

ROUTING SLIP

Distribution		Provided for your:	
Date:	10/12/06	Information	
To:	RAY Walker	Comments	
From:	JL	Approval	✓
		Signature	
Special Notes:			
OWN. change < 83-2812			
CANYON County claim			

RECEIVED

OCT 13 2006

XFER APPLS WITH OWNERSHIP CHANGES DEPARTMENT OF WATER RESOURCES

CHECK ALL ITEMS THAT APPLY, FILE FORM IN APPLICATION

	#	Type	own. change
☒ Transfer application on hold	63-2812	AJ	Y
☒ AJ RECORD involved	63-10438	WR	Y
☒ Ownership changes in application	AJ N/A for post 11/87 proof of b.u.		

PROCESS OWNERSHIP CHANGE ASAP

☒ AJ RECORD *not* reported to Court; or e 63-2812
☐ AJ RECORD reported to Court & Objection filed

DELAY OWNERSHIP CHANGE UNTIL TRANSFER PROCESSED

☐ AJ RECORD reported to Court & Objection *not* filed → ok to postpone own. change for 63-10438 until xfer processed
☐ All other held transfer applications

TO PROCESS OWNERSHIP CHANGE ASAP

☒ Check srba website "iwatrs/summary sheet" for AJ RECORD status
☒ Find claim reviewer in barcode = Kay Walker
 (A) ☒ Adequate ownership info in application, ownership change form *not* needed
☒ Send complete copy of application w/ ownership docs to claim reviewer

--- OR ---

(B) ☐ Adequate ownership info *not* in application
☐ Send letter w/ ownership change form to applicant

Remember: no fee for ownership changes of pending aj record


by

10/11/06
date

Should questions arise during the processing of this application please contact:
Paul E. Drury, P.E. ERO Resources Corp. (208) 373-7983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

SEP 20 2006

WATER RESOURCES
WESTERN REGION

Name of applicant Howell-Murdoch Development Corporation and Kevin A. Howell Construction, Inc.

Phone 208-860-8981

Post Office address 4822 N. Rosepoint Way, Ste C, Boise, ID. 83713

COPY

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 Split, Change of Ownership
2. Describe the reason for the proposed changes

Consolidate two irrigation wells into one point of diversion for the pressurized irrigation system serving the proposed development of Sienna Hills Subdivision. Change the place of use to reflect the actual irrigated areas of the subdivision. Split the water rights to reflect the property transaction records. Change the ownership of the water rights.

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
63-10438	04/22/1987	0.95 cfs	Irrigation	3/15 to 11/15
63-02812	04/26/1950	1.00 cfs	Irrigation	3/15 to 11/15
2. Total amount of water being transferred 1.95 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to NA
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NE	NW	SW	14	03N	03W	Canyon	Sienna Hills Irrigation Well

5. 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	
03N	03W	14							20		20	18	14						72
		23						21	22										43

Total acres 115

6. General Information:

- a. Description of diversion system
14" groundwater well, estimated to be drilled 300 feet below ground with 70 feet of screen and one 75 HP submersible pump. Water bearing zone estimated between 200 and 300 feet below ground. Discharge to pump vault for pressurized distribution to irrigation system.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ____ Yes X 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:
Irrigated residential landscaping and common areas of subdivision will replace irrigated agriculture.
- d. Remarks:
1. The existing well will be abandoned and a replacement well will be drilled within the same legal description for water right 63-10438 adjacent to the pressurized irrigation pump station.
 2. Sienna Hills Subdivision, formerly Tuscan Ridge Subdivision, is currently under development. The preliminary plat for Tuscan Ridge Subdivision is provided in Exhibit A showing 545 residential lots on 217.75 acres.
 3. The 115 irrigated acres shown on the place of use was determined from the common areas and 65% of the residential lot area.
 4. This application includes a change in the POU for 63-10438 and a change in the POU and POD for 63-02812. Groundwater from this well will provide supplemental irrigation water during the irrigation season.
 5. Surface water from Nampa-Meridian and Wilder Irrigation Districts will be the primary source of water.
 6. City of Caldwell Municipal Irrigation District will operate and maintain the pressurized irrigation system.
 7. Ownership of Water Rights 63-10438 and 63-02812 will be changed to the City of Caldwell after development of the irrigation well.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and 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 evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-02812 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 Exhibit B. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other

