

Image y - Summer 2000

POOR COPY

EXHIBIT A
PAGE 4 OF 4

imagery - Summer 2000

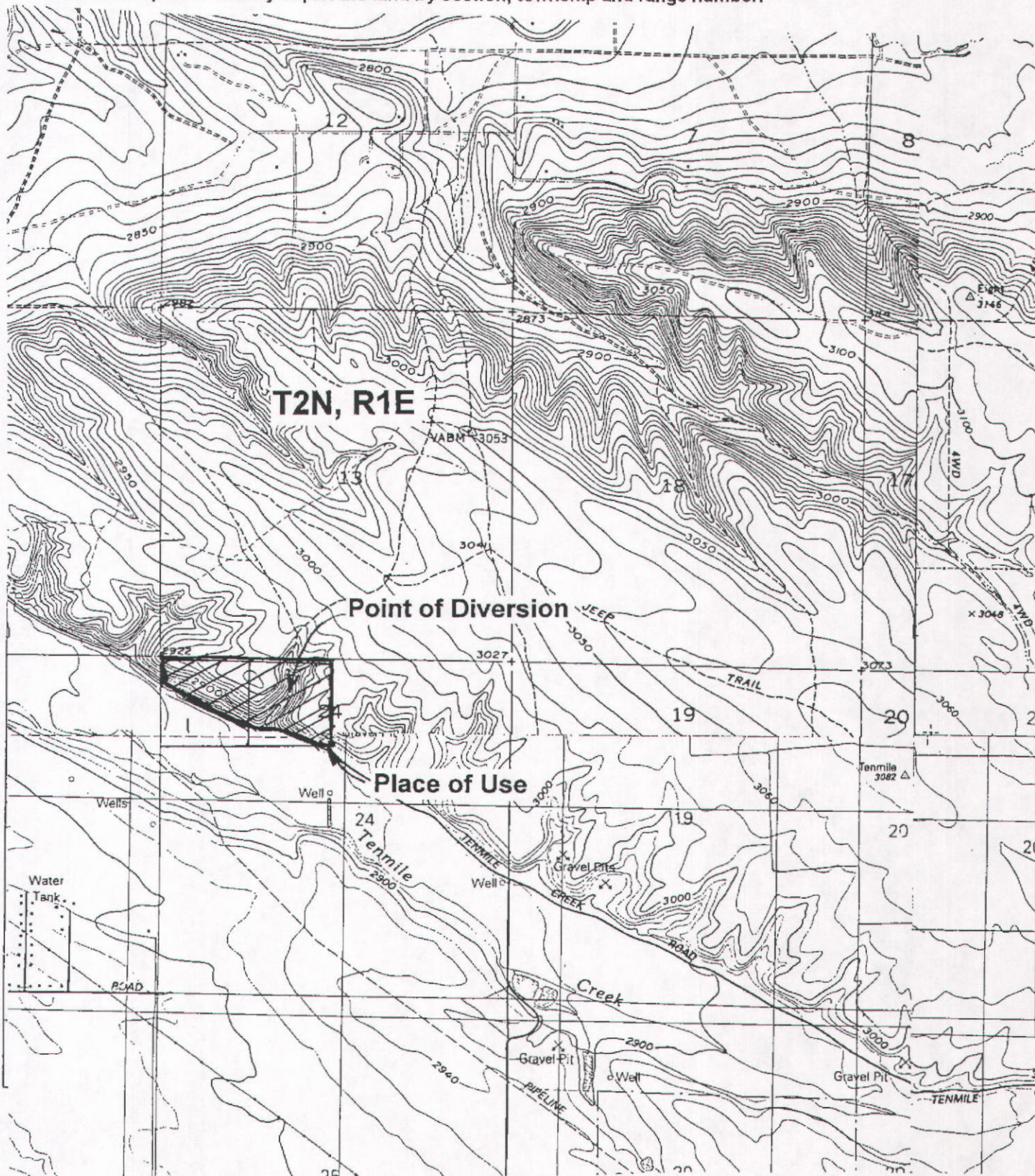
POOR COPY

EXHIBIT A
PAGE 4 OF 4

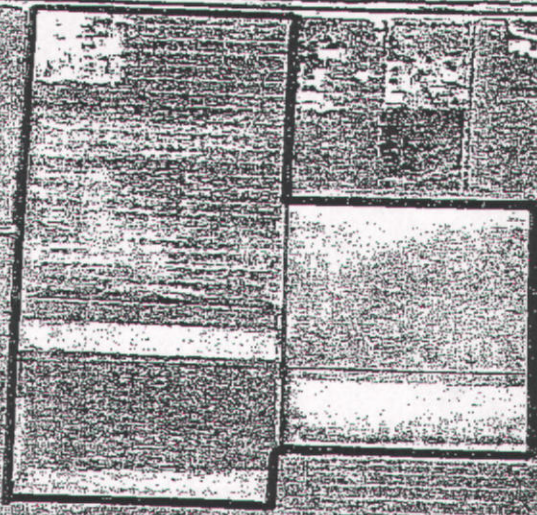
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Imagery - Summer 2000



T04N R01E

☐ Place of use for license No. 63-8796

29 Ac

4.4 P.D.

A63-8796 15 Ac
P.U.

C568

17 Ac.

7 Ac.

1000 IV
5000

1.5

A
10.6
C92

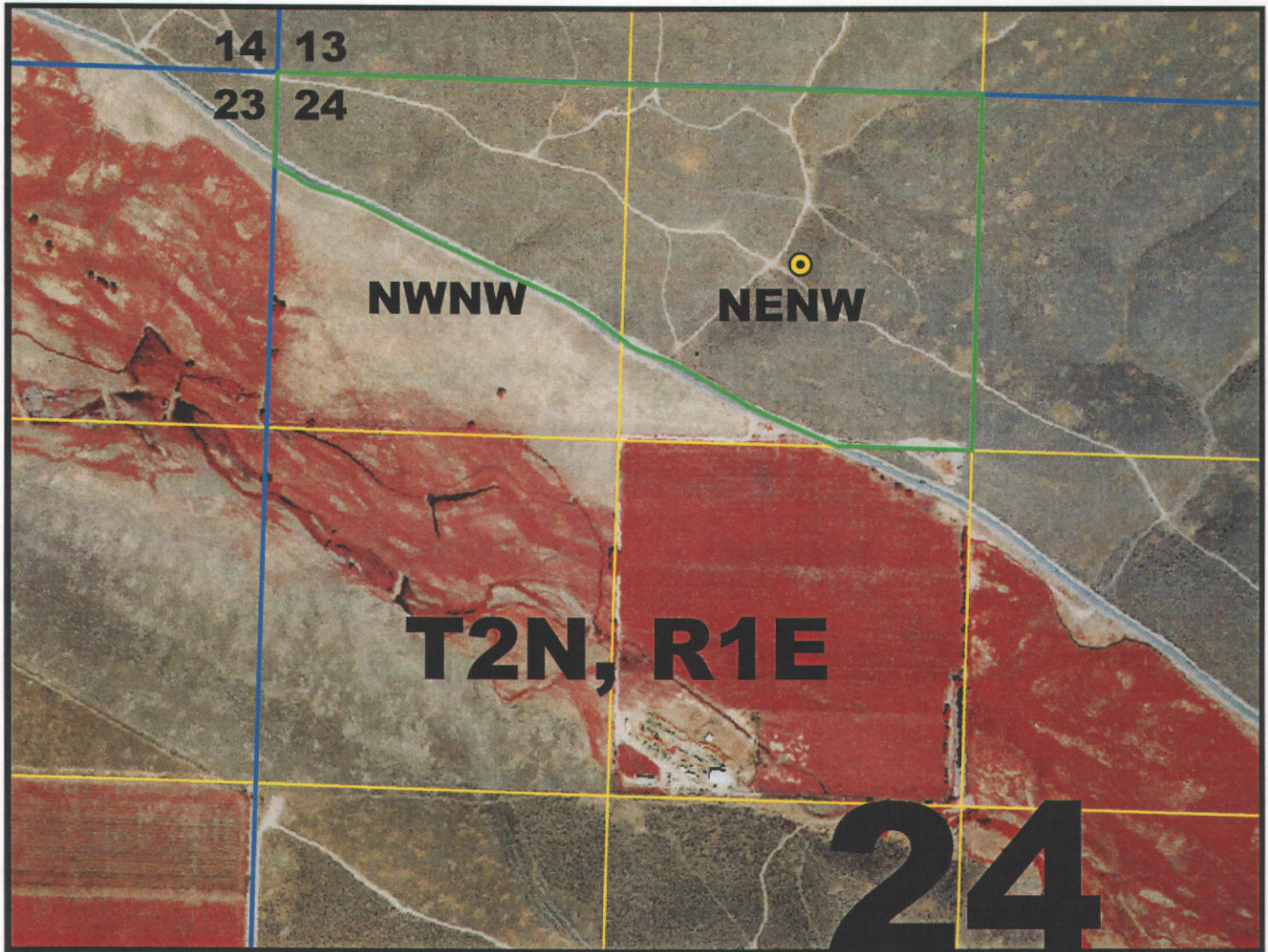
10.6
C90

C101
A
3.0
5.8

MICROFILMED



POU location Map 2000 Photography



1320 0 1320 Feet



Point of Diversion

Total claimed Acres: N/A



Property described by Deed submitted



Ada County Tax Lot Data



Quarter Quarter Lines



Section Lines



Prepared by: C. Saxton
Date: March 2004

Idaho Department of Water Resources



**T04N, R01E,
S31**

Claim No: 63-08796
Prepared By: Kimberly Brown
Date: June 19, 2003

- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4

68 acres



1987 NAPP

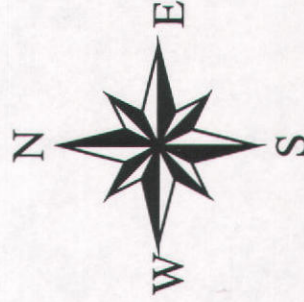
Idaho Department of Water Resources



**T04N, R01E,
S31**

Claim No: 63-08796
Prepared By: Kimberly Brown
Date: June 19, 2003

- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4



1987 NAPP

Idaho Department of Water Resources



**T04N, R01E,
S31**

Claim No: 63-08796
Prepared By: Kimberly Brown
Date: June 19, 2003

- Point of Diversion
- Place of Use
- Section Lines
- 1/4 1/4



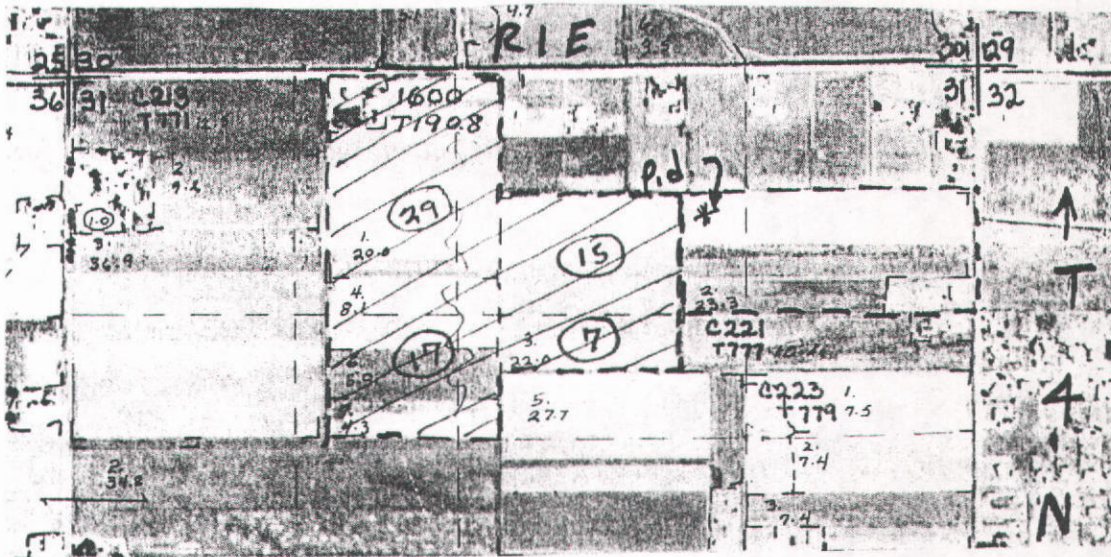
1987 NAPP

MEMORANDUM

Date: January 11, 1988
To: File 63-8796
From: L. Glen Saxton *LGS*
RE: IRRIGATED ACRES - TO BE LICENSED

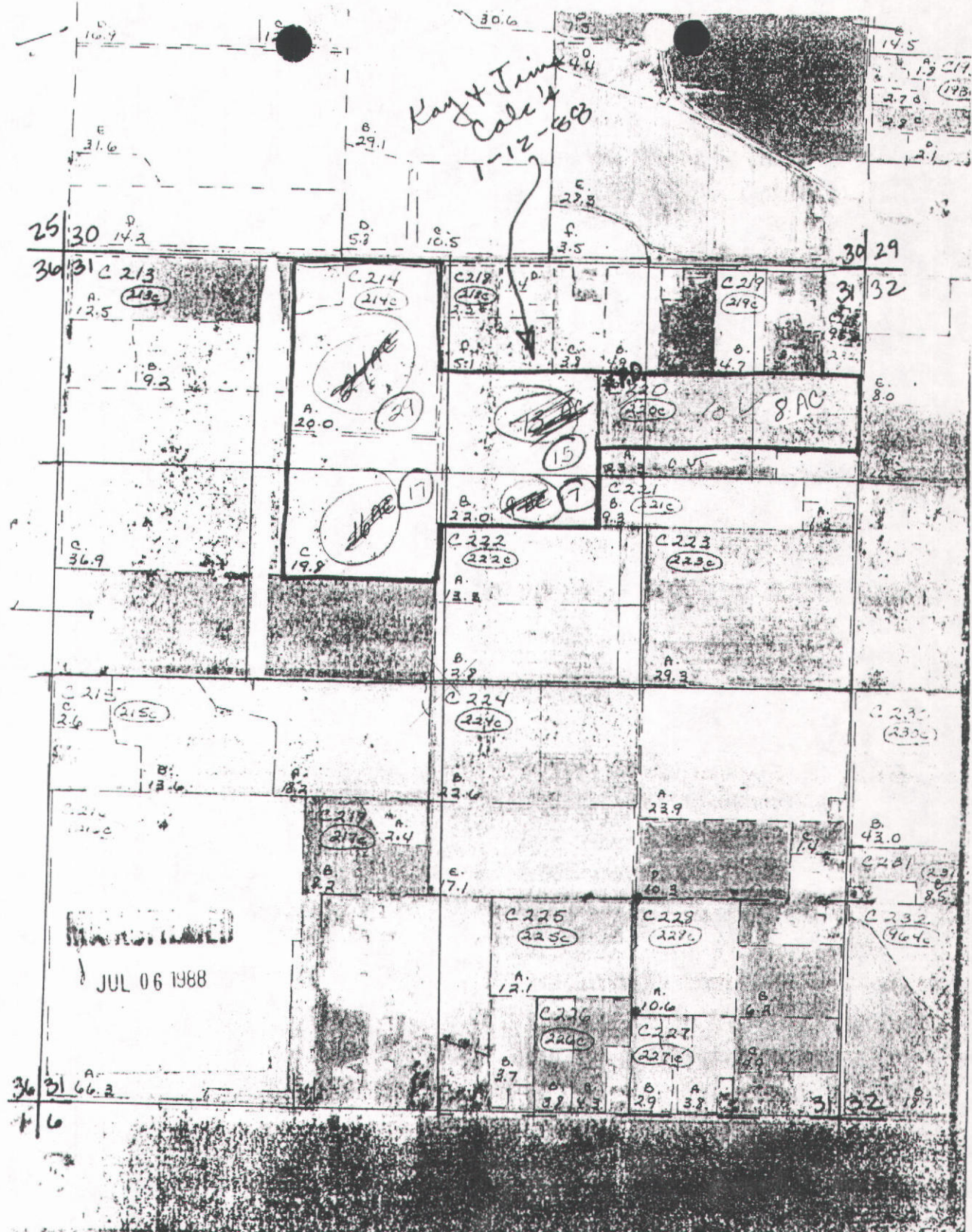
Frank Ham was in the office today and discussed at great length permit 63-8796 for which a license needs to be issued and lapsed permit 63-8410.

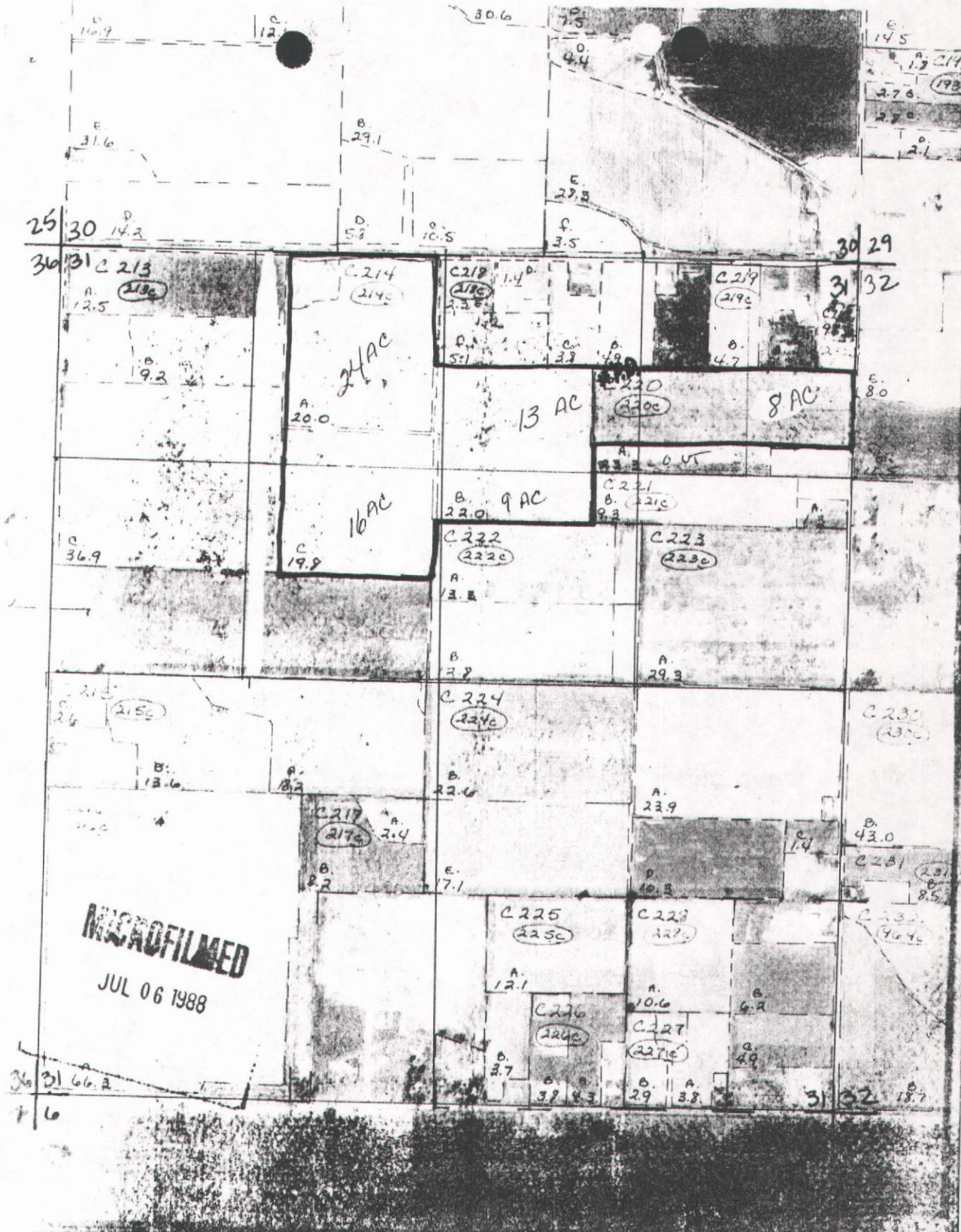
Mr. Ham filed a new application in place of lapsed permit 63-8410 and requested that license 63-8796 be issued different than that recommended by the field examiner to correspond with actual field boundaries. More specifically, the license should include only the tracts and acreage cross-hatched in red below:



In this manner, the license to be issued will not overlap the land on the new application and will relate to actual field boundaries.

JUL 06 1988





IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31724
Date Received: 9/9/2003
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

KELLY FULFER Phone: (208)888-9819
2350 W MCMILLAN RD
MERIDIAN ID USA 83642

BRENDA FULFER Phone: (208)888-9819
2350 W. MCMILLAN
MERIDIAN ID USA 83642

2. Date of Priority: 05/09/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	24	NE NW	ADA	

5. Description of diverting works:

well with submersible pump and flow meter

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01	12/31	0.06	11.3

7. Total Quantity Appropriated is:
0.06 C.F.S. and/or 11.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	01E	24	NE	NW	INDUSTRIAL	
			NW	NW	INDUSTRIAL	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Per telephone conversation w/ Renata - Sheldon is deceased. 9/3/03

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Right 63-31631 is also diverted through the point of diversion described above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

CHANGE IN OWNERSHIP LG 12/7/05

15. Basis of Claim: License

☐ JP6 - 00: Industrial Use
☒ ECUR



A6331724



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

RECEIVED

DEC 05 2005

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
63-31631	63-31724				

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~~ Warranty Deed 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)

Gabiola Land Company LLC
920 E. Antilles St. Meridian, ID 83642

- ☒ 4. New Owner/Claimant(s)

Kelly + Brenda Fulfer

Name Connector (Check one): [] and, [] or, [x] and/or

New Mailing Address

2350 W. McMillan Rd.

City, State and ZIP Code

Meridian, ID 83642

New Telephone Number

208 888-9819

5. Date you acquired the property

October 21, 2005

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

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, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

⑦

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Handwritten Signature]
Barda Fulger

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 _____ Date _____ Fee 25-
 Receipted by LG Date 12-16-05 Receipt No. W033658
 Processed by _____ AJ Date _____ WR _____ Date _____



A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY
8151 W. Rifleman Ave. / Boise, Idaho 83704
(208) 377-2700

WARRANTY DEED

For Value Received

Gabiola Land Company, LLC, an Idaho limited liability company

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Kelly Fulfer and Brenda Fulfer, Husband and Wife

hereinafter referred to as Grantee, whose current address is 2350 W. McMillan Road, Meridian, Idaho 83642

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: October 19, 2005

Gabiola Land Company, LLC

By: Albert M. Gabiola

Albert M. Gabiola, Member-Manager

STATE OF Idaho, County of Ada, ss

On this 21st day of October, in the year of 2005, before me the undersigned, a notary public, personally appeared Albert M. Gabiola, known or identified to be one of the member(s)/manager(s) in a limited liability company, of Gabiola Land Company, LLC and the member(s)/manager(s) who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he/she/they executed the same in said limited liability company name.



