCRIPTION

PARCEL I

The Northwest Quarter (NW1/4) of Section 8, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPT that portion conveyed to the State of Idaho by Warranty Deed recorded November 23, 1959 as Instrument No. 467764, records of Ada County, Idaho.

PARCEL 2

The Southwest Quarter (SW1/4) of Section 8, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPT that portion conveyed to the State of Idaho by Warranty Deed recorded November 23, 1959, as Instrument No. 467766, records of Ada County, Idaho.

ALSO EXCEPT a portion of the Northeast Quarter of the Southwest Quarter and a portion of the Southeast Quarter of the Southwest Quarter Section 8, Township 1 South, Range 4 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:  
BEGINNING at a point on the North-South center of Section line, said point being North 89°50'50" East 2650.51 feet along the South Section line and North 00°03'26" West 946.00 feet from the Southwest corner of said Section 8;  
and running thence South 89°56'34" West 710.00 feet;  
thence North 00°03'26" West 760.00 feet;  
thence North 89°56'34" East 710.00 feet to the center line of said Section;  
thence South 00°03'26" East 760.00 feet along said centerline of said Section 8 to the POINT OF BEGINNING.

PARCEL III

The North 30 feet of the Northeast Quarter of Section 17, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPTING THEREFROM that property Deeded to the State of Idaho in Deed recorded November 23, 1959 in Book 463 of Deeds at page 110, Instrument No. 467761 for the Orchard Access Road.

PARCEL IV

The Northeast Quarter of Section 17, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPTING THEREFROM the North 30 feet.

(Continued)

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

ALSO EXCEPTING THEREFROM that property Deeded to the State of Idaho in Deed recorded November 23, 1959 in Book 463 of Deeds at page 110, Instrument No. 467761 for the Orchard Access Road.

PARCEL V

The Northwest quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, EXCEPT for a tract located in the Northwest quarter of the Northwest quarter of said Section 16 referred to as Tract 102, Condemnation Case No. 3551 dated December 10, 1962 and more particularly described as follows:

Beginning at a point lying on the North line of said Section 16, which point lies Easterly, a distance of 418.49 feet from the Northwest corner thereof; thence South  $47^{\circ}53'01''$  East, a distance of 296.58 feet; thence North  $89^{\circ}14'32''$  East, a distance of 310.03 feet; thence North  $30^{\circ}32'26''$  East, a distance of 236.15 feet to a point lying on the North line of said Section 16, thence Westerly along said North line, a distance of 650.0 feet to the POINT OF BEGINNING, records of Ada County, Idaho.

AND

The Northeast quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, records of Ada County, Idaho.

AND

The Southwest quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

AND

The Southeast quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 03/06/07 04:19 PM  
DEPUTY Patti Thompson  
RECORDED - REQUEST OF  
Lawyers Title

AMOUNT 12.00 4



**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

William E. Newcomer  
59412 SR 410 East  
Greenwater, WA 98022

LD7-13461 FRC

*Space above This Line for Recorder's Use*

**SPECIAL WARRANTY DEED**

THIS DEED, made this 27<sup>th</sup> day of February, 2007, is from **I-25 R38, LLC**, a Colorado limited liability company, whose address is 911 Hildebrand Lane NE, Suite 203, Bainbridge Island, WA 98110 ("Grantor"), to **William E. Newcomer**, a ~~singlman~~ married man as his sole and separate property, whose address is 59412 SR 410 East, Greenwater, WA 98022 ("Grantee").

WITNESSETH, that the Grantor, for and in consideration of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto the Grantee and his heirs, successors, and assigns forever a 19.34% interest in the real property, together with all improvements, if any, situate, lying, and being in the County of Ada, State of Idaho, described on Exhibit A attached hereto.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim, and demand whatsoever of the Grantor, either in law or in equity, of, in, and to the above-bargained premises, with the tenements, hereditaments and appurtenances.

SUBJECT TO that certain Mortgage dated February 14, 2007 in favor of Gregory B. Johnson and Heidi M. Johnson, Husband and wife, and recorded February 16, 2007 as instrument No. 107023417, records of Ada County, Idaho.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances unto the Grantee and his heirs, successors, and assigns forever. The Grantor covenants and warrants that previous to the date of this instrument, the Grantor has not conveyed the same estate, or any right, title or interest therein, to any person other than Grantee and that such estate is at the time of the execution of this instrument free from encumbrances done, made or suffered by the Grantor, or any person claiming under the Grantor, subject to any and all easements, restrictions, agreements and encumbrances of record as of the date of this instrument.

**GRANTOR:**

I-25 R38, LLC, a Colorado limited liability company  
Pacific West Land, LLC, Manager

Bruce Galloway, Chief Executive Officer



SCHEDULE A

LEGAL DESCRIPTION

PARCEL I

The Northwest Quarter (NW1/4) of Section 8, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPT that portion conveyed to the State of Idaho by Warranty Deed recorded November 23, 1959 as Instrument No. 467764, records of Ada County, Idaho.

PARCEL 2

The Southwest Quarter (SW1/4) of Section 8, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPT that portion conveyed to the State of Idaho by Warranty Deed recorded November 23, 1959, as Instrument No. 467766, records of Ada County, Idaho.

ALSO EXCEPT a portion of the Northeast Quarter of the Southwest Quarter and a portion of the Southeast Quarter of the Southwest Quarter Section 8, Township 1 South, Range 4 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:  
BEGINNING at a point on the North-South center of Section line, said point being North 89°50'50" East 2650.51 feet along the South Section line and North 00°03'26" West 946.00 feet from the Southwest corner of said Section 8;  
and running thence South 89°56'34" West 710.00 feet;  
thence North 00°03'26" West 760.00 feet;  
thence North 89°56'34" East 710.00 feet to the center line of said Section;  
thence South 00°03'26" East 760.00 feet along said centerline of said Section 8 to the POINT OF BEGINNING.

PARCEL III

The North 30 feet of the Northeast Quarter of Section 17, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPTING THEREFROM that property Deeded to the State of Idaho in Deed recorded November 23, 1959 in Book 463 of Deeds at page 110, Instrument No. 467761 for the Orchard Access Road.

PARCEL IV

The Northeast Quarter of Section 17, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPTING THEREFROM the North 30 feet.

(Continued)

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

ALSO EXCEPTING THEREFROM that property Deeded to the State of Idaho in Deed recorded November 23, 1959 in Book 463 of Deeds at page 110, Instrument No. 467761 for the Orchard Access Road.

PARCEL V

The Northwest quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, EXCEPT for a tract located in the Northwest quarter of the Northwest quarter of said Section 16 referred to as Tract 102, Condemnation Case No. 3551 dated December 10, 1962 and more particularly described as follows:

Beginning at a point lying on the North line of said Section 16, which point lies Easterly, a distance of 418.49 feet from the Northwest corner thereof; thence South  $47^{\circ}53'01''$  East, a distance of 296.58 feet; thence North  $89^{\circ}14'32''$  East, a distance of 310.03 feet; thence North  $30^{\circ}32'26''$  East, a distance of 236.15 feet to a point lying on the North line of said Section 16, thence Westerly along said North line, a distance of 650.0 feet to the POINT OF BEGINNING, records of Ada County, Idaho.

AND

The Northeast quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, records of Ada County, Idaho.

AND

The Southwest quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

AND

The Southeast quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 03/01/07 04:47 PM  
DEPUTY Vicki Allen  
RECORDED - REQUEST OF  
Lawyers Title

AMOUNT 12.00



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**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

Orchard I-84, LLC  
c/o Bruce Galloway  
911 Hildebrand Lane NE, Suite 203  
Bainbridge Island, WA 98110

*E*

*LT07-13476 PRC*

*Space above This Line for Recorder's Use*

**SPECIAL WARRANTY DEED**

THIS DEED, made this 27<sup>th</sup> day of February, 2007, is from I-25 R38, LLC, a Colorado limited liability company, whose address is 911 Hildebrand Lane NE, Suite 203, Bainbridge Island, WA 98110 ("Grantor"), to Orchard I-84, LLC, a Delaware limited liability company, whose address is 911 Hildebrand Lane NE, Suite 203, Bainbridge Island, WA 98110 ("Grantee").

WITNESSETH, that the Grantor, for and in consideration of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto the Grantee and his heirs, successors, and assigns forever a 32.32% interest in the real property, together with all improvements, if any, situate, lying, and being in the County of Ada, State of Idaho, described on Exhibit A attached hereto.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim, and demand whatsoever of the Grantor, either in law or in equity, of, in, and to the above-bargained premises, with the tenements, hereditaments and appurtenances.