3. Source of water Groundwater tributary to NA

4. Date of priority 04/26/1950

5. Water is used for the following purpose:

Amount 1.10 cfs 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 1.10 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	23	03N	03W	Canyon	Swenson Irrigation Well No. 2
	SW	SW	NW	23	03N	03W	Canyon	Swenson Irrigation Well No. 3

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	
03N	03W	14											13						13
		23						24	33										57
Total acres																			70

9. 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 _____

B. 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 1.0 cfs 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	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SW	SW	NW	23	03N	03W	Canyon	Swenson Irrigation Well No. 3

3. 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	
03N	03W	14											10.5						10.5
		23						22	33										55

Total acres 65.5

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

1. Amount 0.1 cfs 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	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	23	03N	03W	Canyon	Swenson Irrigation Well No. 2

3. 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	
03N	03W	14											2.5						2.5
		23						2											2

Total acres 4.5

**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 evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-10438 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 Exhibit C. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to NA

4. Date of priority 04/22/1987

5. Water is used for the following purpose:

Amount 1.0 cfs / 240.8 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 1.0 cubic feet per second and/or 240.8 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SW	14	03N	03W	Canyon	Swensen Irrigation Well #1

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	
03N	03W	14							18.5			20	15						53.5
Total acres																			53.5

10. Describe any other water rights used for the same purpose as described above

Wilder Irrigation District.

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 _____

B. 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 0.95 cfs 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	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SW	14	03N	03W	Canyon	Swensen Irrigation Well #1

3. 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	
03N	03W	14							16			20	15						51

Total acres 51

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

1. Amount 0.05 cfs 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	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SW	14	3N	3W	Canyon	Swensen Irrigation Well #1

3. 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	
3N	3W	14							2.5										2.5

Total acres 2.5

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

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

SCALE: 2 inches equals 1 mile. Draw plan in ink.

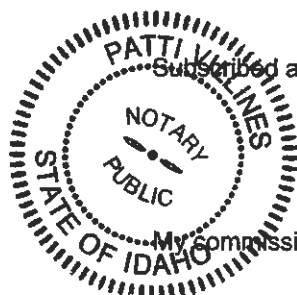
SEE EXHIBIT D

PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount Hours/days/year Period of Use
(cfs/ac-ft)
NA _____ to _____
_____ to _____
2. Quantity and quality of return flows and location of discharge:
NA _____
3. Describe effects on other water uses resulting from the proposed change:
NA _____

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.



Subscribed and sworn before me this _____

(Signature of Applicant)

23 day of August, 2006

Patti Villines

(Notary Public)

My commission expires

April 19, 2012

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DS Date 9-20-06 Protest filed by _____

Prelim. Check by _____ Fee \$290

Received by DS W034705 Date 9-20-06

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____



Engineers • Surveyors • Planners

JUB ENGINEERS, Inc.
250 S. Beechwood Avenue
Suite 201
Boise, Idaho 83709-0944
Phone: 208.376.7930
Fax: 208.323.9336
www.jub.com