Susan J. Merritt
Susan J. Merritt
Notary Public of Idaho

RECEIVED

DEC 05 2005

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

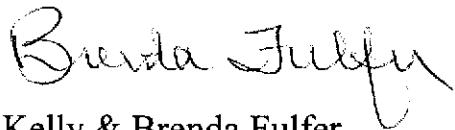
RE: Kelly & Brenda Fulfer Water Right No. 63-31724 and Permit to
Appropriate Water Right No. 63-3163

Research items necessary for processing of ownership change requested:

1. Legal description of property: NW ½ NW1/4 Section 24 Township
2N Range 1E. Ada County Parcel # S1424210000. Idaho State
Parcel # 02N01E240000. ~~Parcel Map also enclosed.~~
2. Warranty Deed: Copy Enclosed.
3. Signatures Needed: On Form

Thank you for your consideration.

Sincerely,



Kelly & Brenda Fulfer

EXHIBIT A

The North half of the Northwest quarter of Section 24, Township 2 North, Range 1 East, Boise-Meridian, Ada County, State of Idaho

CM 2
KF
Bq

11/02/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 18, 2005

Water right number: 63-31724

GABIOLA LAND CO LLC

920 E ANTILLES CT

MERIDIAN ID 83642

Telephone Number: (208)887-1812

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-29-05

SIGNATURE:

Kelly Fulfer / Brenda Fulfer

Please print your name:

Kelly Fulfer / Brenda Fulfer

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 2, 2005

Kelly and Brenda Fulfer
2350 W. McMillan
Meridian ID 83642

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RECEIVED

DEC 05 2005

WATER RESOURCES
WESTERN REGION

Dear Waterusers:

This office has received the **Notice of Change of Water Right Ownership** submitted to our office. However, due to the items checked below, we cannot continue to process this ownership change. We are returning the Notice of Change of Ownership to you to **COMPLETE OR RESEARCH ONLY THE FOLLOWING ITEM(S) SHOWING A CHECKMARK IN THE BLANK FOR THAT ITEM(S).**

_____ **There is no existing water right in our records either under the former owner's name or for the legal description given.** If, after contacting the former owner, you find more information concerning a water right, such as a water right number, please contact us.

 x **Legal description of property.** Please complete showing the legal description by ¼ ¼ (40-acre tract), Section, Township and Range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat.

_____ **It appears you received your water from an irrigation district, ditch company, municipality or community water company.** If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.

_____ **Name and address of former owner (seller).** This will clarify the original owner of the water right.

_____ **Name, address and phone number of new owner (purchaser).**

_____ **This change in ownership appears to result in a splitting of the water right.** A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by ¼ ¼ with the number of acres in each ¼ ¼ (if applicable) and the point of diversion by ¼ ¼, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion. **Enclosed is a computer copy of this right for your review.**

 x **Proof of ownership is needed.** This proof should be a copy of the **warranty deed** in your name which includes a description of this property by ¼ ¼, Section, Township and Range.

 x **Signature of new owner (purchaser) is needed on this form.**

_____ **Other:**

Please complete the above item(s), if required, on the Notice of Change of Water Right Ownership form and return

it with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705. If we do not hear from you within 30 days, the claim upon which this form was filed (if one exists), will remain in the original owner's name.

Feel free to contact this office if you have questions concerning this letter.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LG: lg

Enclosures

RECEIVED

NOV 01 2005

WATER RESOURCES
WESTERN REGION

October 31, 2005

Idaho Department of Water Resources
Western Region
2734 Airport Way
Boise, ID 83705

RECEIVED

DEC 05 2005

WATER RESOURCES
WESTERN REGION

RE: Water Right No. 63-31724 and Permit to Appropriate Water No. 63-31631

Dear Sir or Madam:

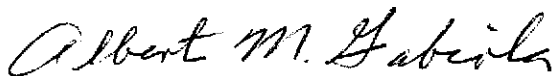
This letter is to notify you that the Gabiola Land Company, LLC has sold the property described as N1/2NW1/4, Section 24, T2N, R1E, Ada County effective October 21, 2005. The new owners are:

Kelly and Brenda Fulfer
2350 W McMillan Road
Meridian, Idaho 83642

The sale included appurtenant Water Right No. 63-31724 and Permit to Appropriate Water No. 63-31631. It is requested of you that these rights be transferred to the new owners.

Please let me know if you will need any additional information from me. Thank you for your consideration

Sincerely yours,



Albert M. Gabiola
Member Manager

cc: Kelly and Brenda Fulfer w/enclosures

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31724
Date Received: 9/9/2003
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GABIOLA LAND CO LLC Phone: (208)887-1812
920 E ANTILLES CT
MERIDIAN ID USA 83642

2. Date of Priority: 05/09/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	24	NE NW	ADA	

5. Description of diverting works:

well with submersible pump and flow meter

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01	12/31	0.06	11.3

7. Total Quantity Appropriated is:
0.06 C.F.S. and/or 11.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	01E	24	NE	NW	INDUSTRIAL	
			NW	NW	INDUSTRIAL	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Per telephone conversation w/ Renata - Sheldon is deceased. 9/3/03

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Right 63-31631 is also diverted through the point of diversion described above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License

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

RECEIVED

OCT 22 2003

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
63-31724					

See Transfer No. 70628 (formerly part of 63-8796)

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) Renata Ham
4. New Owner/Claimant(s) Gabiola Land Company, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 920 East Antilles Court
- City, State and ZIP Code Meridian, Idaho 83642
- New Telephone Number (208) 887-1812
5. Date you acquired the property October 13, 2003

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

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, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) GABIOLA LAND COMPANY, LLC
(include title if applicable)
By Albert M. Gabiola
Albert M. Gabiola, Managing Member

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 DH Date 10-22-03 Fee 2
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 10/21/03 04:05 PM
DEPUTY Jamie Parsons
RECORDED - REQUEST OF
Westberg, McCabe & Collins
AMOUNT 6.00

2



WATER RIGHT GRANT DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Grantor Renata Ham of Meridian, Idaho, hereby grants, bargains, sells, and conveys unto Grantee, Gabiola Land Company, LLC, an Idaho Limited Liability Company, whose address is 920 E. Antilles Court, Meridian, Idaho 83642, the following portion of licensed ground water right number 63-8796:

The approximately 5.9% percent (4/68) portion of such licensed irrigation ground water right that is appurtenant to 4 acres consisting of the following:

4 acres comprising a portion of the NE¼ of the NW¼;

all in Section 31, T4N, R1E, Boise Meridian, in Ada County (hereinafter, the "Water Right").

Grantor hereby further assigns to Grantee the above-described approximately 5.9 percent (4/68) portion of the license for ground water right number 63-8796 issued by the Idaho Department of Water Resources, a copy of which is attached hereto as Exhibit A, together with a like portion of Grantor's right, title, and interest in and to any claim for such portion filed in the Snake River Basin Adjudication, Fifth Judicial District, in the 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 the SRBA Court.

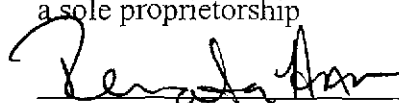
Grantor hereby covenants to Grantee that Grantor has ceased to divert and use the Water Right on the above-described 4 acres or otherwise. Grantor makes no other guarantees or warranties as to the Water Right, its transferability, or its yield upon transfer, change, or exchange.

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 13th day of October 2003.

GRANTOR:

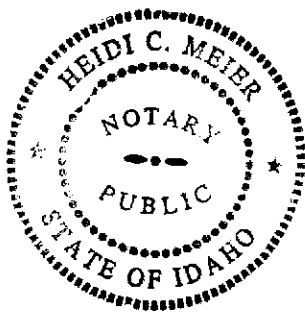
STONECREEK TURF,
a sole proprietorship


Renata Ham, Proprietor

STATE OF IDAHO)
) ss.
County of Ada)

On this 13th day of October 2003, before me, a Notary Public in and for the State of Idaho, personally appeared Renata Ham, a/k/a Renata Moon, 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 Stone Creek 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.



Heidi C. Meier

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



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

CH AH

WARRANTY DEED
(INDIVIDUAL)

FOR VALUE RECEIVED FRANK N. HAM AND WYOMA HAM, HUSBAND AND WIFE

Grantor s, do hereby grant, bargain, sell and convey unto SHELDON G. HAM AND RENATA HAM,
HUSBAND AND WIFE

the Grantee s, whose current address is: 11955 W. MESQUITE DRIVE, BOISE, ID 83704
the following described real property in ADA County, State of Idaho, more particularly described as
follows, to-wit:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

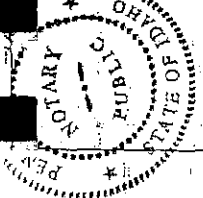
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s and Grantee heirs
and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, the Grantor s are the
owner s in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this
conveyance is expressly made subject and those made, suffered or done by the Grantee s and subject to reservations,
restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments,
(includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor s
will warrant and defend the same from all lawful claims whatsoever.

Dated: June 16, 1997

Frank N. Ham *Wyoma Ham*
FRANK N. HAM WYOMA HAM

STATE OF IDAHO, County of ADA, ss.

On this 16 day of June, in the year of 1997, before me PENNY R. COMBS
personally appeared FRANK N. HAM AND WYOMA HAM, a notary public, per-
known or identified to me to be the person s whose name s are subscribed to the within instrument, and
acknowledged to me that they executed the same.



Notary Public: *Penny R. Combs*
Residing at: MERIDIAN, IDAHO
My Commission Expires: 05/04/00

EXHIBIT 1
PAGE 1 OF 3

EXHIBIT "A"

PARCEL I

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 NORTHEAST 1/4 OF SECTION 31 OF TOWNSHIP 4 NORTH AND RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO. THE PARCEL IS ALSO DESCRIBED AS LOT 8 AND PART OF LOT 9 OF CRESTWOOD SUBDIVISION NO. 1, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH ALONG THE EASTERLY SECTION LINE OF SAID SECTION 31, A DISTANCE OF 660.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 41 MINUTES 53 SECONDS WEST, (FORMERLY SOUTH 89 DEGREES 40 MINUTES 27" WEST), A DISTANCE OF 33.00 FEET TO A POINT, THE NORTHEAST CORNER OF SAID LOT 8, THE REAL POINT OF BEGINNING; THENCE SOUTH ALONG THE EASTERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 495.52 FEET TO AN IRON PIN; THENCE SOUTH 88 DEGREES 54 MINUTES 35 SECONDS WEST, A DISTANCE OF 475.48 FEET TO AN IRON PIN; THENCE SOUTH A DISTANCE OF 167.06 FEET TO AN IRON PIN ON THE SOUTHERLY BOUNDARY OF SAID LOT 9; THENCE SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 9, A DISTANCE OF 1137.90 FEET TO AN IRON PIN, THE SOUTHWEST CORNER OF SAID LOT 9 OF THE CRESTWOOD SUBDIVISION NO. 1; THENCE NORTH 0 DEGREE 01 MINUTES 41 SECONDS EAST (FORMERLY NORTH 0 DEGREE 02 MINUTES 20 SECONDS EAST), ALONG THE WESTERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 664.91 FEET TO AN IRON PIN, THE NORTHWEST CORNER OF SAID LOT 8; THENCE NORTH 89 DEGREES 28 MINUTES 18 SECONDS EAST, A DISTANCE OF 1396.02 FEET, (FORMERLY NORTH 89 DEGREES 28 MINUTES 32 SECONDS A DISTANCE OF 1395.89 FEET), TO AN IRON PIN ON THE NORTHERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1; THENCE NORTH 89 DEGREES 41 MINUTES 53 SECONDS EAST, (FORMERLY NORTH 89 DEGREES 40 MINUTES 27 SECONDS EAST), ALONG THE NORTHERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 217.00 FEET TO THE REAL POINT OF BEGINNING.

PARCEL II

PART OF THE SOUTHWEST 1/4 NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE QUARTER CORNER COMMON SECTIONS 31 AND 32, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, THENCE SOUTH 89 DEGREES 58' WEST 1320.00 FEET ALONG THE EAST WEST MID SECTION LINE TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31; THENCE NORTH 0 DEGREES 03' EAST 10.00 FEET ALONG THE ONE-SIXTEENTH LINE TO THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 03' EAST 987.48 FEET; THENCE NORTH 89 DEGREES 58' WEST 1317.89 FEET TO A POINT ON THE NORTH SOUTH MID SECTION LINE OF SECTION 31; THENCE

EXHIBIT C

PAGE 2 OF 3

CONTINUED

END OF LEGAL DESCRIPTION

EXHIBIT S
PAGE 3 OF 3

Filed at the request of:
When recorded return to:

Givens Pursley LLP
277 N. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701
Attn: Donald R. Alloway

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 03/13/03 04:44 PM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Givens Pursley
AMOUNT 18.00



6

WATER RIGHT ASSIGNMENT AND QUITCLAIM DEED

Recitals

1. Frank and Wyoma Ham, husband and wife (together or separately referred to herein as "Assignor") owned and operated a turf-growing operation near Meridian, Idaho now known as Stonecreek Turf ("Stonecreek"). To irrigate the approximately 122 acres involved in Stonecreek, Assignor acquired three licensed ground water rights, nos. 63-8796, 63-9972, and 63-10566, which were appurtenant to and used to irrigate the two fee-owned parcels and three leased parcels comprising Stonecreek.
2. In 1997, Assignor deeded its fee interests in the Stonecreek property, and its appurtenances, to Renata Ham and her late husband, Sheldon Gayle Ham.
3. Assignor desires to clarify that the 1997 conveyance was intended to convey to Sheldon and Renata Ham all of Assignor's interest in the above-described water rights.

Assignment and Quit Claim Deed

FOR VALUE RECEIVED, Assignor hereby releases, conveys, and quitclaims unto Renata Ham, a/k/a Renata Moon, whose address is 5125 Morningdale Dr., Boise, Idaho 83713 ("Assignee"), all of Assignor's right, title, and interest in and to those licensed ground water rights appurtenant to, delivered to, or placed to beneficial use upon the following described premises, being a portion of the North half of Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho:

SEE ATTACHED EXHIBIT "A."

which water rights are more particularly described as licensed water right nos. 63-8796, 63-9972, and 63-10566 as reflected in the records of the Idaho Department of Water Resources and/or the Snake River Basin Adjudication Court, Fifth Judicial District, in and for the County of Twin Falls, Idaho, Case No. 39576. Assignor also hereby assigns and conveys to Assignee all of Assignor's interest in the licenses for such water rights,

and conveys to Assignee all of Assignor's interest in the licenses for such water rights, and all of Assignor's interest in any wells, pipes, pumps, ditches, or easements on the above-described premises and associated with such water rights.

TO HAVE AND TO HOLD all such water rights, licenses, and interests unto the Assignee, her successors and assigns, forever.

IN WITNESS WHEREOF, Assignor has caused her name to be subscribed to this Deed effective the 13 day of March, 2003

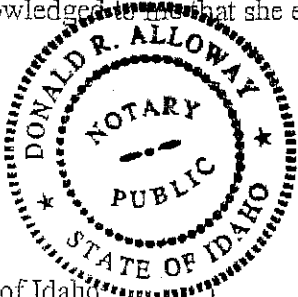
ASSIGNOR

Frank N. Ham

Wyoma Ham
Wyoma Ham

State of Idaho)
) ss.
County of Ada)

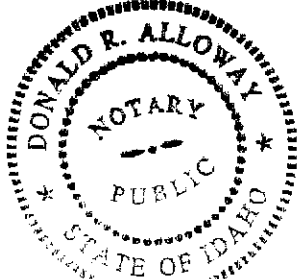
On this 13 day of March in the year of 2003, before me, a Notary Public in and for said State, personally appeared Wyoma Ham, a married woman, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Notary Public for Idaho
Residing at Boise
My Commission expires 10/3/05

State of Idaho)
) ss.
County of Ada)

On this 13 day of March in the year of 2003, before me, a Notary Public in and for said State, personally appeared Frank N. Ham, a married man, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



[Signature]
Notary Public for Idaho
Residing at Boise
My Commission expires 10/3/07

EXHIBIT "A"

PARCEL I

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 NORTHEAST 1/4 OF SECTION 31 OF TOWNSHIP 4 NORTH AND RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO. THE PARCEL IS ALSO DESCRIBED AS LOT 8 AND PART OF LOT 9 OF CRESTWOOD SUBDIVISION NO. 1, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH ALONG THE EASTERLY SECTION LINE OF SAID SECTION 31, A DISTANCE OF 660.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 41 MINUTES 59 SECONDS WEST, (FORMERLY SOUTH 89 DEGREES 40 MINUTES 27" WEST), A DISTANCE OF 33.00 FEET TO A POINT, THE NORTHEAST CORNER OF SAID LOT 8, THE REAL POINT OF BEGINNING; THENCE SOUTH ALONG THE EASTERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 495.52 FEET TO AN IRON PIN; THENCE SOUTH 86 DEGREES 54 MINUTES 35 SECONDS WEST, A DISTANCE OF 475.48 FEET TO AN IRON PIN; THENCE SOUTH A DISTANCE OF 167.06 FEET TO AN IRON PIN ON THE SOUTHERLY BOUNDARY OF SAID LOT 8; THENCE SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 8, A DISTANCE OF 1137.90 FEET TO AN IRON PIN, THE SOUTHWEST CORNER OF SAID LOT 9 OF THE CRESTWOOD SUBDIVISION NO. 1; THENCE NORTH 0 DEGREE 01 MINUTES 41 SECONDS EAST (FORMERLY NORTH 0 DEGREE 02 MINUTES 20 SECONDS EAST), ALONG THE WESTERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 664.91 FEET TO AN IRON PIN, THE NORTHWEST CORNER OF SAID LOT 8; THENCE NORTH 89 DEGREES 28 MINUTES 18 SECONDS EAST, A DISTANCE OF 1396.02 FEET, (FORMERLY NORTH 89 DEGREES 28 MINUTES 32 SECONDS A DISTANCE OF 1395.89 FEET), TO AN IRON PIN ON THE NORTHERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1; THENCE NORTH 89 DEGREES 41 MINUTES 53 SECONDS EAST, (FORMERLY NORTH 89 DEGREES 40 MINUTES 27 SECONDS EAST), ALONG THE NORTHERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 217.00 FEET TO THE REAL POINT OF BEGINNING.

PARCEL II

PART OF THE SOUTHWEST 1/4 NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FROM THE QUARTER CORNER COMMON SECTIONS 31 AND 32, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, THENCE SOUTH 89 DEGREES 50' WEST 1320.00 FEET ALONG THE EAST WEST MID SECTION LINE TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31; THENCE NORTH 0 DEGREES 02' EAST 10.00 FEET ALONG THE ONE-SIXTEENTH LINE TO THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 02' EAST 587.48 FEET; THENCE NORTH 89 DEGREES 50' WEST 1317.89 FEET TO A POINT ON THE NORTH SOUTH MID SECTION LINE OF SECTION 31; THENCE

EXHIBIT

PAGE

17

OF 4

CONTINUED

File Number: P152788

SOUTH 0 DEGREES 05' WEST 978.79 FEET ALONG SAID NORTH SOUTH MID SECTION
LINE TO A POINT WHICH IS NORTH 0 DEGREES 05' EAST 20.00 FEET FROM THE
CENTER OF SECTION 31; THENCE
SOUTH 29 DEGREES 36' EAST 1320.46 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

EXHIBIT 17

PAGE 2 OF 4

PARCEL 111

The East 10 acres of the Northeast quarter of the Northwest quarter, the East 15 acres of the North half of the Southeast quarter of the Northwest quarter, the Southwest quarter of the Northwest quarter of the Northeast quarter, the West half of the Southeast quarter of the Northwest quarter of the Northeast quarter, the Southwest quarter of the Northeast quarter, All in Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPT THEREFROM the Northeast quarter of the Northeast quarter of the Southwest quarter of the Northeast quarter of said Section 31.

ALSO EXCEPT the tract of land described as follows:

From the quarter corner common to Sections 31 and 32, Township 4 North, Range 1 East of the Boise Meridian; thence

South 89°58' West 1320.20 feet along the East West mid-section line to the Southwest corner of the Southeast quarter of the Northeast quarter of Section 31; thence

North 0°03' East 10.00 feet along the 1/16 line to the POINT OF BEGINNING; thence

North 0°03' East 967.48 feet; thence

North 89°55' West 1317.89 feet to a point on the North South mid-section line of Section 31; thence

South 0°05' West 978.79 feet along said North South mid-section line to a point which is North 0°05' East, 20 feet from the center of Section 31; thence

South 89°36' East, 1320.48 feet to the POINT OF BEGINNING, All in the Southwest quarter of the Northeast quarter of Section 31, Township 4 North, Range 1 East of the Boise Meridian, Ada County, Idaho.

AND FURTHER EXCEPTING ditch and road rights of way.

EXHIBIT 7

PAGE 3 OF 4

EXHIBIT A

Page 4 - Summer 2000

POOR COPY

EXHIBIT A
PAGE 4 OF 4

imagery - Summer 2000

POOR COPY.

EXHIBIT A
PAGE 4 OF 4

COPY

SEP 17 2001

DAVID NAVARRO, Clerk
CLERK OF DISTRICT COURT
CLERK OF DISTRICT COURT

1 ROBERT L. ALDRIDGE, CHARTERED
2 Attorney at Law
3 1209 North Eighth Street
4 Boise, Idaho 83702-4297
5 Telephone: (208) 336-9880
6 Fax: (208) 336-9882
7 Idaho State Bar No 1298
8 Attorney for Personal Representative

9 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
10 STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

11
12 IN THE MATTER OF THE ESTATE OF
13 Sheldon Gayle Potts,
14 also known as Sheldon Gayle Ham,
15 Deceased
16

Probate Case No

LETTERS OF ADMINISTRATION

(I.C. §15-3-602 & §15-3-702)

17 Renata Ham is hereby appointed personal representative of the estate of Sheldon Gayle Potts, also
18 known as Sheldon Gayle Ham, deceased, with all authority pertaining thereto. Administration of
19 the estate is unsupervised. These Letters are issued to evidence the appointment, qualification,
20 and authority of the said personal representative.

21 WITNESS: Hon. John F. Dutcher, Magistrate of the District Court, County of Ada, State of Idaho,
22 with the seal of the Court affixed this September 11, 2001.

23
24 Hon. John F. Dutcher, Magistrate

STATE OF IDAHO
COUNTY OF ADA

Letters of Administration, In the Matter of the Estate of Sheldon Gayle Potts, a.k.a. Sheldon Gayle Ham

EXHIBIT

PAGE

Page 1

1 OF 2

1 STATE OF IDAHO)
2) ss.
3 COUNTY OF ADA)

4 The undersigned, Renata Ham, hereby accepts the appointment to the office of personal
5 representative of the Estate of Sheldon Gayle Potts, also known as Sheldon Gayle Ham, deceased,
6 and does solemnly swear that I will perform, according to law, the duties of personal representative
7 of said estate.