SUBJECT TO that certain Mortgage dated February 14, 2007 in favor of Gregory B. Johnson and Heidi M. Johnson, Husband and wife, and recorded February 16, 2007 as instrument No. 107023417, records of Ada County, Idaho.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances unto the Grantee and his heirs, successors, and assigns forever. The Grantor covenants and warrants that previous to the date of this instrument, the Grantor has not conveyed the same estate, or any right, title or interest therein, to any person other than Grantee and that such estate is at the time of the execution of this instrument free from encumbrances done, made or suffered by the Grantor, or any person claiming under the Grantor, subject to any and all easements, restrictions, agreements and encumbrances of record as of the date of this instrument.

**GRANTOR:**

I-25 R38, LLC, a Colorado limited liability company  
Pacific West Land, LLC, Manager

  
\_\_\_\_\_  
Bruce Galloway, Chief Executive Officer

Bruce Galloway, Chief Executive Officer

State of Washington )  
 )  
County of Kitsap ) ss.

On this 27<sup>th</sup> day of February, in the year 2007, before me the undersigned Notary Public in and for said State, personally appeared Bruce C. Galloway, known or identified to me to be the CEO, of Pacific West Land LLC, the limited liability company that executed the instrument on behalf of I-25 R38, LLC, the limited liability company who executed the instrument and acknowledged to me that such limited liability company executed the same.

[Signature]

Residing at: Kingston, WA

My Commission Expires: 8-15-2009



SCHEDULE A

LEGAL DESCRIPTION

PARCEL I

The Northwest Quarter (NW1/4) of Section 8, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPT that portion conveyed to the State of Idaho by Warranty Deed recorded November 23, 1959 as Instrument No. 467764, records of Ada County, Idaho.

PARCEL 2

The Southwest Quarter (SW1/4) of Section 8, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPT that portion conveyed to the State of Idaho by Warranty Deed recorded November 23, 1959, as Instrument No. 467766, records of Ada County, Idaho.

ALSO EXCEPT a portion of the Northeast Quarter of the Southwest Quarter and a portion of the Southeast Quarter of the Southwest Quarter Section 8, Township 1 South, Range 4 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at a point on the North-South center of Section line, said point being North 89°50'50" East 2650.51 feet along the South Section line and North 00°03'26" West 946.00 feet from the Southwest corner of said Section 8;  
and running thence South 89°56'34" West 710.00 feet;  
thence North 00°03'26" West 760.00 feet;  
thence North 89°56'34" East 710.00 feet to the center line of said Section;  
thence South 00°03'26" East 760.00 feet along said centerline of said Section 8 to the POINT OF BEGINNING.

PARCEL III

The North 30 feet of the Northeast Quarter of Section 17, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPTING THEREFROM that property Deeded to the State of Idaho in Deed recorded November 23, 1959 in Book 463 of Deeds at page 110, Instrument No. 467761 for the Orchard Access Road.

PARCEL IV

The Northeast Quarter of Section 17, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

EXCEPTING THEREFROM the North 30 feet.

(Continued)

SCHEDULE A (continued)

LEGAL DESCRIPTION (continued)

ALSO EXCEPTING THEREFROM that property Deeded to the State of Idaho in Deed recorded November 23, 1959 in Book 463 of Deeds at page 110, Instrument No. 467761 for the Orchard Access Road.

PARCEL V

The Northwest quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, EXCEPT for a tract located in the Northwest quarter of the Northwest quarter of said Section 16 referred to as Tract 102, Condemnation Case No. 3551 dated December 10, 1962 and more particularly described as follows:

Beginning at a point lying on the North line of said Section 16, which point lies Easterly, a distance of 418.49 feet from the Northwest corner thereof; thence South 47°53'01" East, a distance of 296.58 feet; thence North 89°14'32" East, a distance of 310.03 feet; thence North 30°32'26" East, a distance of 236.15 feet to a point lying on the North line of said Section 16, thence Westerly along said North line, a distance of 650.0 feet to the POINT OF BEGINNING, records of Ada County, Idaho.

AND

The Northeast quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, records of Ada County, Idaho.

AND

The Southwest quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

AND

The Southeast quarter of Section 16, Township 1 South, Range 4 East, Boise-Meridian, Ada County, Idaho.

WHEN RECORDED MAIL TO:  
I-25 R28, LLC  
911 Hildebrand Lane, Ste 203  
Bainbridge Island, WA 98110

*F*

Escrow No. 71010535

**WARRANTY DEED**

For the consideration of Ten and 00/100 Dollars, and other valuable considerations, **Faulkner Land & Livestock Company, Inc., an Idaho Corporation** ("Grantor") do hereby convey to ~~I-25 R28, LLC, a Colorado limited liability company~~ ("Grantee"), the following real property situated in Ada County, Idaho, together with all improvements thereon and all rights and privileges appurtenant thereto, to wit:

~~\*\*I-15 R38, LLC, a Colorado limited liability company~~

SEE EXHIBIT "ONE" HERETO AND MADE A PART HEREOF

SUBJECT TO current taxes, assessments, reservations in patents and all easements, rights of way, encumbrances, covenants, conditions and restriction as may appear of record.

And the Grantor hereby warrants the title to the property against all persons whomsoever, subject to the matters above set forth.

Dated this 10<sup>th</sup> day of February, 2007

Faulkner Land & Livestock Company, Inc., an  
Idaho Corporation

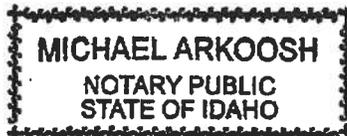
By: *John Faulkner*  
John Faulkner, President

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF Gooding    )

This instrument was acknowledged before me this 10<sup>th</sup> day of February, 2007 by John Faulkner, President of Faulkner Land & Livestock Company, Inc., an Idaho Corporation

*Michael Arkoosh*  
Notary Public

My commission expires: 8/7/2009



**EXHIBIT A**

**Parcel A:**

**That portion of the Southeast Quarter of Section 8, Township 1 South, Range 4 East of the Boise Meridian, Ada County, Idaho, lying Westerly of the following described line:**

**Commencing at a point which is 1650 feet West of the Southeast corner of said Section 8; thence North 1320 feet, more or less; thence Northeasterly in a straight line to a point 660 feet South of the Northwest corner of the Northeast Quarter of the Southeast Quarter; thence Northeast to a point which is 660 feet East of the said Northwest corner of the Northeast Quarter of the Southeast Quarter.**

**EXCEPTING THEREFROM the Westerly 50 feet adjacent to the Orchard Access Road, centerline, as conveyed to the State of Idaho by deed recorded under Instrument No. 467765, Official records.**

**ALSO EXCEPT the South 30 feet thereof.**

**ALSO EXCEPTING ditch and road rights-of-way.**

**Parcel B:**

**That portion of the Southeast Quarter of Section 8, Township 1 South, Range 4 East of the Boise Meridian, Ada County, Idaho, lying East of a line described as follows:**

**Commencing at a point which is 1650 feet West of the Southeast corner of said Section 8; thence North 1320 feet, more or less; thence Northeasterly in a straight line to a point 660 feet South of the Northwest corner of the Northeast Quarter of the Southeast Quarter; thence Northeast to a point which is 660 feet East of the said Northwest corner of the Northeast Quarter of the Southeast Quarter.**

**EXCEPTING THEREFROM all that portion of the Southeast Quarter of the Southeast Quarter of said Section 8, lying Easterly of the following line:**

**BEGINNING at a point lying on the East line of said Section 8, which point lies Northerly a distance of 226.64 feet from the Southeast corner thereof; thence North 21°27'26" West a distance of 633.94 feet; thence North 26°55'04" East a distance of 515.89 feet to a point lying on the said East line of Section 8; thence Southerly along said East line a distance of 1050.0 feet to the POINT OF BEGINNING.**

**ALSO EXCEPT the South 30 feet thereof.**

**AND FURTHER EXCEPT the North 30 feet of the South 60 feet of the East 150 feet of the Southeast Quarter.**

**ALSO EXCEPTING ditch and road rights-of-way.**

**Parcel C:**

**The South half of the Northeast Quarter of Section 8, Township 1 South, Range 4 East of the Boise Meridian, Ada County, Idaho, EXCEPTING THEREFROM a tract of land described as follows:**

**All that portion of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 8, Township 1 South, Range 4 East of the Boise Meridian, lying Southeasterly of a line running diagonally from the Southwest corner of said Southeast Quarter of the Southeast Quarter of the Northeast Quarter to the East line of said Section 8, and which point lies 330 feet North from the East Quarter corner of said Section.**

**ALSO EXCEPTING the South 50 feet of the Northeast Quarter.**

**ALSO EXCEPTING the Westerly 50 feet adjacent to the Orchard Access Road centerline, as conveyed to the State of Idaho, by deed recorded under Instrument No. 467763, Official Records.**

**AND FURTHER EXCEPTING ditch and road rights-of-way.**

WHEN RECORDED MAIL TO:  
Orchard I-84, LLC  
911 Hildebrand Lane, Ste 203  
Bainbridge Island, WA 98110

Escrow No. 71010664

### SPECIAL WARRANTY DEED

For the consideration of Ten and 00/100 Dollars, and other valuable considerations, I-25 R38, LLC, a Colorado limited liability company ("Grantor") do hereby convey to Orchard I-84, LLC, a Delaware limited liability company ("Grantee"), the following real property situated in Ada County, Idaho, together with all improvements thereon and all rights and privileges appurtenant thereto, to wit:

SEE EXHIBIT "ONE" HERETO AND MADE A PART HEREOF

SUBJECT TO current taxes, assessments, reservations in patents and all easements, rights of way, encumbrances, covenants, conditions and restriction as may appear of record.