REVIEW PLANS



CONSTRUCTION

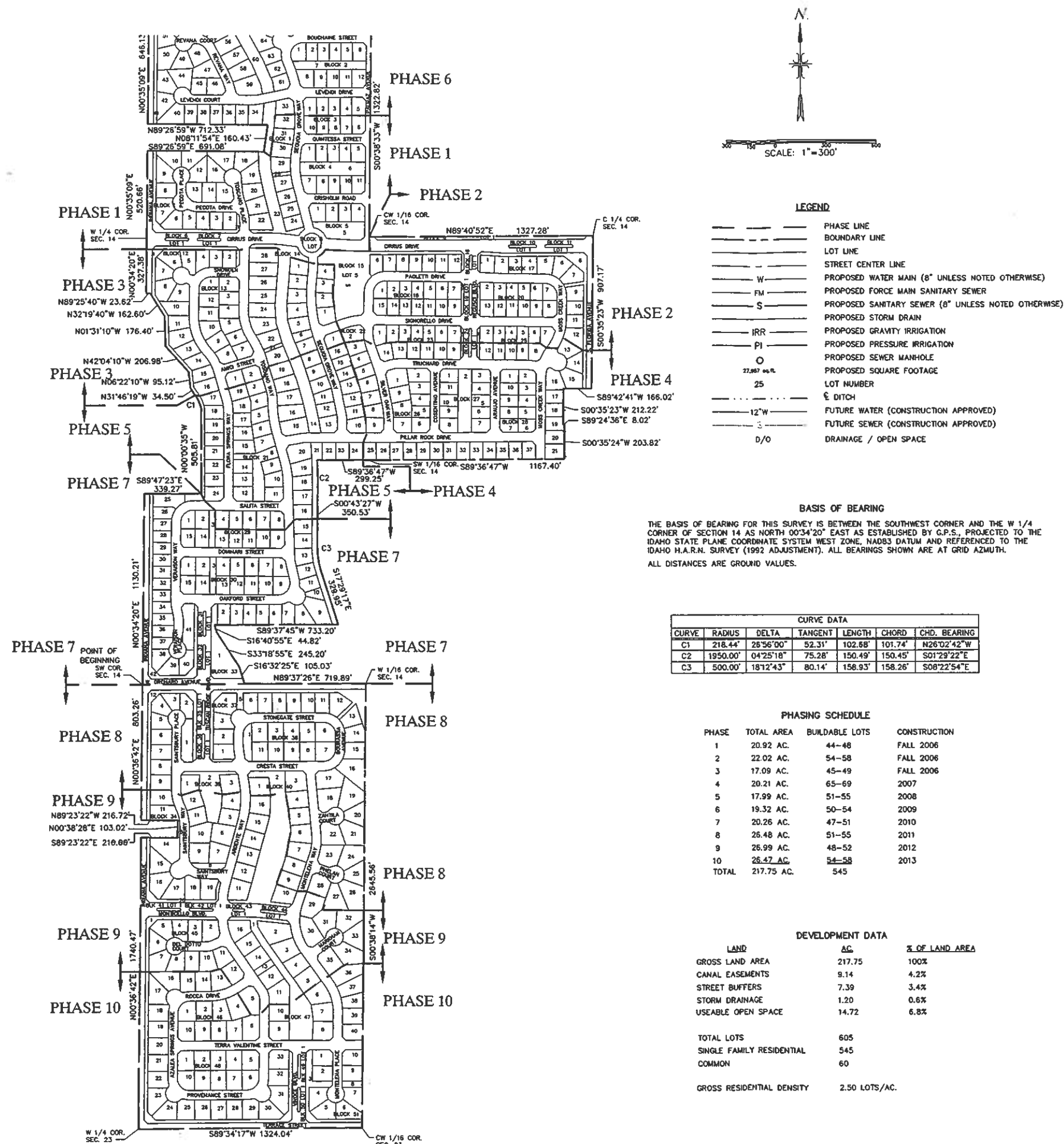
NO.	DESCRIPTION	BY	DATE
1	PRELIMINARY PLAT - OVERALL AND NOTES		
2	PRELIMINARY PLAT - DETAIL AREA AND TOPO		
3	PRELIMINARY PLAT - DETAIL AREA AND TOPO		
4	PRELIMINARY PLAT - DETAIL AREA AND TOPO		
5	TYPICAL STREET SECTIONS		

TUSCAN RIDGE SUBDIVISION
PRELIMINARY PLAT

A PARCEL OF LAND BEING A PORTION OF
SECTIONS 14 & 23, T.3N., R.3W., B.M.
CALDWELL, CANYON COUNTY, IDAHO

CAD FILE: 1048-170_P001
PROJ. #: 04810-05-170
DRAWING NO.:
DRAWN BY: RL
CHECKED BY: JCH
DESIGN BY: JCH
SCALE OF SHEET
HORIZ. SCALE: AS SHOWN
VERT. SCALE: NONE
LAST UPDATED: 02/17/06

SHEET
1
OF 5



SHEET INDEX

1. PRELIMINARY PLAT - OVERALL AND NOTES
2. PRELIMINARY PLAT - DETAIL AREA AND TOPO
3. PRELIMINARY PLAT - DETAIL AREA AND TOPO
4. PRELIMINARY PLAT - DETAIL AREA AND TOPO
5. TYPICAL STREET SECTIONS