8
9
10
11
12

Renata Ham
12127 West Patrino Drive
Boise, Idaho 83713
Telephone: (208) 938-9898

EXHIBIT DPAGE 2 of 2

State of Idaho
Department of Water Resources

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		
<u>LOCATION OF POINT OF DIVERSION(S):</u>		NWNE, Sec. 31, Township 4N, Range 1E Ada County			
<u>PLACE OF USE:</u> 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 1st day of July, 1988.

MAILED

Director

JUL 06 1988

WATER RIGHT NO. 63-31724
As Modified by Transfer No. 70628

In accordance with the approval of Transfer No. 70628, Water Right No. 63-31724 is now described as follows.

Right Holder: SHELDON G HAM And
 RENATA HAM
 11955 W MESQUITE DR
 BOISE ID 83704

Priority Date: May 09, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	0.06 CFS	11.3 AF
			0.06 CFS	11.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENW Sec. 24 Twp 02N Rge 01E ADA County

PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	24					X	X											

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Right 63-31631 is also diverted through the point of diversion described above.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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

Dated this 22 day of August, 2003

for 
 Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED***

TRANSFER NO. 70628

This is to certify that: GABIOLA LAND CO LLC
920 E ANTILLES CT
MERIDIAN ID 83642
(208)887-1812

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

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
63-8796	AJC/License	05/09/1977	1.05 cfs	308 af	N/A	68.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-8796	YES	YES	YES	NO	YES	YES

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-8796	63-31724	0.06 cfs	11.3 af	N/A	N/A	63-31723	0.99 cfs	288 af	N/A	64.0
COMBINED										
TOTALS		0.06 cfs	11.3 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 22 day of August, 2003

For 
Chief Water Allocation Bureau

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31724 V1

WATER RIGHT NUMBER: 63-31724 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHELDON G HAM 11955 W MESQUITE DR BOISE, ID 83704
Original Owner	WYOMA HAM 4415 N LOCUST GROVE MERIDIAN, ID 83642 (208)888-4263
Original Owner	FRANK N HAM 4415 N LOCUST GROVE MERIDIAN, ID 83642 (208)888-4263
Current Owner	RENATA HAM 5125 N MORNINGGALE BOISE, ID 83713

Priority Date: 05/09/1977

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	01/01 to 12/31	0.060 CFS	11.30 AF
	<u>Total Diversion:</u>	0.060 CFS	11.30 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 24, Twp 02N, Rge 01E, B.M.
ADA County		

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	24					X	X											

Conditions of Approval:

- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31724 V1

3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
5. X36 Right 63-31631 is also diverted through the point of diversion described above.

Remarks:Comments:

1. pskaggs 8/13/2003 8:20:05 AM Transferred Right
 Comment: This is now a approved transfer, transfer number = 70628

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: And
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
----------------	---------------------------	-----------------	---------------------------	-----------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

WATER RIGHT NO. 63-31724
As Modified by Transfer No. 70628

In accordance with the approval of Transfer No. 70628, Water Right No. 63-31724 is now described as follows.

Right Holder: SHELDON G HAM And
 RENATA HAM
 11955 W MESQUITE DR
 BOISE ID 83704

Priority Date: May 09, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01	to 12/31	0.06 CFS	11.3 AF
			0.06 CFS	11.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENW Sec. 24 Twp 02N Rge 01E ADA County

PLACE OF USE: INDUSTRIAL

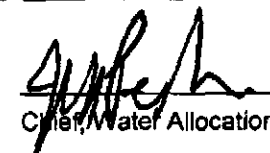
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	24					X	X											

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Right 63-31631 is also diverted through the point of diversion described above.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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

Dated this 12 day of August, 2003

For 
 Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70628

This is to certify that: GABIOLA LAND CO LLC
920 E ANTILLES CT
MERIDIAN ID 83642
(208)887-1812

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

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-8796	AJC/License	05/09/1977	1.05 cfs	306 af	N/A	68.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-8796	YES	YES	YES	NO	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-8796	63-31724	0.06 cfs	11.3 af	N/A	N/A	63-31723	0.99 cfs	288 af	N/A	64.0
COMBINED										
TOTALS		0.06 cfs	11.3 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12 day of August, 2003

For 
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 70628

RECEIVED

MAY 05 2003

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

NATIONAL WATER RESOURCES
WESTERN REGION

Gabiola Land Company, LLC

Phone 208-887-1812

Post Office address 920 E. Antilles Ct., Meridian, ID 83642

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant proposes transferring 4-acre irrigation water right to a gravel pit for dust control purposes.

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
63-31724 May 9, 1977 0.062/18.0 industrial 1/1 to 12/31
 _____ to _____
 _____ to _____
 _____ to _____

2. Total amount of water being transferred 0.062 cubic feet per second and/or 18.0 acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total Acres

PART 1

6. General Information:

a. Description of diversion system well with submersible pump and flow meterb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
land will no longer be irrigated with groundwater

d. Remarks:

Diversion volume will be limited to 11.3 acre feet based on estimated annual water consumption associated with the 4 acres of transferred irrigation water right (2.83 acre feet/acre). The estimate utilizes the 35.39 inch seasonal consumptive irrigation requirement (CIR) for alfalfa hay at Boise (Allen and Brockway, 1983) with an adjustment factor of 0.96 to convert alfalfa CIR to turf CIR. An adjustment factor is needed because Allen and Brockway do not list a CIR for turf, the crop historically grown under water right 63-8796. The adjustment factor is based on the average turf to alfalfa evapotranspiration ratios for USBR Agrimet stations in southwest Idaho (Grandview, Glens Ferry, Nampa, and Parma).

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20____

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-8796 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Water Right Purchase and Sale Agreement

3. Source of water ground water tributary to _____4. Date or priority May 9, 1977

5. Water is used for the following purposes:

amount 1.05/306.0 for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.05 cubic feet per second and/or 306.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	31	4N	1E	Ada	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	31		15	7		29			17									68

Total Acres 689. Describe any other water rights used for the same purpose as described above none

PART 2

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

no If yes, describe _____

1. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.062/18.0 for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	31	4N	1E	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	31					4												4

Total Acres 4

2. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.988/288.0 for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	31	4N	1E	Ada	

3. Lands irrigated or place of use:

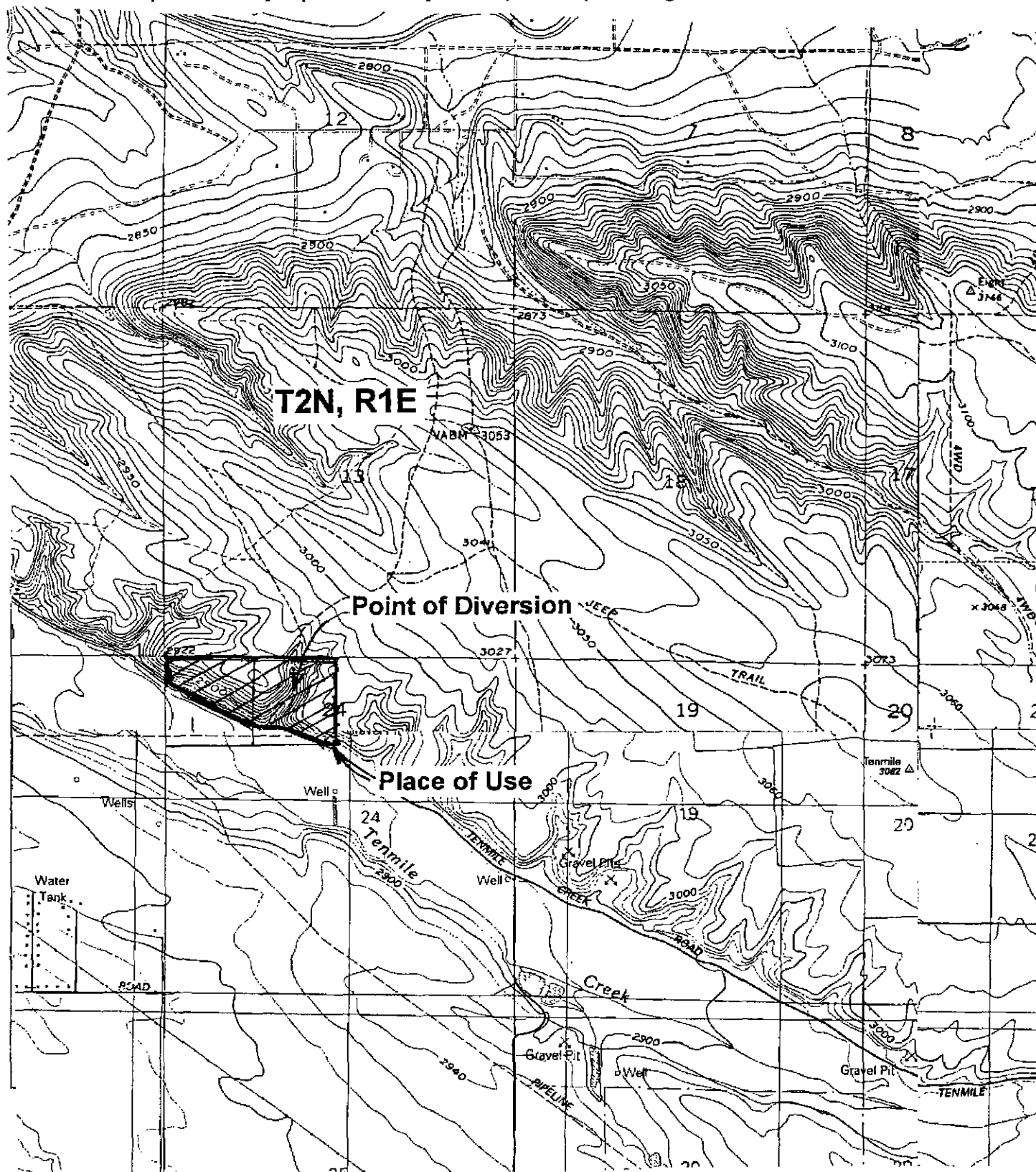
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	31		15	7		25			17									64

Total Acres 64

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

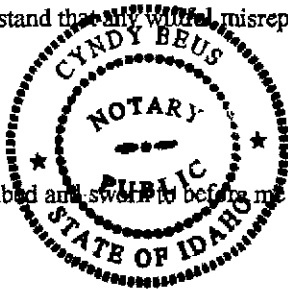
B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>industrial</u>	<u>0.062/18.0</u>	<u>6 hrs / 365 day</u>	<u>1/1 to 12/31</u>
		<u>average</u>	<u>to</u>
2. Quantity and quality of return flows and location of discharge:
none
3. Describe effects on other water uses resulting from the proposed change:
none

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Albert M. Haberle
(Signature of Applicant)

Subscribed and sworn to before me this

30th day of April 2003

, 20

Cindy Beus

(Notary Public)

My commission expires 09-17-2008

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by Western Date 5/5/03 Protest filed by _____

Prelim. Check by 6 Fee \$100 W030429

Received by Western Date 5/5/03

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

AFFIDAVIT OF RENATA L. HAM

Renata L. Ham, of legal age and of her own personal knowledge, states as follows:

1. I am the owner or recent seller of approximately 122 acres of agricultural land more fully described on Exhibit A attached hereto (the "Property") in the N ½ of Section 31, T4N, R1E, BM, near Meridian, Idaho. The Property is being developed into a residential subdivision, and I have sold certain portions of it to the subdivision developer. In these sales, I have reserved to myself or re-acquired by deed the three licensed irrigation ground water rights that have been used on the Property: licensed rights Nos. 63-10566, 63-9972, and 63-8796 attached hereto as Exhibits B-1, B-2, and B-3, respectively (together, the "Water Rights"). Each of these rights is appurtenant to a separate portion of the Property.
2. The Water Rights divert from a common point of diversion, a 16-inch-diameter well in the NW ¼ of the NE ¼ of Section 31, T4N, R1E, B.M. The well is 239 feet deep and has always provided a reliable water supply. The well is still operational and was in use in the 2002 irrigation season.
3. Beginning in 1976, the Property has been operated and irrigated with the Water Rights as a turf-growing operation known, first, as Wyan Turf Farm. In approximately 1991, the farm's name was changed to Stonecreek Turf, an assumed business name of the general partnership of Sheldon Gayle Ham (dec'd) and Renata Ham ("Stonecreek").
4. I am very familiar with the operation of Stonecreek, having been the co-owner and manager of the company since 1993. In these capacities I assisted in the management and operation of the turf business. I am familiar with how and where ground water, diverted under the Water Rights, has been used on the Property.
5. All three Water Rights were licensed in the name of Frank and Wyoma Ham, my parents-in-law. The Ham's son, the late Gayle Ham, was my husband. Gayle and I acquired the Property and all three water rights from Frank and Wyoma by deed dated June 16, 1997, a copy of which is attached as Exhibit C. We operated the turf business thereafter. Gale died suddenly on June 18, 2001 leaving me the Property (including all water rights) and his interest in Stonecreek. I have been appointed by the court as the personal representative of Gayle's estate, as noted on Exhibit D. We had never filed with the Idaho Department of Water Resources a change of ownership form memorializing the change in ownership of the water rights from Frank and Wyoma to Gayle and me.
6. I have remarried and now am married to Todd Moon. However, I have not yet officially changed my name. Therefore, for purposes of the land and water right transactions discussed in this Affidavit, I have decided to continue using the surname of my late husband.

7. The Idaho Department of Water Resources' aerial photos of the Property in 1987, 1994, and 2000 are included as Exhibits E-2 and E-3 to this Affidavit. In managing the turf business, Stonecreek divided the Property into five separate turf fields, numbered one through five. These are depicted on Exhibit E-3. The basic facts about each of the fields are as follows (all acreages listed below are within Section 31 of T4N, R1E, B.M., and should be understood to be modified by the phrase "more or less"):

a. Field 1 (Water right license 63-10566/See Exhibit B-1):

- i. Consists of 24 irrigated acres in the NE $\frac{1}{4}$ of the NE of Section 31 (19 acres) and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31 (5 acres).
- ii. The field is owned by Renata Ham, subject to an option to purchase it held by Martin Goldsmith. The option, a copy of which is attached as Exhibit F, excludes the ground water right from the sale.
- iii. Has been continuously irrigated in each irrigation season solely with licensed ground water right 63-10566 since a permit was granted for this water right in early 1988. The license for this water right was issued in 1994. The place of use on this license describes the same 24 acres described above.
- iv. Last irrigated April 17, 2001.

b. Fields 2, 3, and 4 (Water right license 63-8796/See Exhibit B-3):

- i. Together consist of 68 acres in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31.
- ii. These fields were owned from March 1978 until May 31, 2002 by Medco Farms, an Idaho general partnership, but leased to Gayle Ham and me, Renata Ham, husband and wife, for use in the Stonecreek business pursuant to annual leases such as that attached as Exhibit G. Prior to the leases to Gayle and me, Frank and Wyoma Ham had similar leases on Fields 2, 3, and 4. As I have previously explained, Frank and Wyoma obtained the ground water right (No. 63-8796) on Fields 2, 3, and 4, and I now own that water right. To remove any question that my and my late husband's acquisition of the turf business and fields 1 and 5 from Frank and Wyoma Ham

was intended to include, and did include, all three water rights in their entirety, Frank and Wyoma Ham have executed the assignment and quitclaim deed attached as Exhibit H, memorializing my ownership of the water rights.

- iii. Since a permit was granted for this water right in May 1977, Fields 2, 3, and 4 have been continuously irrigated by Stonecreek in each irrigation season solely with licensed ground water right 63-8796. The license for this right was issued in 1988.
- iv. The place of use under water right 63-8796 is this same 68-acre parcel.
- v. The specifics of Fields 2, 3, and 4 are as follows:
 - 1. Field 2 consists of 22 acres. Twelve acres of Field 2 still are being irrigated for the Stonecreek operation. The other ten acres were last irrigated on November 1, 2002.
 - 2. Field 3 consists of 23 acres. Field 3 was last irrigated on August 4, 2001.
 - 3. Field 4 consists of 23 acres. Field 4 was last irrigated on May 28, 2002.
- vi. I exercised a purchase option I held on Fields 2, 3, and 4 and purchased them from Medco on May 31, 2002. The deed from Medco to me is attached as Exhibit I. I then sold them on May 31, 2002 to MacLocust LLC, an Idaho limited liability company. Due to an oversight, the deed to MacLocust LLC did not reserve to me the ground water right on this property as the contract of sale required. Accordingly, MacLocust LLC quitclaimed the water right to me on January 8, 2003. A copy of the water right quitclaim deed is attached as Exhibit J. On February 7, 2003, I received a quitclaim and release of mortgage on the Water Rights appurtenant to Fields 2, 3, and 4, a copy of which is attached as Exhibit K.

c. **Field 5 (Water right license 63-9972/See Exhibit B-2):**

- i. Consists of 28 irrigated acres in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31.

- ii. 14 acres of Field 5 were last irrigated on August 18, 2001; the other 14 were last irrigated on August 8, 2002.
- iii. I still own Field 5, subject to an option to purchase it held by Martin Goldsmith, who is a principal in MacLocust LLC. The option, a copy of which is attached as Exhibit F, excludes the ground water right from the sale.

8. The Property lies within the Settlers Irrigation District ("Settlers"), and is entitled to receive surface water from Settlers for irrigation. A ditch carrying water from Settler's runs along the eastern boundary of Field 5, and annual assessments to Settlers for the Property have been paid. However, no surface water from Settlers or any other entity has been used on the Property since the ground water permits were obtained. Since that time, the Property has been irrigated solely with ground water diverted under the Water Rights.

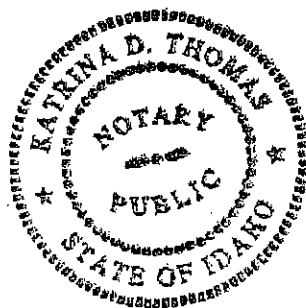
9. In my experience, using surface water is impractical for irrigating a commercial turf operation. In my role as a manager of the turf farm, I became informed that, before the well was installed, Frank Ham and his son, my late husband Gayle Ham, initially did use surface water from Settlers to irrigate the turf farm. This proved infeasible because the weed seed, chemical wastes, and other wastes present in the ditch water produced an inferior turf product that could not compete in the marketplace. Furthermore, the timing of ditch supplies was not reliable enough for the exacting requirements of turf. We often need to begin irrigating as early as March 15, and we continue irrigating as late as November 15 in many years. Settlers usually begins providing water in April and ends deliveries in October. Using ditch water also would require installing two separate pumping systems to pressurize the sprinklers. Although it was attempted before the ground water rights were acquired, it simply has never been practical to use surface water to irrigate this turf farm.

10. Even though water right 63-10566 is licensed as a "supplemental" water right, it has been used as the sole source of irrigation water for Field 1 during each irrigation season since the permit for this right was acquired in 1988. The reason for this is that, as explained above, using surface water has proven infeasible for this economic use. Again, no surface water has been used since before the dates the respective Water Rights were established.

11. In the spring of 2001, I began closing the turf growing operation and have sold 68 acres of the land (Fields 2, 3, and 4) to the developers of Havasu Creek Subdivision for a residential housing development. I since have entered contracts to sell another 53 acres encompassing the other fields. In these transactions, I have reserved the Water Rights to myself (or, as explained above in paragraph 6.b.vi, received a quitclaim deed from the buyer for the water rights). As stated above, I continued turf farming on approximately ten of these acres during the 2002 season, but anticipate ceasing these uses in the near future as the entire parcel is sold and developed.


Renata L. Ham

Subscribed and sworn before me this 21st day of March, 2003.



AFFIDAVIT OF RENATA L. HAM—5
 S:\CLIENTS\6558\RENATA HAM AFFIDAVIT.DOC

EXHIBIT "A"

PARCEL I

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 NORTHEAST 1/4 OF SECTION 31 OF TOWNSHIP 4 NORTH AND RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO. THE PARCEL IS ALSO DESCRIBED AS LOT 8 AND PART OF LOT 9 OF CRESTWOOD SUBDIVISION NO. 1, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH ALONG THE EASTERLY SECTION LINE OF SAID SECTION 31, A DISTANCE OF 660.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 41 MINUTES 53 SECONDS WEST, (FORMERLY SOUTH 89 DEGREES 40 MINUTES 27" WEST), A DISTANCE OF 33.00 FEET TO A POINT, THE NORTHEAST CORNER OF SAID LOT 8, THE REAL POINT OF BEGINNING; THENCE SOUTH ALONG THE EASTERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 495.52 FEET TO AN IRON PIN; THENCE SOUTH 88 DEGREES 54 MINUTES 35 SECONDS WEST, A DISTANCE OF 475.48 FEET TO AN IRON PIN; THENCE SOUTH A DISTANCE OF 167.06 FEET TO AN IRON PIN ON THE SOUTHERLY BOUNDARY OF SAID LOT 9; THENCE SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 9, A DISTANCE OF 1137.90 FEET TO AN IRON PIN, THE SOUTHWEST CORNER OF SAID LOT 9 OF THE CRESTWOOD SUBDIVISION NO. 1; THENCE NORTH 0 DEGREE 01 MINUTES 41 SECONDS EAST (FORMERLY NORTH 0 DEGREE 02 MINUTES 20 SECONDS EAST), ALONG THE WESTERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 684.91 FEET TO AN IRON PIN, THE NORTHWEST CORNER OF SAID LOT 8; THENCE NORTH 89 DEGREES 28 MINUTES 18 SECONDS EAST, A DISTANCE OF 1396.02 FEET, (FORMERLY NORTH 89 DEGREES 28 MINUTES 32 SECONDS A DISTANCE OF 1395.89 FEET), TO AN IRON PIN ON THE NORTHERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1; THENCE NORTH 89 DEGREES 41 MINUTES 53 SECONDS EAST, (FORMERLY NORTH 89 DEGREES 40 MINUTES 27 SECONDS EAST), ALONG THE NORTHERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 217.00 FEET TO THE REAL POINT OF BEGINNING.

PARCEL II

PART OF THE SOUTHWEST 1/4 NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE QUARTER CORNER COMMON SECTIONS 31 AND 32, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, THENCE SOUTH 89 DEGREES 58' WEST 1320.00 FEET ALONG THE EAST WEST MID SECTION LINE TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31; THENCE NORTH 0 DEGREES 03' EAST 10.00 FEET ALONG THE ONE-SIXTEENTH LINE TO THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 03' EAST 907.48 FEET; THENCE NORTH 89 DEGREES 58' WEST 1317.89 FEET TO A POINT ON THE NORTH SOUTH MID SECTION LINE OF SECTION 31; THENCE

EXHIBIT

PAGE

1 OF 4

COMMITMENT FOR TITLE INSURANCE

File Number: P152788

SOUTH 0 DEGREES 05' WEST 978.79 FEET ALONG SAID NORTH SOUTH MID SECTION
LINE TO A POINT WHICH IS NORTH 0 DEGREES 05' EAST 20.00 FEET FROM THE
CENTER OF SECTION 31; THENCE
SOUTH 89 DEGREES 36' EAST 1320.45 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

PARCEL III

The East 30 acres of the Northeast quarter of the Northwest quarter; the East 15 acres of the North half of the Southeast quarter of the Northwest quarter; the Southwest quarter of the Northwest quarter of the Northeast quarter; the West Half of the Southeast quarter of the Northwest quarter of the Northeast quarter; the Southwest quarter of the Northeast quarter, All in Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPT THEREFROM the Northeast quarter of the Northeast quarter of the Southwest quarter of the Northeast quarter of said Section 31.