And the Grantor hereby warrants the title to the property as against all acts of the Grantor herein and no other, subject to all matters set forth above.

Dated this 26<sup>th</sup> day of February, 2007

I-25 R38, LLC, a Colorado limited liability company

By: Pacific West Land LLC, Manager

By: Bruce C. Galloway  
Bruce C. Galloway, Manager

STATE OF Washington )  
COUNTY OF Kitsap ) ss.

This instrument was acknowledged before me this 26<sup>th</sup> day of February, 2007 by Bruce C. Galloway, Manager of Pacific West Land LLC, Manager for I-25 R38, LLC a Colorado limited liability company

My commission expires: 8-15-2009

[Signature]  
Notary Public



EXHIBIT A

Parcel A:

That portion of the Southeast Quarter of Section 8, Township 1 South, Range 4 East of the Boise Meridian, Ada County, Idaho, lying Westerly of the following described line:

Commencing at a point which is 1650 feet West of the Southeast corner of said Section 8; thence North 1320 feet, more or less; thence Northeasterly in a straight line to a point 660 feet South of the Northwest corner of the Northeast Quarter of the Southeast Quarter; thence Northeast to a point which is 660 feet East of the said Northwest corner of the Northeast Quarter of the Southeast Quarter.

EXCEPTING THEREFROM the Westerly 50 feet adjacent to the Orchard Access Road, centerline, as conveyed to the State of Idaho by deed recorded under Instrument No. 467765, Official records.

ALSO EXCEPT the South 30 feet thereof.

ALSO EXCEPTING ditch and road rights-of-way.

Parcel B:

That portion of the Southeast Quarter of Section 8, Township 1 South, Range 4 East of the Boise Meridian, Ada County, Idaho, lying East of a line described as follows:

Commencing at a point which is 1650 feet West of the Southeast corner of said Section 8; thence North 1320 feet, more or less; thence Northeasterly in a straight line to a point 660 feet South of the Northwest corner of the Northeast Quarter of the Southeast Quarter; thence Northeast to a point which is 660 feet East of the said Northwest corner of the Northeast Quarter of the Southeast Quarter.

EXCEPTING THEREFROM all that portion of the Southeast Quarter of the Southeast Quarter of said Section 8, lying Easterly of the following line:

BEGINNING at a point lying on the East line of said Section 8, which point lies Northerly a distance of 226.64 feet from the Southeast corner thereof; thence North  $21^{\circ}27'26''$  West a distance of 633.94 feet; thence North  $26^{\circ}55'04''$  East a distance of 515.89 feet to a point lying on the said East line of Section 8; thence Southerly along said East line a distance of 1050.0 feet to the POINT OF BEGINNING.

ALSO EXCEPT the South 30 feet thereof.

AND FURTHER EXCEPT the North 30 feet of the South 60 feet of the East 150 feet of the Southeast Quarter.

ALSO EXCEPTING ditch and road rights-of-way.

**Parcel C:**

**The South half of the Northeast Quarter of Section 8, Township 1 South, Range 4 East of the Boise Meridian, Ada County, Idaho, EXCEPTING THEREFROM a tract of land described as follows:**

**All that portion of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 8, Township 1 South, Range 4 East of the Boise Meridian, lying Southeasterly of a line running diagonally from the Southwest corner of said Southeast Quarter of the Southeast Quarter of the Northeast Quarter to the East line of said Section 8, and which point lies 330 feet North from the East Quarter corner of said Section.**

**ALSO EXCEPTING the South 50 feet of the Northeast Quarter.**

**ALSO EXCEPTING the Westerly 50 feet adjacent to the Orchard Access Road centerline, as conveyed to the State of Idaho, by deed recorded under Instrument No. 467763, Official Records.**

**AND FURTHER EXCEPTING ditch and road rights-of-way.**

ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 04/13/07 12:16 PM  
DEPUTY Lisa Irby  
RECORDED-REQUEST OF  
Alliance Title

AMOUNT 6.00 2



WHEN RECORDED MAIL TO:  
BC Galloway Holdings, LLC  
911 Hildebrand Ln NE #203  
Bainbridge Island, WA 98110

Escrow No. 71010566

*H*

**SPECIAL WARRANTY DEED**

For the consideration of Ten and 00/100 Dollars, and other valuable considerations, Frederick James Haug, a single person ("Grantors") do hereby convey to See Exhibit A attached hereto for Grantee ("Grantee"), the following real property situated in Ada County, Idaho, together with all improvements thereon and all rights and privileges appurtenant thereto, to wit:

The Southeast ¼ of the Southeast ¼ of Section 7, and the Northeast ¼ of the Northeast ¼ and the North ½ of the Southeast ¼ of the Northeast ¼ of Section 18, all in Township 1 South, Range 4 East, Boise Meridian, Ada County, Idaho.

SUBJECT TO current taxes, assessments, reservations in patents and all easements, rights of way, encumbrances, covenants, conditions and restriction as may appear of record.

And the Grantor hereby warrants the title to the property as against all acts of the Grantor herein and no other, subject to all matters set forth above.

Dated this 4<sup>th</sup> day of April, 2007

*Frederick James Haug*  
Frederick James Haug

STATE OF IDAHO )  
COUNTY OF Ada )

This instrument was acknowledged before me this 9<sup>th</sup> day of April, 2007 by Frederick James Haug

*David Webb*  
Notary Public

My commission expires: 4/29/2011



Exhibit A to Special Warranty Deed

**BC Galloway Holdings, LLC**, a Delaware limited liability company as to an undivided 44.15% and  
**I-25 R 38, LLC**, a Colorado limited liability company as to an undivided 55.85%

ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 04/13/07 12:16 PM  
DEPUTY Lisa Irby  
RECORDED - REQUEST OF  
Alliance Title

AMOUNT 3.00 1



①

WHEN RECORDED MAIL TO:  
Orchard I-84, LLC  
911 Hildebrand Ln NE #203  
Bainbridge Island, WA 98110

Escrow No. 71010783

I

### SPECIAL WARRANTY DEED

For the consideration of Ten and 00/100 Dollars, and other valuable considerations, I-25 R38, LLC, a Colorado limited liability company ("Grantors") do hereby convey to Orchard I-84, LLC, a Delaware limited liability company ("Grantee"), the following real property situated in Ada County, Idaho, together with all improvements thereon and all rights and privileges appurtenant thereto, to wit:

The Southeast ¼ of the Southeast ¼ of Section 7, and the Northeast ¼ of the Northeast ¼ and the North ½ of the Southeast ¼ of the Northeast ¼ of Section 18, all in Township 1 South, Range 4 East, Boise Meridian, Ada County, Idaho.

SUBJECT TO current taxes, assessments, reservations in patents and all easements, rights of way, encumbrances, covenants, conditions and restriction as may appear of record.

And the Grantor hereby warrants the title to the property as against all acts of the Grantor herein and no other, subject to all matters set forth above.