NOTES

1. All public streets, curbs and gutters and sidewalks shall be constructed in accordance with Caldwell City Standards for Public Streets with a minimum gradient of 0.40%.
2. Spot elevations and two-foot contour intervals shown on this preliminary plat are referenced to datum (NAVD 88).
3. Public utilities shall include water, sewer, electric power, natural gas, telephone and cable television.
4. A pressurized irrigation system will be constructed to City of Caldwell Standards. The pressure irrigation system shall be owned and operated by the City of Caldwell.
5. Irrigation drainage & public utility easements will be reserved as follows:
10' adjacent to public rights-of-way
8' along rear lot lines
6' between structures
12' adjacent to unplatted properties
6. Domestic and fire protection water shall be provided by City of Caldwell.
7. Sanitary sewer collection shall be provided by City of Caldwell, Caldwell, Idaho. Sewer treatment will be by City of Caldwell.
8. Irrigation ditches, through the project shall be piped in those areas where they cross road right-of-way.
9. Landscaped common lots are located throughout the development, and are identified on the plan. These lots will be owned and maintained by the Homeowners Association.
10. The property is currently zoned A. Setbacks and lot sizes will be in accordance with the proposed zoning.
11. Building setbacks and dimensional standards in this subdivision shall be in compliance with the City of Caldwell standards for the applicable zone.
12. Any re-subdivision of this plot shall comply with the applicable Zoning Regulations in effect to the time of the re-subdivision.
13. The Owner shall comply with Idaho Code, Section 31-3805 or its provisions that may apply to irrigation rights.
14. Storm drainage, and continuation of flood irrigation ditches or drains, shall be provided in accordance with current requirements of the City of Caldwell.



610 South Kimball Avenue / Caldwell, Idaho 83605 / (208) 459-1651

WARRANTY DEED

For Value Received **Earl M. Tuckness and June A. Tuckness, husband and wife**

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

Kevin A. Howell Construction, Inc., an Idaho Corporation

hereinafter referred to as Grantee, whose current address is 4822 N. Rosepoint Way, Ste. C
Boise, Idaho 83713,,

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: January 4, 2006

 _____ Earl M. Tuckness	 _____ June A. Tuckness
-------------------------------	-------------------------------

State of Idaho

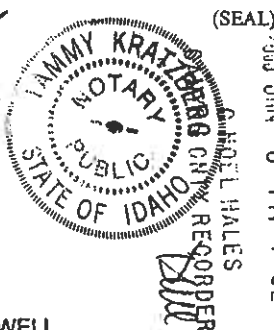
ss.

County of Canyon

On this 6th day of January, 2006, before me, the undersigned, a Notary Public, in and for said State, personally appeared Earl M. Tuckness and June A. Tuckness known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Notary Public Tammy Kratzberg
Residing at: Caldwell
Commission Expires: 2/3/2010



200601430

PIONEER-CALDWELL
REQUEST _____
TYPE Deed FEE 6-

EXHIBIT A

Northeast Quarter of the Southwest Quarter of Section 14, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho

EXCEPTING THEREFROM the following parcels 1, 2 and 3

Parcel No. 1:

COMMENCING at the Southeast corner of said Northeast Quarter of the Southwest Quarter; thence

North 0° 49' 00" East along the Easterly boundary of said Northeast Quarter of the Southwest Quarter a distance of 201.13 feet to the TRUE POINT OF BEGINNING; thence

North 89° 11' 00" West a distance of 166 feet; thence

North 0° 49' 00" East parallel with said Easterly boundary a distance of 103.97 feet; thence

South 87° 39' 33" East a distance of 166.06 feet to said Easterly boundary; thence

South 0° 49' 00" West a distance of 99.55 feet to THE TRUE POINT OF BEGINNING.

Parcel 2:

A part of the Northeast Quarter of the Southwest Quarter of Section 14, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described to wit:

COMMENCING at the Southeast corner of the Northeast Quarter of the Southwest Quarter of Section 14, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the INITIAL POINT of this description; thence

South 89° 50' 30" West a distance of 158.00 feet along the South line of the said Northeast Quarter of the Southwest Quarter; thence

North 0° 49' East a distance of 193.82 feet parallel to the East line of the said Northeast Quarter of the Southwest Quarter; thence

South 89° 11' East a distance of 157.98 feet to a point on the said East line; thence

South 0° 49' West a distance of 191.13 feet along the said East line to the INITIAL POINT of this description.