ALSO EXCEPT the tract of land described as follows:

From the quarter corner common to Sections 31 and 32, Township 4 North, Range 1 East of the Boise Meridian; thence South 89°58' West 1320.20 feet along the East West mid-section line to the Southwest corner of the Southeast quarter of the Northeast quarter of Section 31; thence North 0°03' East 10.00 feet along the 1/16 line to the POINT OF BEGINNING; thence North 0°03' East 367.48 feet; thence North 89°58' West 1317.89 feet to a point on the North South mid-section line of Section 31; thence South 0°05' West 978.79 feet along said North South mid-section line to a point which is North 0°05' East, 20 feet from the center of Section 31; thence South 89°35' East, 1320.45 feet to the POINT OF BEGINNING, All in the Southwest quarter of the Northeast quarter of Section 31, Township 4 North, Range 1 East of the Boise Meridian, Ada County, Idaho.

AND FURTHER EXCEPTING ditch and road rights of way.

EXHIBIT A PAGE 3 OF 4 EXHIBIT A



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

cu AH

WARRANTY DEED
(INDIVIDUAL)

FOR VALUE RECEIVED FRANK N. HAM AND WYOMA HAM, HUSBAND AND WIFE

Grantor s, do hereby grant, bargain, sell and convey unto SHELDON G. HAM AND RENATA HAM,
HUSBAND AND WIFE

the Grantee s, whose current address is: 11955 W. MESQUITE DRIVE, BOISE, ID 83704
the following described real property in ADA County, State of Idaho, more particularly described as
follows, to-wit:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and Grantee heirs
and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee s, the Grantor s are the
owner s in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this
conveyance is expressly made subject and those made, suffered or done by the Grantee s and subject to reservations,
restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments,
(includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor s
will warrant and defend the same from all lawful claims whatsoever.

Dated: June 16, 1997

Frank N. Ham *Wyoma Ham*
FRANK N. HAM WYOMA HAM

STATE OF IDAHO, County of ADA, ss.

On this 16 day of June, in the year of 1997, before me PENNY R. COMBS

, a notary public, personally appeared FRANK N. HAM AND WYOMA HAM
known or identified to me to be the person s whose name s are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Notary Public: *Penny R. Combs*
Residing at: MERTIDIAN, IDAHO
My Commission Expires: 05/04/00

EXHIBIT

PAGE

1 OF 3

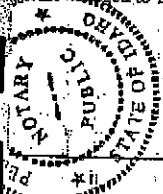


EXHIBIT "A"

PARCEL I

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 NORTHEAST 1/4 OF SECTION 31 OF TOWNSHIP 4 NORTH AND RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO. THE PARCEL IS ALSO DESCRIBED AS LOT 8 AND PART OF LOT 9 OF CRESTWOOD SUBDIVISION NO. 1, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH ALONG THE EASTERLY SECTION LINE OF SAID SECTION 31, A DISTANCE OF 660.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 41 MINUTES 53 SECONDS WEST, (FORMERLY SOUTH 89 DEGREES 40 MINUTES 27" WEST), A DISTANCE OF 33.00 FEET TO A POINT, THE NORTHEAST CORNER OF SAID LOT 8, THE REAL POINT OF BEGINNING; THENCE SOUTH ALONG THE EASTERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 495.52 FEET TO AN IRON PIN; THENCE SOUTH 88 DEGREES 54 MINUTES 35 SECONDS WEST, A DISTANCE OF 475.48 FEET TO AN IRON PIN; THENCE SOUTH A DISTANCE OF 167.66 FEET TO AN IRON PIN ON THE SOUTHERLY BOUNDARY OF SAID LOT 9; THENCE SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 9, A DISTANCE OF 1137.90 FEET TO AN IRON PIN, THE SOUTHWEST CORNER OF SAID LOT 9 OF THE CRESTWOOD SUBDIVISION NO. 1; THENCE NORTH 0 DEGREE 01 MINUTES 41 SECONDS EAST (FORMERLY NORTH 0 DEGREE 02 MINUTES 20 SECONDS EAST), ALONG THE WESTERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 664.91 FEET TO AN IRON PIN, THE NORTHWEST CORNER OF SAID LOT 8; THENCE NORTH 89 DEGREES 28 MINUTES 18 SECONDS EAST, A DISTANCE OF 1396.02 FEET, (FORMERLY NORTH 89 DEGREES 28 MINUTES 32 SECONDS A DISTANCE OF 1395.89 FEET), TO AN IRON PIN ON THE NORTHERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1; THENCE NORTH 89 DEGREES 41 MINUTES 53 SECONDS EAST, (FORMERLY NORTH 89 DEGREES 40 MINUTES 27 SECONDS EAST), ALONG THE NORTHERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 217.00 FEET TO THE REAL POINT OF BEGINNING.

PARCEL II

PART OF THE SOUTHWEST 1/4 NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FROM THE QUARTER CORNER COMMON SECTIONS 31 AND 32, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, THENCE SOUTH 89 DEGREES 58' WEST 1320.00 FEET ALONG THE EAST WEST MID SECTION LINE TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31; THENCE NORTH 0 DEGREES 03' EAST 10.00 FEET ALONG THE ONE-SIXTEENTH LINE TO THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 03' EAST 987.48 FEET; THENCE NORTH 89 DEGREES 58' WEST 1317.89 FEET TO A POINT ON THE NORTH SOUTH MID SECTION LINE OF SECTION 31; THENCE

EXHIBIT C

PAGE 2 OF 3

COMMITMENT FOR TITLE INSURANCE

File Number: P152788

SOUTH 0 DEGREES 05' WEST 978.79 FEET ALONG SAID NORTH SOUTH MID SECTION
LINE TO A POINT WHICH IS NORTH 0 DEGREES 05' EAST 20.00 FEET FROM THE
CENTER OF SECTION 31; THENCE
SOUTH 89 DEGREES 36' EAST 1320.45 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

EXHIBIT 5

PAGE 3 OF 2

RECEIVED

JAN 23 2003

FARM LEASE

Givens Pursley, LLP

THIS INDENTURE, Made and entered into this 24th day of May, 1995, by and between MEDCO FARMS, an Idaho general partnership, the party of the first part, hereinafter referred to for as Lessor; and GAYLE HAM and RENATA HAM, husband and wife, hereinafter referred to as Lessee;

W I T N E S S E T H:

THAT The Lessor hereby leases, lets and demises unto the Lessee, the following described real property, situated in the County of Ada, State of Idaho, and more particularly described as follows, to wit:

SEE EXHIBIT A

for a term commencing on the 1st day of July, 1995, and ending on the 30th day of November, 1997.

RENTAL: The total rent for the term is the sum of [REDACTED]

[REDACTED], lawful money of the United State of America, which Lessee agrees to pay to the Lessor without deduction or offset at such place or places as may be designated from time to time by the Lessor in installments as follows:

1. The sum of [REDACTED] on or before the 15th day of September, 1995;

2. The sum of [REDACTED] on or before the 15th day of April, 1996 and a like sum of [REDACTED] on or before the 15th day of September, 1996.

3. The sum of [REDACTED] on or before the 15th day of April, 1997, and a like sum of [REDACTED] on or before the 15th day of September, 1997.

LESSOR'S COVENANTS: The Lessor covenants and agrees with the Lessee as follows:

1. That the Lessee paying the rent herein reserved and observing and performing the covenants and stipulations on its part to be performed, shall peacefully hold and enjoy the demised premises during the term, subject to the right of the Lessor to enter upon said premises at any reasonable time for the purpose of inspecting the same or making improvements therein.

2. That the Lessor shall pay all real estate taxes levied or assessed against the above described property during the term of this Lease.

3. The Lessor shall pay all capital improvements assessments of the irrigation district. In this regard, it is understood and agreed that Lessor shall have the right to direct Lessee's vote at any meeting of the irrigation district held for the purposes of voting on said assessments.

LESSEE'S COVENANTS: The Lessee covenants with the Lessor as follows:

1. To pay the rent hereby reserved in the manner hereinbefore set forth.

2. To keep said premises in good condition and repair, and to repair all fences, gates, drainage and irrigation ditches, and to keep the same in as good a condition as they now are, or may be put in, during the term hereof, providing that the Lessor shall pay for all materials used in the construction of any permanent gates or checks or other permanent improvements to ditches or fences.

3. To farm, cultivate, fertilize and manage the whole of the premises in a good and farmlike manner, according to the usual course of farming practice in the community, and to keep the same free and clear from weeds and noxious weeds, and not to assign or underlet any part of said premises or this Agreement, without the written consent of the Lessor.

4. To not commit or allow to be committed any waste upon said premises.

5. To pay all of the expenses of planting, cultivating, farming and harvesting the crops grown on said premises and to save the Lessor harmless from any claims or demands arising from said operation.

6. To pay all irrigation water charges, excluding any capital improvement assessments, made or levied upon or against the premises, and including all excess water charges.

7. To not allow nor permit any liens or encumbrances to remain outstanding against said premises after receiving notice of said liens or encumbrances.

8. To yield up said premises, at the expiration of the tenancy, in such state of repair, cultivation and management as

shall be in compliance with the Lessee's Covenants hereinbefore contained.

HOUSE: The parties acknowledge and agree that there exists a residential house located on the premises and that Lessee shall be entitled to rental income therefrom in the event they wish to sublease the said house. Lessee agrees to provide all repairs necessary to maintain the house at their own expense. Lessee shall maintain liability insurance coverage with policy limits of at least THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00), insuring against premises liability arising from occupancy of the house by third parties. Lessee agrees to indemnify and hold harmless Lessor from any claims or actions arising from the use of said house.

SECURITY INTEREST: The Lessor is hereby granted a security interest in the crops grown on the above described property as security for the payment of the lease payments herein provided for. Concurrently with the execution of this Agreement, Lessee agrees to execute and deliver to the Lessor a UCC-1F Farm Products Financing Statement, disclosing the security interest of the Lessor in the crops to be grown on the above described property during the term of this Lease.

The Lessor agrees that within thirty (30) days from a termination of this Lease as provided herein, Lessor shall file a terminating statement with the Secretary of State releasing all its interest in said crops located on the subject property.

DEFAULT: It is understood and agreed that in the event the Lessee should fail to perform any of the covenants and agreements herein contained, that the Lessor shall have the privilege of terminating this Lease by giving to the Lessee a written notice by registered mail addressed to the Lessee at his present address, said notice to set forth the failure or delinquency on the part of the Lessee, and if the Lessee shall have failed to comply with this Agreement, or with said notice, at the expiration of thirty (30) days from the date of the mailing of the same, this Lease shall, at the option of the Lessor, terminate and the Lessor shall be entitled to immediate possession of the premises.

It is understood and agreed that possession by the Lessor in the event of default as set forth herein does not give Lessor an interest in any crops planted or growing on said real property except as set forth in the security agreement herein.

It is further understood and agreed that the security agreement together with the financing statement executed and delivered to the Lessor concurrent with this Agreement secures Lessor to only the amount the Lessee is in default should default occur as provided herein.

ENFORCEMENT EXPENSES: In the event that it is necessary for legal action to be brought by either of the parties hereto to enforce the provisions of this Lease, it is hereby agreed that the prevailing party shall be entitled to reasonable attorney's fees to be fixed by the Court in addition to any costs allowed by law.

PREPARATION OF DOCUMENTS:

Lessee acknowledges that legal ethics do not permit an attorney to represent both parties to a transaction for the reason, among other things, that the parties hereto have potentially conflicting interests. Lessee further acknowledges that it has not sought the counsel and advice of Lessor's attorney or accountant and acknowledges further that David H. Kerrick is the attorney representing the Lessor.

Lessee does agree, however, to reimburse the Lessor for one-half (1/2) of the cost of Lessor's attorney fees incurred in the preparation of this Agreement and the related documents in this transaction.

BINDING EFFECT:

This Agreement is binding upon the heirs, executors, administrators and assigns of all of the parties hereto, and time is of the essence of this Agreement in all of its provisions.

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals the day and year in this Agreement first above written.

MEDCO FARMS

BY

Gerald C. Bauman
GERALD C. BAUMAN, M.D.

BY

T. E. Dillon
T. E. DILLON, M.D.

LESSOR

Gayle Ham
GAYLE HAM

Renata Ham
RENATA HAM

LESSEE

STATE OF IDAHO)
: ss.
County of Canyon)

On this 1st day of June, 1995, before me, the undersigned, a Notary Public in and for said State, Personally appeared HERALD C. BAUMAN, M.D. and T.E. DILLON, M.D., partners in the Partnership of MEDCO FARMS, and the partners who subscribed said Partnership name to the foregoing document and acknowledged to me that they executed the same in the partnership name.

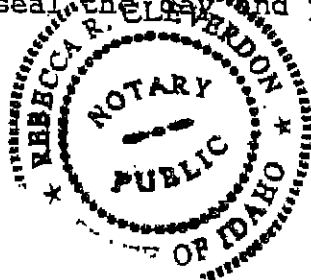
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

RL
Notary Public for Idaho
Residing at Caldwell
My Commission Expires: 4/1/00

STATE OF IDAHO)
: ss.
County of Ada)

On this 24th day of May, 1995, before me, the undersigned, a Notary Public in and for said State, Personally appeared GAYLE HAM and RENATA HAM, husband and wife, known to me to be the persons who executed the foregoing document 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.



Rebecca R. Cleveland
Notary Public for Idaho
Residing at Boise, Idaho
My Commission expires: 8-23-97

FARM LEASE -

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EXHIBIT G
PAGE 7 OF 9

EXHIBIT A

The East 30 acres of the Northeast Quarter of the Northwest Quarter; the East 15 acres of the North Half of the Southeast Quarter of the Northwest Quarter; the Southwest Quarter of the Northwest Quarter of the Northeast Quarter; the West Half of the Southeast Quarter of the Northwest Quarter of the Northeast Quarter; the Southwest Quarter of the Northeast Quarter, ALL in Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPT THEREFROM The Northeast Quarter of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of said Section 31.

EXCEPT ALSO The tract of land described as follows: From the quarter corner common to Sections 31 and 32, Township 4 North, Range 1 East of the Boise Meridian; thence South 89° 58' West 1320.20 feet along the East-West mid-section line to the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 31; thence North 0° 03' East 10.00 feet along the 1/16 line to the Point of Beginning; thence North 0° 03' East 987.48 feet; thence North 89° 58' West 1317.89 feet to a point on the North-South midsection line of Section 31; thence South 0° 05' West 978.79 feet along said North-South midsection line to a point which is North 0° 05' East, 20 feet from the center of Section 31; thence South 89° 36' East, 1320.45 feet to the Point of Beginning and containing 29.815 acres, more or less, ALL in the Southwest Quarter of the Northeast Quarter of Section 31, Township 4 North, Range 1 East of the Boise Meridian.

EXHIBIT

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PAGE

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copy
SW 3-17-95

JAN 7 3 2003

MEDCO FARM PROPOSAL

Givens Pursley, LLP

MAXIMUM AMOUNT FOR LEASED LAND IN THIS AREA IS [REDACTED] PER ACRE. PLEASE NOTE THAT IRRIGATION AND PROPERTY TAXES ARE ALSO PAID BY LESSOR. WE ARE CURRENTLY PAYING [REDACTED] PER ACRE AND WITH TAXES WE ARE PAYING [REDACTED] PER ACRE. IN OUR NEW PROPOSAL IN 1996 WE WOULD OFFER YOU [REDACTED] PER ACRE, WITH TAXES [REDACTED] PER ACRE. IN 1997 [REDACTED] PER ACRE AND WITH TAXES [REDACTED] PER ACRE. IN 1998 GAYLE AND I WOULD LIKE TO HAVE ENOUGH MONEY SAVED FOR A DOWN PAYMENT TO PURCHASE THE PROPERTY.

1995-1997

[REDACTED] SEPTEMBER 15TH 1995
[REDACTED] APRIL 15TH 1996
[REDACTED] SEPTEMBER 15TH 1996
[REDACTED] APRIL 15TH 1997
[REDACTED] SEPTEMBER 15TH 1997

[REDACTED] TOTAL LEASE PAYMENT

[REDACTED] IRRIGATION TAXES FOR 1995
[REDACTED] PROPERTY TAXES FOR 1995
[REDACTED] IRRIGATION TAXES FOR 1996
[REDACTED] PROPERTY TAXES FOR 1996
[REDACTED] IRRIGATION TAXES FOR 1997
[REDACTED] PROPERTY TAXES FOR 1997

[REDACTED] ESTIMATED TAXES

[REDACTED] ESTIMATED TAXES

[REDACTED] PER ACRE

[REDACTED] AVERAGE PER ACRE OVER 2.5 YEARS

EXHIBIT

G

PAGE

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Filed at the request of:
When recorded return to:

Givens Pursley LLP
277 N. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701
Attn: Donald R. Alloway

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 03/13/03 04:44 PM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Givens Pursley
AMOUNT 18.00



6

WATER RIGHT ASSIGNMENT AND QUITCLAIM DEED

Recitals

1. Frank and Wyoma Ham, husband and wife (together or separately referred to herein as "Assignor") owned and operated a turf-growing operation near Meridian, Idaho now known as Stonecreek Turf ("Stonecreek"). To irrigate the approximately 122 acres involved in Stonecreek, Assignor acquired three licensed ground water rights, nos. 63-8796, 63-9972, and 63-10566, which were appurtenant to and used to irrigate the two fee-owned parcels and three leased parcels comprising Stonecreek.

2. In 1997, Assignor deeded its fee interests in the Stonecreek property, and its appurtenances, to Renata Ham and her late husband, Sheldon Gayle Ham.

3. Assignor desires to clarify that the 1997 conveyance was intended to convey to Sheldon and Renata Ham all of Assignor's interest in the above-described water rights.

Assignment and Quit Claim Deed

FOR VALUE RECEIVED, Assignor hereby releases, conveys, and quitclaims unto Renata Ham, a/k/a Renata Moon, whose address is 5125 Morninggale Dr., Boise, Idaho 83713 ("Assignee"), all of Assignor's right, title, and interest in and to those licensed ground water rights appurtenant to, delivered to, or placed to beneficial use upon the following described premises, being a portion of the North half of Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho:

SEE ATTACHED EXHIBIT "A."

which water rights are more particularly described as licensed water right nos. 63-8796, 63-9972, and 63-10566 as reflected in the records of the Idaho Department of Water Resources and/or the Snake River Basin Adjudication Court, Fifth Judicial District, in and for the County of Twin Falls, Idaho, Case No. 39576. Assignor also hereby assigns and conveys to Assignee all of Assignor's interest in the licenses for such water rights,

and conveys to Assignee all of Assignor's interest in the licenses for such water rights, and all of Assignor's interest in any wells, pipes, pumps, ditches, or easements on the above-described premises and associated with such water rights.

TO HAVE AND TO HOLD all such water rights, licenses, and interests unto the Assignee, her successors and assigns, forever.

IN WITNESS WHEREOF, Assignor has caused her name to be subscribed to this Deed effective the 13 day of March, 2003

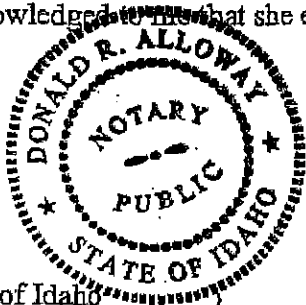
ASSIGNOR

Frank N. Ham

Wyoma Ham

State of Idaho)
) ss.
County of Ada)

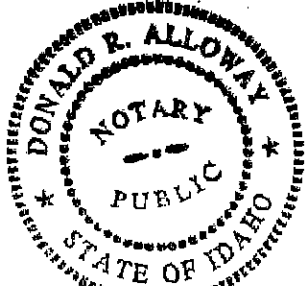
On this 13 day of March in the year of 2003, before me, a Notary Public in and for said State, personally appeared Wyoma Ham, a married woman, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Notary Public for Idaho
Residing at Boise
My Commission expires 10/3/05

State of Idaho)
County of Ada) ss.

On this 13 day of March in the year of 2003, before me, a Notary Public in and for said State, personally appeared Frank N. Ham, a married man, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Notary Public for Idaho
Residing at Boise
My Commission expires 10/3/07

EXHIBIT "A"

PARCEL I

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 NORTHEAST 1/4 OF SECTION 31 OF TOWNSHIP 4 NORTH AND RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO. THE PARCEL IS ALSO DESCRIBED AS LOT 8 AND PART OF LOT 9 OF CRESTWOOD SUBDIVISION NO. 1, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH ALONG THE EASTERLY SECTION LINE OF SAID SECTION 31, A DISTANCE OF 660.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 41 MINUTES 53 SECONDS WEST, (FORMERLY SOUTH 89 DEGREES 40 MINUTES 27" WEST), A DISTANCE OF 33.00 FEET TO A POINT, THE NORTHEAST CORNER OF SAID LOT 8; THE REAL POINT OF BEGINNING; THENCE SOUTH ALONG THE EASTERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 495.52 FEET TO AN IRON PIN; THENCE SOUTH 88 DEGREES 54 MINUTES 36 SECONDS WEST, A DISTANCE OF 475.48 FEET TO AN IRON PIN; THENCE SOUTH A DISTANCE OF 167.06 FEET TO AN IRON PIN ON THE SOUTHERLY BOUNDARY OF SAID LOT 9; THENCE SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 9, A DISTANCE OF 1137.90 FEET TO AN IRON PIN, THE SOUTHWEST CORNER OF SAID LOT 9 OF THE CRESTWOOD SUBDIVISION NO. 1; THENCE NORTH 0 DEGREE 01 MINUTES 41 SECONDS EAST (FORMERLY NORTH 0 DEGREE 02 MINUTES 20 SECONDS EAST), ALONG THE WESTERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 664.91 FEET TO AN IRON PIN, THE NORTHWEST CORNER OF SAID LOT 8; THENCE NORTH 89 DEGREES 28 MINUTES 18 SECONDS EAST, A DISTANCE OF 1396.02 FEET, (FORMERLY NORTH 89 DEGREES 28 MINUTES 32 SECONDS A DISTANCE OF 1395.89 FEET), TO AN IRON PIN ON THE NORTHERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1; THENCE NORTH 89 DEGREES 41 MINUTES 53 SECONDS EAST, (FORMERLY NORTH 89 DEGREES 40 MINUTES 27 SECONDS EAST), ALONG THE NORTHERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 217.00 FEET TO THE REAL POINT OF BEGINNING.