Dated this 5<sup>th</sup> day of April, 2007

I-25 R38, LLC,  
a Colorado limited liability company  
By: PacWest Management, LLC  
Manager  
By: *Bruce C. Galloway*  
Bruce C. Galloway, Member

STATE OF WASHINGTON )  
COUNTY OF Kitsap )

This instrument was acknowledged before me this 11<sup>th</sup> day of April, 2007 by Bruce C. Galloway, Member of PacWest Management, LLC, Manager of I-25 R38, LLC

*Linda T. Carlson*  
Notary Public



ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 04/13/07 12:16 PM  
DEPUTY Lisa Irby  
RECORDED - REQUEST OF  
Alliance Title

AMOUNT 3.00

1



WHEN RECORDED MAIL TO:  
Orchard I-84, LLC  
911 Hildebrand Ln NE #203  
Bainbridge Island, WA 98110

Escrow No. 71010762

J  
/

### SPECIAL WARRANTY DEED

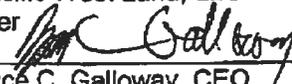
For the consideration of Ten and 00/100 Dollars, and other valuable considerations, **BC Galloway Holdings, LLC, Delaware limited liability company** ("Grantors") do hereby convey to **Orchard I-84, LLC, a Delaware limited liability company** ("Grantee"), the following real property situated in Ada County, Idaho, together with all improvements thereon and all rights and privileges appurtenant thereto, to wit:

The Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 7, and the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and the North  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 18, all in Township 1 South, Range 4 East, Boise Meridian, Ada County, Idaho.

SUBJECT TO current taxes, assessments, reservations in patents and all easements, rights of way, encumbrances, covenants, conditions and restriction as may appear of record.

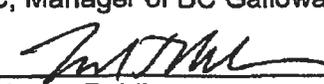
And the Grantor hereby warrants the title to the property as against all acts of the Grantor herein and no other, subject to all matters set forth above.

Dated this 5<sup>th</sup> day of April, 2007

BC Galloway Holdings, LLC,  
a Delaware limited liability company  
By: Pacific West Land, LLC  
Manager  
By:   
Bruce C. Galloway, CEO

STATE OF WASHINGTON )  
COUNTY OF Kitsap )

This instrument was acknowledged before me this 6<sup>th</sup> day of April, 2007 by Bruce C. Galloway, CEO of Pacific West Land, LLC, Manager of BC Galloway Holdings, LLC

  
Notary Public



After recording, please return to:

K

**WARRANTY DEED**

LYNN D. MCCOMB and DAONE M. MCCOMB, TRUSTEES of THE LYNN D. AND DAONE M. MCCOMB FAMILY TRUST DATED JULY 13, 1989, "Grantors", hereby convey, grant, and warrant to MCCOMB I-84, LLC, a Delaware limited liability company, "Grantee", whose address is 911 Hildebrand Lane NE, Suite 203, Bainbridge Island, Washington 98110 for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

The North half of the South half of Section 7, Township 1 South, Range 4 East, Boise Meridian, in Ada County Idaho.

SUBJECT TO taxes and assessments for the year 2008 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record; to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way, and water rights in anywise appertaining to the property herein described.

The Grantors covenant to the Grantee that Grantors are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that Grantors will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, Grantors have executed this instrument on this 15 day of January, 2008.

*Lynn D. McComb*  
LYNN D. MCCOMB, TRUSTEE  
THE LYNN D. AND DAONE M. MCCOMB  
FAMILY TRUST DATED JULY 13, 1989

*Daone M. McComb*  
DAONE M. MCCOMB, TRUSTEE  
THE LYNN D. AND DAONE M. MCCOMB  
FAMILY TRUST DATED JULY 13, 1989

STATE OF IDAHO )  
                          ) ss.  
County of Ada     )

On this 15 day of January, 2008, before me *Michelle Murphy* personally appeared LYNN D. MCCOMB and DAONE M. MCCOMB, TRUSTEES, of the LYNN D. AND DAONE M. MCCOMB FAMILY TRUST DATED JULY 13, 1989, known or identified to me, to be the people whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

*Michelle Murphy*  
NOTARY PUBLIC FOR IDAHO  
Residing at *Mesidian, ID*  
My Commission Expires *3-26-2008*



After recording, please return to:

**WARRANTY DEED**

WALTER DAN MCCOMB and BETTY C. MCCOMB, as TRUSTEES of THE DAN AND BETTY MCCOMB LIVING TRUST DATED JUNE 10, 1992, "Grantors", hereby convey, grant, and warrant to MCCOMB I-84, LLC, a Delaware limited liability company, "Grantee", whose address is 911 Hildebrand Lane NE, Suite 203, Bainbridge Island, Washington 98110 for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

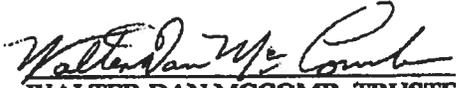
The Northwest Quarter of Section 7, Township 1 South, Range 4 East of the Boise Meridian, in Ada County, Idaho.

SUBJECT TO taxes and assessments for the year 2008 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way, and water rights in anywise appertaining to the property herein described.

The Grantors covenant to the Grantee that Grantors are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that Grantors will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, Grantors have executed this instrument on this  
\_\_\_\_\_ day of January, 2008.

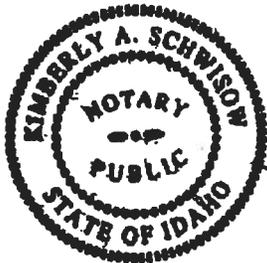
  
WALTER DAN MCCOMB, TRUSTEE  
THE DAN AND BETTY MCCOMB  
LIVING TRUST DATED JUNE 10, 1992

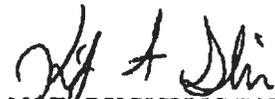
  
BETTY C. MCCOMB, TRUSTEE  
THE DAN AND BETTY MCCOMB  
LIVING TRUST DATED JUNE 10, 1992

STATE OF IDAHO )  
                          ) ss.  
County of Ada     )

On this \_\_\_\_\_ day of January, 2008, before me Kimberly Schwison, personally  
appeared WALTER DAN MCCOMB and BETTY C. MCCOMB, TRUSTEES of THE DAN  
AND BETTY MCCOMB LIVING TRUST DATED JUNE 10, 1992, known or identified to me,  
to be the people whose names are subscribed to the within instrument, and acknowledged to me  
that they executed the same.

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



  
NOTARY PUBLIC FOR IDAHO  
Residing at Nampa, ID  
My Commission Expires 3/24/11

2

M

After recording, please return to:

---

### WARRANTY DEED

LYNN D. MCCOMB and WALTER DAN MCCOMB JR., TRUSTEES, OF THE LOTTIE P. MCCOMB FAMILY TRUST DATED JULY 27, 1989, "Grantors", hereby convey, grant, and warrant to MCCOMB-I-84, LLC, a Delaware limited liability company, "Grantee", whose address is 911 Hildebrand Lane NE, Suite 203, Bainbridge Island, Washington 98110 for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

The Northeast Quarter, the Southeast Quarter of the Northwest Quarter and the East Half of the Northeast Quarter of the Northwest Quarter of Section 12, Township 1 South, Range 3 East, Boise Meridian, in Ada County Idaho.

SUBJECT TO taxes and assessments for the year 2008 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way, and water rights in anywise appertaining to the property herein described.

The Grantors covenant to the Grantee that Grantors are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that Grantors will warrant and defend the same from all lawful claims.



# Pacific West Land, LLC

A Delaware Series Limited Liability Company

---

*911 Hildebrand Lane NE, Suite 203  
Bainbridge Island, WA 98110  
(206) 780-9989 Phone  
(206) 780-5893 Fax*

April 7, 2008

Idaho Department of Water Resources

322 East Front Street

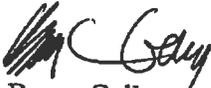
Boise, Idaho 83720

Dear Sir or Madam:

Pursuant to our application for water rights, we are enclosing financial statements for Orchard I-84, LLC and McComb LLC. Pacific West Land is a member and the manager of both limited liability companies, and is duly authorized to act on their behalf.

We have prepared these statements from our internal accounting records. If needed, we can provide a letter of attestation from an independent CPA regarding these financial statements.