Parcel 3:

A part of the Northeast Quarter of the Southwest Quarter of Section 14, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, more particularly described, to-wit;

COMMENCING at the Southeast corner of said Northeast Quarter of the Southwest Quarter; thence

North 0° 49' 00" East along the Easterly boundary of said Northeast Quarter of the Southwest Quarter a distance of 300.68 feet to the TRUE POINT OF BEGINNING; thence

North 87° 39' 33" West a distance of 166.06 feet; thence

North 0° 49' 00" East parallel with said Easterly boundary a distance of 108.25 feet; thence

North 89° 56' 17" East a distance of 166.02 feet to said Easterly boundary; thence

South 0° 49' 00" West along said Easterly boundary a distance of 115.21 feet to THE TRUE POINT OF BEGINNING.

Cont
Let.

11/99

For Office Use Only
 \$25 Filing Fee _____
 Receipt # _____
 Date _____

Should questions arise during the processing of this application please contact:
 Paul Drury - ERO Resources Corp. (208) 373-7983

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

WE, Earl M. Tuckness and June A. Tuckness, husband and wife, do hereby assign to
Kevin A. Howell Construction, Inc. of, 4822 N. Rosepoint Way, Suite C, Boise, ID.
83713, 208-8890-0850.

All my right, title, and interest in and to Permit No. 63-11714 to
appropriate the public waters of the State of Idaho.

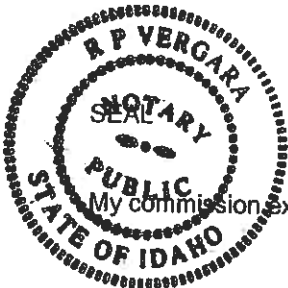
Made this 24 day of May, 2006.

Earl M. Tuckness
 Permit Holder

June A. Tuckness
 Permit Holder

State of Idaho)
 County of Canyon) SS

On this 24th day of May, 2006, personally appeared before me the signer(s) of
 the above instrument, who duly acknowledged to me that they executed the same.



[Signature]
 Notary Public residing at
Nampa, ID

My commission expires: 08-13-2010

Bill of Sale

State of Idaho
County of Canyon

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Earl M. Tuckness and June A. Tuckness, husband and wife, Seller, 14557 Florida Avenue, Caldwell, Canyon County, Idaho, in consideration of the payment of the sum of One Dollar (\$1.00), receipt of payment is acknowledged, do hereby sell and transfer to Kevin A. Howell Construction, Inc., Buyer, 4822 N. Rosepoint Way, Suite C, Boise, Ada County, Idaho, his successors and assigns, the following described personal property located in the NE ¼ of the SW ¼ of Section 14, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho:

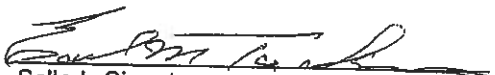
Water Right Permit No. 63-11714

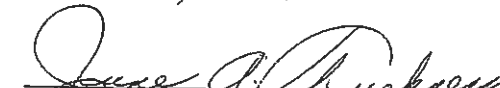
Seller warrants that they are the lawful owner in every respect of all of the described property and that it is free and clear of all liens, security agreements, encumbrances, claims, demands, and charges of every kind whatsoever.

Seller binds Seller, his/her successors and assigns, to warrant and defend the title to all of the described property to Buyer, his/her successors and assigns, forever against every person lawfully claiming the described property or any part of it.

This Bill of Sale shall be effective as to the transfer of all property listed in it as of 5/24, 2006.

IN WITNESS WHEREOF, this Bill of Sale is executed on 5/24, 2006.


Seller's Signature


Seller's Signature

EARL M. TUCKNESS
Seller's Printed Name

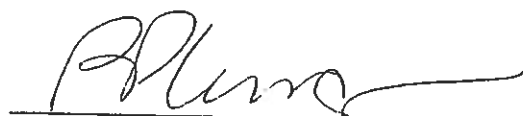
JUNE A. TUCKNESS
Seller's Printed Name

ACKNOWLEDGMENT

State of Idaho)
)ss
County of Canyon

I, Rebecca Vergara, a notary public, do hereby certify that on this 24th day of May, 2006, personally appeared before me Earl M. Tuckness and June A. Tuckness, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the instrument for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on 05/24/06.