PARCEL II

PART OF THE SOUTHWEST 1/4 NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FROM THE QUARTER CORNER COMMON SECTIONS 31 AND 32, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, THENCE SOUTH 89 DEGREES 58' WEST 1320.00 FEET ALONG THE EAST WEST MID SECTION LINE TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31; THENCE NORTH 0 DEGREES 03' EAST 10.00 FEET ALONG THE ONE-SIXTEENTH LINE TO THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 03' EAST 987.48 FEET; THENCE NORTH 89 DEGREES 58' WEST 1317.89 FEET TO A POINT ON THE NORTH SOUTH MID SECTION LINE OF SECTION 31; THENCE

EXHIBIT

PAGE

OF

4

CONTINUED

FILE NUMBER: F132700

SOUTH 0 DEGREES 05' WEST 978.79 FEET ALONG SAID NORTH SOUTH MID SECTION
LINE TO A POINT WHICH IS NORTH 0 DEGREES 05' EAST 20.00 FEET FROM THE
CENTER OF SECTION 31; THENCE
SOUTH 89 DEGREES 36' EAST 1320.45 FEET TO THE POINT OF BEGINNING.

OF LEGAL DESCRIPTION

EXHIBIT A

PAGE 2 OF 4

PARCEL III

The East 30 acres of the Northeast quarter of the Northwest quarter; the East 15 acres of the North half of the Southeast quarter of the Northwest quarter; the Southwest quarter of the Northwest quarter of the Northeast quarter; the West half of the Southeast quarter of the Northwest quarter of the Northeast quarter; the Southwest quarter of the Northeast quarter, All in Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPT THEREFROM the Northeast quarter of the Northeast quarter of the southwest quarter of the Northeast quarter of said Section 31.

ALSO EXCEPT the tract of land described as follows:

From the quarter corner common to Sections 31 and 32, Township 4 North, Range 1 East of the Boise Meridian; thence

South 89°58' West 1320.20 feet along the East West mid-section line to the Southwest corner of the Southeast quarter of the Northeast quarter of Section 31; thence

North 0°03' East 10.00 feet along the 1/16 line to the POINT OF BEGINNING; thence

North 0°03' East 567.48 feet; thence

North 89°58' West 1317.89 feet to a point on the North South mid-section line of Section 31; thence

South 0°05' West 578.79 feet along said North South mid-section line to a point which is

North 0°05' East, 20 feet from the center of Section 31; thence

South 89°36' East, 1320.45 feet to the POINT OF BEGINNING, All in the Southwest quarter of the Northeast quarter of Section 31, Township 4 North, Range 1 East of the Boise Meridian, Ada County, Idaho.

AND FURTHER EXCEPTING ditch and road rights of way.

EXHIBIT

PAGE 3 OF 4

EXHIBIT

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF

TITLE ONE

FEE

DEPOSIT

2002 MAY 31 PM 4:35

102061890

Order No.: A028564

WARRANTY DEED

FOR VALUE RECEIVED,

MEDCO FARMS, PARTNERSHIP, an Idaho General Partnership AS TO AN
UNDIVIDED 80% INTEREST AND DONALD D. PRICE AND ROSE MARIE PRICE,
HUSBAND AND WIFE AS TO AN UNDIVIDED 20% INTEREST

The Grantor(s), do(es) hereby grant, bargain sell and convey unto
SHELDON GAYLE POTTS AKA SHELDON HAM AND RENATA POTTS AKA
RENATA HAM, HUSBAND AND WIFE

whose current address is 555 E. MCMILLAN ROAD MERIDIAN, ID 83642

the Grantee(s), the following described premises, in ADA County, Idaho, TO WIT:

A parcel of land being a portion of the North half of Section 31, Township 4 North,
Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as
follows:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s),
that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances
EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants,
zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments,
including irrigation and utility easements (if any) for the current year, which are not due and payable,
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: 05/31/02

Gerald C. Bauman
MEDCO FARMS, PARTNERSHIP

BY: GERALD C. BAUMAN

Donald D. Price
DONALD D. PRICE-AS TO 20%

T.E. Dillon
BY: T.E. DILLON

Rose Marie Price
ROSE MARIE PRICE-AS TO 20%

STATE OF IDAHO
COUNTY OF ADA

ON THIS 30TH DAY OF MAY, 2002, BEFORE ME, THE UNDERSIGNED, A
NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED,
GERALD C. BAUMAN AND T.E. DILLON PERSONALLY KNOWN TO ME OR
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE, TO BE TWO
OF THE PARTNERS IN THE PARTNERSHIP OF MEDCO FARMS, AND THE
PARTNERS WHO SUBSCRIBED SAID PARTNERSHIP'S NAME TO THE
FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE
EXECUTED THE SAME IN SAID PARTNERSHIP NAME.

Tamera L. Hovde
TAMERA L. HOVDE
NOTARY PUBLIC
RESIDING AT: NAMPA
COMMISSION EXPIRES: 11/29/03



EXHIBIT

4

PAGE

1 OF 3

STATE OF IDAHO)
COUNTY OF ADA)

ON THIS 31ST OF MAY, 2002, BEFORE ME, THE UNDERSIGNED, A NOTARY
PUBLIC PERSONALLY APPEARED, DONALD D. PRICE AND ROSE MARIE
PRICE KNOWN TO ME OR PROVEN TO ME ON THE BASIS OF SATISFACTORY
EVIDENCE TO BE THE PERSON (S) WHOSE NAMES ARE SUBSCRIBED TO THE
WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY
EXECUTED TO SAME.

Tamera L. Hoyle

NOTARY PUBLIC

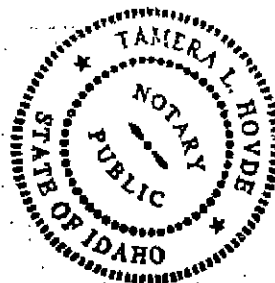
RESIDING AT:

RESIDING IN NAMPA, IDAHO

MY COMMISSION EXPIRES:

MY COMM. EXP. 11-29-2008

(SEAL)



EXHIBIT

H

PAGE

2 OF 3

EXHIBIT "A"

"MEDCO"

PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

The East 30 acres of the Northeast quarter of the Northwest quarter, the East 15 acres of the North half of the Southeast quarter of the Northwest quarter, the Southwest quarter of the Northwest quarter of the Northeast quarter, the West half of the Southeast quarter of the Northwest quarter of the Northeast quarter, the Southwest quarter of the Northeast quarter, All in Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPT THEREFROM the Northeast quarter of the Northeast quarter of the Southwest quarter of the Northeast quarter of said Section 31.

ALSO EXCEPT the tract of land described as follows:

From the quarter corner common to Sections 31 and 32, Township 4 North, Range 1 East of the Boise Meridian; thence
South 89°58' West 1320.20 feet along the East West mid-section line to the Southwest corner of the Southeast quarter of the Northeast quarter of Section 31; thence
North 0°03' East 10.00 feet along the 1/16 line to the POINT OF BEGINNING; thence
North 0°03' East 887.48 feet; thence
North 89°58' West 1317.89 feet to a point on the North South mid-section line of Section 31; thence
South 0°05' West 878.79 feet along said North South mid-section line to a point which is North 0°05' East, 20 feet from the center of Section 31; thence
South 89°36' East, 1320.45 feet to the POINT OF BEGINNING, All in the Southwest quarter of the Northeast quarter of Section 31, Township 4 North, Range 1 East of the Boise Meridian, Ada County, Idaho.

AND FURTHER EXCEPTING ditch and road rights of way.

EXHIBIT

H

PAGE

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OF

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DEPUTY MICHAEL TURNER
RECORDED - REQUEST OF
Brian Donesley
AMOUNT 9.00



103010529

WATER RIGHT QUITCLAIM DEED

FOR VALUE RECEIVED, Grantor MACLOCUST, L.L.C., an Idaho limited liability company, hereby grants, bargains, sells, conveys, and quitclaims unto Grantee, Renata Moon of Meridian, Idaho, all of Grantor's right, title and interest in and to those certain ground water rights appurtenant to, delivered to, or placed to beneficial use upon the following described premises, in Ada County, Idaho, TO WIT:

A parcel of land being a portion of the North half of Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows: SEE ATTACHED EXHIBIT "A"

which water rights are more particularly described as licensed water right nos. 63-8796, 63-9972, and 63-10566 as reflected in the records of the Idaho Department of Water Resources and/or the Snake River Basin Adjudication Court, Fifth Judicial District, in and for the County of Twin Falls, Idaho, Case No. 39576.

TO HAVE AND TO HOLD all such water rights unto the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor has caused his name to be subscribed to this Grant Deed effect the 8th day of January, 2003.

GRANTOR:

MACLOCUST, L.L.C., an Idaho
Limited Liability Company

By: Marty Goldsmith managing member
Marty Goldsmith, Managing Member

EXHIBIT

I

PAGE

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OF

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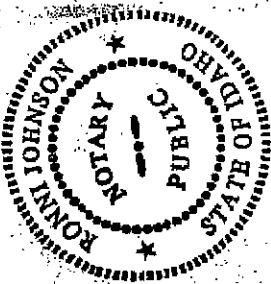
STATE OF IDAHO,)

:ss.

County of Ada.)

On this 8th day of January, 2003, before me a Notary Public in and for the State of Idaho, personally appeared Marty Goldsmith, known or identified to me to be the person who executed the above Grant Deed, and acknowledged to me that he executed the same on his own behalf and on behalf of MACLOCUST, L.L.C., an Idaho limited liability company.

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



Ronni Johnson
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 6/30/2003

EXHIBIT I
PAGE 2 OF 3

BOISE IDAHO 02/10/03 12:55 PM
DEPUTY Kris Vaughn
RECORDED-REQUEST OF
Alliance Title
AMOUNT 21.00



Filed at the request of:
When recorded return to:

Givens Pursley LLP
277 N. 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701
Attn: Donald R. Alloway

WATER RIGHT RELEASE, RECONVEYANCE AND QUITCLAIM DEED

FOR VALUE RECEIVED, Hopkins Mortgage Fund, L.L.C., and Idaho Limited Liability Company, "as trustee for the benefit on a parity for all Series "A" Debenture Holders" as to their undivided 55% interest, Hopkins Growth Fund, L.L.C., an Idaho Limited Liability Company, "as trustee for the benefit on a parity for all Series "G" Debenture Holders" as to their undivided 30% interest, and Timbre Wolfe, an unmarried man as to his undivided 15% interest, (collectively, the "Grantors") hereby release, sell, convey, and quitclaim unto Renata Ham, a/k/a Renata Moon, whose address is 5125 Morningdale Dr., Boise, Idaho 83713, ("Grantee") all of Grantors' right, title and interest in and to those certain ground water rights appurtenant to, delivered to, or placed to beneficial use upon the following described premises, being a portion of the North half of Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, TO WIT:

SEE ATTACHED EXHIBIT "A."

which water rights are more particularly described as licensed water right nos. 63-8796, 63-9972, and 63-10566 as reflected in the records of the Idaho Department of Water Resources and/or the Snake River Basin Adjudication Court, Fifth Judicial District, in and for the County of Twin Falls, Idaho, Case No. 39576.

TO HAVE AND TO HOLD all such water rights unto the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantors have caused their names to be subscribed to this Deed effective the 3 day of FEBRUARY, 2003

GRANTOR

HOPKINS MORTGAGE FUND, L.L.C.,
an Idaho Limited Liability Company

EXHIBIT 5

PAGE 1 OF 7

By: [Signature]

Its: AUTHORIZED OFFICER & AGENT

QUITCLAIM DEED - PAGE 1

C:\Documents and Settings\Brian\Local Settings\Temporary Internet Files\OLK3\Water Right Quitclaim Deed - Hopkins Mortgage Fund.DOC

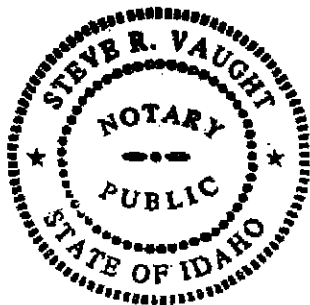
HOPKINS GROWTH FUND, L.L.C.,
an Idaho Limited Liability Company

By: Rana I. Chelil
Its: AUTHORIZED OFFICER & AGENT

Timbre Wolf, an unmarried man

State of Idaho)
County of Ada) ss.

On this 3 day of FEBRUARY, in the year of 2003, before me, a Notary Public in and for said State, personally appeared ARON L. VAN DER AA, known or identified to me to be a member of **HOPKINS GROWTH FUND, L.L.C.**, an Idaho limited liability company, the member or one of the members who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that HE executed the same in said limited liability company name.

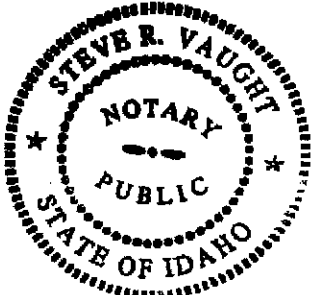


Notary Public for Idaho
Residing at Law, ID
My Commission expires 7/1/05

EXHIBIT 5
PAGE 2 OF 7

State of Idaho)
) ss.
County of Ada)

On this 3 day of FEBRUARY, in the year of 2003, before me, a Notary Public in and for said State, personally appeared AARON L. VAN DER AA, known or identified to me to be a member of **HOPKINS MORTGAGE FUND, L.L.C.**, an Idaho limited liability company, the member or one of the members who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that HE executed the same in said limited liability company name.

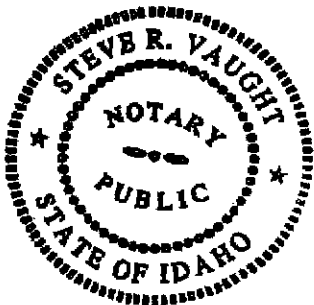




Notary Public for Idaho
Residing at Boise, ID
My Commission expires 7/1/03

State of Idaho)
) ss.
County of Ada)

On this 3 day of FEBRUARY, in the year of 2003, before me, a Notary Public in and for said State, personally appeared **TIMBRE WOLFE**, an unmarried individual, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.





Notary Public for Idaho
Residing at Boise, ID
My Commission expires 7/1/03

EXHIBIT 5
PAGE 3 OF 7

EXHIBIT "A"

PARCEL I

A PARCEL OF LAND LOCATED IN THE NORTH 1/2 NORTHEAST 1/4 OF SECTION 31 OF TOWNSHIP 4 NORTH AND RANGE 1 EAST OF THE BOISE MERIDIAN, ADA COUNTY, IDAHO. THE PARCEL IS ALSO DESCRIBED AS LOT 8 AND PART OF LOT 9 OF CRESTWOOD SUBDIVISION NO. 1, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH ALONG THE EASTERLY SECTION LINE OF SAID SECTION 31, A DISTANCE OF 660.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 41 MINUTES 53 SECONDS WEST, (FORMERLY SOUTH 89 DEGREES 40 MINUTES 27" WEST), A DISTANCE OF 33.00 FEET TO A POINT, THE NORTHEAST CORNER OF SAID LOT 8, THE REAL POINT OF BEGINNING; THENCE SOUTH ALONG THE EASTERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 495.52 FEET TO AN IRON PIN; THENCE SOUTH 88 DEGREES 54 MINUTES 35 SECONDS WEST, A DISTANCE OF 475.48 FEET TO AN IRON PIN; THENCE SOUTH A DISTANCE OF 167.66 FEET TO AN IRON PIN ON THE SOUTHERLY BOUNDARY OF SAID LOT 9; THENCE SOUTH 89 DEGREES 39 MINUTES 49 SECONDS WEST ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 9, A DISTANCE OF 1137.90 FEET TO AN IRON PIN, THE SOUTHWEST CORNER OF SAID LOT 9 OF THE CRESTWOOD SUBDIVISION NO. 1; THENCE NORTH 0 DEGREE 01 MINUTES 41 SECONDS EAST (FORMERLY NORTH 0 DEGREE 02 MINUTES 20 SECONDS EAST), ALONG THE WESTERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 664.91 FEET TO AN IRON PIN, THE NORTHWEST CORNER OF SAID LOT 8; THENCE NORTH 89 DEGREES 28 MINUTES 18 SECONDS EAST, A DISTANCE OF 1396.02 FEET, (FORMERLY NORTH 89 DEGREES 28 MINUTES 32 SECONDS A DISTANCE OF 1395.89 FEET), TO AN IRON PIN ON THE NORTHERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1; THENCE NORTH 89 DEGREES 41 MINUTES 53 SECONDS EAST, (FORMERLY NORTH 89 DEGREES 40 MINUTES 27 SECONDS EAST), ALONG THE NORTHERLY BOUNDARY OF CRESTWOOD SUBDIVISION NO. 1, A DISTANCE OF 217.00 FEET TO THE REAL POINT OF BEGINNING.

PARCEL II

PART OF THE SOUTHWEST 1/4 NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FROM THE QUARTER CORNER COMMON SECTIONS 31 AND 32, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, THENCE SOUTH 89 DEGREES 58' WEST 1320.00 FEET ALONG THE EAST WEST MID SECTION LINE TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31; THENCE NORTH 0 DEGREES 03' EAST 10.00 FEET ALONG THE ONE-SIXTEENTH LINE TO THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 03' EAST 987.48 FEET; THENCE NORTH 89 DEGREES 58' WEST 1317.89 FEET TO A POINT ON THE NORTH SOUTH MID SECTION LINE OF SECTION 31; THENCE

EXHIBIT

EXHIBIT

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OF

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CONTINUED

File Number: P152788

SOUTH 0 DEGREES 05' WEST 978.79 FEET ALONG SAID NORTH SOUTH MID SECTION
LINE TO A POINT WHICH IS NORTH 0 DEGREES 05' EAST 20.00 FEET FROM THE
CENTER OF SECTION 31; THENCE
SOUTH 89 DEGREES 36' EAST 1320.45 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

EXHIBIT J

PAGE 5

OF 7

EXHIBIT A

PAGE 2

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PARCEL III

The East 30 acres of the Northeast quarter of the Northwest quarter; the East 15 acres of the North half of the Southeast quarter of the Northwest quarter; the Southwest quarter of the Northwest quarter of the Northeast quarter; the West half of the Southeast quarter of the Northwest quarter of the Northeast quarter; the Southwest quarter of the Northeast quarter, All in Section 31, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPT THEREFROM the Northeast quarter of the Northeast quarter of the Southwest quarter of the Northeast quarter of said Section 31.

ALSO EXCEPT the tract of land described as follows:

From the quarter corner common to Sections 31 and 32, Township 4 North, Range 1 East of the Boise Meridian; thence

South 89°58' West 1320.20 feet along the East West mid-section line to the Southwest corner of the Southeast quarter of the Northeast quarter of Section 31; thence

North 0°03' East 10.00 feet along the 1/16 line to the POINT OF BEGINNING; thence

North 0°03' East 987.48 feet; thence

North 89°58' West 1317.89 feet to a point on the North South mid-section line of Section 31; thence

South 0°05' West 978.79 feet along said North South mid-section line to a point which is North 0°05' East, 20 feet from the center of Section 31; thence

South 89°36' East, 1320.45 feet to the POINT OF BEGINNING, All in the Southwest quarter of the Northeast quarter of Section 31, Township 4 North, Range 1 East of the Boise Meridian, Ada County, Idaho.

AND FURTHER EXCEPTING ditch and road rights of way.

EXHIBIT 5 EXHIBIT A
PAGE 6 OF 7 PAGE 3 OF 4
EXHIBIT A

COPY

WATER RIGHT PURCHASE AND SALE AGREEMENT

THIS WATER RIGHT PURCHASE AND SALE AGREEMENT ("Agreement") is entered into effective this 23rd day of April, 2003 by and between Renata L. Ham, d/b/a Stonecreek Turf, a sole proprietorship (the "Seller"), whose address is 5125 Morningdale Dr., Boise, ID 83713, and Gabiola Land Company, LLC., an Idaho Limited Liability Company (the "Buyer"), whose address is 920 E. Antilles Court, Meridian, Idaho 83642. In consideration of the sums to be paid by Buyer to Seller, and the mutual covenants herein contained, the parties hereby agree as follows:

RECITALS

1. Seller owns a water right to divert ground water for irrigation purposes within the Boise River Basin (administrative Basin 63), which water right is represented by license number 63-8796 in the records of the Idaho Department of Water Resources ("Department"), and which water right authorizes diversion of ground water for irrigation uses on certain lands in Ada County during the irrigation season at a rate of 0.015 cubic feet per second ("cfs") per irrigated acre and a total annual diversion volume of 4.5 acre-feet per acre per year. A copy of the water right license is attached as Exhibit A to this Agreement.
2. Seller desires to sell a four-acre, or 4/68, portion of the water right described in Exhibit A, being that portion of Seller's water right appurtenant to and beneficially used by Seller on four acres (the "Property") located in the NE¼ of the NW¼ of section 31, T4N, R1E, Boise Meridian (this portion of licensed water right no. 63-8796 hereinafter referred to as the "Water Right"). The Property is more particularly described on Exhibit B.
3. Buyer desires to purchase the Water Right and transfer its point of diversion and place of use to Buyer's property in Ada County, or, in the alternative, use the Water Right as mitigation for a new ground water permit in which the retirement of the Water Right will serve a mitigation or similar purpose.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing recitals, and the covenants and conditions set forth below, Seller agrees to sell the Water Right to Buyer, and Buyer agrees to purchase it.

4. Purchase Price. The Purchase Price for the Water Right is [REDACTED], payable as follows:

a. Non-refundable Earnest Money payment. Upon execution of this Agreement by Seller and Buyer, Buyer shall pay Seller [REDACTED] as a non-refundable earnest money payment ("Earnest Money"). As more particularly described below, the Earnest Money shall be applied toward the Purchase Price at Closing, but shall be retained by Seller and not refunded to Buyer if, for any reason other than Seller's breach of this Agreement, the purchase and sale does not close.

b. Balance of purchase price. [REDACTED], being the Purchase Price less the Earnest Money, shall be due and payable to Seller at Closing.

5. Buyer responsible for water right transfer. Within thirty days after this Agreement is signed, Buyer shall file, with the Idaho Department of Water Resources ("Department"), either an application to change or transfer the Water Right to Buyer's place of use, proposed nature or time of use, and point of diversion or, in the alternative, an application for a new ground water permit in which the retirement of the Water Right will serve a mitigation or similar purpose (collectively, "Transfer"), and thereafter shall diligently pursue the Transfer at Buyer's sole cost. Upon filing the Transfer, the Water Right no longer will be diverted from the well on Seller's property or placed to beneficial use by Seller unless Buyer agrees in writing that it can be so used on an interim basis during the pendency of the Transfer.

6. Seller to cooperate with Buyer's Transfer efforts. Seller shall cooperate with the Buyer in pursuit of the Transfer and, at Buyer's request, Seller shall provide Buyer with any information Seller has concerning the Water Right that Buyer may reasonably request in pursuit of the Transfer; provided, that if responding to such request will require Seller to incur attorney or consultant fees or costs, the following conditions shall apply:

a. Seller shall provide Buyer a written estimate of such fees and costs and shall not be obligated to provide a response until Seller receives from Buyer a written approval of such fees and costs and a commitment from Buyer to pay them directly or reimburse Seller for Seller's payment of them. Once Seller has received such approval, Seller shall provide the response to the extent of the fees and costs covered in the approval.

b. Seller shall forward to Buyer all bills for such fees and costs within thirty days after Seller receives invoices for such expenses from a consultant or attorney, and shall inform Buyer whether Seller has paid these invoices or, in the alternative, is forwarding them to Buyer for payment.

c. Within thirty days after Buyer receives them, Buyer shall either pay such invoices directly or reimburse Seller for Seller's payment of them.

