

Hydro Logic, Inc.

1002 W. Franklin Street, Boise, ID 83702 (208) 342-8369, (Fax) 342-3100, hydrologic@qwest.net

June 14, 2004

Ms. Denise Buffington
State of Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

JUN 17 2004

WATER RESOURCES
WESTERN REGION

Dear Denise:

Attached, please find the Change of Ownership form for water right No. 63-31793. I feel that the form may be unnecessary because it appears that the transfer process, and the new water right numbering system for transfer splits, has already accounted for this change. To ensure that all bases are covered, I am submitting the form anyway. Would you please see that this gets added to the file and that all aspects of the change are correct and in order. Attached please find the following documents:

- 1) Change of Ownership form for water right No. 63-31793.
- 2) Copy of recorded Water Right Grant Deed and Assignment.
- 3) An annotated aerial photograph showing the land appurtenant to the original water right No. 63-8796 that was split by transfer resulting in water right No. 63-31793.
- 4) A copy of the original water right License in the name of Frank N. and Wyoma Ham.

Please call me direct at 342-8369 with any questions you may have concerning the change. Thank you for your attention to this matter.

Respectfully,

Ed Squires



c: Town Ranch, LP

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

RECEIVED

JUN 17 2004

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-8796	63-31793	X			

2. The following **REQUIRED** information must be submitted with this form.

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Frank N. Ham and Wyoma Ham
4415 N. Locust Grove, Meridian, Idaho 83642
4. New Owner/claimant(s) Town Ranch, LP and/or Cal Low
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 2344 Dunyan
- City, State and Zip Code Eagle, Idaho 83616
- New Telephone Number (208) 939-8884
5. Date you acquired the property March 4, 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1 THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number	<u>63-31793</u>	
Water use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes ect.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other <u>Commercial</u>	<u>0.23 cfs and 44.3 AFA</u>	<u>Concrete manufacturing</u>
Total	0.23 cfs and 44.3 AFA	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number	_____	
Water use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes ect.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimants(s)
(include title if applicable)

Ed Squires
Consultant to Town Ranch LP

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

For Office Use Only

Received by DB

Date 6-17-04

Fee 0

Received by _____

Date _____

Receipt No. _____

Processed by _____

Date _____

WR _____ Date _____

GIVENS PURSLEY LLP
601 W. Bannock Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Attn: Jeffrey C. Fereday

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 03/25/04 11:21 AM
DEPUTY Kathy Ingraham
RECORDED-REQUEST OF
Calvin Low
AMOUNT 12.00



4

WATER RIGHT GRANT DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Grantor Renata Ham and Stonecreek Turf of Meridian, Idaho, hereby grant, bargain, sell, and convey unto Town Ranch, LP, an Idaho limited partnership ("Grantee"), whose address is 2344 Dunyon, Eagle, Idaho 83616, all of Grantor's right, title, and interest in and to the following portion of licensed irrigation ground water right no. 63-8796:

The approximately 22 percent (15/68) portion of water right no. 63-8796 that is appurtenant to a total of 15 acres in the north half of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the south half of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, all in section 31, T4N, R1E, Boise Meridian, in Ada County, which 15 acres are generally depicted on Exhibit A, attached hereto. This 15-acre portion of ground water right no. 63-8796 is referred to herein as the "Water Right."

Grantor hereby further assigns to Grantee all of Grantor's right, title, and interest in and to the above-described 15-acre portion of the license for ground water right no. 63-8796 issued by the Idaho Department of Water Resources, a copy of which is attached hereto as Exhibit B, together with a like portion of Grantor's right, title, and interest in and to any claim for the Water Right filed in the Snake River Basin Adjudication ("SRBA"), District Court of the Fifth Judicial District, State of Idaho, in and for the County of Twin Falls, Case No. 39576. The Water Right conveyed by this Deed is subject to all conditions and limitations specified on such license or that may be imposed by such court.

Grantor hereby covenants to Grantee that Grantor has ceased to divert and use the Water Right on the above-described acres or otherwise. Grantor makes no other guarantees or warranties as to the Water Right, its transferability, or its yield upon transfer, change, or exchange.

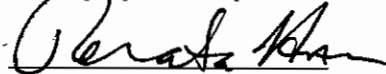
[End of Text]

TO HAVE AND TO HOLD the Water Right unto Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor has caused her name to be subscribed to this Grant Deed effective the 4 day of March, 2004.

GRANTOR

RENATA HAM
STONECREEK TURF,
a sole proprietorship

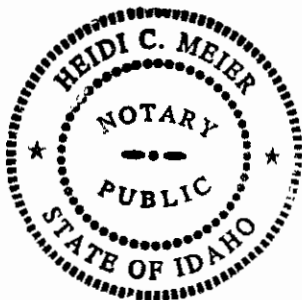

Renata Ham

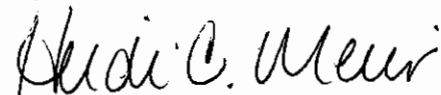

Renata Ham, Proprietor, Stonecreek Turf

STATE OF IDAHO)
) ss.
County of Ada)

On this 4 day of March, 2004, before me, a Notary Public in and for the State of Idaho, personally appeared Renata Ham, known or identified to me to be the person who executed the above Grant Deed, and acknowledged to me that she executed the same on her own behalf and on behalf of Stonecreek Turf, a sole proprietorship.

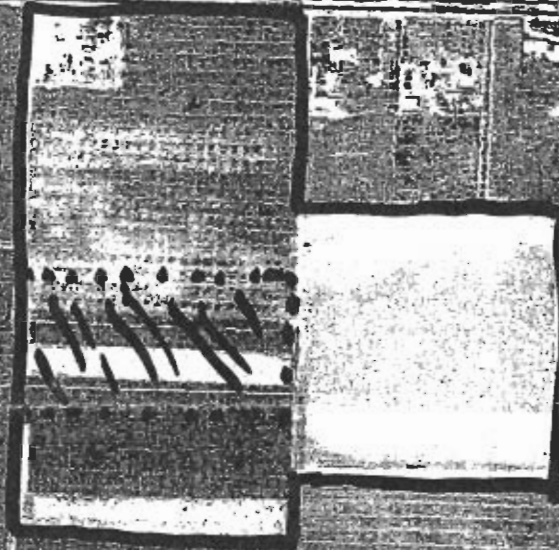
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.




Notary Public for Idaho
Residing at: Borise
My commission expires: 9/29/04

imagery - Summer 2000

63-87967
→



15 ACRES in the N 1/2 of
the S 1/4 of the N 1/4 and
the S 1/2 of the N 1/4 of
the N 1/4 of 31 4 N 7 E

EXHIBIT A

WATER RIGHT LICENSE

WATER RIGHT NO. 63-8796

Priority: May 9, 1977 Amount: 1.05 CFS 306.0 AFA

This is to certify, that FRANK N. HAM
WYOMA HAM

4415 N. LOCUST GROVE
MERIDIAN, ID 83642

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated May 9, 1977, and has submitted proof to the Department of Water Resources on May 13, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.05 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	1.05 cfs	306.0 afa

LOCATION OF POINT OF DIVERSION(S): NWNE , Sec. 31, Township 4N, Range 1E
Ada County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
4N	1E	31	NWNE 15	SWNE 7	NENW 29	SENE 17	68

Total number of acres irrigated: 68

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12 day of April, 1988.

NOTARIAL SEAL

JUL 06 1988

Director