Notary Public Signature
My commission expires on 08/13, 2010



PC69658

WARRANTY DEED

FOR VALUE RECEIVED Neil J. Swenson and Barbara A. Swenson,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto Howell-Murdoch Development
Corporation, an Idaho corporation

the Grantee, whose address is 4822 N. Rosepoint Way, Ste. C, Boise, ID, 83713

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part
hereof and is comprised of three (3) pages.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns
forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2005 and
subsequent years, covenants, conditions, restrictions and easements of record; and that it will warrant and defend the same from
all lawful claims whatsoever.

DATED: November 16, 2005

Neil J. Swenson
Neil J. Swenson

Barbara A. Swenson
Barbara A. Swenson

STATE OF IDAHO

COUNTY OF CANYON

On this 17th day of November in the year 2005, before me, a Notary Public,
personally appeared Neil J. Swenson and Barbara A. Swenson known or identified to
me to be the persons whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Tammy K. Kratzberg
Notary Public
Residing at Caldwell
My Commission Expires 2/3/10



2005 NOV 17 PM 4 31
G NOEL HALE
CANYON COUNTY RECORDER
BY *Debra Johnson*

RECORDED

PIONEER-CALDWELL

REQUEST

TYPE *Deed* FEE *12.00*

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

610 SOUTH KIMBALL
CALDWELL, ID 83605

PC 69658

Exhibit "A"

Parcel I:

A parcel of land located in the West Half of the Northwest Quarter of Section 23, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho more particularly described as follows:

BEGINNING at a brass cap monument marking the Northwest corner of said Section 23 from which a 5/8 inch iron pin marking the West Quarter corner of said Section 23 bears

South 00° 36' 51" West 2,646.83 feet; thence along the North boundary line of said Section 23

North 89° 37' 31" East 1,325.14 feet to a 5/8 inch iron pin marking the West 1/16 corner of said Section 23; thence along the East boundary line of the West Half of the Northwest Quarter of said Section 23

South 00° 37' 52" West 2,645.61 feet to a 5/8 inch iron pin marking the Center West 1/16 corner of said Section 23; thence along the East-West centerline of said Section 23

South 89° 34' 20" West 1,324.38 feet to a 5/8 inch iron pin marking the West Quarter corner of said Section 23; thence along the West boundary line of said Section 23

North 00° 36' 51" East 1,740.54 feet to a 5/8 inch iron pin; thence leaving said West boundary line

South 89° 23' 09" East 216.70 feet to a 5/8 inch iron pin; thence

North 00° 38' 41" East 103.02 feet to a 5/8 inch iron pin; thence

North 89° 23' 09" West 216.70 feet to a 5/8 inch iron pin on the West boundary line of said Section 23; thence along said West boundary line

North 00° 36' 51" East 803.26 feet to the POINT OF BEGINNING.

Parcel II:

A parcel of land located in the West Half of the Southwest Quarter of Section 14, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho more particularly described as follows:

BEGINNING at a brass cap monument marking the Southwest corner of said Section 14 from which an iron pipe marking the South Quarter corner of said Section 14 bears

North 89° 37' 31" East 2,650.28 feet; thence along the West boundary line of said Section 14

North 00° 34' 15" East 1,130.21 feet to a 5/8 inch iron pin; thence leaving said West boundary line

South 89° 47' 28" East 339.27 feet; thence

North 00° 00' 40" West 505.83 feet to the beginning of a non-tangent curve to the left; thence along said curve 102.65 feet, said curve having a radius of 218.44 feet, a central angle of 26° 55' 29" and a long chord of 101.71 feet which bears

North 26° 03' 19" West; thence

(continued)

North 31° 46' 24" West 34.50 feet to a 5/8 inch iron pin; thence
 North 06° 22' 15" West 95.12 feet to a 5/8 inch iron pin; thence
 North 42° 04' 15" West 206.98 feet to a 5/8 inch iron pin; thence
 North 01° 31' 15" West 176.40 feet to a 5/8 inch iron pin; thence
 North 32° 19' 45" West 162.60 feet to a 5/8 inch iron pin; thence
 North 89° 25' 45" West 23.62 feet to a 5/8 inch iron pin on the West
 boundary line of said Section 14; thence along said West boundary line
 North 00° 34' 15" East 327.38 feet to a brass cap monument marking
 the West Quarter corner of said Section 14; thence along the East-West
 centerline of said Section 14