7. Closing. Closing shall occur no later than the earlier of: a) ten days after the final, unappealable approval of the Transfer ("Transfer approval"), or b) 12 months after the date of this Agreement. At the Closing:

a. Seller shall deliver to Buyer: i) an executed and acknowledged Water Right Grant Deed and Assignment ("Deed") in the form of the specimen attached to this Agreement as Exhibit C; ii) all documentation, including appropriate deeds, leases, and assignments, confirming Seller's ownership of the Water Right and its entitlement to convey it to Buyer; iii) an executed and acknowledged Notice of Change of Ownership confirming Buyer's ownership of the Water Right and the assignment of the appropriate portion of the Snake River Basin Adjudication Claim for the Water Right; and iv) such other documents as Buyer may reasonably request within thirty days prior to Closing to confirm Buyer's ownership of the Water Right or its transferability. Seller shall make best efforts to provide all documents referenced in item ii of this paragraph within 10 days after the date of this Agreement.

b. Buyer shall deliver to Seller the balance of the Purchase Price by means of a cashier's check or other means of payment acceptable to Seller. Buyer shall have responsibility for recording or filing the Deed and Notice of Change of Ownership and other documents with the county recorder, the Department, the SRBA Court, or any other entities Buyer deems appropriate.

8. Failure to close; Buyer's and Seller's elections. If the Transfer approval does not occur within 12 months after this Agreement, Buyer at its option may either proceed to closing within 20 days after such 12-month deadline or terminate this Agreement by written notice and forfeit its Earnest Money. If Buyer fails to close the transaction within such 20 days after the 12-month deadline or otherwise breaches this Agreement, in addition to any other remedies Seller might have, Seller at its option may terminate this Agreement and retain the Earnest Money. If this Agreement is terminated by whatever means, Buyer, at its cost, shall forthwith withdraw and cancel the Transfer and take any steps necessary to ensure that the Department cancels, reverses or otherwise nullifies the Transfer application process and any Transfer approval, and such obligations shall survive the termination. If Seller fails to close the transaction within twenty (20) days after the 12-month deadline, then Buyer shall be entitled to any available legal remedy including damages and/or specific performance of this Agreement.

9. Representations and Warranties.

a. Seller hereby represents and warrants that:

i. The Water Right has been beneficially used as the sole water source to irrigate the Property;

- ii. The Property no longer will be irrigated by the Water Right after the date of this Agreement, subject to the provision for interim use in paragraph 5, above;
 - iii. Seller is the owner of the Water Right and has not conveyed, mortgaged, or pledged the Water Right to any other person or entity and will not convey, mortgage or pledge the Water Right during the term of this Agreement or suffer or permit any other person or entity to acquire an interest in the Water Right;
 - iv. Seller has not engaged or dealt with any broker or finder in connection with the sale of the Water Right;
 - v. Seller has the legal power, right and authority to enter into this Agreement and to perform Seller's obligations hereunder;
 - vi. A claim has been filed for the Water Right in the Snake River Basin Adjudication, but Seller makes no representation or warranty regarding the outcome of that proceeding as it might affect the Water Right;
 - vii. The Water Right has been placed to continual beneficial use on the Property, and Seller has no knowledge of any continuous five-year period of non use of the Water Right; and
 - viii. Seller makes no other guarantees or warranties as to the Water Right, its yield upon transfer, or its transferability. Buyer understands and agrees that the purchase price set forth above will remain the same regardless of the amount of water Buyer ultimately is allowed to divert and place to beneficial use under the Transfer; that the amount of water could be less than the face value of the Water Right; and that, should it approve the Transfer, the Department may impose conditions on the use of the Water Right.
 - ix. On closing the Water Right will become the property of Buyer.
- b. Buyer hereby represents and warrants that:
- i. Buyer has the legal power, right and authority to enter into this Agreement and to perform Buyer's obligations hereunder; and
 - ii. Buyer has not engaged any broker or finder in connection with the purchase of the Water Right.

10. Remedies on Default. If either party breaches this Agreement, the non-breaching party shall be entitled to all remedies available at law or in equity.

11. Notices:

Seller: Renata L. Ham
5125 Morninggale Drive
Boise, ID 83713

Buyer: Gabiola Land Company, LLC
920 E. Antilles Court
Meridian, Idaho 83642

12. General Provisions.

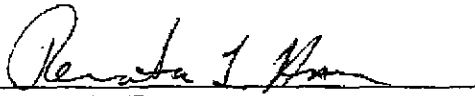
- a. This Agreement contains the entire agreement between the parties related to the purchase and sale of the Water Right, and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein.
- b. No modification, amendment, discharge, or change of this Agreement shall be valid unless the same is in writing and signed by both parties.
- c. If either party commences litigation for the judicial interpretation, enforcement or rescission of this Agreement, the prevailing party shall be entitled to its reasonable attorney fees and costs.
- d. Time is of the essence to this Agreement. In particular, the requirement that Closing must occur within 12 months is a central and material term, and either party's failure to close within that time period, subject to the provisions of paragraph 8, above, shall be a breach of this Agreement.
- e. All obligations referred to herein that reasonably are to be performed, or may be performed, after Closing, and all representations and warranties contained herein, shall survive the Closing and delivery of Seller's Water Right Grant Deed and Assignment.
- f. This Agreement shall be binding upon, inure to the benefit of, and be enforceable by the parties hereto and their respective heirs, representatives, successors and assigns.
- g. All notices to be given to the parties shall be in writing, delivered in hand, or by U.S. Mail, postage pre-paid directed to such parties address as stated

above unless such party shall have directed in writing that notice be sent to a different address.

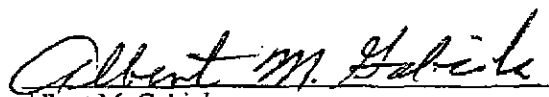
- h. This Agreement may be executed in counterparts.
- i. The terms and provisions of this Agreement and all documents being executed hereunder, including, without limitation, the representations and warranties, shall survive the Closing and the transfer of title to the Water Right to the Buyer and shall remain in full force and effect thereafter.

IN WITNESS WHEREOF, this Agreement has been executed by the parties, in the State of Idaho, as of the date set forth above.

SELLER:


Renata L. Ham
Stonecreek Turf

BUYER:


Albert M. Gabiola
Gabiola Land Company, LLC

State of Idaho
Department of Water Resources

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 July, 1988.

WYOMA HAM

Director

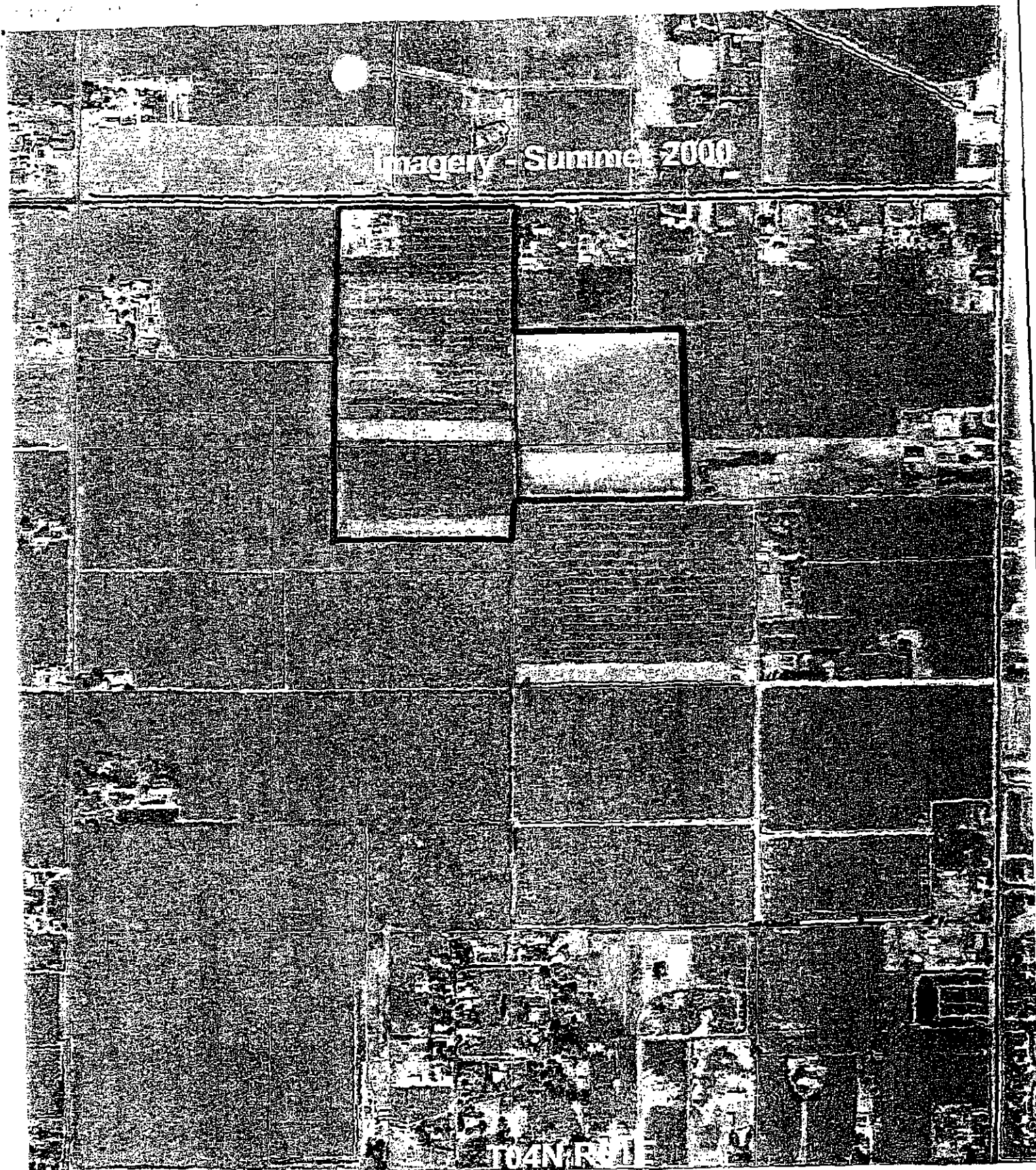
JUL 06 1988

EXHIBIT

PAGE

OF

EXHIBIT A



☐ Place of use for license No. 63-8796

WATER RIGHT GRANT DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Grantor Renata Ham of Meridian, Idaho, hereby grants, bargains, sells and conveys unto Grantee, Gabiola Land Company, LLC, an Idaho Limited Liability Company, whose address is 920 E. Antilles Court, Meridian, Idaho 83642, the following portion of licensed ground water right number 63-8796:

The approximately 5.9 percent (4/68) portion of such licensed irrigation ground water right that is appurtenant to 4 acres consisting of the following:

4 acres comprising a portion of the NE 1/4 of the NW 1/4;

all in Section 31, T.4N., R.1E., Boise Meridian, in Ada County (hereinafter, the "Water Right").

Grantor hereby further assigns to Grantee the above-described approximately 5.9 percent (4/68) portion of the license for ground water right number 63-8796 issued by the Idaho Department of Water Resources, a copy of which is attached hereto as Exhibit A, together with a like portion of the claim for such portion filed in the Snake River Basin Adjudication, Fifth Judicial District, in the 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 the SRBA Court.

Grantor hereby covenants to Grantee that Grantor has ceased to divert and use the Water Right on the above-described 4 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.

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 ____ day of _____, 2003.

GRANTOR:

STONE CREEK TURF,
a sole proprietorship

By _____
Renata Ham, Proprietor

STATE OF IDAHO)
) ss.
County of Ada)

On this _____ day of April, 2003, before me, the undersigned Notary Public in and for said State, 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 Stone Creek Turf, a sole proprietorship..

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 State of Idaho

Residing at: _____

My Commission Expires: _____

State of Idaho
Department of Water Resources

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		
<u>LOCATION OF POINT OF DIVERSION(S):</u>		NWNE, Sec. 31, Township 4N, Range 1E Ada County			
<u>PLACE OF USE:</u> 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 1st day of July, 1988.

NOTARIAL SEAL

Director

JUL 06 1988

EXHIBIT

PAGE

OF

Exhibit A to Water Right Grant Deed

ARTICLES OF ORGANIZATION
FILED/RECEIVED LIMITED LIABILITY COMPANY

Aug 28 3 28 PM '01 (Instructions on back of application)



1. The name of the limited liability company is: GABIOLA LAND COMPANY, LLC
2. The address of the initial registered office is: 920 East Antilles Court,
Meridian, ID 83642 (not a PO Box) and the name of the initial registered agent at that address is: Albert M. Gabiola
- Signature of registered agent: Albert M Gabiola
3. The latest date certain on which the limited liability company will dissolve: 12/31/2050
4. Is management of the limited liability company vested in a manager or managers?
☒ Yes ☐ No (check appropriate box)
5. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name: _____

Address:

Casilda Gabiola

920 East Antilles Court

Meridian, ID 83642

6. Signature of at least one person listed in #5 above:

Casilda Gabiola
Casilda Gabiola

By Albert M. Gabiola
Albert M. Gabiola,
Conservator and Guardian

Secretary of State use only

IDAHO SECRETARY OF STATE
08/28/2001 05:00
CU: 23461 CT: 5483 MH: 416135
1 @ 100.00 = 100.00 ORGAN LLC @ 2

W 76367

ATTACHMENT C

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-08796
Date Received: 8/03/1989
Receipt No: C008822
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK N. HAM 208-888-4263
Address: 4415 N. LOCUST GROVE
MERIDIAN, ID 83642
OR
Name: WYOMA HAM 208-888-4263
Address: 4415 N. LOCUST GROVE
MERIDIAN, ID 83642

2. Date of Priority: MAY 09, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01E	31	SE	NW	NE		ADA

5. Description of diverting works:
DRILLED WELL, 239' DEPTH, 16" DIAM WITH PUMP INTO SPRK. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.050		306.00

7. Total Quantity Appropriated is:
1.050 C.F.S. (and/or) 306.00 A.F.A.

8. Total consumptive use is 238.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01E	31	NW		NE		IRR	15.0
			SW		NE		IRR	7.0
			NE		NW		IRR	29.0
			SE		NW		IRR	17.0
							Section Acres	68.0
							Total Acres	68.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SHARES SETTLERS CANAL

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Myrona Nam Date: Aug 3, 1989
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of August 1989 Donna E. Luthy
Notary Public

Seal

Residing at BORSE, ID
My Commission Expires 11/08/1994

29 Ac

4.6 P.O.

A63-8796 15 Ac
P.U.

C56

17 Ac.

7 AC,

ADAM IV
STATE

A
10.16
C92

C90

MICROFILMED

12/07/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31724

NAME AND ADDRESS: BRENDA FULFER
2350 W. MCMILLAN
MERIDIAN ID 83642

KELLY FULFER
2350 W MCMILLAN RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
11.300 AFY

PRIORITY DATE: 05/09/1977

POINT OF DIVERSION:

T02N R01E S24 NENW Within ADA County

Right 63-31631 is also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.060 CFS 11.30 AFY

PLACE OF USE: INDUSTRIAL Within ADA County

T02N R01E S24	NENW	T02N R01E S24	NWNW
---------------	------	---------------	------

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The right holder shall accomplish the change authorized by Transfer No. 70628 within one (1) year of the date of approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Industrial use is for dust abatement for a gravel pit.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-8796.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 7, 2005

Kelly and Brenda Fulfer
2350 W McMillan
Meridian, ID 83642

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Re: Notice of Claim to a Water Right No. 63-31724

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure

11/03/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31724

NAME AND ADDRESS: GABIOLA LAND CO LLC
920 E ANTILLES CT
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
11.300 AFY

PRIORITY DATE: 05/09/1977

POINT OF DIVERSION:

T02N R01E S24 NENW Within ADA County

Right 63-31631 is also diverted through the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.060 CFS 11.30 AFY

PLACE OF USE: INDUSTRIAL Within ADA County

T02N R01E S24	NENW	T02N R01E S24	NWNW
---------------	------	---------------	------

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The right holder shall accomplish the change authorized by Transfer No. 70628 within one (1) year of the date of approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Industrial use is for dust abatement for a gravel pit.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-8796.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31724 V1

WATER RIGHT NUMBER: 63-31724 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GABIOLA LAND CO LLC 920 E ANTILLES CT MERIDIAN, ID 83642 (208)887-1812
Original Owner	SHELDON G HAM 11955 W MESQUITE DR BOISE, ID 83704
Original Owner	WYOMA HAM 4415 N LOCUST GROVE MERIDIAN, ID 83642 (208)888-4263
Original Owner	FRANK N HAM 4415 N LOCUST GROVE MERIDIAN, ID 83642 (208)888-4263
Original Owner	RENATA HAM 5125 N MORNINGGALE BOISE, ID 83713

Priority Date: 05/09/1977

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	01/01 to 12/31	0.060 CFS	11.30 AF
<u>Total Diversion:</u>		0.060 CFS	11.30 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 24, Twp 02N, Rge 01E, B.M.
ADA County		

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	24					X	X											

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31724 V1

1. X36 Right 63-31631 is also diverted through the point of diversion described above.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Industrial use is for dust abatement for a gravel pit.
5. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-8796.
6. T07 The right holder shall accomplish the change authorized by Transfer No. 70628 within one (1) year of the date of approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:Comments:

1. psdaggs 8/13/2003 8:20:05 AM Transferred Right
 Comment: This is now a approved transfer, transfer number = 70628

2. Iharris 3/2/2004 Ownership Change
 Comment: The ownership change was based on a special agreement between Ham and Gabiola that it was to take place when the transfer was approved.

3. csaxton 3/8/2004 Recommendation
 Comment: Recommended per Transfer 70628

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	3/8/2004 10:17:13 AM	csaxton			Active
Priority Date	3/8/2004 10:24:09 AM	csaxton			Active
POD	3/8/2004 10:24:28 AM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31724 V1

Source	3/8/2004 10:28:50 AM	csaxton	Active
POU	3/8/2004 10:29:12 AM	csaxton	Active
Use	3/8/2004 11:14:21 AM	csaxton	Active
Season	3/8/2004 11:14:43 AM	csaxton	Active
Quantity	3/8/2004 11:15:36 AM	csaxton	Active
Summary	03/08/2004	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Source	3/8/2004 10:28:49 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	3/8/2004 10:29:11 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Contacts	3/8/2004 10:17:13 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
Priority Date	3/8/2004 10:24:09 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/8/2004 10:24:27 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	3/8/2004 10:29:42 AM	csaxton	Edited shape boundary
POD	3/8/2004 10:26:13 AM	csaxton	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

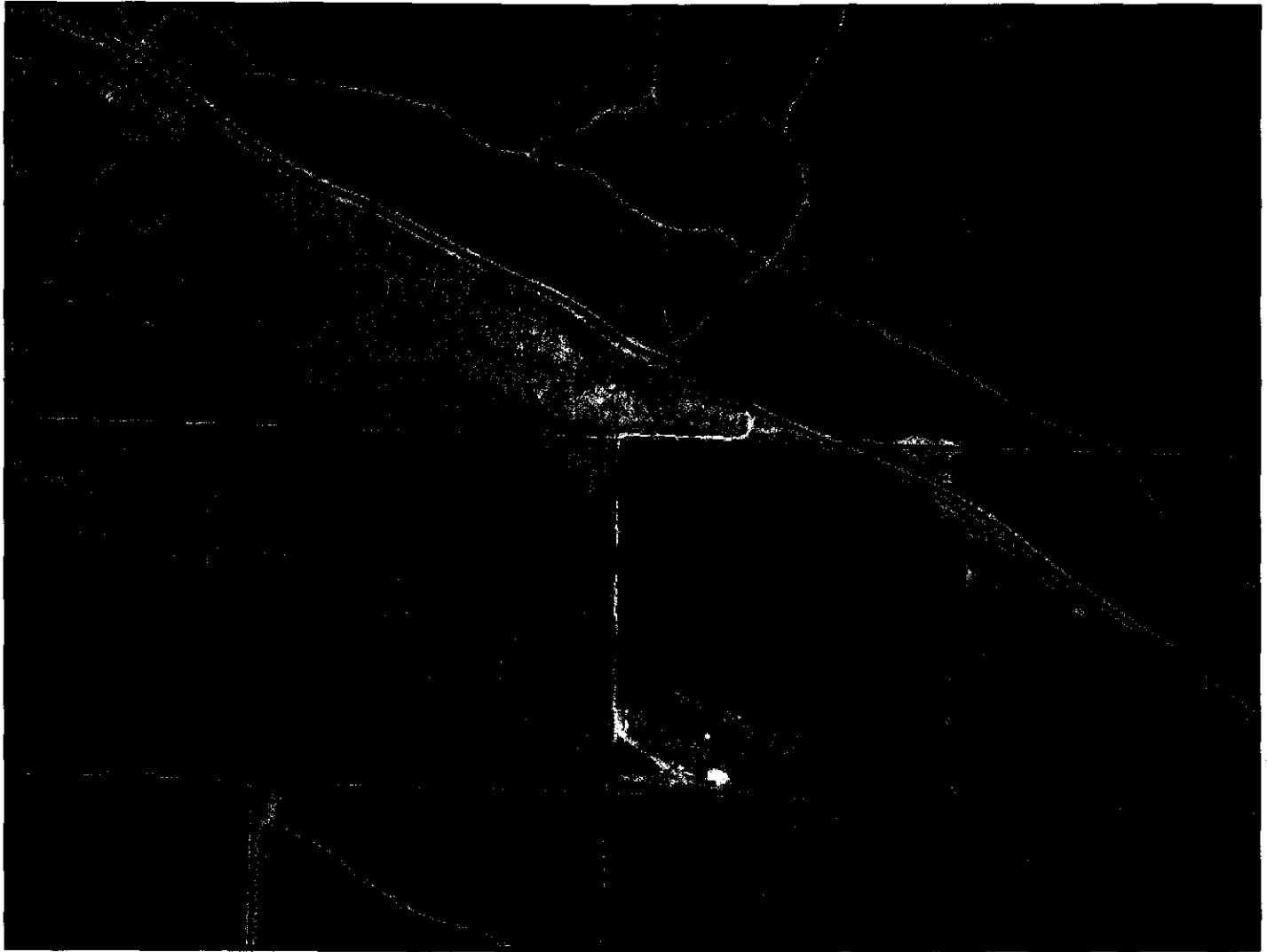
Adjudication Recommendation Report 63-31724 V1

Use	3/8/2004 11:14:20 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	3/8/2004 11:14:43 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	3/8/2004 11:15:35 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (No) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - Per Transfer 70628
Summary	3/8/2004 11:19:27 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:



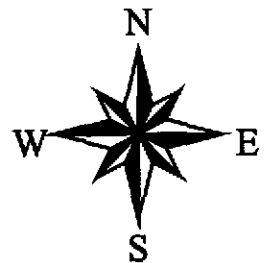
POU location Map 2000 Photography



1320 0 1320 Feet

- Point of Diversion
- Property described by Deed submitted
- Ada County Tax Lot Data
- Quarter Quarter Lines
- Section Lines

Total claimed Acres: N/A



Prepared by: C. Saxton
Date: March 2004

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS
CHRISTIAN D. COLLINS

63-8796
(original #)

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

October 22, 2003

RECEIVED

OCT 22 2003

WATER RESOURCES
WESTERN REGION

ID Dept. Water Resources
Western Region
2734 Airport Way
Boise, Idaho 83705

Re: Notice of Change in Water Right Ownership,
Right No. 63-31724

Dear Sir or Madam:

I am enclosing with this letter a Notice of Change in Water Right Ownership for the above water right.