Sincerely,

  
Bruce Galloway

Chief Executive Officer

Pacific West Land, LLC

Enclosure

1:15 PM  
04/07/08  
Cash Basis

**Orchard I-84 LLC**  
**Balance Sheet**  
As of March 31, 2008

	<u>Mar 31, 08</u>	<u>Mar 31, 07</u>
<b>ASSETS</b>		
<b>Current Assets</b>		
Checking/Savings		
Investment Account	0.00	1,725,000.00
Vanguard Group	959,766.49	0.00
Wells Fargo-Checking 675	2,689.50	-13,971.50
Wells Fargo-Sweep 168	0.00	20,436.32
<b>Total Checking/Savings</b>	<u>962,455.99</u>	<u>1,731,464.82</u>
<b>Total Current Assets</b>	962,455.99	1,731,464.82
<b>Fixed Assets</b>		
Capitalized Development Costs	601,719.88	29,271.89
Faulkner Land	932,500.00	932,500.00
Haug	300,000.00	0.00
Johnson Land Ada County, ID	2,680,790.71	2,660,790.71
<b>Total Fixed Assets</b>	<u>4,495,010.59</u>	<u>3,622,562.60</u>
<b>TOTAL ASSETS</b>	<u><b>5,457,466.58</b></u>	<u><b>5,354,027.42</b></u>
<b>LIABILITIES &amp; EQUITY</b>		
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Accounts Payable		
Accounts Payable	59,415.57	9,563.82
<b>Total Accounts Payable</b>	<u>59,415.57</u>	<u>9,563.82</u>
Other Current Liabilities		
Payable on Closing of Haug	-25.00	0.00
Payable on closing of Johnson L	24.00	24.00
<b>Total Other Current Liabilities</b>	<u>-1.00</u>	<u>24.00</u>
<b>Total Current Liabilities</b>	59,414.57	9,587.82
<b>Long Term Liabilities</b>		
Johnson - Note Payable	646,582.50	646,582.50
<b>Total Long Term Liabilities</b>	<u>646,582.50</u>	<u>646,582.50</u>
<b>Total Liabilities</b>	705,997.07	656,170.32
<b>Equity</b>		
<b>Partners Capital</b>		
Agate Two LLC - Capital	100,000.00	100,000.00
Blitz - Capital	48,000.00	48,000.00
Boise Partners 07 - Capital	2,800,000.00	2,800,000.00
Bradley - Capital	100,000.00	100,000.00
Castleberry - Capital	50,000.00	50,000.00
DRB Future Funds LLC - Capital	100,000.00	100,000.00
Drum Trust- Capital	100,000.00	100,000.00
Eloy-Ohio LLC - Capital	425,000.00	425,000.00
Ewing - Capital	100,000.00	100,000.00
Falconer Trust - Capital	102,000.00	102,000.00
Flexer I401K - Capital	50,000.00	50,000.00
Kuckel - Capital	100,000.00	100,000.00
Leibrock - Capital	100,000.00	100,000.00
LeScoevec - Capital	100,000.00	100,000.00
Massena - Capital	100,000.00	100,000.00
Miller - Capital	25,000.00	25,000.00
Pace I401K - Capital	50,000.00	50,000.00
Pacific West Land, LLC- Capital	10,000.00	10,000.00
Seabourm/Del Ysursa - Capital	25,000.00	25,000.00
Sengupta I401K - Capital	100,000.00	100,000.00
Shiel/Kartun - Capital	50,000.00	50,000.00
Smith - Capital	25,000.00	25,000.00
Stever & Co. LLC- Capital	10,000.00	10,000.00
White - Capital	<u>25,000.00</u>	<u>25,000.00</u>

1:24 PM  
04/07/08  
Accrual Basis

**McComb I-84, LLC**  
**Balance Sheet**  
**As of March 31, 2008**

	<u>Mar 31, 08</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Vanguard	200,000.00
Wells Fargo - Checking 0706	68,013.86
Total Checking/Savings	<u>268,013.86</u>
Total Current Assets	268,013.86
Fixed Assets	
Land 540 acres, ID	<u>2,725,000.00</u>
Total Fixed Assets	<u>2,725,000.00</u>
<b>TOTAL ASSETS</b>	<b><u>2,993,013.86</u></b>
<b>LIABILITIES &amp; EQUITY</b>	
Equity	
Partners Capital	
Agartha Clark	80,000.00
Andrew & Lisa Chal	32,000.00
Benjamin & Jacqueline Andrew	100,000.00
Carol Flexer	50,000.00
Colln Lee	32,000.00
David & Victoria Chinchar	75,000.00
David Hinchman & Kara Cadwallad	32,000.00
Estl Mintz	50,000.00
George & Beverly Blitz	52,000.00
Harry Van DerHyde	200,000.00
Hugh Walter Pace	50,000.00
James & Sally Field	32,000.00
James & Susan Noack	25,000.00
James Noack Equity Trust	75,000.00
Jeffrey Spear	100,000.00
John Garibaldo	100,000.00
Kerry Reinking	50,000.00
Leah Gray, IRA	75,000.00
Leslie Falconer	98,000.00
McComb I.84 Ohio, LTD	170,000.00
Michael Pace	50,000.00
Murall & Jori Bathina	32,000.00
Oyster, LLC	100,000.00
Pacific West Holdings, LLC	207,222.00
Pacific West Land, LLC	25,000.00
PacWest MH Real Estate Holdings	439,445.00
PacWest RM Real Estate Holdings	188,333.00
Pilar Bass	32,500.00
Priscilla Rathbone	200,000.00
Reba Bass Living Trust	42,500.00
Robert Lewis & Elaine Duerr	100,000.00
Steve & Company, LLC	5,000.00
Terri Cole	50,000.00
Terry Bulter	50,000.00
Total Partners Capital	<u>3,000,000.00</u>
Retained Earnings	-505.60
Net Income	-6,480.54
Total Equity	<u>2,993,013.86</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>2,993,013.86</u></b>

1:15 PM  
04/07/08  
Cash Basis

**Orchard I-84 LLC**  
**Balance Sheet**  
As of March 31, 2008

	<u>Mar 31, 08</u>	<u>Mar 31, 07</u>
Total Partners Capital	4,695,000.00	4,695,000.00
Retained Earnings	51,171.30	0.00
Net Income	5,298.21	2,857.10
Total Equity	<u>4,751,469.51</u>	<u>4,697,857.10</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><b>5,457,466.58</b></u>	<u><b>5,354,027.42</b></u>



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

April 5, 2011

PACIFIC WEST LAND LLC  
C/O GIVENS PURSLEY LLP  
ATTN: JEFF FEREDAY  
PO BOX 2720  
BOISE ID 83701-2720

Re: Withdrawal of Application for Permit No. 61-12257

Dear Applicant(s):

Thank you for your recent withdrawal of the above referenced application. Please note, a refund request in the amount of \$1,750 has been submitted for processing. Upon approval, it will be sent to Givens Pursley LLP under separate cover.

Please contact our office at 208-334-2190 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Sincerely,

A handwritten signature in black ink that reads "Denise Buffington". The signature is written in a cursive style with a large initial 'D'.

Denise Buffington  
Administrative Assistant I  
Western Region

# MEMORANDUM

TO: Debbie Allen / Sascha Marston  
FROM: Steve Lester / Denise Buffington *DB*  
DATE: April 5, 2011  
RE : Refund

Givens Pursley LLP paid \$1,750 for an Application for Permit on April 11, 2008, on behalf of the applicant, Pacific West Land LLC. The application was withdrawn on March 29, 2011. A full refund should be issued.

**Please issue a refund of \$1,750 to:**

GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701-2720

TEL. (208) 388-1200

RECEIPT #

W036363, copy attached

Copy: 61-12257

# Idaho Department of Water Resources Receipt

Receipt ID: W036363

---

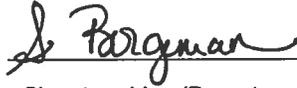
Payment Amount \$1,750.00      Date Received 4/11/08 3:10      Region WESTERN  
Payment Type Check      Check Number 3100  
Payer GIVENS PURSLEY LLP

Comments APPLICATION FOR PERMIT FOR PACIFIC WEST LAND LLC FOR LIBERTY PLANNED  
COMMUNITY  
T1S R3E S12 & T1S R4E S7, 8, 16, 17 & 18

## Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subject
\$1,750.00	PERMITS	0229	21	62103	1155

---



\_\_\_\_\_  
Signature Line (Department Representative)

61-12257- withdrawn 3/29/2011.



RECEIVED

MAR 29 2011

WATER RESOURCES  
WESTERN REGION

LAW OFFICES  
601 W. Bannock Street  
PO Box 2720, Boise, Idaho 83701  
TELEPHONE: 208 388-1200  
FACSIMILE: 208 388-1300  
WEBSITE: www.givenspursley.com

JEFFREY C. FEREDAY  
Direct Dial: 208-388-1217  
E-Mail: jeffereday@givenspursley.com

Gary G. Allen  
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Christopher J. Beeson  
Clint R. Bolinder  
Erik J. Bolinder  
Jeremy C. Chou  
William C. Cole  
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Justin A. Steiner  
Robert B. White

Of Counsel  
Conley E. Ward

Retired  
Kenneth L. Pursley  
James A. McClure  
Raymond D. Givens (1917-2008)

March 28, 2011

Mr. Steve Lester  
Western Regional Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Re: Withdrawal of Application 61-12257 in the name of Pacific West Land, LLC  
GP File No. 9605-1

Dear Steve:

This is to inform you that my client, Pacific West Land, LLC has decided not to pursue the application 61-12257 for municipal water right it filed in April 2008. According, I am enclosing the Withdrawal of Application for Permit that has been signed by the company's CEO.