North 89° 36' 14" East 1,325.62 feet to 5/8 inch iron pin marking
 the Center West 1/16 corner of said Section 14; thence along the East
 boundary line of the West Half of the Southwest Quarter of said Section
 14

South 00° 34' 51" West 1,322.79 feet to a 5/8 inch iron pin marking
 the Southwest 1/16 corner of said Section 14; thence along the South
 boundary line of the Northwest Quarter of the Southwest Quarter of said
 Section 14

South 89° 36' 53" West 299.15 feet to a point on the centerline of
 the Deer Flat Caldwell Canal, said point also being on a non-tangent
 curve to the right; thence along said centerline the following 8
 courses: along said curve 150.48 feet, said curve having a radius of
 1,950.00 feet, a central angle of 04° 25' 17" and a long chord of 150.44
 feet which bears

South 01° 29' 06" East to the point of tangency; thence

South 00° 43' 33" West 350.53 feet to the beginning of a curve to
 the left; thence along said curve 158.93 feet, said curve having a
 radius of 500.00 feet, a central angle of 18° 12' 43" and a long chord
 of 158.26 feet which bears

South 08° 22' 49" East to the point of tangency; thence

South 17° 29' 11" East 329.95 feet; thence leaving said centerline

South 89° 37' 51" West 733.20 feet to a 5/8 inch iron pin; thence

South 16° 40' 49" East 44.82 feet to a 5/8 inch iron pin; thence

South 33° 18' 49" East 245.20 feet to a 5/8 inch iron pin; thence

South 16° 32' 19" East 105.03 feet to a 5/8 inch iron pin on the
 South boundary line of said Section 14; thence along said South boundary
 line

South 89° 37' 31" West 605.31 feet to the POINT OF BEGINNING.

Parcel III:

A parcel of land located in the Southwest Quarter of the Northwest
 Quarter of Section 14, Township 3 North, Range 3 West, Boise Meridian,
 Canyon County, Idaho more particularly described as follows:

BEGINNING at a brass cap monument marking the West Quarter corner of
 said Section 14 from which brass cap monument marking the North 1/16
 corner of said Section 14 bears

North 00° 34' 51" East 1,325.76 feet; thence along the West boundary
 line of said Section 14

North 00° 34' 51" East 520.66 feet to a 5/8 inch iron pin; thence
 leaving said West boundary line

South 89° 27' 17" East 691.08 feet; thence

North 08° 11' 36" East 160.43 feet; thence

North 89° 27' 17" West 712.33 feet to a point on the West boundary
 line of said Section 14; thence along said West boundary line

(continued)

North 00° 34' 51" East 646.10 feet to a brass cap monument marking the North 1/16 corner of said Section 14; thence along the North boundary line of the Southwest Quarter of the Northwest Quarter of said Section 14