By way of background I want to add some history to this notice so as to enable you to follow what has been done.

In May of this year Mr. Terry M. Scanlan on behalf of my client, Gabiola Land Company, LLC, filed an Application for Water Right Transfer. The Application sought to move the point of diversion, place of use and to change the nature of use and period of use of a portion of Water Right No. 63-8796 owned by Renata Ham. Ms. Ham and my client had entered into an agreement to permit this. In summation, a 4-acre portion of the original water right was being moved from Section 31 of T.4N., R.1E., to Section 24, T.2N., R.1E.

The Department on August 22, 2003, approved the transfer, Transfer No. 70628, and created two water right claims, 63-3172 for the portion of the water right remaining unaffected by the transfer and 63-31724, the portion affected by the transfer. Copies of those two water right number changes are attached to the Notice of Change of Water Right Ownership along with the original license.

Water Right No. 63-31724 has a place of use and point of diversion on land owned by my client. Therefore, all we are changing in this case should be the name of the water right holder. Attached to the Notice is the Water Right Deed making the transfer

ID Dept. Water Resources
October 22, 2003
Page 2

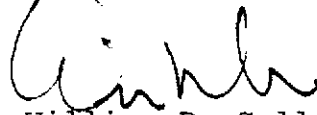
to my client. By way of background information I am also attaching to the Notice a copy of the Warranty Deed from the original licensees to Sheldon Ham and Renata Ham along with the instrument confirming the transfer of the water rights entitled "Water Right Assignment and Quitclaim Deed" from Frank and Wyoma Ham to Renata Ham and letters of administration issued to Renata Ham on the death of her husband, Sheldon G. Ham, also known as Sheldon G. Potts.

In conferring with Craig in your office yesterday, it was his understanding that the Notice of Change in Water Right Ownership would be processed without a fee since a partial decree has not been issued on the original right. If this is incorrect, please advise me and I will forward the fee to you.

If you desire any other information, please contact me immediately.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.



William D. Collins

WDC:mrs
enclosures
cc: Gabiola Land Company, LLC. W/encs.

MEMORANDUM

TO: Transfer File No.

FROM: Lori Graves

DATE: 6/13/2003

RE: Evaluation of Sufficiency of Information Submitted

Brief: Applicant proposes retiring four acres from irrigation in the NENW S31 T4N R1E and diverting the water appurtenant to those acres from a well in the NENW S24 for dust control at a gravel pit in the N ½ NW S24 T2N R1E.

The proposed site is located along Tenmile Creek Rd, southwest of Boise.

Contact person for the applicant is Terry Scanlan.

Authority to File: Ownership documentation and sales agreement was submitted for the current P/U. The applicants purchase will be finalized following approval of the transfer. Tax Lot information available in Arc View verified that the applicant owns the proposed P/U.

Water Right Validity:

Right presumed valid since the right was claimed in 1989 and beneficial use occurred within the five year period prior to that date. Beneficial use was confirmed by a 1987 aerial photo. The validity of this right has been recently evaluated by the department. A portion of this right has been accepted as mitigation for permit 63-31683. Please see Steve Lester's review memo dated 4/24/03 referencing the status of this right.

Injury to Other Water Rights: None anticipated. Only the water historically consumed by the turf grass grown on the four acres is proposed for transfer, which equates to 2.83 afa/ac. The right was licensed at 4.5 afa/acre. The excess diversion volume will be forfeited as a result of the transfer.

Enlargement of Use: None anticipated. As mentioned above, diversion volume will be limited to 11.3 afa/ac based on the estimated annual water consumption associated with the four acres proposed for transfer. The estimate utilizes the 35.39 inch seasonal consumptive irrigation requirement (CIR) for alfalfa hay at Boise as listed in the 1983 Allen/Brockway Report. Applicants consultant used an adjustment factor of .96 to convert alfalfa CIR to turf CIR because the Report did not list CIR for turf, the crop historically grown under right 63-8796. The adjustment factor was based on the average turf to alfalfa evapotranspiration ratios for USBR Agrimet stations in SW Idaho. Diversion for dust control will be limited to the 11.3 afa.

Local Public Interest: No negative impacts are anticipated. It seems the local public would be in favor of dust control.

Beneficial Use/Conservation of Water Resources: Applicant proposed beneficial use consistent with Department standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of this application.

Additional Information: Application 63-31631 is currently being processed for commercial uses and minor dust control, not to exceed .04 cfs or 2.8 afa based on the 2500 gpd limitation. The drilling permit for the proposed well to be used for the application and this transfer needs to be conditioned based on uses beyond 42-111 and subject to a \$200drilling permit fee.

The applicants consultant listed full diversion volume for the four acres on the front page of the transfer (18 afa/ac), yet stated in remarks that the diversion volume to be diverted for dust control would be limited to the consumptive volume used by the acres (11.3 afa/ac). I contacted Terry and he said that he listed the full volume just in case the applicant might transfer the water back to irrigation use in the future. I called Sharla and she stated that the difference between the consumptive and diversion volume will be forfeited after five years due to non-use and to list the consumptive amount on the transfer approval.

This right is being sold and used for mitigation and transfers. An accounting of splits is located in AW02 COMMON, WR PROCESSING.

Data entry appeared to affect the correct record.

Conditions: Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the following conditions of approval should be applied:

WATER RIGHT NO. 63 31724

046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

X36 Right 63-31631 is also diverted through the point of diversion described above.

X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Note that right 63-31631 is an application for commercial use for the gravel pit site, using the same proposed well. The application is currently being advertised. The use is limited to 2500 gpd, which equates to 2.8 afa. The purpose of this transfer is to account for the additional water needed for dust control. Please advise whether condition no X35 should be used regarding the application.

06/20/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: ~~63-8796~~ 31723 Split
NAME AND ADDRESS: WYOMA HAM
4415 N LOCUST GROVE #24
MERIDIAN ID 83642

FRANK N HAM
4415 N LOCUST GROVE
MERIDIAN ID 83642

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 1.050 CFS
306.000 AFY

PRIORITY DATE: 05/09/1977

POINT OF DIVERSION:

T04N R01E S31 NWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
3/15 11/15

QUANTITY
1.050 CFS
306.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T04N R01E S31 NWNE 15.0

T04N R01E S31 SWNE 7.0

T04N R01E S31 NENW 29.0

T04N R01E S31 SENW 17.0

68 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

Use of this right is combined with water from Settlers Irrigation District.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8796 V1

WATER RIGHT NUMBER: 63-8796 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WYOMA HAM 4415 N LOCUST GROVE MERIDIAN, ID 83642 (208)888-4263
Current Owner	FRANK N HAM 4415 N LOCUST GROVE MERIDIAN, ID 83642 (208)888-4263

Priority Date: 05/09/1977

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.050 CFS	306.00 AF
	<u>Total Diversion:</u>	1.050 CFS	306.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 31, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	31		15.0	7.0		29.0			17.0									68.0

Total Acres: 68

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. W54 Use of this right is combined with water from Settlers Irrigation District.

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-8796 V1

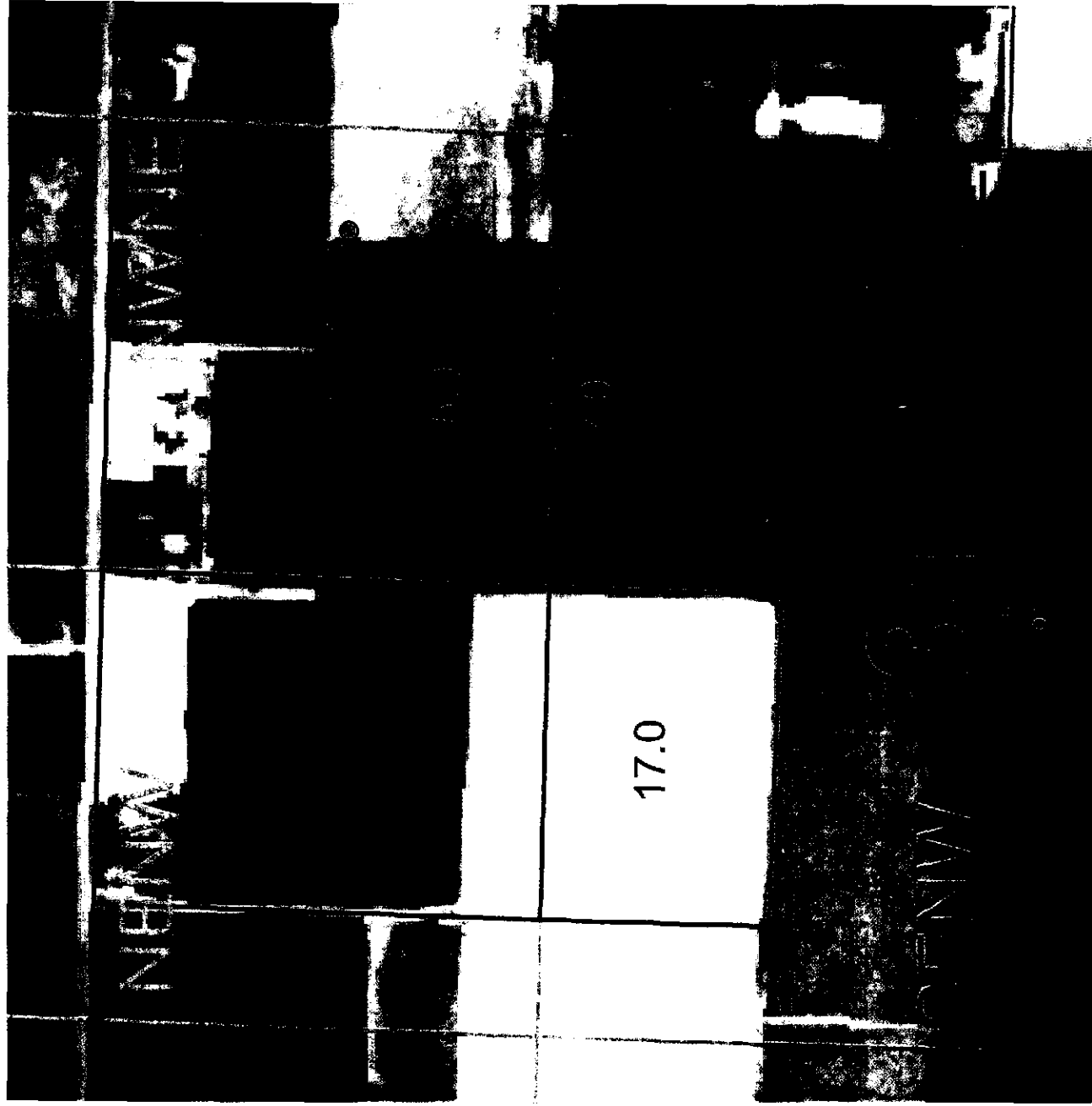
Comments:

1. kbrown 6/19/2003 Point of Diversion
Comment: Claimant claimed a more detailed point of diversion.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Idaho Department of Water Resources



T04N, R01E,
S31

Claim No: 63-08796
Prepared By: Kimberly Brown
Date: June 19, 2003

● Point of Diversion



Place of Use

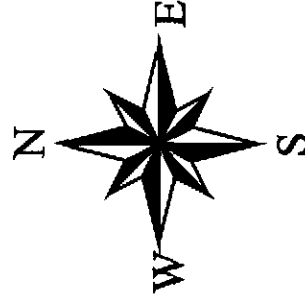


Section Lines



1/4 1/4

68 acres



1987 NAPP

0 0.1 0.2 0.3 0.4 Miles

Idaho Department of Water Resources

**T04N, R01E,
S31**

Claim No: 63-08796
Prepared By: Kimberly Brown
Date: June 19, 2003

● Point of Diversion



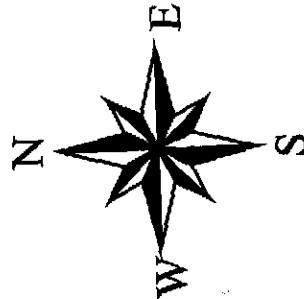
Place of Use



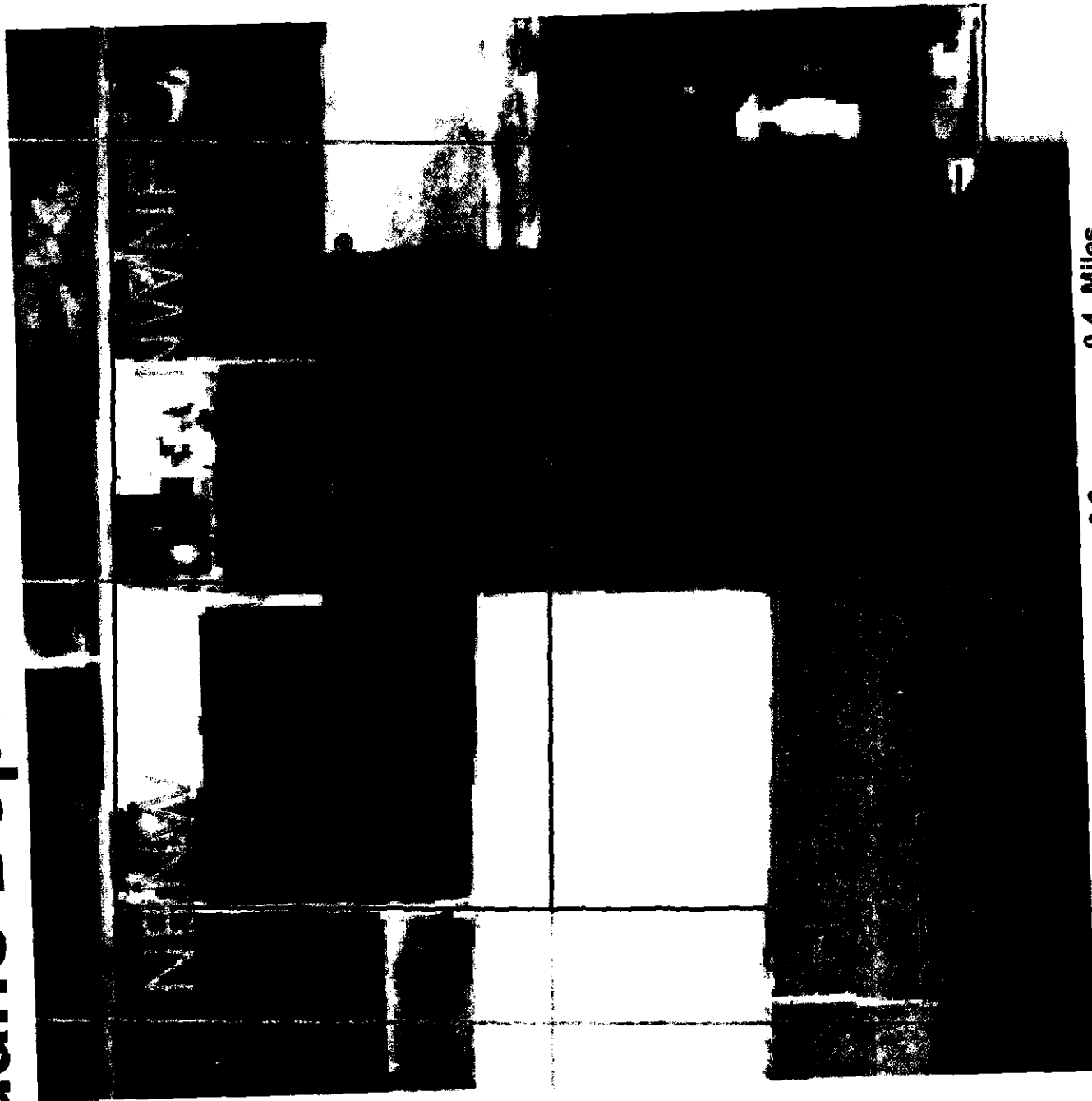
Section Lines



1/4 1/4



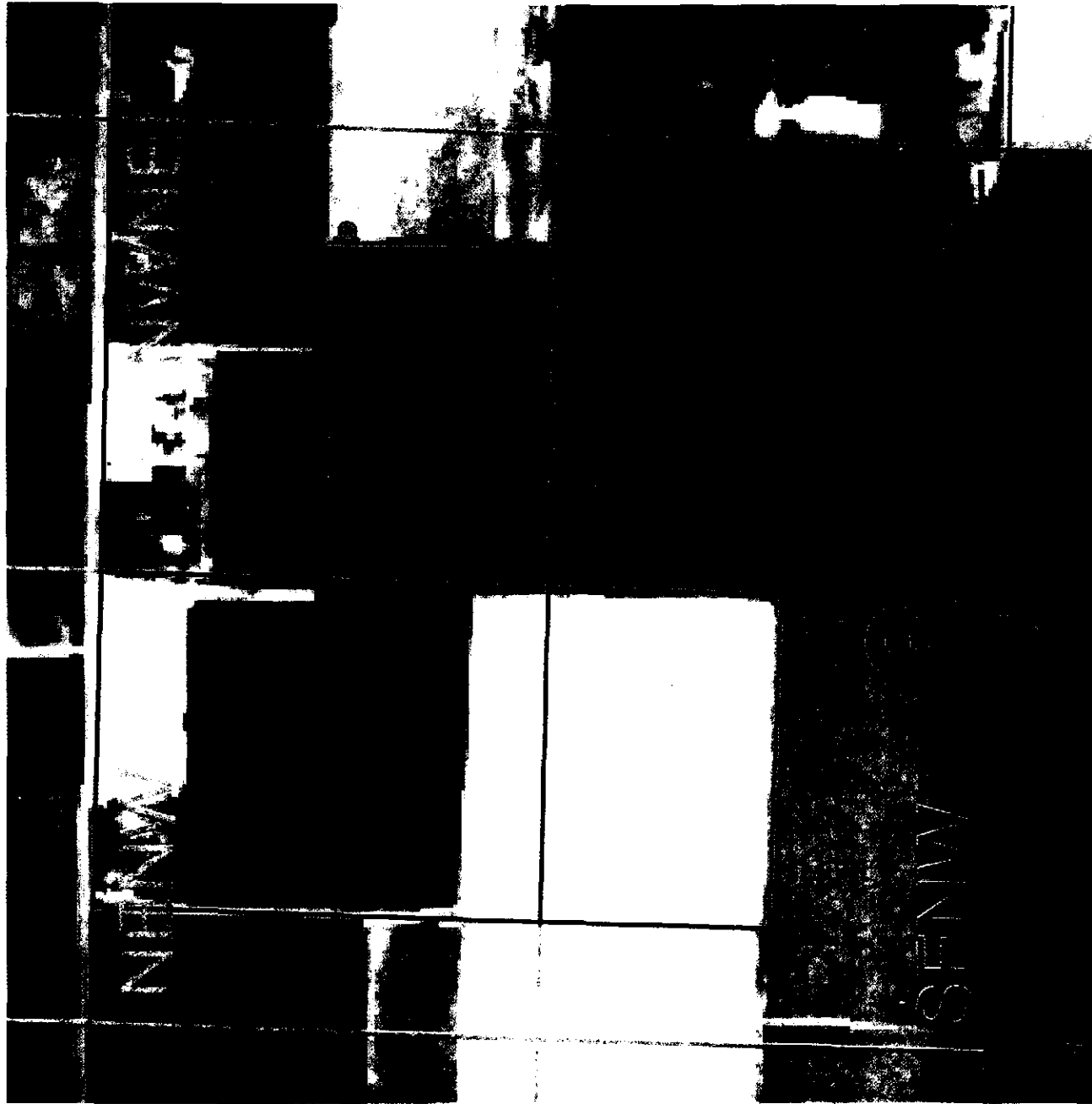
1987 NAPP



0.4 Miles



Idaho Department of Water Resources



T04N, R01E,
S31

Claim No: 63-08796
Prepared By: Kimberly Brown
Date: June 19, 2003

● Point of Diversion



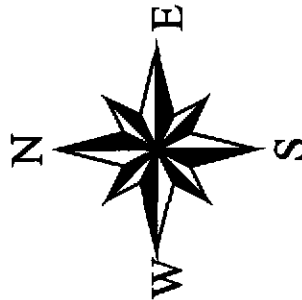
□ Place of Use



□ Section Lines



1/4 1/4



1987 NAPP

0 0.1 0.2 0.3 0.4 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-8796

WATER RIGHT NUMBER: 63-8796

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WYOMA HAM ✓ 4415 N LOCUST GROVE MERIDIAN, ID 83642
Current Owner	FRANK N HAM ✓ 4415 N LOCUST GROVE MERIDIAN, ID 83642

Priority Date: 05/09/1977 ✓

Basis: License ✓

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	3/15 to 11/15 ✓	1.050 CFS ✓	306.00 AF ✓
	<u>Total Diversion:</u>	1.050 CFS ✓	306.00 AF ✓

Location of Point(s) of Diversion

GROUND WATER

ADA County ✓

SE NW1/4NE1/4

Sec. 31, Twp 04N, Rge 01E, B.M. ✓

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	31		15.0	7.0		29.0			17.0									68.0
				✓	✓		✓			✓									✓

Total Acres: 68 ✓

Conditions of Approval:

1. ~~R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 acs per acre for irrigation of the lands above.~~

Remarks:

ADD 804 - Season of use.

(recommended on Licensing Report for all possible POU overlaps) N/A

Comments:

ADD W54 - use combined with water from Settlers Irr. Dist.

Dates and Other Information:

Claimant claimed more detailed POD.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-8796

Dates and Other Information:

Licensed Date: 4/1/1988
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

(in office)

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant N/A

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-8796

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☒ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: N/A**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

Claimant claimed a more detailed point of diversion.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See attached Field Report.**OVERLAP REVIEW**Other water rights with the same point of diversion: 63-10566 and 63-9972

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☒ No change☐ Different UsesSeason of use is 3/1 to 11/15 per new IDWR standard.
See shoulder remark.

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change (none)☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

[illegible]

Overlap with other water rights: Settlers Irrigation District

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: See attached Field Report.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: N/A (Licensed)

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Shoulder remark for season of use.

Use combined with water from Settlers Irrigation District.