Sincerely,

Jeffrey C. Fereday

JCF/la 1119106\_1

Enclosure

cc: Bruce Galloway  
Ed Squires

RECEIVED

MAR 29 2011

WATER RESOURCES  
WESTERN REGION

**WITHDRAWAL  
OF  
APPLICATION FOR PERMIT**

TO WHOM IT MAY CONCERN:

I hereby withdraw Application for Permit to  
Appropriate the Public Waters of the State of Idaho  
No. 61-12257 Pacific West Land, LLC Application for  
Municipal Water Right

Signed this 25<sup>th</sup> day of March, 2011.



\_\_\_\_\_  
Signature of Applicant

Bruce Galloway, CEO of Pacific West Land, LLC  
Printed Name of Applicant

Applicant's Address:

911 Hildebrand Lane NE, Suite 203  
Bainbridge Island WA 98110

**Lester, Steve**

---

**From:** Lester, Steve  
**Sent:** Monday, February 28, 2011 8:31 AM  
**To:** 'Jeffrey C Fereday'  
**Subject:** RE: Extension request: App. No. 61-12257 [IWOV-GPDMS.FID326867]

Jeff:

This confirms an extension until March 30, 2011 to provide the information requested by IDWR on March 19, 2010. Multiple extensions of the deadline have been approved since that original request for additional information, allowing about one year for the applicant to provide the information. A request for more time beyond the end of next month most likely would be denied unless the request included documentation of the applicant's progress in providing the information – a showing of due diligence, in other words.

Thank you for your attention to this matter.

Steve

---

**From:** Jeffrey C Fereday [<mailto:JeffFereday@givenspursley.com>]  
**Sent:** Thursday, February 24, 2011 4:00 PM  
**To:** Lester, Steve  
**Cc:** Bill Clark; Bruce Galloway  
**Subject:** Extension request: App. No. 61-12257 [IWOV-GPDMS.FID326867]

Steve:

As I mentioned today, my client, PacWest, is in the process of carefully evaluating its options concerning how, or whether, to proceed with application no. 61-12257. We have had discussions with United Water, and are considering that and other possible ways forward. However, we have not completed this process and would greatly appreciate an extension to reply to your March 19, 2010 letter until March 23, 2011. Thanks for your consideration.

Jeff

**Jeffrey C. Fereday**  
**GIVENS PURSLEY LLP**  
601 W. Bannock  
Boise, ID 83702  
Direct Dial: (208)-388-1217  
Office: (208) 388-1200  
Facsimile: (208)-388-1300  
Email: [JeffFereday@givenspursley.com](mailto:JeffFereday@givenspursley.com)  
[www.givenspursley.com](http://www.givenspursley.com)

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**Lester, Steve**

---

**From:** Lester, Steve  
**Sent:** Tuesday, February 15, 2011 7:55 AM  
**To:** 'Jeffrey C Fereday'  
**Subject:** RE: Pacific West water right application [IWOV-GPDMS.FID326867]

Jeff:

That sounds good. Please provide the requested information by February 28, 2011. Thanks for your attention to this.

Steve

---

**From:** Jeffrey C Fereday [<mailto:JeffFereday@givenspursley.com>]  
**Sent:** Monday, February 14, 2011 2:01 PM  
**To:** Lester, Steve  
**Cc:** [bill@clarkdevelopment.com](mailto:bill@clarkdevelopment.com)  
**Subject:** Pacific West water right application [IWOV-GPDMS.FID326867]

Steve:

In your November 2, 1010 letter to me you stated that Pacific West Land LLC should respond by February 12, 2011 concerning plans for pursuing its water right application.

We have met with United Water Idaho concerning the possibility of the utility providing service to the project. However, we did not receive a formal response, in the form of a letter, from United Water until last week. We are evaluating this, and plan to provide a response to you by February 19, 2011. I hope you might accommodate this time frame.

Please let me know.

Jeff

**Jeffrey C. Fereday**  
**GIVENS PURSLEY LLP**  
601 W. Bannock  
Boise, ID 83702  
Direct Dial: (208)-388-1217  
Office: (208) 388-1200  
Facsimile: (208)-388-1300  
Email: [JeffFereday@givenspursley.com](mailto:JeffFereday@givenspursley.com)  
[www.givenspursley.com](http://www.givenspursley.com)

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## State of Idaho

### DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER, Governor  
GARY SPACKMAN, Interim Director

November 2, 2010

PACIFIC WEST LAND LLC  
C/O JEFFREY C FEREDAY  
GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701-2720

Re: Application for Permit No. 61-12257

Dear Jeff:

Your November 1, 2010 letter requested another six months to provide additional information detailed in my March 19, 2010 letter. You discussed "reasonably anticipated future needs" (RAFN) issues and a possible alternative to this application that might include water supplied by another municipal provider.

The application as filed is not approvable based on the policy of the Idaho Department of Water Resources (IDWR). The IDWR policy results from the M3 Eagle decision, as you correctly noted. IDWR should act on its current policy, not on a possible future policy. The request for more time based on RAFN issues should not be approved.

However, more time should be provided based on the applicant's discussions with another municipal provider. The deadline is extended for about another ninety (90) days. A request for more time beyond the new deadline should include two components as follows:

- amending the application for a non-RAFN municipal use
- documentation of the applicant's progress in obtaining the additional information requested by IDWR.

The amended application and requested information should be provided by February 12, 2011 to keep the application viable. Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester', written over a white background.

Steve Lester  
Water Rights Supervisor

# GIVENS PURSLEY LLP

LAW OFFICES  
601 W. Bannock Street  
PO Box 2720, Boise, Idaho 83701  
TELEPHONE: 208 388-1200  
FACSIMILE: 208 388-1300  
WEBSITE: www.givenspursley.com

JEFFREY C. FEREDAY  
Direct Dial: 208-388-1217  
E-Mail: jeffereday@givenspursley.com

Gary G. Allen  
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Robert B. White

Of Counsel  
Conley E. Ward

Retired  
Kenneth L. Pursley  
James A. McClure  
Raymond D. Givens (1917-2008)

RECEIVED

NOV 02 2010

November 1, 2010

WATER RESOURCES  
WESTERN REGION

Mr. John Westra  
Western Region Manager  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Re: PacWest water right application No. 61-12257  
GP File No. 9605-1

Dear John:

As we discussed briefly by telephone today, this letter seeks a further 6-month extension on the commencement of processing of the PacWest water right application. As you know, PacWest seeks a reasonably anticipated future needs ("RAFN") water right under the 1996 Municipal Water Rights Act. The Department's current position, which is in litigation in the M3 Eagle case, is that private entities not already serving water customers cannot qualify for a RAFN water right under the Act. PacWest filed a RAFN application in good faith before the issue arose in the M3 Eagle matter, and until the question is resolved, we believe it would not be fair or a good use of the Department's and the applicant's resources to proceed with our application.

In addition, we have initiated discussions with a municipal provider to investigate the possibility that this entity may be able to provide service under terms sufficient to obviate the need for PacWest to obtain its own water supply. However, these discussions will take time to conclude. Accordingly, we respectfully ask that you grant this extension, at which time we will report in on progress on these discussions.

Mr. John Westra  
November 1, 2010  
Page 2

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey C. Fereday". The signature is written in a cursive style with a horizontal line at the end.

Jeffrey C. Fereday

cc: Steve Lester (via email)  
Bill Clark (via email)  
Bruce Galloway (via email)

JCF/la 1003442\_1



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER, Governor  
GARY SPACKMAN, Interim Director

May 13, 2010

PACIFIC WEST LAND LLC  
C/O JEFFREY C FEREDAY  
GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701-2720

Re: Application for Permit No. 61-12257 (previously numbered 63-33036)

Dear Jeff:

Your request for an additional six months to provide the information discussed in my March 19, 2010 letter is approved. The extra time is authorized as an interruption of processing under Water Appropriation Rule 040.01.d. The requested information should be provided by November 12, 2010 to keep the application viable.

It is premature at this time to consider additional extensions pursuant to that rule.

Thank you for your attention to this matter. Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive.

Steve Lester  
Water Rights Supervisor

# GIVENS PURSLEY LLP

LAW OFFICES  
601 W. Bannock Street  
PO Box 2720, Boise, Idaho 83701  
TELEPHONE: 208 388-1200  
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RETIRED  
Kenneth L. Pursley  
James A. McClure  
Raymond D. Givens (1917-2008)

RECEIVED

MAY 10 2010

WATER RESOURCES  
WESTERN REGION

May 7, 2010

Mr. Steve Lester  
Water Rights Supervisor  
Idaho Department of Water Resources, Western Region  
2735 Airport Way  
Boise, ID 83705-5082

Re: Application for permit no. 61-12257 (previously numbered 63-33036)  
GP File No. 9605-1

Dear Steve:

This responds, on behalf of Pacific West Land, LLC ("PacWest"), to your March 19, 2010 letter requesting information pertaining to this ground water permit application. First, as offered by your letter, we request six months to file a response, and assume this will be six months from today's date. Please let me know immediately if that is not the case.