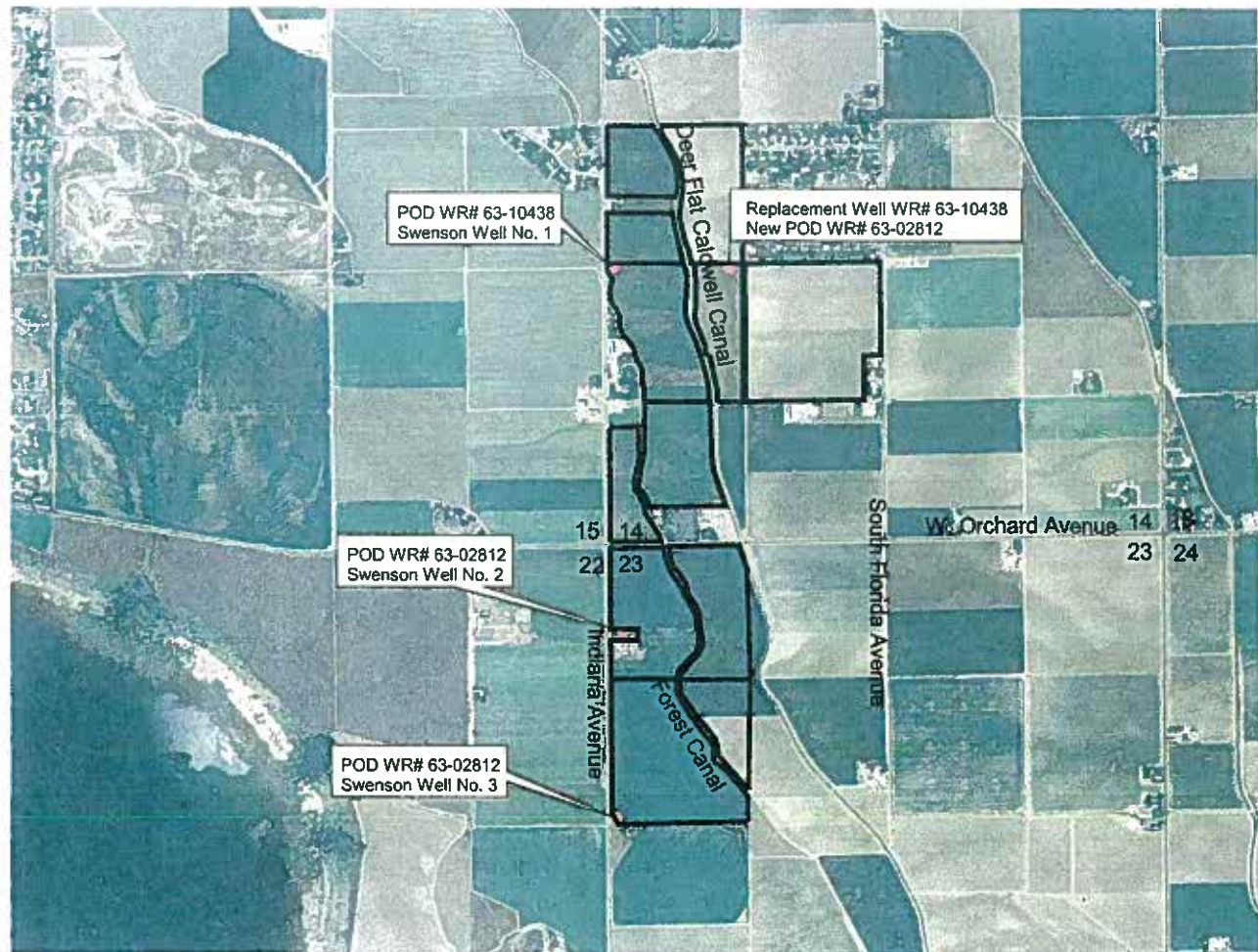
North 89° 39' 18" East 1,325.71 feet to a 5/8 inch iron pin marking the Northwest 1/16 corner of said Section 14; thence along the East boundary line of the Southwest Quarter of the Northwest Quarter of said Section 14

South 00° 35' 08" West 1,324.58 feet to a 5/8 inch iron pin marking the Center West 1/16 corner of said Section 14; thence along the East-West centerline of said Section 14

South 89° 36' 14" West 1,325.62 feet to the POINT OF BEGINNING.


M. D. Barham

Exhibit D Sienna Hills Irrigation Transfer T03N R03W Canyon County



0.2 0 0.2 0.4 0.6 Miles



 Place of Use
115 Irrigated Acres
217.5 Acre Subdivision

Prepared By: Paul E. Drury, P.E.
ERO Resources
Boise, Idaho

Date Prepared: September 11, 2006
Data Source: 2004 NAIP Aerial Photo



ERO Resources Corp.
3314 Grace Street
Boise, ID 83703-5836
(208) 373-7983
Fax: 373-7985
Denver • Boise • Durango
www.eroresources.com
eroboise@eroresources.com

RECEIVED

SEP 20 2006

WATER RESOURCES
WESTERN REGION

September 20, 2006

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705
HAND DELIVERED

RE: Kevin A. Howell Construction, Inc.

Dear Sir or Madam:

Enclosed are Application for Transfer of Water Right, Assignment of Permit, and Beneficial Use Field Report for Kevin A. Howell Construction, Inc. Also enclosed is a check for \$290.00 for the filing fee.

If you have any questions please call me at 373-7983.

Sincerely,

Paul E. Drury, P.E.

e 63-11714

→ Assignment + B.U. Report forwarded
to SA
JL 9/27/06