Claimant claimed a more detailed point of diversion.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU N/A
- ☐ GPS readings N/A
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 6.19.03 (in office)

FIELD EXAMINER: Kimberly Brown

MEMORANDUM

Copy for
A63-8796

TO: Shelley Keen
FROM: Steve Lester 
DATE: April 11, 2003
RE: Mitigation Plan for Application for Permit No. 63-12070

Application 63-12070 is held at the State Office under the "processing hold." The application was forwarded for approval in the 1995-1996 reprocessing exercise. Further legal notice is not needed if part of the application can be approved under the mitigation plan proposed by Scanlan. The plan does not present any significant problems as seen below.

License 63-8796 is fully claimed in the SRBA under the same number and by the same owners, Wyoma or Frank Ham. The claim clarifies the P/D to 10 acres but otherwise matches the license. The P/U is about two miles south of Eagle Island near Meridian.

A transfer application is not being filed to relocate part of 63-8796. This might be because (a) a new permit offers an easier and quicker route, and/or (b) a transfer might raise issues of ground water tributary to the Boise River near Meridian being moved to a site east of Kuna where ground water might be tributary to the Snake River. The latter issue has arisen in previous mitigation plans in which the department approved the plans without going to that level of detail ("all within Basin 63 so okay"). The same approach appears acceptable here.

63-8796 was examined in 1982 and licensed in 1988. The right was claimed in 1989, tolling forfeiture. 1987 NAPP information suggests forfeiture did not occur within five years before the claim was filed. Irrigation has continued as seen in the 2000 photo in the sales agreement included with the mitigation plan. Initially filed for supplemental use according to the original application, the mitigation plan states 63-8796 has been the only right used on the licensed P/U. We have accepted such statements at face value before and should in this case, also.

SRBA recommendations remain to be done but information at hand suggests the claim will be fully recommended.

The license provides 0.015 cfs and 4.5 afa diversion volume per acre. The licensed duty of water for 10 acres is 0.15 cfs and 45 afa.

The mitigation plan offers 0.20 cfs and 45 afa for retirement of 10 acres under 63-8796.

But the sales agreement states the land to be retired will provide 0.15 cfs ("10 acres, or 10/68, portion"). This minor difference should not be a problem in the world of mitigation, particularly since annual volume is often more important than a diversion rate in ground water scenarios. Allow 0.15 cfs under the license to compensate 0.20 cfs under the application provided that volume does not increase.

The plan proposes to split Application 63-12070 into a part approved under the mitigation plan and a part to remain in the "processing hold." We used to routinely do such splits but have veered away from the practice in recent years. But I think we should honor this request. Why cause extra work and expense for the applicants and the department simply to advance the priority of the portion not being mitigated?

Recommendations

1. The mitigation plan appears acceptable. It is as good if not better than many approved mitigation plans for Basin 63.
2. Application 63-12070 can be handled without returning the file to Western Region for additional processing.
3. Wyoma or Frank Ham filed adjudication Claim 63-8796. The mitigation plan details an agreement between seller *Renata* Ham and buyer Cantlon. Cantlon should file an ownership change to split the claim. The ownership change should document the transition from Wyoma or Frank to Renata and then to Cantlon.
4. Cantlon should relinquish, in writing, that split portion of the claim. This approach offers a permanent, decipherable trail in the database.
5. Vicki Cantlon might want to amend 63-12070 prior to approval to include Roger Cantlon as noted in the mitigation plan and sales agreement. Split Application 63-12070 as proposed and approve the portion being mitigated. Allow the balance to remain on hold. Application approval should follow a successful ownership change and relinquishment process for a portion of 63-8796.
6. Apply standard conditions to the approved part of 63-12070. Include a 200-300 ft. water bearing zone. Identify the mitigation upon which the approval is based. Diversion volume will be limited by definition to a maximum of 45 afa based on the number and location of the acres to be irrigated. "Possible future mitigation" is not applicable since the new use will already be mitigated.
7. An alternative to recommendations 3 through 5 is to approve part of the application and include conditions requiring those steps to be completed in a timely manner.

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 1st day of April, 1988.

NOT RECORDED

JUL 06 1988

Director

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-8796

Date of Priority: May 9, 1977

Comes now FRANK N. HAM
WYOMA HAM
4415 N. LOCUST GROVE
MERIDIAN, ID 83642

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-8796, and requests that the permit be changed as follows:

Source: GROUNDWATER

<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	NEW 29	SEW 17	68

Total number of acres irrigated: 68

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this 1 day of March, 1988.

RECEIVED

JUL 06 1988

Frank N. Ham
(Signature)

State of Idaho
Department of Water ResourcesAPPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-8796

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$20.00 ✓ Received by GW Date 3/1/88 C000074

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 63-8796 with the following;

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.

Witness my hand this 1st day of April, 1988.R. Keith Higginson
(Director)

MICROFILMED

JUL 06 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No.

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$\frac{470 \text{ gpm}}{448.8} = 1.047 \approx 1.05 \text{ cfs}$$

68 ac. x 0.02 cfs = 1.36 cfs - system will
not produce water
enough

- b) Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4.5 = 306.0$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.05 = 510.3$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

- c) Volume Calculations for Other Uses:

2. Overlap Review

- a) Other water rights with same place of use: 63-3000, 63-01161N, 63-9150,
63-8000, 63-10479, 63-8439, 63-8695 *see below*
- b) Other water rights with same point of diversion: 63-8000, 63-9150, 63-9972
gw gw gw

- c) Analysis: ① 63-8000 - *lic. p/d & p/u are north of the p/d shown on this rt. per exams; no overlap*
- ② 63-9150 - permit - also being licensed - no overlap; system is north of this one per exams.
- ③ 63-9972 - permit, also for Ham's - no proof in file - *presume* use will be on adjoining lands. no overlap.

④ Recommend B32 for all possible p/u overlaps - no p/d overlaps except permit for Ham's ~~unlicensed~~ *no proof.*

kw

JUL 06 1988

50 day
P/U

- Date 1-13-88

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

JAN 25 1986

63-8796

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	Department of Water Resources	REMARKS
☐ Appointment letter mailed:				
☐ Telephone call made:	5/11/82			
(List Telephone No. used)	888-4263	JG		
☐ Appointment scheduled for:	5/12/82	JG		
(Date, time, location)	N. LOCUST GROVE RD.			

EXAMINATION

Date 5/12/82 Accompanied by FRANK HAIN Total Q measured 1.04 cfs
 If source is surface water, estimate total flow of source _____
 Methods of measurement BADGER METER Meets Permit requirements? Yes

Measurement calculations:

$$470 \text{ gpm} = 1.04 \text{ cfs}$$

$$70 \text{ AC} \times 4.5 \text{ AF/AC} \times 1.98 \times 245 \times 1.04 = 504.5 \text{ AF/ANN.}$$

$$(315 \text{ AF/ANN})$$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	25	CENTURY	6-321220	CENTURY	783699	BADGER	EXCEL.	
BOOSTER	2.5	FRANKLIN	5-8M2	LAUZZI	10" DISC			

System Description SEE REMARKS
BOOSTER PUMP, CENTURY 25HP #6-321220-01
CENTRIFUGAL PUMP SERIAL #783699-25HP to 6" pipe &
WHEELINE SPRINKLERS 10" pipe

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

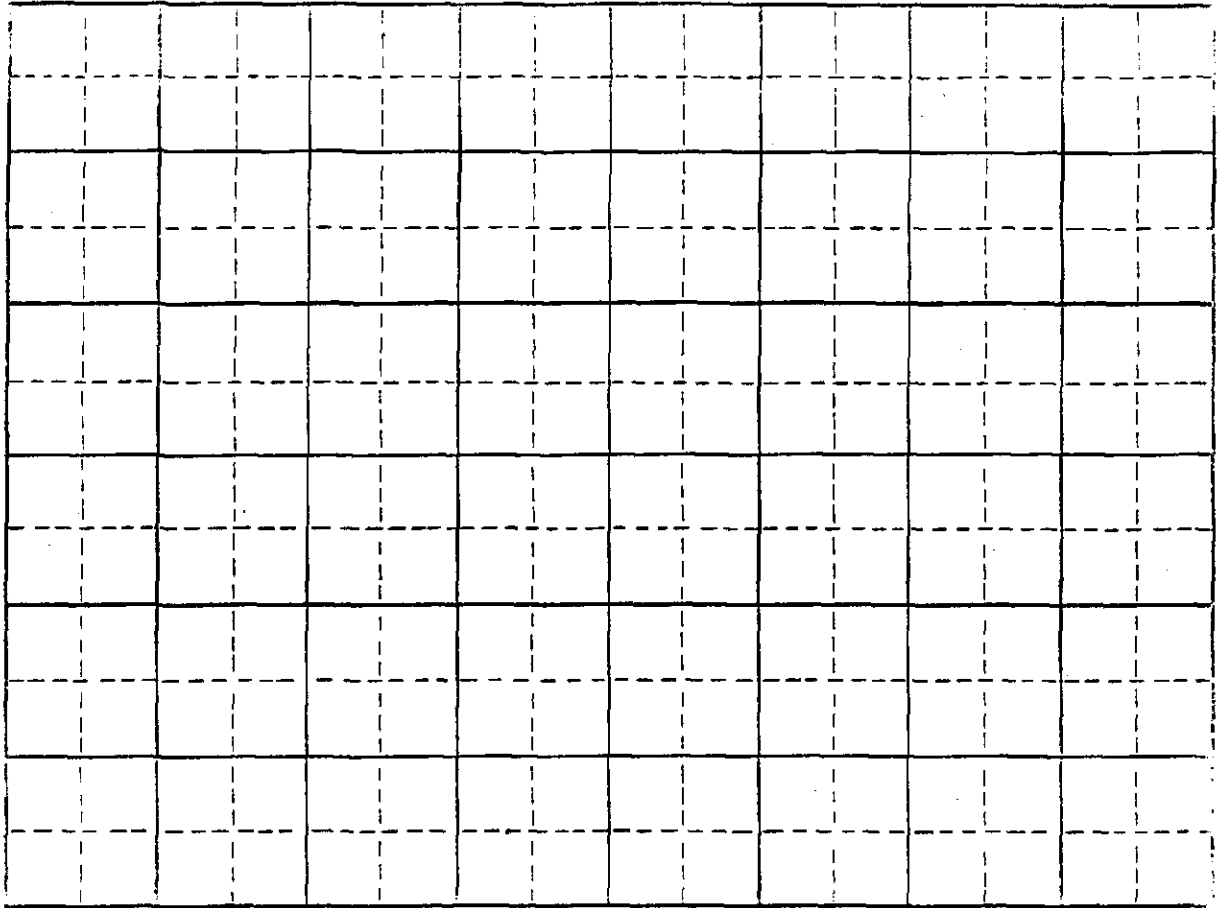
USE	Irrigation requirement =	AF/Acre	FROM	TO
IRRIGATION - 70 AC	1.04 cfs	315 AF	3/15	4/15

Remarks (BOOSTER PUMP) Total 1.04 cfs 315 AF
25 HP MOTOR, 5-8M2-FRANKLIN, LAUZZI pump.
10" pump set.

PERMIT #63-8439 IS FOR ADDITIONAL PROPERTY.

JUL 06 1988

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

RECORDED

JUL 06 1988

Point(s) of diversion: NW 1/4 NE 1/4, SEC. 31, TWP. 4N, RGE. 1E, B.M.

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1E	31	8	13	9		34			10									70
																			70

Recommended Amendments:

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

Examiner's Signature

Jan J. J. J.

Checked by

Approved by

Date

11/3/83

Date

11/15/85

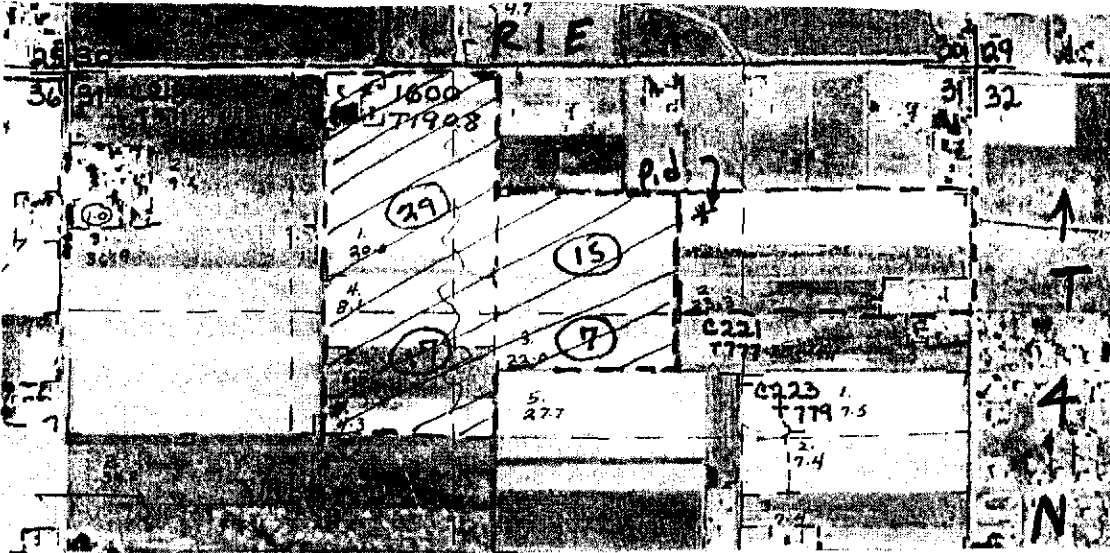
Date

MEMORANDUM

Date: January 11, 1988
To: File 63-8796
From: L. Glen Saxton *LGS*
RE: IRRIGATED ACRES - TO BE LICENSED

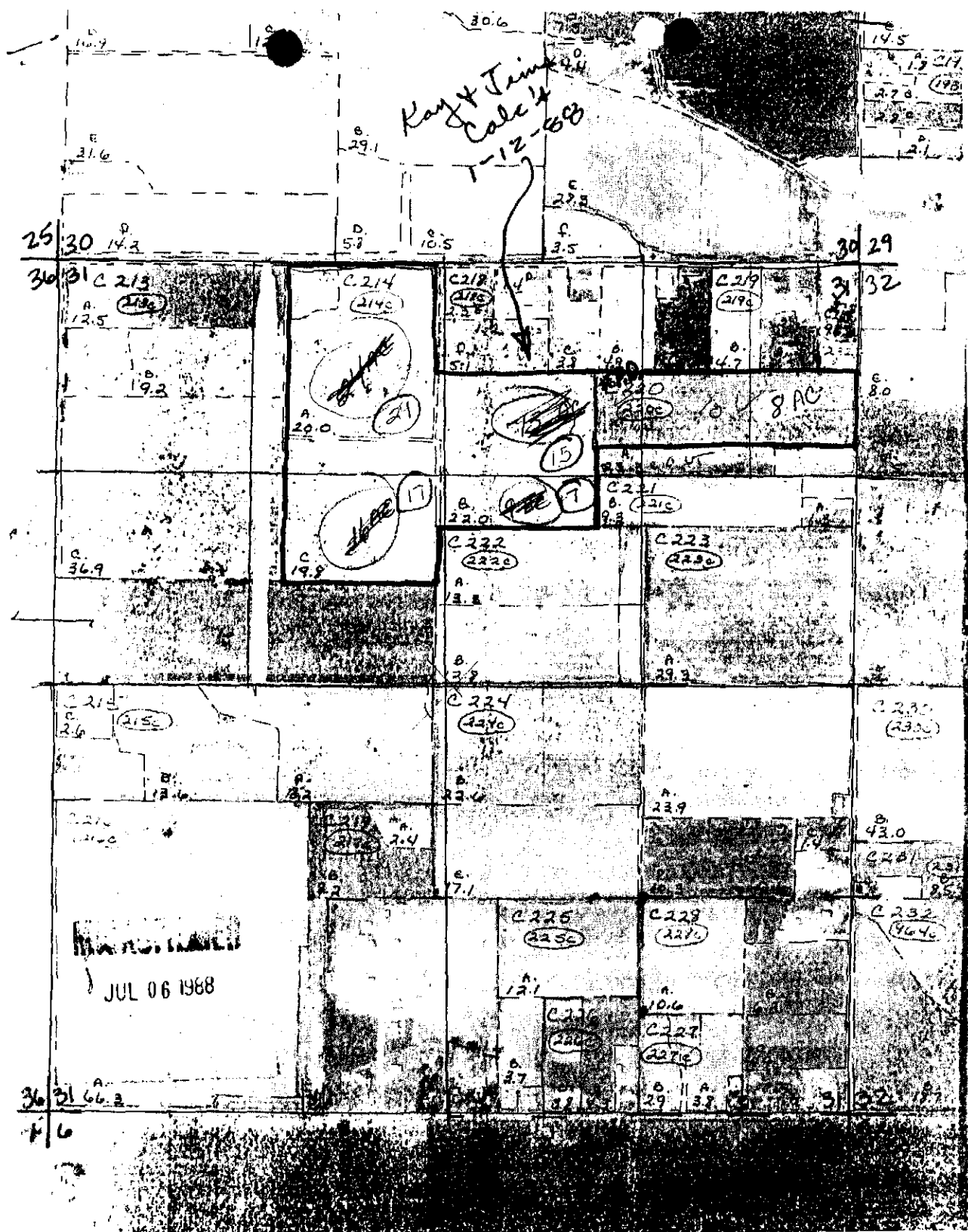
Frank Ham was in the office today and discussed at great length permit 63-8796 for which a license needs to be issued and lapsed permit 63-8410.

Mr. Ham filed a new application in place of lapsed permit 63-8410 and requested that license 63-8796 be issued different than that recommended by the field examiner to correspond with actual field boundaries. More specifically, the license should include only the tracts and acreage cross-hatched in red below:



In this manner, the license to be issued will not overlap the land on the new application and will relate to actual field boundaries.

JUL 06 1988





Identification No. _____
Application No. 63-8796

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Frank N. &/or Wyoma Ham Phone: 888-4263
post office address 4415 N. Locust Grove, Meridian Idaho
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31 Township 4N
Range 1E B.M. Ada County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1.40 ^{Allow 1.20 cfs} for Irrigation purpose from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated: Allow 1.20 cfs
a. 1.40 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well with pump into sprinkler
system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 12 inches; proposed depth of well is 100 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 6,000.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1E	31		22			40		8										70

Total number of acres to be irrigated 70

c. Describe any other water rights used for the same purposes as described above.

Settlers Canal Water Shares Permit No. 63-8439

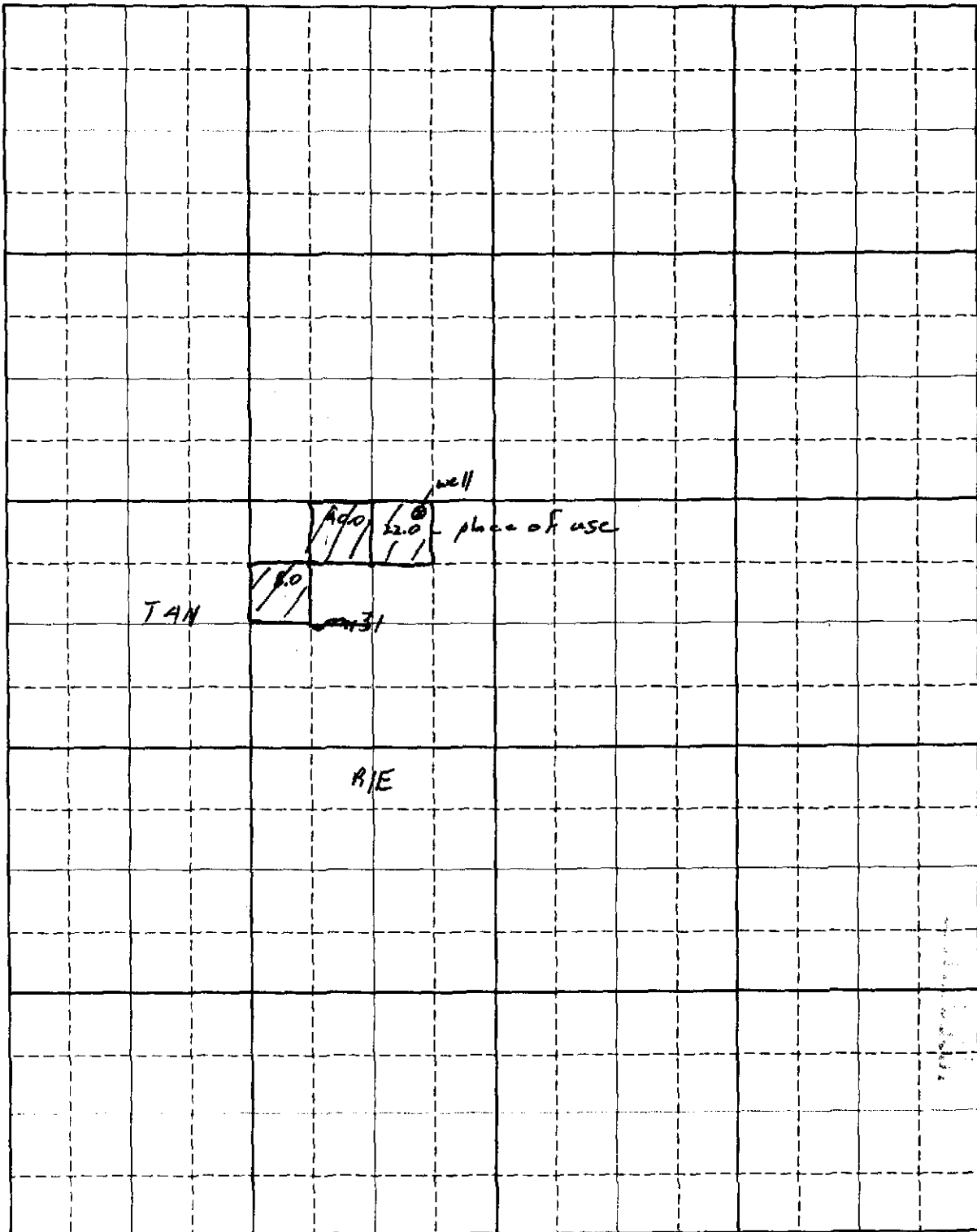
9. a. Who owns the property at the point of diversion Applicant

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, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Frank M. Ham
(Applicant)

Proposed Priority 5/9/77

Received by LLS Date 9/11/77 Time 5:00 PM
Preliminary check by YH Fee \$ 35.00
Received by YH Date 5-9-77 # 7708
Publication prepared by YH Date 5-13-77
Published in The Idaho Statesman
Publication dates May 19 26
Publication approved YH Date 6-6-77
Priority reduced to _____ Reason _____
Priority date should be 4-11-1977. The
fee was received on that date.

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by YH

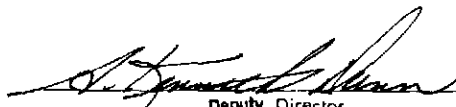
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-8796, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 82.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water. (2) Maximum rate of diversion shall not exceed 1.2 cfs. (3) The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Witness my hand this 8 day of November 19 77.


Deputy Director