Second, we respectfully request a further extension of time in which to provide our response (most likely beyond the six months noted above), and a suspension of any processing of or action on PacWest's application, until there is a resolution of the question whether a private developer not currently serving water customers may qualify as a municipal provider applying for a reasonably anticipated future needs water right. As you know, this issue currently is pending before the Ada County District Court in the M3 Eagle matter. PacWest's application will be directly affected by that matter.

Thanks for your consideration. We look forward to hearing from you.

Sincerely,



Jeffrey C. Fereday

cc: Kimberly Wilson, Pacific West Land, LLC  
Ed Squires, Hydro Logic, Inc.

JCF/la



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

---

C.L. "BUTCH" OTTER, Governor  
GARY SPACKMAN, Interim Director

March 19, 2010

PACIFIC WEST LAND LLC  
C/O JEFFREY C FEREDAY  
GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701-2720

Re: Application for Permit No. 61-12257 (previously numbered 63-33036)

Dear Jeff:

The above referenced application proposes significant ground water development along the I84 corridor between Mountain Home and Boise. The application is one of many filed by various parties in this regard. A table summarizing the I84 applications is enclosed for your convenience. The application was re-numbered to correct the basin identification. The error was due to a now-corrected glitch in the Idaho Department of Water Resources (IDWR) GIS system. IDWR needs more information to process application 61-12257. Please consider the following points.

Withdraw Application – If the applicant does not want to proceed with the proposed development, the application can be withdrawn using the enclosed form, and the payer (your firm) can seek a refund of the \$1,750 filing fee. A refund should be requested in writing.

The rest of this letter applies if the applicant wants to continue with the application.

### General Information for Application 61-12257

Several general points need attention as follows.

- A reasonably anticipated future needs (RAFN) municipal right is proposed. As you know, the IDWR Final Order for the M3 Eagle application determined a developer cannot hold a RAFN right. The application should be amended to a standard municipal development to be completed within a five-year period. In that case, please show it is feasible to develop and beneficially use the amount of water proposed for that shorter development period.

- A rate of flow intended only for fire protection, if any, should be deducted from the proposed municipal rate and listed as a separate use. Please confirm that none of the proposed rate of flow in this application will be dedicated only to fire protection. Alternately, the application should be amended for separate municipal and fire protection uses if necessary.
- The maximum diversion rate appears to be 18.22 cfs, not 18.20 cfs that was proposed. See application exhibit 6, page 3, row 164. The maximum storage volume to be appropriated apparently needs to be revised as follows from the information on the application form and exhibit 6, page 3, row 182:

Non-potable capacity	375.0 af
Potable capacity	13.1 af
Evaporation refill	<u>53.0 af</u>
Total storage	441.1 af, round to 442 af.

- Similar to the original application for M3, application 61-12257 proposes every  $\frac{1}{4}$   $\frac{1}{4}$  within the place of use for alternate points of diversion for up to nine wells. That “permissible point of diversion” idea was ultimately rejected for M3. This application needs to more specifically identify the proposed well sites.

#### Technical Information for Application 61-12257

If your client thinks it can prevail in a RAFN application, please justify that opinion. Also, please provide the necessary population and planning data required for a RAFN proposal.

Water Appropriation Rule 40 information is needed. Please see the enclosed copy of Rules 40.05.c-g for this situation. Your responses to those items should also address the following concerns.

- 1) Demonstrate an adequate, sustainable ground water supply is available.
- 2) The proposed wells are within the Mtn. Home Ground Water Management Area (GWMA) and not far from the Cinder Cone Butte Critical Ground Water Area (CGWA). Demonstrate the proposed use of ground water will not result in further ground water level declines in the GWMA or the CGWA.
- 3) Discuss plans to monitor and report data about ground water supply, ground water levels, and ground water quality in and around the project area if 61-12257 is approved and development proceeds.
- 4) Individual and Cumulative Effects: Provide Rule 40.05.cii-ciii information and above items 1 through 3 information with respect to the following: effects from this application, and cumulative effects from this application plus all the projects senior in priority to 61-12257 as summarized in the enclosed table, “Ground Water Projects, I84 Area, March 18, 2010.”

Pacific West Land LLC  
March 19, 2010  
Page 3

- 5) The application included some financial information from April 2008. Current financial information is needed to satisfy Rule 40.05.f. Note this covers current financial assets and estimated project costs.
- 6) For Rule 40.05.g information regarding local public interest, describe how the applicant intends to become a municipal provider for the expanded service area under I. C. § 42-202B, specifically with respect to the Idaho Department of Environmental Quality and/or the Idaho Public Utilities Commission. Also, describe the applicant's progress with any required local government approvals. It is not necessary to send comment letters noted under this section of the rule.

One last item is needed. The names and titles of the officers or directors of Pacific West Land LLC should be provided.

An application fee is not based on a proposed diversion volume. The fee is based on whichever is greater, the total rate of flow or the total storage volume. A partial refund will be issued if the applicant does want to proceed and makes a timely reply. The correct filing fee for 18.22 cfs is \$970 (which incorporates a fee of \$410 for 401-500 af of storage). The \$780 overpayment can be refunded if the application remains viable.

**Please provide your response within the next sixty (60) days. Alternately, you can request up to six months additional time in this regard. Without a timely written reply, the application will be voided and a refund will not be issued.**

Please contact me if you have any questions. Thank you for your attention to this matter.

Sincerely,



Steve Lester  
Water Rights Supervisor

Enclosures

**Active Applications, Ground Water Projects, I84 Area, March 18, 2010.**

See notes, next page

NAME	NUMBER	PRIORITY	USE	CFS	WELL LOCATIONS	STATUS
ID Water Company	73811	1963-1980	Irrigation	05.56	1S 4E S. 14, 23, 24	Protested
Mayfield Townsite	74414	1971	Irrigation	01.91	1N 4E S. 25, 26	Protested
Elk Creek Canyon (Nevid?)	73789	1974-1977	Irrigation	17.92	1N 5E S. 21, 31-33; 1S 4E S. 1, 11; 1S 5E S. 5-8	Not processed
Orchard Ranch	73834	1976	Municipal	11.36	1S 4E S. 19	Not processed
Intmtn. Sewer & Water	63-32225	9/16/2005	Municipal	10.00	1N 4E S. 28, 33	Permit issued
Intmtn. Sewer & Water	63-32225	9/16/2005	Municipal	10.00	1N 4E S. 28, 33	Appl. To Amend Permit, Protested
Mayfield Townsite	63-32499	7/28/2006	Municipal	10.00	1N 4E S. 23, 24, 27; 1N 5E S. 18, 19	Protested
Nevid	61-12090	9/28/2006	Municipal & Fire Protection	04.02 *	1S 4E S. 2, 11	Permit issued
Nevid	61-12095	4/3/2007	Municipal	05.00	1S 4E S. 1, 12	Protested
Orchard Ranch	63-32703	6/21/2007	Municipal	09.60	1S 3E S. 9, 10, 13-15, 24	Not processed
Cloverleaf	61-12162	12/28/2007	Domestic	02.00	1S 4E S. 2	Not processed
Cloverleaf	61-12168	1/2/2008	Domestic	04.50	1N 5E S. 33, 34; 1S 5E S. 4	Not processed
Intmtn. Sewer & Water	61-12256 **	1/17/2008	Municipal	13.76	1N 4E S. 34, 35	Not processed
Rider	61-12173	3/21/2008	Domestic	04.50	1N 5E S. 20, 21, 30	Not processed
Rider	61-12174	3/21/2008	Domestic	04.50	1N 5E S. 26, 28	Not processed
Pacific West Land	61-12257 ***	4/15/2008	Municipal	18.20	1S 3E S. 12; 1S 4E S. 7, 8, 16-18	Not processed

## NOTES

- Listed in existing/proposed date of priority order.
- Includes approved & pending permits or transfers & 1 pending amendment of permit.
- Does not include void, withdrawn & otherwise terminated applications.
- 5-digit number = transfer; 7-digit number = application for permit, application for amendment of permit, or approved permit.
- Status of “not processed” indicates no legal notice yet.
- \* 1.82 cfs municipal + 2.20 cfs fire protection
- \*\* previously mis-numbered 63-32973
- \*\*\* previously mis-numbered 63-33036

**FEE SCHEDULE**

Application fees (CFS = cubic feet per second – AF = acre-feet)

CFS	AF	Fee	CFS	AF	Fee
0.00 – 0.20	0 – 20	\$100.00	11.01 – 12.00	1101 – 1200	\$690.00
0.21 – 1.00	21 – 100	\$250.00	12.01 – 13.00	1201 – 1300	\$730.00
1.01 – 2.00	101 – 200	\$290.00	13.01 – 14.00	1301 – 1400	\$770.00
2.01 – 3.00	201 – 300	\$330.00	14.01 – 15.00	1401 – 1500	\$810.00
3.01 – 4.00	301 – 400	\$370.00	15.01 – 16.00	1501 – 1600	\$850.00
4.01 – 5.00	401 – 500	\$410.00	16.01 – 17.00	1601 – 1700	\$890.00
5.01 – 6.00	501 – 600	\$450.00	17.01 – 18.00	1701 – 1800	\$930.00
6.01 – 7.00	601 – 700	\$490.00	18.01 – 19.00	1801 – 1900	\$970.00
7.01 – 8.00	701 – 800	\$530.00	19.01 – 20.00	1901 – 2000	\$1,010.00
8.01 – 9.00	801 – 900	\$570.00	20.01 – 100.00	2001 – 10000	*
9.01 – 10.00	901 – 1000	\$610.00	101.01 – 500.00	10001 – 50000	**
10.01 – 11.00	1001 – 1100	\$650.00	500.01 & over	50001 & over	***

\* \$1,010.00 plus \$20.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 20 cfs or 2,000 acre-feet.

\*\* \$2,610.00 plus \$10.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 100 cfs or 10,000 acre-feet.

\*\*\* \$6,610.00 plus \$2.00 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 500.0 cfs or 50,000 acre-feet.

Your application and fee may be submitted to one of the following offices:

**Northern Region**

Idaho Dept. of Water Resources  
 7600 N Mineral Dr., Suite 100  
 Coeur d'Alene, ID 83815  
 Tel. – 762-2800  
 FAX – 762-2819

**Eastern Region**

Idaho Dept. of Water Resources  
 900 N. Skyline Dr., Suite A  
 Idaho Falls, ID 83402  
 Tel. – 525-7161  
 FAX – 525-7177

**Southern Region**

Idaho Dept. of Water Resources  
 1341 Fillmore St., Suite 200  
 Twin Falls, ID 83301  
 Tel. – 736-3033  
 FAX – 736-3037

**Western Region**

Idaho Dept. of Water Resources  
 2735 Airport Way  
 Boise, ID 83705  
 Tel. – 334-2190  
 FAX – 334-2348

## Water Appropriation Rules 40.05.c through 40.05.g

**c. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:**

i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.

ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within ~~a one-half mile~~ radius of the proposed well.

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

**d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:**

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

**e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:**

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

**f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:**

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

**g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:**

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

— within an area of impact based on credible technical justification from a qualified expert in these matters

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Cii  
Cii

RECEIVED

NOV 03 2008

WATER RESOURCES  
WESTERN REGION

Perkins  
Coie

251 East Front Street, Suite 400

Boise, ID 83702-7310

PHONE: 208.343.3434

FAX: 208.343.3232

www.perkinscoie.com

Erika E. Malmen  
PHONE (208) 387-7504  
FAX (208) 343-3232  
EMAIL EMalmen@perkinscoie.com

October 31, 2008

VIA U.S. MAIL

Idaho Department of Water Resources  
Attention: Angie Grim  
Western Regional Office  
2735 Airport Way  
Boise, Idaho 83705-5082

**Re: Pacific West Land, LLC / Application for Permit No. 63-33036**  
**Our Reference: 69165-0001**

Dear Ms. Grim:

Please notify this office when the above-referenced application for water right permit is published for public comment.

Very truly yours,



Erika E. Malmen

EEM/KLS:kjg

69165-0001/LEGAL14864172.1

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Perkins Coie LLP and Affiliates

LAW OFFICES  
601 W. Bannock Street  
PO Box 2720, Boise, Idaho 83701  
TELEPHONE: 208 388-1200  
FACSIMILE: 208 388-1300  
WEBSITE: www.givenspursley.com

JEFFREY C. FEREDAY  
Direct Dial: 208-388-1217  
E-Mail: jeffereday@givenspursley.com

Gary G. Allen  
Peter G. Barton  
Christopher J. Beeson  
Clint R. Bolinder  
Erik J. Bolinder  
Jeremy C. Chou  
William C. Cole  
Michael C. Creamer  
Amber N. Dina  
Kristin Bjorkman Dunn  
Thomas E. Dvorak  
Jeffrey C. Fereday  
Justin C. Fredin  
Martin C. Hendrickson  
Steven J. Hippler

Debora K. Kristensen  
Anne C. Kunkel  
Jeremy G. Ladle  
Michael P. Lawrence  
Franklin G. Lee  
David R. Lombardi  
John M. Marshall  
Kenneth R. McClure  
Kelly Greene McConnell  
Cynthia A. Melillo  
Christopher H. Meyer  
L. Edward Miller  
Patrick J. Miller  
Judson B. Montgomery  
Deborah E. Nelson

Kelsey J. Nunez  
W. Hugh O'Riordan, LL.M.  
G. Andrew Page  
Angela M. Reed  
Scott A. Tschirgi, LL.M.  
J. Will Varin  
Conley E. Ward  
Robert B. White  
Terri R. Yost

RETIRED  
Kenneth L. Pursley  
Raymond D. Givens  
James A. McClure

April 15, 2008

*Via Hand Delivery*

Mr. John Westra  
Mr. Steve Lester  
Western Regional Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Re: Pacific West Land, LLC water right application for Liberty planned community  
GP File No. 9605-1

Dear John and Steve:

I am enclosing the original Application for Permit of Pacific West Land, LLC that includes the original signature of Bruce Galloway, CEO of Pacific West Land, LLC. Please replace this in the previous application filed on April 11, 2008. Please call me if you have any concerns.

Sincerely,



Lori Anderson  
Assistant to Jeffrey C. Fereday

Enclosure

JCF/la SACLIENTS\9605\1LA to IDWR Encl Orig App Signature Pg.DOC

APR 11 2008

WATER RESOURCES  
WESTERN REGION

LAW OFFICES  
601 W. Bannock Street  
PO Box 2720, Boise, Idaho 83701  
TELEPHONE: 208 388-1200  
FACSIMILE: 208 388-1300  
WEBSITE: www.givenspursley.com

JEFFREY C. FEREDAY  
Direct Dial: 208-388-1217  
E-Mail: jeffereday@givenspursley.com

Gary G. Allen	Debora K. Kristensen	Kelsey J. Nunez
Peter G. Barton	Anne C. Kunkel	W. Hugh O'Riordan, LL.M.
Christopher J. Beeson	Jeremy G. Ladle	G. Andrew Page
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Martin C. Hendrickson	Judson B. Montgomery	
Steven J. Hippler	Deborah E. Nelson	

April 11, 2008

*Via Hand Delivery*

Mr. John Westra  
Mr. Steve Lester  
Western Regional Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Re: Pacific West Land, LLC water right application for Liberty planned community  
GP File No. 9605-1

Dear John and Steve:

I am enclosing the original and one copy of the water right application of Pacific West Land, LLC, together with a \$1,750 check to cover the filing fee. This seeks a municipal, future needs ground water right to serve a planned community on some 1,980 acres in Ada County near Orchard. We would appreciate a return of the copy with today's date stamp.

We hope this can be processed in the near future. Please call me with any questions, and thanks for your attention to this.

Sincerely,



Jeffrey C. Fereday

Enclosure

cc: Tim Nyberg  
Ed Squires  
Steve Holt  
Lynn Olson

JCF/la S:\CLIENTS\9605\1\UCF cvr ltr to PWest water app.DOC

Submitted to the  
Idaho Department of Water Resources

By:

**RECEIVED**

**APR 11 2008**

**WATER RESOURCES  
WESTERN REGION**

## **Pacific West Land, LLC**

---

### **Application for Water Right Permit**

**April 11, 2008**

**Pacific West Land, LLC**  
911 Hildebrand Lane NE, Suite 203  
Bainbridge Island, WA 98110

Prepared by:

**Givens Pursley** LLP  
ATTORNEYS AT LAW

601 West Bannock Street  
P.O. Box 2720  
Boise, Idaho 83701-2720  
208-388-1200  
(fax) 208-388-1300  
[www.givenspursley.com](http://www.givenspursley.com)